

UNCLASSIFIED

PDNAG 697

UNITED STATES INTERNATIONAL DEVELOPMENT COOPERATION AGENCY
AGENCY FOR INTERNATIONAL DEVELOPMENT
Washington, D. C. 20523

GUATEMALA

PROJECT PAPER

ADMINISTRATION OF JUSTICE

AID/LAC/P-472

Project Number: 520-0369

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AGENCY FOR INTERNATIONAL DEVELOPMENT PROJECT DATA SHEET		1. TRANSACTION CODE <input checked="" type="checkbox"/> A = Add <input type="checkbox"/> C = Change <input type="checkbox"/> D = Delete	Amendment Number _____	DOCUMENT CODE 3
2. COUNTRY/ENTITY Guatemala		3. PROJECT NUMBER 520-0369		
4. BUREAU/OFFICE LAC		5. PROJECT TITLE (maximum 40 characters) Administration of Justice		
6. PROJECT ASSISTANCE COMPLETION DATE (PACD) MM DD YY 09 30 91		7. ESTIMATED DATE OF OBLIGATION (Under "B:" below, enter 1, 2, 3, or 4) A. Initial FY 88 B. Quarter 4 C. Final FY 90		

8. COSTS (\$000 OR EQUIVALENT \$1 =)						
A. FUNDING SOURCE	FIRST FY 89			LIFE OF PROJECT		
	B. FX	C. L/C	D. Total	E. FX	F. L/C	G. Total
AID Appropriated Total	536	561	1,097	2,731	2,269	5,000
(Grant)	(536)	(561)	(1,097)	(2,731)	(2,269)	(5,000)
(Loan)	()	()	()	()	()	()
Other U.S.						
Host Country		521	521		2,055	2,055
Other Donor(s)						
TOTALS	536	1,082	1,618	2,731	4,324	7,055

9. SCHEDULE OF AID FUNDING (\$000)									
A. APPROPRIATION	B. PRIMARY PURPOSE CODE	C. PRIMARY TECH. CODE		D. OBLIGATIONS TO DATE		E. AMOUNT APPROVED THIS ACTION		F. LIFE OF PROJECT	
		1. Grant	2. Loan	1. Grant	2. Loan	1. Grant	2. Loan		
(1) ES	901	750				5,000		5,000	
(2)									
(3)									
(4)									
TOTALS						5,000		5,000	

10. PRIMARY TECHNICAL CODES (maximum 6 codes of 3 positions each) 725 980								11. SECONDARY PURPOSE CODE 660	
12. SPECIAL CONCERNS CODES (maximum 7 codes of 4 positions each) A. Code EQTY TNG BU BR B. Amount									

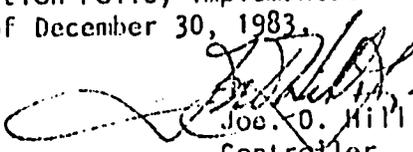
15. PROJECT PURPOSE (maximum 480 characters)

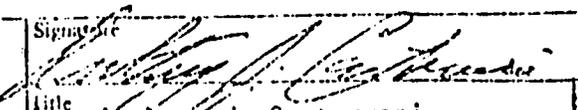
To improve the capacity of the Guatemalan judicial system to provide fair, effective and accessible services nationwide.

14. SCHEDULED EVALUATIONS Interim MM YY Final MM YY 01 91	15. SOURCE/ORIGIN OF GOODS AND SERVICES <input checked="" type="checkbox"/> 000 <input type="checkbox"/> 941 <input checked="" type="checkbox"/> Local <input type="checkbox"/> Other (Specify)
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16. AMENDMENTS/NATURE OF CHANGE PROPOSED (This is page 1 of a _____ page PP Amendment)

I have reviewed the methods of implementation and financing of this project and certify that they are in agreement with Payment Verification Policy Implementation Guidance provided in AA/M, R. S. Rollis, Jr. memorandum of December 30, 1983.


 Joe O. Hill
 Controller

17. APPROVED BY  Title Anthony J. Causerucci Mission Director	18. DATE DOCUMENT RECEIVED IN AID/W, OR FOR AID/W DOCUMENTS, DATE OF DISTRIBUTION MM DD YY 09 25 91
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Project Authorization

Name of Country: Guatemala
Name of Project: Administration of Justice
Number of Project: 520-0369

1. Pursuant to Sections 531 and 534 of the Foreign Assistance Act of 1961, as amended, I hereby authorize the Administration of Justice Project for Guatemala, involving planned obligations of not to exceed \$5,000,000 in grant funds over a three (3) year period from date of authorization subject to the availability of funds in accordance with the A.I.D. OYB/allotment process, to help in financing foreign exchange and local currency costs for the project. The planned life of the project is three (3) years from the date of initial obligation.
2. The project consists of assisting the Government of Guatemala in its efforts to improve the capacity of the judicial system to provide fair, effective and accessible services nationwide.
3. The Project Agreement which may be negotiated and executed by the officer(s) to whom such authority is delegated in accordance with A.I.D. regulations and Delegations of Authority shall be subject to the following essential terms and covenants and major conditions, together with such other terms and conditions as A.I.D. may deem appropriate.

a. Source and Origin of Commodities, Nationality of Services

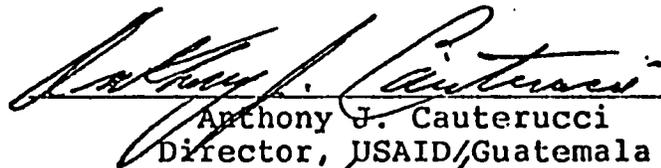
Commodities financed by A.I.D. under the project shall have their source and origin in the United States (A.I.D. Geographic Code 000), the cooperating country, or other countries included in the Central American Common Market, except as A.I.D. may otherwise agree in writing.

Except for ocean shipping, the suppliers of commodities or services shall have the United States, the cooperating country, or other countries included in the Central American Common Market as their place of nationality, except as A.I.D. may otherwise agree in writing.

Ocean shipping financed by A.I.D. under the project shall, except as A.I.D. may otherwise agree in writing, be financed only on flag vessels of the United States.

b. Covenants

- i. The Grantee shall provide the resources and personnel for the project to maintain the level of effort required to sustain, or further improve, the justice system during the life of project and beyond the Project Assistance Completion Date.
- ii. The Grantee shall exert its best efforts to ensure congressional enactment of the Civil Service System Law for Judicial Branch Employees.

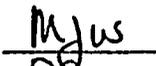
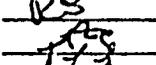
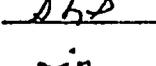


 Anthony J. Cauterucci
 Director, USAID/Guatemala

 9/25/88

 Date

Drafter:

PDSO: JFLombardo		Date <u>9/13/88</u>
Clearance:		
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PDSO: RSteelman		Date <u>9/13/88</u>
PRM: RBurke		Date <u>5/18/88</u>
OEPA: SSkogstad		Date <u>9/20/88</u>
CONT: JOHill		Date <u>4/24/88</u>
DDIR: PEWhite		Date <u>9/22/88</u>

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I. SUMMARY AND RECOMMENDATIONS

A. Recommendations

It is recommended that \$5,000,000 in grant funds be authorized for the Improved Administration of Justice project over a three year period, with a project Assistance Completion Date (PACD) to September 30, 1991. It is further recommended that \$1,100,000 in Economic Support grant funds be authorized for obligation in FY 1988 for this project. The Government of Guatemala will provide an equivalent of \$2,055,229 as a contribution to the project. The total cost of the project is \$7,055,229. The grantee for the project will be the Government of Guatemala's Supreme Court.

B. Summary Project Description

The overall goal of the project is to strengthen Guatemalan democratic institutions in order to promote the social progress and economic well being of the Guatemalan population. The purpose of the project is to improve the capacity of the Guatemalan justice system to provide fair, effective and accessible services nationwide. To achieve this purpose, efforts will be undertaken to improve the performance and accessibility of the non-police functions and institutions involved in the operation of the justice sector. To accomplish this, focus will be on the training of justice sector personnel, improving legal information, improving the court system (through the professionalization of personnel and the strengthening of administrative and related structures), and strengthening Guatemala's National Justice Commission to assist it in becoming an institution which coordinates and supports the continuing reform efforts of the various public and private institutions involved in the operation of the justice system.

To carry out the project in an effective and efficient manner, a Project Implementation Unit (PIU) will be established to represent both the Supreme Court and the Mission in carrying out most of the implementation actions required by the project. The PIU will also be the primary channel for achieving coordination between the project and the activities of other U.S. and international institutions working with Guatemalan organizations active in the justice sector.

C. Summary Findings

All aspects of the proposed \$5,000,000 grant in support of the improvement in the operation of the Guatemalan justice system have been reviewed and it has been determined that the project is financially, economically, technically, environmentally and socially sound, and that it is consistent with the development objectives of the Government of Guatemala's

Supreme Court and the Mission. It has been further determined that, with the assistance planned by the project and given the implementation arrangements proposed to be followed in the project, that the Supreme Court is institutionally capable of administering the project as designed and explained in the Project Paper.

It should be pointed out that this project represents a complicated and ambitious undertaking. It involves a substantial long term institutional building effort with numerous Guatemalan legal institutions, a multitude of interdependent activities requiring different types of assistance, and the need for close collaboration and coordination among numerous U.S. and international public and private institutions (not to mention the same for both regional and bilateral programs within AID itself). Furthermore, strengthening a country's democratic institutions, especially those in its judicial sector, is relatively new to AID and the political sensitivity surrounding such efforts is very high --especially in the area of criminal justice. These and other factors beyond the project's control will make it very difficult to measure any kind of quantitative progress or arrive at any specific conclusions of the project's impact on the efficiency of or accessibility to the court system or on the public's perception of fairness of the criminal justice system during the first phase. Instead, any assessment of progress during the first phase will be more general, e.g. effectiveness in delivering inputs, accomplishing outputs such as institutional improvements, etc., combined with an effort to establish list of time-phased end-of-project indicators and the collection of data to provide evidence of accomplishment of project's purpose during future phases.

D. Project Beneficiaries

The project will benefit two groups - justice sector personnel and the public at large. The first group covers judges, secretaries, officials and others working in the court system, Ministerio Publico (Attorney General's Office) and National Justice Commission. The second group covers litigants and the rest of the population who seek to use and benefit from the services they receive under an improved court system.

E. Summary Project Budget (Table I)

<u>Activity</u>	<u>USAID</u>	<u>GQG*</u>	<u>TOTAL</u>
1. Training of Justice Sector Personnel	\$ 835,540	\$1,741,000	\$2,576,540
2. Improving Legal Information	92,865	91,300	184,165
3. Court System Improvement	1,737,780	206,243	1,944,023
4. Strengthening the National Commission	175,924	16,686	192,610
5. Support for the P I U	1,105,922	0	1,105,922
6. USAID Administrative Support	477,760	0	477,760
7. Evaluations/Audits	100,000	0	100,000
8. Contingencies	228,410	0	228,410
9. Inflation	245,799	0	245,799
T O T A L	\$ 5,000,000	\$2,055,229	\$7,055,229

*In kind contribution (personnel support, office space, etc.)

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F. Project Issues

The Project Identification Document and the cable from AID/W commenting on that document raised several issues, which are discussed below as follows:

1. Use of Harvard Analysis

In their comments on the PID, Washington requested the Mission to use Harvard Law School's Center of Criminal Justice analysis of the judicial system to the maximum extent possible. The Project Development Team met with representatives of Harvard and incorporated as many of their recommended activities in the project as possible at this time.

2. Host Government Commitment

The PID highlighted the need for a number of policy or legislative changes prior to carrying out actions to improve the administration of justice, coupled with the need for a number of options for AID should these not occur. The Project Development Team agreed that most of the actions could be achieved without major policy or legislative changes. They further agreed that although they are important, even the passage of the draft laws on the organization of the judicial branch and civil service system law for judicial branch employees are not indispensable to carrying forward the overall program set forth in the project.

3. GOG Financial Support to the Judiciary

The PID indicated that there needs to be reasonable prospects that a sufficient level of resources will be made available by the GOG to sustain improvements in the justice sector introduced under the project during and after its termination. The Project Development Team pointed out that the main participating agency in the project is the court system, which has its own constitutionally protected level of resources. The project will assist the court system in improving its efficient use of such resources. Furthermore, the team pointed out that the increase in recurrent costs likely to occur by reason of the improved program is not a large part of the operating budget of the court system and should not present any problem.

4. Law Enforcement Assistance

The PID pointed out that the justice system involves many law enforcement agencies and that a clear understanding is needed of what assistance AID can legally provide in this area. The Project Development Team consulted with legal counsel in AID/W. As a result, it was agreed that the project could not include any assistance to police or penal institutions. Instead, the project will seek to coordinate scheduling of its programs with those of agencies working with the police or penal institutions, but it will not participate in the implementation of those programs.

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5. Selection of Principal Counterpart/Institution

The PID pointed out that an institution had to be found to satisfy the needs of all public and private institutions that make up Guatemala's justice sector. In the first phase, the Government of Guatemala has chosen the Supreme Court to be its principal implementing agency at this time because of the project's initial focus on the strengthening of the court system. In addition, Guatemala's National Justice Commission will serve as a common forum or advisory body to vet differing views on national policy in the judicial sector and to plan and coordinate policy reforms needed to improve the performance within Guatemala's justice system.

6. The Public Defender System

The PID indicated that while there was a radical need to reform the public defender system, there is disagreement between the Supreme Court and the law schools on how to improve it. Because of this, and other priorities, it was agreed that the project would only support training for persons in the present university based system and try to determine through Guatemala's National Justice Commission how to establish a public defender system that will meet everyone's needs.

7. Other

Two other major issues arose during the Project Development Team's intensive review.

(a) Coordination with Other Institutions

Concern was expressed about the degree of coordination which will be occur between the Project's Implementation Unit (PIU), ILANUD under the Regional Administration of Justice Project (RAJP), by the Harvard Law School's (HLS) Center of Criminal Justice under its Cooperative Agreement with the Mission, and by ICITAP with funds from the Department of State in carrying out the project's activities. Extensive conversations were held with representatives of ILANUD, who participated in the preparation of some of the components of the project, as well as with representatives of Harvard and ICITAP towards this end. As a result the project will provide financial support for some of the activities proposed by Harvard to be carried out under its Cooperative Agreement, closely coordinate support from ILANUD under RAJP for similar or related activities under the project to avoid duplication and achieve a synergistic effect, and use the PIU to strengthen overall planning and coordination between these and other organizations in the implementation of the project's activities.

(b) Magnitude of Effort

The second issue concerns the level of resources to be devoted to the Project. The original costs of the Project were estimated at around \$7 million, of which AID would provide \$5 million. During intensive

review, however it was agreed that a comprehensive sector wide program costing approximately \$16 million, of which AID would provide \$12 million, was required. However, rather than proceed with such an ambitious program at this time, it was decided to concentrate on the most critical activities such as the training of personnel, improvement of the court system and legal information, and strengthening of the National Justice Commission as a first phase of such an undertaking. Then, based on an evaluation of the results towards the end of the first phase, an amendment to the project would be considered to fund further needed strengthening of any of the existing components as well as the implementation of such related programs as the improvement of the prosecutorial function of the Ministerio Publico or Attorney General's Office, the establishment of a new system for providing criminal defense counsel, and the establishment of a program to improve the understanding of the nature and operation of the justice system and the rights of persons under that system by both participants in the system and by the general public. Preliminary studies and appropriate pilot studies to determine the feasibility of introducing the three latter components will be financed through the Mission's Project Development and Support funds.

G. Project Development Team

1. USAID/Guatemala:

a. Program Office

- Thomas A. Kellermann, Deputy Program Officer
- Carmen Aguilera, Legal Advisor and Project Officer

b. Program Development and Support Office

- Joseph F. Lombardo, Project Development Officer

c. Economic Analysis Office

- Samuel Skogstad, Chief, OEPA

d. Controller's Office

- Alejandro Pontaza, Financial Analyst
- Victor Mirón, Financial Analyst
- Michael Alban, Financial Analyst
- William Naylor, Acting Deputy Controller

2. U. S. Embassy

- Henry L. Bisharat, POL

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3. Government of Guatemala

a. Judicial Branch and Supreme Court

- Dr. Edmundo Vásquez Martínez, President of the Judicial Branch and Supreme Court
- Licda. Leticia Rodríguez Moscoso, Secretary to the Presidency of the Judicial Branch
- Lic. Victor Rivera Woltke, Secretary to the Presidency of the Supreme Court
- Lic. Josefina Coutiño, Chief, CENALEX Department
- Dra. Sandra Ureta, Chief, Training Division
- Lic. Victor Manuel Quezada, Special Assistant to the Presidency of the Judicial Branch

b. Attorney General's Office (Ministerio Público)

- Lic. Mario Palencia Lainfiesta, Attorney General
- Lic. Fernando Castellanos Arriola, Chief, Criminal Prosecution Office

c. Ministry of the Interior

- Lic. Luis Alberto Cerdón y Cerdón, Vice Minister

d. National Congress

- Lic. Luis Eduardo Cancinos, Representative from Congress to the National Justice Commission

4. Guatemalan Private Sector Organizations

a. Guatemalan Bar Association

- Lic. John Schwank Duran, President of the Board of Directors

b. University Law Schools

- Lic. Fernando Bonilla Martínez, Dean of the Law School of the Mariano Galvez University
- Lic. Rubén Alberto Contreras, Dean of the Law School San Carlos University (autonomous Government entity)
- Lic. Manuel Garcia Gomez, Criminal Lawyer and ex-officio member of the National Justice Commission

5. National Justice Commission

Members or alternates

6. Checchi & Company Consulting, Inc.

- John Oleson, Design Team Leader/Institutional Specialist
- Arthur Mudge, Management Specialist
- Hunter Fitzgerald, Management Training Specialist
- Robert Page, Operations Research Specialist
- René Poitevin Dardón, Guatemalan Legal Expert
- Stephen Stewart, Sociologist

7. Florida International University (FIU)

- Luis Salas, Management Specialist

8. ILANUD

- Ricardo Ulate, Director of Operations
- Sonia Navarro, Director of Technical Assistance
- Catherine Muller, Training Advisor
- Ana Garita, Information Systems Expert

9. M/SER/IRM (AID/W)

- Edgardo Derbes, Management Information Systems Expert

II. PROJECT BACKGROUND AND RATIONALE

A. Political, Economic and Social Setting

Guatemala covers an area of 108,889 square kilometers, and has a population of 8.6 million inhabitants. It is the third largest Central American country, first in population size and second in population density. It is also the Central American country with the largest percentage of rural population (63% in 1985). The official language is Spanish. The population is 50% indian with its largest concentration in rural areas (73% of the total rural population). The majority of the population is Roman Catholic. The economy of the country depends principally on coffee, bananas, cotton and

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sugar. The monetary unit is the quetzal, which in July 1988 was unified at an exchange rate of 2.7 per U.S. dollar.

The governmental and judicial organization of Guatemala is based on institutions dating from the Spanish colonial system, and from the Constitution of Cadiz of 1812. Guatemala follows a traditional tripartite model of government with three autonomous branches of government (executive, legislative and judicial), as well as autonomous power exercised by the Constitutional Court, the Supreme Electoral Tribunal, a Human Rights Office and Human Rights solicitor (OMBUDSMAN). In addition, there are a number of autonomous institutions of government subordinated to the executive branch. Presidential and Legislative elections take place every five years. Like most other Latin American models, this constitutional equality is not realized in practice, and the government is characterized by a strong executive and weak legislative and judicial branches. Still, a central feature of the formal government organization is the autonomy of the judicial branch; and the law schools and the legal profession traditionally have been central to the administration of the state. Many of the features in the new 1985 Constitution are derived from the Spanish Constitution, and Spanish institutions continue to be important for Guatemalan legal developments.

One of the primary social problems facing the country is crime and the sense of insecurity which it causes. While it is difficult to measure criminality due to the deficiencies of statistics on crime and the problems inherent in measuring this phenomenon, police statistics do indicate that both the amount and the seriousness of crimes have increased over the past two years. During 1985 a total of 11,763 crimes were reported to the police; the following year that figure had increased by 45% to 17,101. In contrast, arrests by the police only increased by 9%. Furthermore, the crimes have increased in seriousness since 1985. Homicides have increased 9%; persons wounded have increased 120%; disappearances have risen to 203%; robberies have risen to 37%; burglaries have risen to 115%; and automobile theft rose 25%. Of all crime statistics, one of the most reliable is the homicide rate since its reporting rate is usually the highest of any crime. In Guatemala homicide rates rose from 18.7 per 100,000 population in 1968 to 113.6 homicides per 100,000 population in 1981. While these rates have decreased to 21.3 in 1986, the rate remains high. For example, Costa Rica had a rate of only 3.9 and Panama a rate of 2.8 in 1984.

B. Performance and Needs of the Justice System

1. Overview of the Justice Sector

The justice sector is characterized by its complexity, traditionalism and increasing inability to meet the demands placed upon it by a rapidly developing society. The sector involves all three branches of government. This is especially true in the criminal justice subsector in which the process is framed by a set of norms adopted by the legislative branch; the accused is detained and an investigation completed by the police of the executive branch; a determination of probable cause and final

adjudication is made by the judicial branch; and the convicted person serves a term of confinement in the correctional system operated by the executive and judicial branches. All of these agencies are interrelated, and the entire system must be coordinated for the subsector to work efficiently and fairly.

Appendix A provides a synopsis of the Sector Assessment's description of the nature and performance of the principal institutions of the criminal justice sub-sector.

2. Sector Assessment Approach and Results

The Regional Administration of Justice Project (RAJP) financed an assessment of the performance and problems facing the Guatemalan criminal justice sub-sector. The Assessment was carried out by a team of Guatemalan experts under the supervision of Florida International University. Due to the political sensitivity of the themes and the desire to promote the maximum commitment of the national justice sector leaders and key academic persons, the following staffing philosophy was adopted for the production of the Sector Assessment: i) primary reliance was placed on the use of Guatemalan experts and those from other Latin American countries; ii) to the extent possible, surveys and field work were performed by local law students or recent law graduates to help build a base of informed individuals who could later work in the justice sector; iii) the Mission and ILANUD were involved in assisting Guatemala's principal legal institutions in the design and overall coordination of the assessment but not in its implementation.

The assessment consisted of the following stages: team development; literature search; data gathering; opinion surveys of judges at all levels (85) lawyers (308) and inmates at penal institutions (602); and report preparation. The court system, Attorney General's office, public defender system, police and correctional systems were studied in order to depict their inter-relationships. Nevertheless, the Guatemalans were made aware from the outset that the police and correctional systems are not eligible for assistance under the RAJP or any other AID funded project.

To insure the legitimacy of the sector assessment, it was presented to Guatemalans for their preliminary review and correction. Afterwards, a National Workshop took place in April, 1988 which was attended by representatives of the aforementioned organizations. This meeting, co-sponsored by Guatemala's National Justice Commission and ILANUD, was the principal vehicle for analysis of the problems or constraints to the improved administration of criminal justice and the identification of recommendations to resolve them. The major conclusions of the Sector Assessment concerning the needs of the criminal justice sub-sector are presented below:

a. Of a normative nature

Although Guatemalan legislation appears to be modern, it has been characterized by the extensive copying of laws of other nations without adequate adaptation to local conditions. Indeed, the new Constitution

has set forth some of the most liberal procedural guarantees for a Latin American system; yet it is doubtful that they all can be complied with. Furthermore, there is a lack of adequate regulations to carry forward legislative and executive decisions. Many basic legislative charters need updating. This is most evident in the case of the police which operate under an outdated organizational structure and law. New organic laws are also needed for the Public Ministry and for regulating the selection and stability of judicial personnel.

b. Access

Access to the legal system by large segments of the population is not good. There is no mechanism in Guatemala which provides current information on the laws of the country, and almost all persons surveyed complained of the complexity of legislation. There are only two courts in the country which have budgeted positions for translators, while almost half of the population is illiterate and a substantial percentage is not Spanish speaking. Reliance on minimum fee schedules, which has progressively raised legal fees, has placed a strain on the lower strata of society, and 36% of the inmates awaiting trial and 48% of inmates sentenced reported not having a lawyer to help them.

The sector's resources are concentrated in the capital while 70% of the population is rural and dispersed over a broad area. There is very little input from those rural areas in the decision-making which affects them. The general opinion is that corruption is present throughout the justice system.

c. Judicial Independence

The Guatemalan system shows some instances of independence while in other aspects it lacks it. For example, the system of naming the Supreme Court and Appellate Court judges provides institutional autonomy, while the lack of job stability for lower court judges diminishes it. Similarly, assignment of 2% of the national budget awards the judiciary theoretical economic independence, but delays in providing funds by the Ministry of Finance (Treasury) restricts it. While the Constitution mandates that a judicial civil service career be established, the requisite legislation has not yet been enacted; and judicial personnel currently are named under a non-legislated civil service system which does not follow modern personnel practices and is subject to political influence. The lack of a formal personnel system also affects the Attorney General's office. Like the judiciary, the Attorney General's Office lacks personnel procedures as well as selection criteria. Finally, there is a majority opinion among lawyers and penal inmates that there is interference in judicial decision-making by the executive branch. However, this opinion is not shared by judicial personnel.

d. Efficiency and Effectiveness

Ninety-four percent of the lawyers and fifty seven percent of the judges complain of delays in the justice process. Their perception is confirmed by judicial statistics which indicate that the prescribed procedural periods are often violated. One of the primary problems causing the delays is the growing caseload confronting the system. This affects not only the judicial sector but also the police force which must prioritize the investigation of cases and the correctional system which is continually facing overcrowding.

The satisfaction which the public expresses about the services provided by the justice sector is another measure of its efficiency. The degree of satisfaction varies with each different subsector of the justice system. Of special concern is the low opinion which is held of the police by judges and lawyers, since it raises serious doubts as to their usefulness as a resource for the judicial system. The level of satisfaction with judicial work varies in proportion to the level of the court being examined with the highest marks going to the Supreme Court and the lowest to the justice of the peace courts. In the case of the correctional system, in large part the inmates express a positive view of the services it provides. There is however, a growing feeling that the system is "soft". When combined with anxiety over crime, this may lead to a clamor for a more repressive justice and correctional system.

The level of efficiency of any institution is due, in no small measure, to the quality of its personnel. It is therefore important to develop adequate mechanisms for their selection, training, promotion and remuneration. The Guatemalan justice sector presents a variety of selection mechanisms characterized by different degrees of political involvement in the selection process. Supreme Court Magistrates are selected through a political process in the Congress. Lower judges are selected by the Supreme Court, (Article 205 of the 1985 Constitution) allegedly on the basis of qualifications and merit, but there is a growing perception among judges that other considerations dominate the process. The same concern was expressed over the selection of prosecutors in the Attorney General's office.

There are widely varying situations in training among the classes of personnel of the justice sector. Training of police had been almost nonexistent until the reopening of the police academy. Lawyers are initially trained in law schools whose approach is largely theoretical. The law schools do not participate in continuing legal education programs whether for the Bar or the private sector. Judicial training is only recently beginning. Salaries for judges appear to be adequate. The situation for support personnel is markedly different. Until the Supreme Court develops a complete personnel system which includes determination of salary scales based on acceptable management criteria, this situation will continue to present problems to the system.

Judicial conduct is regulated internally, but the supervision of conduct is affected adversely by a lack of resources. Police misconduct is regulated by a variety of different mechanisms within their agencies. In all agencies the resources assigned to this task are insufficient, and the measures designed to curb misbehavior are often times illogical.

The role of the prosecutor is determined by the code of criminal procedure which establishes the prosecutor as a passive actor in the process. In fact, eighteen percent of the judges, when asked what role the prosecutor played in their court, replied "none".

The lack of a state supported public defender system places the defense of indigents in the hands of court appointed defenders and law students. Forty one percent of lawyers and thirty five percent of judges rated the quality of legal defense provided by students as poor. Several factors adversely affect the effectiveness of the student defenders: the low academic level of the law schools, the poor supervision provided to the students in their defense tasks, the emphasis on the quantitative achievement of a graduation requirement without an emphasis on the quality of their service, the lack of coordination between these programs and the courts and the corrupt practice of the courts' selling cases to students. Furthermore, this dissatisfaction with the role of the defender of indigents is not limited to the performance of law students. Seventy five percent of the lawyers and sixty five percent of the judges were not satisfied with the work of court appointed attorneys.

Finally, the efficiency and effectiveness of the justice system should also take into account the results of the services provided by the correctional system. This system lacks a concrete program with objectives, or a rehabilitation strategy. The problems of this system are further compounded by the assignment of correctional tasks to both the executive and judicial branches.

e. Administration and Resources

Justice administration is a new concept in Guatemala. There is very little coordination among the different components of the justice system or even among agencies within the same branch of government. In addition, there is a severe problem of over centralization of administrative control and resources in Guatemala City and in the Presidency of the Supreme Court. The concentration of resources in the capital city hampers the efficient administration of justice outside of the capital where the majority of the population lives and the majority of cases are filed.

A common characteristic of Guatemalan justice agencies is the absence of planning and evaluation. Justice statistics currently are kept by a variety of different agencies but with little coordination among them and without identifiable purposes. Indeed, in the case of the judiciary there appears to be a lack of understanding of the need for or the utilization of the statistics it maintains.

The facilities assigned to the justice sector are often inadequate and in bad condition. The most severe problems occur outside the capital and in the lower courts in general. The correctional system also presents severe problems of overcrowding. There are severe equipment problems in all sectors of the justice system. One of the most severe is in the area of information systems which is a priority need expressed by all institutions. The isolated, over worked and old computer equipment purchased to date to help address this problem has been obtained without planning for the development of integrated networks to be shared by different agencies.

In addition, while adequate bibliographic resources are a sine qua non of any effective justice sector, the state of many of the Guatemalan legal libraries leaves much to be desired. The law school libraries maintain some of the most complete collections in the country, but due to budgetary restrictions they have abandoned their periodical collections and the purchase of new materials. The Supreme Court has received a donation of a basic library from the RAJP which appears to meet its most immediate needs. However, outside of the capital the situation of the courts is critical with a notable absence of biographical resources. Another problem is the lack of adequate legal materials and of any public education about the justice system.

C. The Project's Strategy and the Rationale for the Choice of Project's Components

In determining the nature and the scope of the components of the project the Mission has placed great importance on assuring that the activities being supported by the project are those which are of priority to the Guatemalan institutions involved in the justice system, and that those activities are accomplishable given the human and material resources likely to be available to the Mission and to the Guatemalan institutions. To assure that there is a feeling of "ownership" of the project by the Guatemalan institutions and that the project is "doable" the Mission has taken a conservative approach in estimating the pace at which implementation of the components can take place, and exercised caution in undertaking activities whose accomplishment would require difficult policy or institutional changes.

The Mission took as the basis for its design the recommendations which were made by the Guatemalan participants in the National Workshop on its review of the Sector Assessment as well as constraints identified previously by the Guatemalans. The only addition was the strengthening of the National Justice Commission, due to the need for an organization which eventually can serve as a planning, coordinating and evaluation body for all public and private sector institutions in the justice sector. Although the National Workshop did conclude that improving the operation of the police and the prison system were of priority, it was concluded that current legislation did not permit AID funding of any such activities and that the GOG would have to look to ICITAP or other donors to assist in these areas.

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Furthermore, given the wide and ambitious scope of the activities recommended by the National Workshop, the Mission decided that they could not all be addressed at once, and that it would be better to implement the activities on a staged basis. Thus, together with the strengthening of the National Justice Commission, the Mission decided to place primary emphasis of the project on the improvement of the operation of the court system and the professionalization of its personnel. The choice was based on several factors. First, the court system is further along than the other justice sector institutions in preparing the groundwork (such as draft laws on the civil service system law for judicial branch employees and the organization of the courts), which will be important to the accomplishment of the project's purposes. In contrast, although the performance of prosecutors and defense counsel are of great potential importance to the criminal justice system, both the Attorney General's office and the current system for providing publically supported defense counsel are extremely weak, and little progress has been made in reaching consensus on what should be done about the situation or on planning programs to carry forward that consensus. Second, ILANUD, under the RAJP, is currently carrying out several activities with the court system which can be built on. Third, the court system enjoys the leadership of a particularly strong President of the Supreme Court, and thus one can reasonably anticipate strong implementation of the project's activities by the court system.

As a result of this decision the Mission placed emphasis in the design on: (i) analyzing the needs of the court system; (ii) identifying as specifically as possible the structure of the project's components most concerned with that system - i.e. training for judicial branch personnel, court system improvement and improving jurisprudential information; and (iii) integrating the proposed support of the project to the court system with the support being supplied and planned by ILANUD and Harvard.

During the project's first phase, attention will be focused on: consolidating the work undertaken in training and information management by ILANUD, gaining experience through working with pilot programs in "model" courts both in Guatemala city and in Quetzaltenango, refining the analysis of the needs for further restructuring and decentralizing of the management system of the courts and preparing the regulations, guidelines and activities to carry out the provisions of the draft laws. The project will also be devoted to implementing the broad training and administrative restructuring program.

Throughout the life of the project emphasis will be placed on the strengthening of institutions. Because of its potential importance to the overall performance of the criminal justice system, strengthening the National Justice Commission has been made a separate component of the project. As in the case of the components focused on the court system, this component will build on the work of ILANUD. Although it will not be an implementing agency or the legal counterpart organization for the project, the National Justice Commission will have responsibilities as described under Part III.B.4 of the project.

Although the project places emphasis on improving the operations of the institutions of the criminal justice system which should result in their being more responsive to the needs of the general public, the project also seeks to direct benefits toward the the poorer and more remotely located population groups in particular. It does this in several ways. First, it gives priority to the training of judges and support personnel of the courts most directly in touch with them, i.e. the justices of the peace, the alguaciles and the courts of first instance. Second, it supports the efforts to provide those courts with better guidance, supervision, working conditions and access to legal information which is necessary for proper decision making.

D. Relation to LAC Strategy and the Regional Administration of Justice Project (RAJP):

Improvement in the administration of justice is one of the main components of the strategy of the Latin America and Caribbean Bureau (LAC) for the strengthening of democracy in Latin America and the Caribbean. Indeed, the effort to improve the operation of the national criminal justice systems was the first major activity undertaken by LAC in response to the recommendations of the Kissinger Commission. Furthermore, in April 1984 the U.S. Congress enacted Section 534 of the Foreign Assistance Act providing specific legislative branch endorsement for assistance "to strengthen the administration of justice in countries in Latin America and the Caribbean" including:

- " (1) support for specialized professional training, scholarships, and exchanges for continuing legal education;
- (2) programs to enhance prosecutorial and judicial capabilities and protection for participants in judicial cases;
- (3) programs to enhance investigative capabilities, conducted under judicial or prosecutorial control;
- (4) strengthening professional organizations in order to promote services to members and the role of the bar in judicial selection, enforcement of ethical standards, and legal reform;
- (5) increasing the availability of legal materials and publications;
- (6) seminars, conferences, and training and educational programs to improve the administration of justice and to strengthen respect for the rule of law and internationally recognized human rights; and
- (7) revision and modernization of legal codes and procedures."

This effort is currently being conducted under the Regional Administration of Justice Project (RAJP) which was undertaken in 1985 in the Dominican Republic, Costa Rica, Honduras, El Salvador and Panama. Guatemala was included in that project in the following year. The RAJP is administered through the AID Regional Administration of Justice Office (RAJO) which is

attached to USAID/Costa Rica. The main implementing agency is the Latin American Institute for the Prevention of Crime and the Treatment of the Offender (ILANUD), a United Nations related organization having its headquarters in San Jose, Costa Rica. The main channel for providing technical assistance to ILANUD under the project is Florida International University (FIU) of Miami, Florida.

The regional project covers support for: (i) the operations of ILANUD; (ii) technical assistance to ILANUD from FIU pursuant to a Cooperative Agreement between FIU and AID; (iii) technical assistance, training and financial assistance from ILANUD to justice sector institutions in the participating countries; (iv) the cost of operating RAJO and the Resident Coordinators in the USAID Missions in the participating countries. To date in Guatemala the regional project has: (a) fostered the creation of the National Justice Commission; (b) paid for the Resident Coordinator and secretarial services attached to the USAID Mission; (c) financed the conduct of the Sector Assessment by FIU and provided technical assistance to the National Workshop to discuss the content of that Assessment; (d) provided 155 days of training to 63 Guatemalans in regional training events (courses, seminars, workshops and study tours) of ILANUD and 28 days of training to 236 Guatemalans in national level training events organized by ILANUD; (e) provided a basic library in criminal law topics for the library of the Supreme Court; (f) provided consultant services through ILANUD on such topics as: preparing the manual of procedures for the justices of the peace; consulting with the Constitutional Court on the organization and functioning of its system; training 200 participants to be selected as personnel for the "Juzgados Menores Comarcales"; (g) planned two pilot technical assistance efforts with the Supreme Court, one in the compilation of juridical documents (laws, court decisions and legal doctrine) and another in court management and statistics, and (h) provided long term training for three Guatemalans for the University of Costa Rica post-Graduate study program 1988-1989.

ILANUD still has funds available for Guatemala under the RAJP to support activities mutually agreed upon through calendar year 1989. Its current plans are to utilize some of these funds to support Guatemala's National Justice Commission through the provision of office equipment and payment of the salary of a Technical Coordinator and secretary; to improve legal information through the design and implementation of a system (known as CENALEX) that collects, organizes and disseminates legislative and jurisprudential indexes, to carry out a pilot effort in case tracking and judicial statistics in justice of the peace courts in Guatemala City; to support training needs through financing the attendance of Guatemalans at regional seminars of interest as well as their participation in University of Costa Rica's post-Graduate law program; and the support of other activities with regional implications such as a study of the country's criminal defense system along with pilot activities to determine its feasibility (to the extent such assistance is requested by the Supreme Court).

This project will build on and supplement the activities of the RAJP through the introduction of a major training program to support the establishment of a civil service system for judicial branch employees, and

carrying out a number of new activities to strengthen the court system, among which is the design of a new unified management information system. The nature/extent of the relationship between regional and bilateral activities are set forth in Part III below. The issues of how to assure the close coordination of the work of the RAJP and this project and of how the Mission will assure that the regional activities on which the success of this Project depends are completed in a timely and satisfactory manner are discussed in part V.A. below.

E. Relation to USAID Program Strategy

Support for Guatemala's endeavors to strengthen democratic institutions is a fundamental element of current USAID strategy in Guatemala. The return to democracy had barely begun in April 1984 when the current CDSS was prepared, but the CDSS concluded that strengthening of the judicial system was a potential area for supporting democratization and the respect for human rights in Guatemala.

The strategy summary of the AID/W approved FY 1989/1990 Action Plan for Guatemala states that a principal U.S. Government objective in Guatemala is to support the consolidation and institutional strengthening of Guatemalan democracy. After noting the role of economic stabilization, growth, and equity programs toward gaining this objective, the strategy summary states:

"specific support is provided to strengthen the legislative, judicial and electoral institutions that constitute the core of a democratic process."..."This return to democracy has provided the foundation for economic and social progress and it is the consolidation of that democracy that is the single most important factor in the future of Guatemala. Seeking to strengthen directly democratic institutions in Guatemala, USAID will further expand its work with the judiciary, the legislative and the electoral system to help each improve its operations. The institutional effectiveness of these organizations is vital to the future of democracy in Guatemala. A major new bilateral program will begin this year to further advance earlier administration of justice activities funded with bureau resources."

The action plan further identifies the objectives of such a program as follows:

"To strengthen Guatemala's judiciary to make it more efficient and responsive to the needs of Guatemala's population in the area of justice. Its focus or major components will be based on the findings of Guatemala's Justice Sector Assessment and their prioritization in terms of needs and actions to be taken to resolve them as a result of a National Workshop. Based on this and other information (such as inputs from a midpoint evaluation being conducted of the results to date under the Regional Administration of Justice project and any inputs under

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our cooperative agreement with Harvard University), such components should include but not be limited to the following: judicial reform whether in helping to make a new law to establish a career judiciary or change out-of-date existing laws, codes and procedures to facilitate the disposition of criminal cases; placing heavy emphasis on both short-term and long-term training of judicial and administrative support personnel; improving planning, administration and evaluation within the courts; improving the prosecutorial function; providing better legal defense to accused persons; and educating the public on the operation of and its rights within the judicial system."

The first phase of this project responds to the most critical needs at this time.

F. Relationship to Government of Guatemala Strategy

In its endeavor to consolidate and strengthen its democratic systems and institutions, the Government of Guatemala has attached major importance to improving its system of justice. The new constitution strengthens the independence of the judiciary as a separate branch of government. So that the judicial branch will not be unduly subject to either the executive or legislative branches, the constitution entitles the judicial branch to at least 2% of the national budget for judicial branch expenses. Further, the constitution provides for full functional autonomy in the administration of justice including the selection of personnel, and it provides that judges may not be removed except for cause as specified by law. Two bills to implement the constitutional mandate are now pending before the Guatemalan Congress, and are expected to be enacted within the next year. They are a new organic law for the Judicial Branch and a new civil service law for judicial branch employees. The project will complement these efforts, but its success is not dependent on passage of the laws.

G. Relation to activities of other U.S. Organizations and Other Donors

1. Harvard Law School

Under a July 1987 Cooperative Agreement, AID granted US\$ 1.5 million to the Harvard Law School for a three year activity to strengthen the Guatemalan judicial system. The activity is directed at improving the criminal justice system through assistance in designing and implementing solutions to problems identified during the course of the activities. Specifically, it emphasizes strengthening the institutional capacity of the judicial branch of government through technical consultations by experts from Harvard in Guatemala and through short term fellowships for Guatemalans at Harvard.

Within the consultation component, Harvard is identifying and analyzing technical and administrative problems in the Guatemalan criminal justice process which required immediate solution and to deal with longer term issues in the area of policy reform. The consultation component includes three types of activities:

- a. Meetings. Up to four meetings a year of up to one week in duration would be held either in Guatemala or at Harvard. They would include Harvard legal experts and Guatemalan legal officials and experts in the criminal justice sector plus invited outside experts.
- b. Individual research and consultation. Legal experts, principally from Harvard, would travel to Guatemala for research and consultation with Guatemalan officials to study major problems or issues identified in the course of the program, and to provide assistance in carrying out recommendations for resolving them.
- c. Consultation visits. Guatemalan officials and legal experts would be invited to Harvard to consult on problems and issues and their resolution, and legal experts from Harvard and elsewhere would visit Guatemala to provide assistance in the criminal justice area.

Under the short term fellowship component there is to be: (i) fellowships for specialized study and research at Harvard; (ii) seminars in Guatemala, (iii) periodic progress reports and evaluations; and (iv) briefings and debriefings before and after each Harvard activity in Guatemala. Up to 12 Guatemalan judges or other persons important to the criminal law system would spend one semester as visiting fellows at the Harvard Law School Center of Criminal Justice. They would study and do research directed at specific improvements in the Guatemala criminal justice system with an emphasis on improving their analytical and research skills and drawing on the experience of other countries. The fellowships would include exposure to teaching methodology in order to improve their ability to share their experiences with others in Guatemala, and the program would support an annual seminar in Guatemala of up to one week so that returning fellows might share their experience with others.

Harvard accepted four Guatemalan judges and two Guatemalan prosecutors for the fellowship program. After completing their study and research at Harvard, they participated with their Harvard counterparts and selected Guatemalan judges and prosecutors in a week long series of workshops and seminars in Guatemala in June 1988. During the sessions at Harvard and in Guatemala, the participants worked out a substantial consensus concerning the needs and priorities of the criminal justice system, and sharpened the

definition of the ways in which Harvard Law School's resources might best be used in addressing them. Harvard has now proposed an action program to carry forward the conclusions reached.

The strategy of the modified Harvard activity is to try to apply proposed solutions on a small scale. A model sentencing court already has been established by the Supreme Court. Harvard proposes that a pilot regional office for administration be established, that model justice of the peace and instruction courts be established for further experimentation within the court system, that a special prosecution office be established in the Attorney General's Office, and that a pilot defense office be established with two full time Guatemalan defense lawyers to work both with assigned counsel and with law students in attempting to establish a more effective model for defense of the indigent persons accused of crime. In addition, in the fellowship component of the activity Harvard would continue to work with participants in Guatemala and as fellows at Harvard in studying and analyzing the problem of the obstruction of justice, particularly at the investigative and trial phases.

Harvard proposed to use the funds available to it under its Cooperative Agreement with the Mission to provide the training, technical consultations and related international travel required by the modified program and proposed that this project provide funding to enable the court system and the Attorney General's Office to provide the support necessary for the operation of the model courts and the prosecution and defense offices. Due to the project's need to concentrate on the more critical areas such as professionalization of judicial branch personnel and strengthening of the court system as well as other related activities, coupled with the need to carry out required assessments of the Attorney General and criminal defense system to determine their needs and reach consensus on the most suitable actions to meet them, the project will only provide funds for the pilot regional administration office and model courts under its first phase. The Mission's Project Development Support funds will be used to fund needed studies and pilot activities to improve the Attorney General's office and criminal defense system. And to the extent any remaining uncommitted funds for Guatemala under the RAJP can be made available for this purpose, every effort will be made to use them as well.

2. U.S. Department of Justice's International Criminal Investigation Training Assistance Program ("ICITAP").

The ICITAP office within the U.S. Department of Justice provides assistance to the police in improving their capacity for criminal investigation. It does so with both its own funds as well as those made available from AID/W to the Department of State pursuant to a special delegation of authority approved by the White House and Congress.

The police who are responsible for investigation of common crimes potentially could contribute importantly to the performance of the prosecutors and judges responsible for the administration of criminal justice. Indeed, the investigative performance of the police and prosecutors

are of particular concern to the courts in a civil law system where the courts themselves, and particularly the investigative judges, are ultimately responsible for the investigation of the criminal cases presented to them. In recognition of this responsibility, ICITAP has begun to include in its courses in Guatemala investigative judges and prosecutors so that they will understand better the value and use of material evidence and the investigative techniques being taught to the police. ICITAP has given three of these two-week courses during the past year. The last course included about 45 judges and five prosecutors. ICITAP proposes to continue giving three to four such courses per year as long as there is a need for them. Continuation by ICITAP of such training for investigative judges, prosecutors and their cooperating investigators will be a major complementary activity in the overall effort to improve the investigative/prosecution function within the system for administration of justice.

ICITAP has no resident staff in Guatemala. It uses its own staff specialists and other sources to provide short-term training. Within the United States Government, ICITAP's activities in Guatemala have been coordinated by an officer within the Embassy's Political Section, who was specifically assigned to coordinate the activities of all U.S. Government agencies with regards to justice sector training and related activities. In arranging its courses with the concerned Government of Guatemala agencies, ICITAP has dealt directly with the judicial branch and the Public Ministry as well as with the officials responsible for police functions within the Ministry of Interior. Future coordination of ICITAP's training courses relative to the needs of judges and prosecutors is discussed in Part III.B.6. below.

3. Drug Enforcement Agency ("DEA")

The DEA is an agency with the U.S. Department of Justice whose responsibilities include preventing the entry of illegal drugs into the United States. The DEA works with law enforcement agencies of other countries in preventing the growth of drug producing crops, the manufacture of drugs and their transport to the United States. In Guatemala, the DEA works principally with the National Treasury Police, but it also works to some degree with the National Police. Both those police agencies have responsibilities on drugs.

The original mandate of the National Treasury Police centered on control of contraband, the enforcement of export and import controls and taxation. However, it now performs broader police functions in certain rural areas. In the area of drug control, the Treasury Police have assumed responsibility for the eradication of drug producing crops, including opium poppies and marihuana, and the control of certain chemicals, such as alcohol and ether, used in the manufacture of illegal drugs. It initiates criminal investigations leading to criminal prosecution, but the Department of Criminological Investigations (Departamento de Investigaciones Criminológicas "DIC", formerly called "BIEN") is responsible for major investigations and overall enforcement of Guatemala's drug laws.

In working with the Treasury Police, the DEA provides equipment and supplies to strengthen its narcotics control capability and provides training for its drug enforcement personnel. The DEA training is more advanced than that provided by ICITAP in such areas as the conduct of drug investigations, undercover operations, recognition of drugs and detection and use of related physical evidence. Neither DEA nor ICITAP see any duplication between their training activities. Nevertheless, both agencies recognize the need for coordination to ensure that there is no conflict in the scheduling of such training and to maximize their complementarity.

DEA has not been involved in the conduct of training programs for judges and prosecutors as such. However, in early June, 1988, DEA did conduct a three-day drug offense investigation seminar which included investigative judges and prosecutors as well as police officers. The seminar proved sufficiently useful for all concerned that the DEA is planning to conduct one or two such seminars each year in the future, possibly extending their duration to as many as four days each.

4. Other Governments

a. Assistance to the Judicial Branch

Until recently, the judicial branch of government in Guatemala has had virtually no experience with external assistance. Over the last few years it has had some experience with international organizations such as ILANUD and the Inter-American Institute for Human Rights (IIHR), but the courts have had no experience with bilateral donors. At this time, no other bilateral donor is planning to furnish assistance to the judiciary.

b. Assistance to the Police

Unlike the judicial branch, the police have received substantial assistance from other nations. Principal donors have been Spain, West Germany, and Venezuela.

West Germany has the largest program of assistance for the Guatemalan police. It includes training and advisory services as well as equipment and supplies. Twenty five recent law graduates are attending a three-year program in West Germany, and upon their completion they will return to Guatemala to serve in middle management level positions of the police force. The first year of the program consists in learning German followed by two years of police training at the German Police Academy. Germany is also providing advisory services for the Guatemalan Police's forensic laboratory. Finally, Germany has provided a tremendous amount of equipment (mostly vehicles) and supplies.

Spain has an active program of assistance for the Guatemalan Police which includes training and commodities. Twenty five recent law graduates are attending a one year program at the Spanish Police Academy in Avila, Spain. Upon their return they will serve as commissioned officers

in the Guatemalan police. Spain has also provided equipment and supplies to the police, including a number of vehicles to improve their mobility.

Venezuela has concentrated on the area of police intelligence. In the past, such assistance has included the presence of a resident police advisor in Guatemala.

In general assistance to the Guatemalan police from the various donors does not appear to have been well coordinated. The Guatemalan police have a tendency to accept offers of training and equipment without first determining their needs and priorities, preparing their own development plan and seeking specific assistance for the execution of their plan. Up until now, at least, there has been but limited opportunity for donor coordination in the field because of lack of full time resident field representatives. In view of this situation, the Government of Spain invited representatives of the Government of Guatemala and the various countries and organizations assisting the police to meet in Madrid in June, 1988 to plan for better coordinated, more effective response to Guatemalan needs and priorities and otherwise provide for improved coordination of such assistance.

III. PROJECT DESCRIPTION

A. Project Goal and Purpose

Goal

The overall goal of this project is to strengthen Guatemalan democratic institutions in order to promote the social progress of the Guatemalan population. That objective was adopted by the Mission in its Action Plan for FY 1989-1990. It includes work with the courts, the legislature, the electoral process, labor unions, private voluntary agencies, and grass roots organizations.

Purpose

The purpose of the project is to improve the capacity of the Guatemalan judicial system to provide fair, effective and accessible judicial services nationwide. This will be accomplished through the improved performance and accessibility of the non-police functions and institutions involved in the operation of the justice sector. For the reasons set forth in part II.C. above, the major focus of the project will be on strengthening of the court system, and thus most progress during the course of the project is expected to be made on the investigative and judgment responsibilities of that system.

End of Project Conditions

Achievement of the project's purpose will be demonstrated by the following objectively verifiable indicators with a general indication of how they would be verified:

1. Enhanced professionalization of judiciary. Means of verification would be comparison of pre-project/post project conditions on each of the following factors: implementation of new career civil system law for judicial branch employees including the introduction of merit selection, promotion and appropriate disciplinary measures; opinion of judges and administrative support personnel as to their tenure, etc.
2. Availability of timely and affordable legal information to participants. Means of verification would be comparison of pre/post project attitudes of participants as well as records of court management information system.
3. Improvement in administrative structure of court system. Means of verification would include comparison of pre and post project improvements.

B. Project Components

The project has four components. They are: training of justice sector personnel, improving legal information, court system improvement, and strengthening of the National Justice Commission. To implement activities under each one of these components, the project will devote resources to the funding of a Project Implementation Unit (PIU), described in Part V.A.2. below, USAID administrative support and for evaluations/audits.

The following parts discuss the approach to be followed in each component. They provide statements of the objectives, planned outputs and inputs and the major implementation steps to be taken. Similarly, budgets for each component by year and major cost category are also included. Detailed budgets are given in Appendix D.

1. Training of Justice Sector Personnel

As indicated earlier, the project's overall strategy is to strengthen the court system and professionalize its personnel as its first priority. This will involve a major effort to provide a training program for personnel of the court system and to strengthen the training system for judicial branch personnel. It also will provide some training for public prosecutors and defenders. Such a training program will be supportive of the overall guidelines and strategy for implementing a judicial civil service system law for judicial branch employees to establish a judicial career service.

a. Training Program for the Judicial Branch

The Supreme Court's Training Section of its Human Resources Division plans to mount a training program for about 1,945 employees in the court system. The project is focused on the improvement of the criminal justice system, but the different justice areas are interdependent and interrelated to such a degree that to attempt hard and fast categorical distinctions between criminal and non-criminal matters would be counterproductive since both belong to and depend on the same general justice system. However, the Supreme Court has stated that criminal justice matters will take priority in terms of the use of the project's resources in this and other areas.

Appendix L summarizes the potential trainees of the Court System and provides a general indication of the individuals who will receive training through the Training Section. Even though higher court justices and judges are listed in the table as part of the training activities, they will mainly act as instructors, advisors, and leaders in the process. Furthermore, they will participate in ILANUD's regional training activities, ICITAP courses, and Harvard Law School programs. Emphasis in this project will be on officers of lower-level courts and employees who support first instance and justice of the peace courts. The Sector Assessment along with the recommendations resulting from the National Workshop verified the need to strengthen these lower court systems.

For calendar year 1988 the Training Section has scheduled 25 activities, and plans an additional two programs which have not been finalized yet. Appendix I summarizes their 1988 training program which will involve 1,427 judicial branch employees in a wide variety of national and regional programs. Of that total, 526 persons have been involved in the court system's training needs' analysis. The 1988 program not only involves the Courts' Training Section, but also includes programs with co-sponsors such as the Harvard Law School, the RAJP, ICITAP, the Ministry of Interior, and Colombia's Fundacion de Educacion Superior (FES).

Training Needs Assessment and Training Plan. The staff of the Training Section developed a comprehensive survey instrument to assess the judicial sector's training needs. A copy of the Court's survey form is attached as Appendix E. The Training Section sent 526 questionnaires to three levels of the system, and has received back 351 satisfactorily completed forms. Table 2 below summarizes the results of this exercise to date.

TABLE 2
NEEDS SURVEY SUMMARY

<u>Jurisdiction</u>	<u>Number Sent</u>	<u>Number Received</u>
Administrative offices	49	34
Capital City Courts	164	114
Non-capital City Courts	<u>313</u>	<u>203</u>
TOTALS	526	351

The Training Section staff is tabulating the returns from the criminal jurisdictions first. They have completed a preliminary analysis on the training needs for 21 criminal justice of the peace courts, and the final analysis is scheduled for completion by the end of September, 1988.

For the purposes of the project, an "Illustrative Training Plan for the Judicial Branch" was developed with the Supreme Court's Training Section. The illustrative plan is based on preliminary results of the needs' survey training identified to support other project components, and training required to develop trainers for subject areas not available in Guatemala (For example, there is a need to train trainers for court social workers and this will probably entail third-country training for selected court personnel who would subsequently train current and future social workers). The illustrative plan also includes the above projected participants, and it estimates the training requirements which will result from the various studies and analyses planned in the Project. The Plan is set forth in Appendix G. It details an effort by target group, year, member of training activities, and approximate costs.

With the support of this component of the project, the Training Section will mount 54 training activities in seven classifications to train 1,945 judicial branch employees. Appendix G cites the major training needs identified for the different types of judicial branch employees according to the level of jurisdiction, type of assignment and known deficiencies. To meet even the most obvious training needs most judicial branch employees will need more than one course or activity to have the educational preparation they require.

The successful implementation of the planned training activities for the judicial branch will require significant technical assistance inputs, particularly in course content preparation. The PIU will have a full-time training advisor who will work with all the project's training programs. The cost for this advisor is reflected as an input for the PIU. Furthermore, each project component contains budgeted amounts for technical assistance in most of the required and planned training areas. The PIU training advisor will be expected to utilize such expertise to develop course content and at times actually provide instruction. For example,

computer advisors will be expected to develop course content materials and provide classroom instruction. The Training Section also will have technical assistance available to it from other USG-funded activities such as ILANUD under the RAJP and ICITAP.

Thirty seven percent of the instructional costs planned will be used to procure available local experts or technical assistance to develop course content. When expertise is not available locally or from another source such as ILANUD, the PIU will assist the Training Section to contract for special experts. There are also funds in the instructor's salary line item of the Illustrative Course Budget in Table 4 below to cover instructors not from the court system or paid for by another organization.

Table 3, which follows, presents the projected training flow on a yearly basis:

T A B L E 3
TOTAL YEARLY PROJECTED INSTITUTIONAL COSTS WITH
NUMBER OF PERSONS ATTENDING TRAINING ACTIVITIES

<u>YEAR</u>	<u>TOTAL YEAR NO. TRAINING ACTIVITIES</u>	<u>NO. TRAINED</u>	<u>YEARLY DOLLAR INSTRUCTIONAL COST</u>
1st.	13	468	\$ 91,000
2nd.	20	726	139,000
3rd.	21	751	142,000
GRAND TOTALS	54	1945	\$ 372,000

Project Cost Sharing

The project will finance most of the costs of the instructional programs including:

- Instructor's salaries (non-court employees)
- Transportation
- Per Diem
- Preparation of Course Content
- Reproduction of Materials
- Miscellaneous

Average activity costs for 40 people for 5 days are projected at the equivalent of \$7,000 (approximately Q18,900), which is \$500 lower than ILANUD's budgets for its national courses outside of Costa Rica. In comparison, USG costs per targeted employee are approximately \$4,110. The

plan contemplates about two programs (a total of 54 training activities) for each employee. Table 4 presents an illustrative instructional course budget in both U.S. Dollars and Quetzal equivalent, which was developed with the Court's Training Section.

TABLE 4
LOCAL TRAINING
ILLUSTRATIVE INSTRUCTIONAL COURSE BUDGET
(40 trainees for 5 work days)

	OVERALL COST	
	U.S. DOLLARS	LOCAL CURRENCY (Q Equivalent)
-Instructors	370	1,000
-Transportation	670	1,800
-Per Diem	1,705	4,600
-Course Content Preparation	2,590	7,000
-Reproduction of Materials	1,480	4,000
-Miscellaneous	<u>185</u>	<u>500</u>
T O T A L	\$7,000	Q.18,900

During the life of the project the GOG will be responsible for the salaries of judicial branch employees while they are in training, some in-country transport, and automatic per diem payments which are included in certain employees' salaries and the salaries for replacement of personnel if needed while at training.

Relation to the RAJP

ILANUD's Training Department participated in the development of the project to ensure the utilization of that organization's expertise and other resources including both its regional and local training opportunities. Responsible authorities in both the Supreme Court and ILANUD are committed to a cooperative working relationship between this project and the RAJP. The Training Department of ILANUD will send staff members to complete a plan for the remainder of the RAJP's existing training activities in Guatemala and be requested to provide assistance to the court system in its final design of the training events to be supported by the Project.

b. Strengthening of Training System for the Judicial Branch

The growing requirements for training will require organizing the training activities according to a more systematic approach in order to improve the system's response capacity. This is particularly

important since the new judicial career legislation will mandate training as part of the pre-requisites for mobility within the Judicial Branch. During the Project Development Team's Intensive review, particular attention was given to whom or which institution would be utilized to deliver training. High level Guatemalan officials in the justice sector did not believe that Guatemalan law school faculties had sufficient capacity for meeting the various training requirements of the sector. The Project Development Team concurred with this view after reviewing current university practices, the overall environment, and the legal responsibilities for the recipient organizations.

During development of the Project Paper, a systematic approach to building a training capability was produced with the personnel of the Supreme Court's Training Section. It was subsequently reviewed by the Supreme Court's authorities. Appendix F provides a summary of the approach. The strategy or process consists of five major areas:

- Academic Planning
- Academic Production
- Organization and Delivery of Training
- Evaluation and Follow-up
- Information System

The most important aspects of the academic planning area are: (i) the identification of training needs; (ii) and the prioritization of needs according to non-technical and technical factors, available resources, and general curriculum planning decisions. As to academic production, the main emphasis is on the selection of instructional methods and media and the production of required materials. The successful delivery of training involves administrative arrangements including logistics, finances and scheduling. It also requires academic arrangements such as the training of instructors, the selection of participants and the programming of the instructional methodology. The evaluation of training activities will be a continuing process. It will cover curriculum planning; participants' learning; instructors; methods; materials; and, the process as a whole.

The evaluative results will be used to modify and change the training program throughout the implementation of the program. Furthermore, specific evaluative activities will be implemented in order to measure what impact training activities are having on the justice system. Finally, the project contains a variety of information systems. The Training Section has specific requirements for an educational information system which will include data on participants, materials and the programming of training. These will be made available to the information management unit discussed below.

Inputs

In order to strengthen the training section to handle such a large program described above the following major inputs will be required from the project:

-- Personnel for the courts. During intensive review it was found that an additional four professionals and two support staff persons would be required to carry out the training programs. The project will pay for these costs of approximately \$127,000 and the the Supreme Court will assume salaries of personnel required in this office at the end of the project.

-- Procurement of equipment. The project will provide for the procurement of equipment for the training centers in the capital and in two regions. The major categories of equipment are as follows:

- Data processing equipment	\$ 20,000
- Instructional and reproduction equipment, office and classroom furniture	<u>120,000</u>
- Total equipment requirements	\$ 140,000

See Appendix J for an illustrative equipment list.

Thus, the project will provide a total of \$267,000 for strengthening the justice branch training system. The GOG counterpart will consist primarily of the cost of the current staff and maintenance of the equipment in its operating budget. There are also staff resources available from ILANUD which will assist in the implementation of the project. The major costs to be met by the GOG after the end of the Project are the on-going salary and training costs.

End of Project Status

By the end of the Project the Training Section will be organized, staffed and equipped according to a systematic approach to the development and implementation of training activities, and it will have a trained staff of 14 members all paid by the Supreme Court. It will have the capacity to deal with current and future training requirements of the court system including the new training requirements under the pending Civil Service System Law for judicial branch employees.

It will be necessary that all training activities in support of judicial branch personnel be coordinated by the Training Section of the Human Resources Division. Furthermore, the content of training activities depends in part on the amount of cooperation received from other personnel of the judicial branch such as specialists and instructors, and their willingness to be trained adequately for this. The PIU and the National Justice Commission will play an important role in assuring that this cooperation is accomplished.

c. Training in Support of the Attorney General's Office

The Attorney General's Office does not have a training capability nor does it have the beginnings of a training infrastructure as does the Supreme Court. Thus, the project will provide

training of some 160 employees of the Attorney General's Office, through 24 training activities in three classifications. To meet even minimal training needs most employees will require more than one activity. Therefore, to reach a target audience of 160 employees there will be 960 attendees in the 24 training activities. This number also provides for refresher study in more technical areas and/or follow up work in the same or related areas.

The implementation of these activities for the Attorney General's Office will require technical assistance inputs particularly in course content preparation. The PIU will have a full time training advisor, who will work with all the training programs. Other budgeted technical assistance will be utilized for these training activities both to develop course content and to provide classroom instruction. For example, Harvard and ILANUD advisors will be expected to assist in developing course content materials and provide classroom instruction. Additionally, the ICITAP project can provide specialized types of advice and training. As in the case of the judicial branch, about one-third of the instructional costs planned will be used to procure local experts or technical assistance to develop course content. When such assistance is not available locally from ILANUD, Harvard or ICITAP, the funds from this activity will be used by the PIU to contract special experts. The Illustrative Budget has funds to cover instructors' salaries, particularly for those who are not employees of the Attorney General's Office or paid for by another organization.

The Consolidated Training Plan (See Appendix G) gives the details of the effort by target group, year, number of training activities, and approximate costs. Table 5 below gives a general overview of the Attorney General's Office proposed training program for three years, and its costs.

T A B L E 5
SUMMARY COSTS OF PUBLIC MINISTRY
EMPLOYEES TO BE TRAINED BY LEVEL AND NUMBER

<u>L E V E L</u>	<u>NO. TARGETTED</u>	<u>NO. TRAINING ACTIVITIES</u>	<u>NO. TRAINED IN COURSES</u>	<u>LOP COSTS</u>
Prosecutors	40	8	320	\$56,000
Secretaries	40	8	320	56,000
Officials	80	8	320	56,000
TOTALS	160	24	960	\$168,000

Table 6, presents the projected training delivery on a yearly basis:

T A B L E 6
ANNUAL COST OF ATTORNEY GENERAL'S OFFICE
EMPLOYEES TO BE TRAINED

<u>Y E A R</u>	<u>TRAINING ACTIVITIES</u> <u>P E R Y E A R</u>	<u>NO. TRAINED</u> <u>IN COURSES</u>	<u>YEARLY DOLLAR</u> <u>INSTRUCTIONAL</u> <u>COST</u>
1st	8	320	56,000
2nd	8	320	56,000
3rd	<u>8</u>	<u>320</u>	<u>56,000</u>
TOTAL	24	960	\$ 168,000

d. Training in Support of the Public Defender Systems

There is general agreement that to make the justice system function in a fairer and more credible manner for the non-Spanish speaking indian population and for the poor in general, a better, publicly financed defense system must be developed. This will require a major restructuring, including enabling legislation, funding for staff and training, most of which is beyond the scope of this project. However, some training support can be given since what the GOG ultimately does for defense surely will involve the bufetes populares. Thus, the project will support: (i) a modest amount of training for the 25 Guatemalan law school university administrators, supervisors, and advisors of the bufetes populares programs; and (ii) orientations and/or responsibility awareness sessions for approximately 400 last year law students who will be serving as public defenders.

Table 7 below summarizes defender training course costs:

T A B L E 7
SUMMARY COSTS OF PUBLIC DEFENDER INDIVIDUALS TO BE
TRAINED BY LEVEL AND NUMBER

<u>L E V E L</u>	<u>NO. TARGETED</u>	<u>NO. TRAINING</u> <u>ACTIVITIES</u>	<u>NO. TRAINED</u> <u>IN COURSES</u>	<u>PROJECT COSTS</u>
Four univer- sity administrs. supervisors and advisors	25	5	25	\$ 12,500
Students Orientations	400	5	400	16,000
TOTALS	<u>425</u>	<u>10</u>	<u>425</u>	<u>\$ 28,500</u>

Table 8, presents the projected training delivery on a yearly basis:

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T A B L E 8
ANNUAL COST OF PUBLIC DEFENDER
INDIVIDUALS TO BE TRAINED

<u>Y E A R</u>	<u>NO. TRAINING</u> <u>ACTIVITIES</u>	<u>NO. TRAINED</u> <u>IN COURSES</u>	<u>YEARLY INSTRUCTIONAL</u> <u>COSTS</u>
1st	2	85	\$ 14,500
2nd	4	170	7,000
3rd	<u>4</u>	<u>170</u>	<u>7,000</u>
GRAND TOTALS	10	425	\$ 28,500

The Consolidated Training Plan includes these activities (See Appendix G). They are based on conversations with university law school officials, National Justice Commission members, and the Guatemalan Bar Association. The implementation of these activities will require technical assistance inputs, particularly in course-content preparation. The PIU's training advisor and ILANUD will be used. When such assistance is not locally available, the PIU will use the funds from this activity to contract for special experts.

e. Financial Plan

Table 9 summarizes the costs of the training component by type of activity and year.

TABLE 9
FINANCIAL PLAN FOR TRAINING COMPONENT
BY TYPE OF ACTIVITY AND FISCAL YEAR

<u>TYPE OF ACTIVITY</u>	<u>FY 89</u>	<u>FY 90</u>	<u>FY 91</u>	<u>LOP COST</u>
1. Training Events Costs:				
Judicial Branch	91,000	139,000	142,000	372,000
Attorney General's Office	56,000	56,000	56,000	168,000
Defense	14,500	7,000	7,000	28,500
SUB- TOTAL	161,500	202,000	205,000	568,500
2. Strengthening Training System for Judicial Branch				
(a) Personnel Costs:				
	25,408	50,816	50,816	127,040
(b) Equipment Procurement:				
	<u>45,000</u>	<u>95,000</u>	<u>0</u>	<u>140,000</u>
SUB-TOTAL	70,408	145,816	50,816	267,040
TOTALS	231,908	347,816	255,816	835,540

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2. Improving Legal Information

a. General

The Guatemalan legal system relies on a rudimentary system of reporting judicial decisions and laws. Normally a complete code is enacted by the legislative branch, and the basic document remains in effect until a new code is enacted. All new legislation and decrees are published in a national publication of the executive branch, and the first official publication is in the official Gazette Diario de Centro America, which is then compiled in the Recopilación de Leyes. Jurisprudence (e.g. court decisions) is similarly reported by the Supreme Court in the Gaceta de los Tribunales (Judicial). The second journal appears only irregularly. It is then up to the attorneys to read the Gaceta, and update their own copies of the relevant codes. Thus, both attorneys and judges may be relying on legislation which may have been repealed or interpreted differently.

In response to this situation this component's objective is to design and implement a system for collecting, organizing and making available currently valid legislation, jurisprudence decrees and doctrina to judges and attorneys, including among these the prosecutors (or fiscales). This activity also will serve to standardize the application of the law and provide the information necessary for law reform and modernization. The result will be an automated database, a classification system and a method for inexpensive distribution of the information.

b. Activities Supported by the Regional Administration of Justice Project (RAJP)

The Regional Administration of Justice Project (RAJP) includes a component for this effort in Guatemala. However, ILANUD has held up the decision on the type of computer equipment to purchase because of a concern that the country not acquire a system which it cannot support financially or technically, and that plans for the database not be prepared in isolation from other information system needs (e.g. judicial statistics, etc). In 1988, the RAJP in 1988 arranged for consultants from AID/W (M/SER/IRM) to review ILANUD's efforts to date and to develop scopes of work and suggest equipment to meet the full computerization needs of the Guatemalan courts in this area.

Meanwhile, the Guatemalan Supreme Court in 1986 established the Centro Nacional de Informática Jurídica (CENALEX). This Center has as its short range objective the development of a legislative, jurisprudential and doctrina database. Its long-term objective is to coordinate the overall automation of the judicial branch's administrative structure. In its goal of establishing a legal database, CENALEX already has begun to create an index for all of the legislation in the country. This effort includes analyzing and classifying all of the laws and major decrees of the country since 1878. Approximately 70% of the laws have already been analyzed and entered into an automated index. It is contemplated that the work will be complete by the end of calendar year 1988.

Thereafter, CENALEX will furnish information to members of the judiciary and ultimately to the public on the existing legislation. Additionally, it will furnish periodic reports to the Supreme Court so that the judges can analyze legislation by legal areas; and it will make recommendations to the Congress on modifications, or the repeal of existing laws. This should result in a legislative base which can be consulted by anyone without the fear that the law they are reviewing may have been subsequently repealed or revised.

A second phase of this activity will be the development of a complementary database which will include an index to criminal law jurisprudence published since 1929 in the Gaceta de los Tribunales. Jurisprudence includes all of the rulings of the different branches (Salas - Court of Appeals) of the Supreme Court. These rulings are binding on the lower courts. This effort will be completed between February and March of 1989, depending on the date of delivery of computer equipment by the RAJP. The information will then be made available to members of the judiciary and the general public.

The activities carried out under the RAJP thus far have included: (i) courses in content analysis of legal materials, as well as training in computer science and library science; (ii) development of entry forms and format for the legislative database; (iii) conferences for users; (iv) development of a thesaurus for the databases; and (v) review of the computer needs for the completion of the project. ILANUD will continue to provide assistance for the completion of the legislative index; the purchase of the computer equipment necessary to automate the legislative and jurisprudential indexes; and the provision of software and other support to ensure that the CENALEX system is operational, e.g. that the indexes are published and distributed to intended users.

c. Additional Activities to be Supported by this Project

While the RAJP will continue to provide services in support of CENALEX to ensure that it is operational, there are a number of needs which remain unmet. They are the following: support commodities for completion of the indexes; entry into the system of the full texts of laws and court decisions; and incorporation of decrees and doctrina into the legislative database. A brief description of these items is provided below:

-- Support Commodities

Supplies to support the completion of the indexes.

-- Full Text Reference

The RAJP currently is supporting the development of only legislative and jurisprudential indexes. These indexes will refer the user to the location of all existing laws and to specific issues of the Gacetas. CENALEX will furnish photocopies of the required legislation on request, free of charge for the

Judicial Branch and a modest fee to other users. Since this implies manual searches of numerous texts and depends on the availability of complete Gaceta collections, the input and storage of the full texts of the legislation and jurisprudence need to be carried out so that the service to users will be quicker and more complete. In implementing this expansion of coverage the RAJP will first analyze the relationship between the cost and time consumed by processing and verifying the texts with the benefits to various types of users. The initial usage of the indexes will provide information of the demand for this service.

-- Inclusion of Decrees

In order to complete the legislative indexes it will be necessary to include important decrees in the database. Decrees are legislative, executive or judicial administrative rules which have the force of law and often times implement legislation. For example, a law on court organization would set forth the primary legislative premises, but its implementation will require the enactment of rules which define the generalities of the legislation and provide mechanisms for its implementation. The first stage of the activity will determine the selection criteria of decrees for incorporation into the indexes since the majority of decrees have little value to judges. Only thereafter will the texts be incorporated into the system.

-- Incorporation of Legal Writings

To complete the legal reference service, the possibility will be explored to incorporate a legal writings index. The civil law system relies a great deal on the opinions of experts and academic commentators who have prepared treatises on specific areas of law. The commentators often times are also the drafters of the legal codes which are being applied in the country, and thus the treatise provides them legislative history and rationale. It is not uncommon to find greater reference to these works in judicial opinions than to the jurisprudence of the Supreme Court of the country.

The development of this database presents some unusual problems since criteria must be established to determine the treatises which are relevant to the Guatemalan legal system, and since an effort should be made to introduce the most current works into the legal thinking in the country. Experts, most probably from the law schools, need to be contracted, and, in conjunction with the major potential users, should determine the works which should be entered into the database. Thereafter, the analysis and indexing of the works would take place.

-- Dissemination of Information

The most complex aspect of the CENALEX activity is the creation of a mechanism whereby users would be provided with the information. It is currently planned that the service would be provided free to judicial personnel, but that other users would be charged a nominal fee. The service could be requested by telephone by judicial users outside the capital who

would then receive their materials through the mail. However, it has not been determined whether the turnaround time for this method would be effective given the urgency of the requests. Other users (primarily law faculties, lawyers and prosecutors) would access the system through the use of modems if they had an automated system or otherwise through telephone requests. Obviously, an expansion to include a total and rapid dissemination mechanism would eliminate many of the limitations of the current approach. However, decisions on the mechanism for dissemination needs to be made with care taking into account the ability of the clients to assume the cost, the turnaround time for the response, the demand for the service and the costs involved. Support is needed for a refinement of the analysis of the different distribution mechanisms. Assuming that the analysis confirms their utility, the dissemination effort can then begin concentrating first on purchasing computer terminals for selected court sites such as the Supreme Court and Appeals Courts. The results of this preliminary effort will then be evaluated prior to further actions.

It is obvious that a lot of work still needs to be done by ILANUD to complete its initial activities described under paragraph b. above. Furthermore, additional activities of interest to Guatemala as described under paragraph c require a lot of preliminary work regarding an analysis of their technical and financial feasibility, etc., especially with regards to expanded distribution. And while these additional activities are important, other components require more focus and support during the project's first phase over the next three years. Because of this, discussions took place with the Project Manager of the RAJP to determine whether Guatemala could receive any support for such activities either from uncommitted existing funds under the RAJP or from newly proposed funds under a planned extension of the RAJP. The Project Manager of RAJP indicated that existing agreement language would not permit support of such additional activities as they do not have any regional implications. On this basis, the Mission will support needed analyses and pilot efforts in carrying out these additional activities to the extent possible within its own budget.

d. Financial Plan

Table 10 provides the budget estimates for the support proposed to be to be provided by the Project.

T A B L E 10
FINANCIAL PLAN FOR IMPROVING LEGAL INFORMATION COMPONENT
BY TYPE OF COST AND FISCAL YEAR (US\$)

<u>TYPE OF COST</u>	<u>FY 1989</u>	<u>FY 1990</u>	<u>FY 1991</u>	<u>LOP COST</u>
Technical Assistance	0	19,440	19,440	38,880
Commodities	0	26,000	0	26,000
Personnel Costs	0	7,680	7,680	15,360
Other Administrative Support	6,000	1,300	975	8,275
Travel and Per Diem	0	2,900	1,450	4,350
T o t a l	6,000	57,320	29,545	92,865

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3. Court System Improvement

The objective of this component is to improve the operations of the system of courts throughout Guatemala so that they will provide more expeditious, more informed and more efficient resolution of the matters submitted to them, and so that they can provide wider access to the justice system on a basis which is financially sustainable for the system. The component is a comprehensive program of many interdependent activities. The detailed budget for these activities is provided in Appendix D.

a. Analysis of the Court Administrative Structure

The prospects of the passage of the new Judicial Civil Service System Law for judicial branch employees, and of a revised organic law for the judicial branch of the government is compelling the Supreme Court to review the current organization of the courts in order to adjust them to these laws. This review offers an opportunity to re-organize the administrative structure of the court system to separate purely administrative functions from those that deal with the judicial process and related issues and to provide more efficient services to the trial courts.

This activity will support an analysis of the problems facing the administrative reorganization. The analysis will consider the placement of the new offices created by the project within the proposed administrative structure, and will look for ways to include in the revised administrative structure greater capacity to provide support to the local courts in such critical areas as case processing, records management, case scheduling and statistical reporting.

The analysis also would address the need for decentralization of the administration of the system. As pointed out in the Sector Assessment, one of the problems facing the judicial sector is the concentration of all decision-making in the hands of the Presidency of the Supreme Court, which is located in the capital. The analysis will place priority on determining those administrative rules or organizational issues which have most impact on decentralization of the system and their resolution.

The major output of this activity will be recommendations regarding revisions to the current administrative structure and procedures. The analysis will be completed early in the life of the project, and the Mission will provide funds under this project. Subsequent analysis will be necessary to take into account the reforms introduced by the project (for example, the relationship of regional administrative offices to the national structure) or other unanticipated changes.

b. Establishment of a Judicial Planning Unit

There is a need to create a capacity to plan the activities of the court system. Currently there is no planning unit for the system; as a consequence, planning is done on an ad-hoc basis. Furthermore,

the tradition has been to program most of the resources available to the court system for use in Guatemala City, thereby creating a disparity in the distribution of resources. (Available statistics for the first half of 1987 show that only 41% of the criminal filings were in Guatemala City), eventhough, most of the resources are concentrated in Guatemala City.

This project will help create and support the operations of a planning unit. In addition to the coordination function, the planning unit will be charged with developing an annual operational plan for the court system. This annual plan will outline the objectives to be met by the system in the short and medium term. An example would be focusing on reducing the processing time for defendants kept in jail or prision prior to trial. The planning process will assist the Court System in adopting a prescriptive rather than a reactive form of management. The planning staff will work with all of the units within the court system --both administrative and judicial-- in the adoption of the annual operating plan. The planning office then will work with the budget office to help formulate an annual budget to carry out the plan. The other major responsibility of the planning office will be to carry out specific analyses as designated by the President of the Supreme Court (such as those required for the current administrative structure).

Support from the project for this activity will be decreased gradually in the following manner: AID will provide full funding of the indicated personnel costs of the planning office for the first year of the Project, 50% of such personnel costs in the second year, and the Supreme Court will agree to absorb its required personnel costs during the third year of the project (the only exception being any U.S. or third country technical assistance TA costs).

c. Financial Management and Budgeting

The court system has the usual financial management and budgeting offices. However, they are not functioning well. This activity is composed of four parts: (i) an analysis of the process of the elaboration of the budget for the court system; (ii) evaluation of the accounting and financial management systems in place; (iii) development of accounting and financial management manuals; and (iv) modernization of the automation of the financial management system. The analyses also will determine the income which is derived by the judiciary from sources other than the national budget, and will recommend ways in which this income can be supplemented. In doing so, consideration will be given to the possibility that any increase in court fees could impact unduly negatively on persons with low income. The first three steps in this activity will be completed during the first year of the project, but the project will continue to fund limited short-term technical assistance to the financial management units throughout its life.

Since the last step of this activity is the modernization of the automation of the court's financial management system, all automation decisions will be coordinated with the Judicial Management

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Information System (JMIS) activity in "k" below to insure that the proposed system is integrated into the overall MIS plan. Upon completion of this activity some training will be required in the use of the new system and manuals of accounting procedures.

d. Personnel System

The proposed law to create a Civil Service System career for Judicial Branch employees will establish a system for the selection, promotion and removal of employees in order to assure fairness and prevent political interference in the court's system.

The activity will assist the court system to prepare to implement the law and then to take the preliminary steps required. The steps involved are: (i) an evaluation of the appropriateness of the current system for the selection, promotion and removal of personnel; (ii) the preparation of new job descriptions in light of the actual work experience and a new review of the qualifications of the current personnel (the Supreme Court has already started this work, but it will need to be revised after decisions are made on the new administrative structure); (iii) preparation of selection mechanisms for new personnel including examinations; (iv) the preparation of a personnel manual which establishes and describes positions as well as the mechanisms for taking personnel actions; (v) establishing a mechanism for reaching decisions on compensation and benefits; and (vi) an implementation plan for achieving the personnel goals of the reorganization of the court system. While this activity will be completed during the first year of the project, the project will provide limited technical assistance as well as further training during its three years.

After the personnel system is developed, the secretaries in each court will be trained in its concepts, the use of the manual and required personnel reporting. This training will be done in three regional conferences: one in Guatemala City, one in Quetzaltenango and one in the eastern part of the country. The training in Guatemala City will involve approximately 100 participants while the two regional conferences will have approximately 40 each. Two instructors will be required for each conference. Support for this activity will also decrease in the following manner. AID will fully fund all indicated personnel costs during the first year of the project, with the Supreme Court picking up all required personnel costs at the end of the project (with the exception of U.S. or third country technical assistance needed afterwards).

e. Records management

Current records management procedures in the court system are limited to the storage of closed cases. There is no uniformity to those practices, and courts maintain records for varying periods of time. This activity will support the installation of an effective records' management system. It will include the following:

--Guidelines for the management of records at each stage of the records' lifecycle including disposition schedules and adherence to legal requirements;

--Procedures for the successful completion of each required record such as case intake registers, registers of final decisions and others;

--Systems, preferably developed at the national level, on case numbering;

--Guidelines for acquiring appropriate equipment and technology such as filing equipment and use of microfilm;

--Guidelines for maintaining system security both from the threat of natural disaster (e.g. fire, water, bugs, etc.) and from unauthorized access to records.

Each case type needs to be studied to determine the extent of its useful legal life. Based on its legal life, the judiciary will establish a records retention schedule for each type of case and then apply it nationally. The court currently microfilms certain notary records, but then continues to maintain the hardcopy which reduces greatly the benefit of the program since no storage space is saved. Consequently, the court presently faces a major space problem for storing records. A national records retention schedule will allow courts to begin to destroy unnecessary records and utilize limited space more effectively.

The activity will assist the judiciary to develop records' management guidelines and to acquire the proper filing equipment. Included in the records management guidelines will be rules for numbering case files and a determination as to the number and locale of registries on court actions. Currently, as many as five separate registries are maintained at the trial and instructional levels. A specific issue that will be analyzed and for which standards will be developed, is the handling of exhibits which often accumulate unnecessarily. The activity also will recommend standards for records security including access to records and environmental controls necessary to protect records from natural disaster, as stated before. These guidelines will be summarized in a manual for records management which will be one of the outputs of the project.

The project will provide limited basic record keeping equipment, on a pilot basis, including openshelf filing equipment and at least one security file for each court. This equipment will be installed in the model courts described in "i" below. Some of the courts have adopted color coding systems to separate criminal, civil and other case types from each other and to make them more easy to identify, thus minimizing the possibility of lost files. These practices will be reviewed, and the best ones will be implemented nationally.

Another major problem in the trial courts is the lack of adequate transcription equipment such as typewriters or tape recorders. When typewriters break, they must be sent to Guatemala City for repair. Many

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of the typewriters in use are well past their useful life. If the court intends to have accurate records, this problem must be corrected through a system of regionalized maintenance.

AID will cover all personnel costs during the first year of the Project, 50% of all personnel costs during the second year and the Supreme Court will assume responsibilities for all required personnel costs during the third year of the project (with the exception of U.S. or third country TA).

f. Standardized Forms

The civil law tradition places great emphasis on written submissions to the court, and minimizes oral testimony and personal appearances. As a consequence case files become voluminous, and are often filled with repetitive material that the non-judicial staff of the court has to type and retype for each case. In the development of the manual for the judges of the peace the court system made a significant procedural improvement by introducing standardized forms into the legal process. These forms have the benefit of reducing the repetitive typing requirements for clerks, but also have a more significant legal implication in that the forms are reviewed for their legal accuracy prior to publication and distribution. Standardized forms also serve as an educational tool for the users. Generally, the form will state its legal basis as well as the procedural information necessary to use it. Thus, the form can be used to train new judges and court personnel in court procedures. Finally, standardized forms encourage procedural uniformity.

This activity will produce both a forms' design manual and proposed standardized forms for all court levels. The work will require analyzing the procedures and any forms in use to determine the procedural stages in which standardized forms are appropriate. The forms' design guidelines will include standards on such matters as appearance, headings, form numbering systems and the terminology to be utilized. The forms design and the proposed standardized forms will be submitted to the Supreme Court for its approval.

The design of the forms, which comprises the bulk of the work for this activity, will be completed during the first year of the project. Thereafter, the activity will provide limited technical assistance, training and printing support.

g. Caseflow management

The judiciary does not have a system for caseflow management. This is a significant factor causing the system to fail to provide prompt results. A well-managed caseflow system should:

- Expedite the disposition of all cases;
- Enhance the quality of litigation;

-- Assure equal access to the judicial process for all litigants; and

-- Assure that each step in the process is completed according to time frames established by the code or established as reasonable.

To achieve these objectives a caseload management system should include the basic following elements:

-- Commitment by judges to control the movement of cases and avoid a backlog of older cases by addressing these cases first;

-- Continuing consultation among the courts, prosecutors, defenders and the Bar about the operation of the system and means to improve it, including changes in the codes as necessary;

-- Procedures that are established by judges to control the movement of cases including circumstances under which appearances can be cancelled;

-- Oversight responsibility for the overall operation of the caseload management system at the local and or national level;

-- A statistical system designed to facilitate control of the progress of cases;

-- Standards for the completion of steps in the judicial process for each type of case;

-- Continuing measurement of the system's performance against standards and legal requirements to provide feedback to the judge(s);

-- Established techniques for scheduling the appearances of prosecutors, defense attorneys, police witnesses and others to avoid conflicts;

-- An administrator to assist judges in the management of caseloads;

-- A system to distribute cases equitably among judges with a means to redistribute cases in the event of illness, other absences or a trial court becoming backlogged; and

-- Reasonable sanctions for those who do not meet the minimum standards for the timely and appropriate disposition or movement of cases.

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The first steps of this activity in the Project will be to conduct an analysis of the various steps in the judicial process to determine where are the impediments to the delivery of speedy results. This process will involve three forms of analysis: a review of existing laws, a review of the techniques that are used by judges and other actors in the justice system; and a statistical analysis. The review of the existing laws will focus on those laws which control caseflow to determine if some of them slow the process unnecessarily and should be changed. The analysis of the techniques used in the justice process will focus on questions such as whether judges play active or passive roles in case assignments and whether there are differences in case-processing by individual judges which produce different case-processing periods. The statistical analysis will be based on the automated case tracking system which will be implemented on a pilot basis under the RAJP in five criminal courts in Guatemala City (based on an agreement in principle reached between the Supreme Court and ILANUD, in which ILANUD has agreed to provide funds under the RAJP), and by this project in at least one court outside of the Capital over the next year and a half. That case tracking system will be developed in conjunction with the statistical system being proposed (see "h" below), but it will provide more detailed information and have broader application than that system - taking into account the needs arising from any eventual decentralization of the court system.

The purpose of the analyses is to point out the steps that the Guatemalan courts need to take to achieve the desired level of efficiency and fairness. To give the work focus a judicial conference on the causes of procedural delay will be held with participation of judges at all levels from throughout the country. Experts in case processing techniques will present ideas that could be adapted to the Guatemalan court system. One output of this activity will be the development of standards for caseflow management, including times from filing to disposition of each case type. The standards will be adopted for specific types of cases, such as those involving prisoners, and for the times between the critical steps in the criminal and civil process. Since many of these periods are set by statute, the activity will also make recommendations for legal reform.

Once the standards for caseflow management have been established, the second step in the activity will be a series of pilot programs to implement these standards. These may include adopting different case processing techniques for different types of cases, fast tracking of minor cases such as bad check cases; adopting different scheduling practices to ensure the attendance of all participants and others. The techniques, procedures and forms that are recommended for use will be summarized into a Benchbook that can be consulted by judges and the quasi-judicial staff.

Training will be offered in specific areas of case processing. This training will involve a series of courses offered for two days each twice a year. Topics will include the use of standardized forms, the use of verbal testimony and case processing techniques for each type of case. The topics to emphasize will be determined as the different pilot

projects begin to show results. Resources for this training are contained in the training component of the project. AID will fully fund all personnel costs during the second year of the project and 50% during the third year of the project with the Supreme Court assuming responsibility for all required personnel at the end of the project.

h. Judicial Statistical System

The importance of a functioning statistical system for a judicial system cannot be underestimated. At the local trial court level caseload statistics provide information for individual judges on how well their individual caseloads are being managed. When the statistics for all the courts are aggregated, decision-makers have the necessary information to make decisions on such matters as where to locate new personnel, court facilities and temporary help.

Court statistics can be divided into summary statistics and case tracking statistics. Summary statistics are generally divided into the number of cases which enter the system, the number of cases which are disposed of and the number of cases that are pending within the system. Within any particular category of cases there is interest in more detail than just these gross numbers. For example, in criminal matters one would be interested in how many of the cases filed and/or disposed of involved a prisoner versus those which did not. In contrast, case tracking statistics focus on the process of individual cases through the system. Cases are tracked as they complete each of the required steps in the process. For example, the time between filing and the close of the period of instruction can be measured and then compared to the statutory or case management guidelines for this period to determine whether or not that step in the process is being managed properly. This information is invaluable to a judge or administrator in determining where the bottlenecks in the caseflow system exist.

In Guatemala, work is underway to improve the judicial statistical system. A consultant from ILANUD conducted an analysis of the system in 1987 concluding that significant changes in the present system will have to be made, and an ILANUD sponsored workshop on the use of judicial statistics in Guatemala came to the same conclusion. The Secretary of the Supreme Court has begun to produce a monthly statistical report which includes considerable detail on summary statistics.

The project will assist the Supreme Court to prepare and implement a comprehensive statistics program. The activity will be conducted jointly with ILANUD which has knowledge of the Guatemalan statistical system as well as experience in other Latin American countries in developing modern judicial statistical systems.

The first step of this activity will be to hold a workshop to establish a workplan. The workshop will be attended by 12 people from the court system and three from ILANUD. At that workshop, the present

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statistical system will be analyzed to determine who uses it and for what purpose. The second step will be to analyze the accuracy of the statistics presently being reported and to make a determination as to what additional information should be produced by the statistical reporting system. Judges, non-judicial personnel, prosecutors, and others who utilize judicial statistics will have to be interviewed for this. Consideration will be given to whether only summary statistics will be gathered on an on-going basis or whether case tracking information should be gathered also.

The third step will be to determine whether the system should be automated or not. Some of the courts in the system have very few filings. A good manual record keeping system would be sufficient to manage their caseload and provide the Supreme Court with the necessary summary information that would be of interest on a monthly basis. That information could be provided to the court in hardcopy format and then summarized manually at the national level or at that time put into an automated system. To conduct this work, the volume of caseload from each court must be analyzed. A possible conclusion is that some higher volume courts should have an automated system while lower volume courts continue to use a manual system although with new data elements.

Assuming that some level of automation is called for, the analysis will determine whether the automation system should be centralized or decentralized. A centralized system will probably require the completion of a case history card to be forwarded to Guatemala City whenever there is any movement in the case. Such a system would give both summary and case tracking information. However, the investment in personnel and hardware at both the national and local level would be high; and if the national office fell behind for any reason the system would be jeopardized. Further, there would be considerable time required to get the information back to the trial courts where it is most needed. Thus, the most appropriate system may well be to have the low volume courts continue on a manual system; the higher volume courts outside of Guatemala City use personal computers to input data and then send the disks to Guatemala City monthly, and the Guatemala City courts submit case history cards directly to a centralized automated system.

Once the analyses are completed and the decisions reached, the activity will support the installation of the system. Definitions will have to be developed for each data element along with instructions as to how to count them. New forms will have to be developed. A series of seminars with the secretaries who will be in charge of maintaining the statistical system will have to be held. The system will have to be implemented in phases by working with each participating court to ensure that the definitions and the responsibilities for reporting are clear. This work can be accomplished through a series of regional meetings and visits to individuals courts. A seminar on accurate reporting of statistics and their usage will be held. This can be done through three regional seminars for Guatemala City (100 participants), Quetzaltenango (40 participants), and the eastern part of the country (40 participants).

The major outputs of the Project will be a statistical reporting manual which includes all the data elements in the system along with definitions and annual statistical reports commencing in the second year of the Project. The system will need continuing monitoring to make sure that its accuracy is maintained. This will involve checks of the data reported as well as periodic visits to the courts to review reporting procedures. AID will fund all personnel costs during the second year of the project, and 50% during the third year of the project, with the Supreme Court assuming required personnel costs at the end of the project.

i. Court Interpreters

Extensive rural areas of Guatemala have a heavy indian population who are either monolingual or have only a limited, imperfect knowledge of Spanish. Yet the courts use only Spanish as the official language. There is no official court interpreter program, and only two persons are listed in the courts' personnel roster as being interpreters. Interpreting for the non-Spanish population is handled in an unofficial way with the judge calling on court officials or any other person to do interpreting. There is no assurance that this person, whether a spectator or court official, functions fairly in interpreting the proceedings. The Mission has recognized the problem, and in response has funded an activity within the "Altiplano Higher Education Project" to train court interpreters. This program is administered by a private law school which trains interpreters by having them attend three years of law school. It is unlikely that this program will solve the problems outlined above for two reasons: there are currently no positions for employment within the court system for interpreters, and it is assumed that many of the persons being trained will continue to attend law school since they only have two more years before graduation as an attorney.

This activity will develop a plan for the creation of an interpreter corps. If possible, the interpreters should be existing court officials or alguaciles. They would be trained and certified as interpreters. If there are no officials who speak the local languages, a local person should be trained and paid for these services. The training component will provide four week annual classes for 30 interpreters at the Landívar University training center in Quetzaltenango.

This activity also will address the problem presented by illiterate parties in a court proceeding. Since nearly all of the legal processes in Guatemala are carried out in writing, the inability to read and write leaves persons at the mercy of the official who reads the document to him. This activity will examine the mechanisms available to address the problem under the current procedural rules and make recommendations to remedy the problems encountered.

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j. Court Libraries and Publications

There is a serious lack of available bibliographic materials in Guatemala. This scarcity exists at the highest levels as well as the lowest. Realizing this need, the RAJP has donated a basic legal reference library, with specialization in criminal law and procedures, to the Supreme Court. The Court has provided a site for this library, and hired a librarian who was trained by ILANUD in utilization and cataloguing of the collection. The Supreme Court has assigned to the Centro Nacional de Informatica Juridica (CENALEX) responsibility for the operation of this activity as well as coordination of all bibliographic needs of the Judiciary.

There are still a series of unmet needs for reference materials. First, the Supreme Court's new library is limited to the criminal area and should be expanded to include material on administration (contencioso administrativo), labor, family, and juvenile law. Second, twelve of the Appeals Courts are located in Guatemala City and have access to the Supreme Court library, but the remaining six Appeals Courts do not have such access because they are not located in the Capital. The Supreme Court can provide space for these library materials and the training of two of the current employees in basic library science principles. However, the library materials themselves must be supplied. Third, many judges do not have access to the central libraries in the Supreme Court or the Appeals Courts. This is particularly true of the first instance judges (33) and the justices of the peace (104) who are not located in the Capital.

Under this activity the project will develop a list of basic library materials in legal areas, in conjunction with a committee of the Supreme Court, the Appeals Courts and law professors. This activity also will provide basic sets of legal materials (mostly the national codes) at a low cost to judges in the country. They will be printed by the publications department of the Supreme Court or purchased, whichever is least expensive.

The Supreme Court has established a publications unit with a small offset printer. The Gaceta de los Tribunales, stamps, legal paper for the courts and other publications are printed there. The court has determined this to be the most efficient system for printing their publications. Given the publications needs which are outlined throughout this project, the court system would benefit from improving the capacity of the printing unit. Thus, the project will support an assessment of the printing needs of the court system, its capacity to meet these needs and the benefits to be derived from supporting the printing unit as opposed to having this work carried out by the private sector. The project will purchase equipment which is determined to be necessary. In the meantime, commercial printing costs have been estimated and budgeted for each specific activity. The assessment and equipment donations will be completed during the first year of the project.

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k. Information systems

Concern with information systems in the courts has gained momentum in the last three years with the creation of CENALEX and the assistance provided by the RAJP. The Sector Assessment and the field evaluation conducted by AID/W(M/SER/IRM) have led to the conclusion that the development of a unified information system for the court system is justified. The system would combine the modernization and expansion of public access to legal databases addressed in part B.2. above and the incorporation of automated systems into the judiciary to support the court administration improvements addressed in parts B.3.g. and h. The large number of activities within this project which involve automation make a unified approach to data management particularly attractive. The objectives of this activity are to:

-- Establish the minimum judicial data elements and statistics required for a centralized Judicial Management Information System (JMIS).

-- Assist the statistics activity in designing a model for collecting and analyzing judicial information and statistics which could be implemented on a manual or automated basis in different jurisdictions and time frames;

-- Provide the design, support and documentation needed for implementation of the model at the established jurisdictional and departmental levels;

-- Ensure that adequate provisions will be made for system security, the protection of individual privacy and insurance of the integrity and accuracy of data collection;

-- Coordinate and provide advisory services to the other components and activities of this project which involve automation. This activity will also provide coordination and assistance to similar efforts of the RAJP, and Harvard projects which affect or impact on court automation.

The major outputs of this activity the creation of an office for judiciary management information systems, the design and implementation of a judiciary management information systems plan, the design and implementation of judiciary management information system and the establishment of a national legal reference system. The plan will cover: organizational analysis and systems design; computer and software needs analysis; procurements of equipment/software; system management and operation; and system control and evaluation of procedures. Design and implementation of the system will cover court management and case tracking; financial management; human resource management. To implement the plan and system, there will be training programs scheduled for the areas to be automated. These training programs will be scheduled for the larger courts and be held in Guatemala City. The programs will be for approximately 40 court personnel, primarily secretaries; and will have three instructors. Following completion of these efforts, attention will be devoted to the establishment of a National Legal Reference System.

1. Pilot Programs

All of the assistance efforts involving the courts including the Sector Assessment, the Harvard Project and the RAJP have identified procedural and management problems which impede the efficient and just operation of the judicial sector and have made recommendations to remedy the problems. Since some of the recommendations involve important changes it has been thought advisable to begin to implement the reforms through the establishment of pilot activities which could be evaluated and modified for wider application. The use of pilot projects allows for both the testing of the recommendation and the building of a consensus in their favor. Thus, the following pilot activities will be funded by the Project.

(a) Pilot Regional Office for Administration

As has been discussed previously, the administration of the Guatemalan court system is centralized in Guatemala City, and the National Workshop recommended that an effort be made to introduce some decentralization to improve the support available to courts outside the capital. As a first step it would be advisable to create a pilot regional administrative office in Quetzaltenango, Guatemala's second city. The center will serve the needs of the courts of Quetzaltenango and of surrounding area.

The office will be staffed by an administrator who will be involved in all aspects of administration at the regional and local level, and will serve as the liaison between the local level and the national administration. The duties of the administrator would include: determining local court needs for inclusion in the budget; assisting in training programs in coordination with the national office; attending to the necessities for equipment and supplies for the courts in the region insuring that the statistical system is maintained properly; conducting special activities as directed by the judges of the court; providing technical assistance to local courts in records' management, forms' design and other technical areas; coordinating the schedules of the judges and determining the need for supplementary services to assist them. The office will also have the support of an accountant and a secretary. It will be given requisite authorities by the Supreme Court which are identified in the preparation for the effort.

The Project will fund the establishment of the pilot regional administration office during the second year upon completion of the analysis of the current administrative structure and procedures and agreement on recommendations regarding changes.

(b) Model Courts

The Supreme Court has supported the establishment of a model first instance sentencing court in the Capital. It is staffed with a judge who attended Harvard's fellowship training program, and it is provided with office equipment and refurnishing to make it more

appropriate for its operation. The Supreme Court has agreed to let the model court unit use oral proceedings on a trial basis. Under its project Harvard is proposing to provide training and technical assistance for the establishment of a model justice of the peace criminal court, a model mixed justice of the peace court and a model first instance instructional court in Guatemala City. This activity will help that effort during the first year of the project. While some of the model courts may be expanded nationally, others may not since there are no specialized courts outside of the capital and the functions of mixed courts vary considerably with those of specialized units. During the second and third year of the project, the activity will support the creation of two mixed justice of the peace courts and two first instance courts in areas outside the capital.

The Justice of the Peace Courts play a critical role in the criminal justice system. These officials gather evidence at the crime scene and conduct the initial investigation of the crime. A variety of reforms will be considered in developing this model court: more thorough training in crime investigation; the use of tape recorders for taking initial testimony from victims, witnesses and defendants; better linkages to police investigation efforts and more detailed monitoring of police work; improved liaison with the prosecutors; better screening of cases; and the use of standardized forms.

The Instructional First Instance Court judges are responsible for the thorough investigation of cases presented to them, and decide whether sufficient evidence exists to forward the case to a sentencing judge. A number of reforms will be considered in this level: improved procedures to insure the truth of witnesses and the imposition of penalties for deception; training of officials in interviewing techniques; better policies for the determination of pretrial release; improved equipment and office space; better linkages to police investigatory personnel; improved liaison with prosecutors; and usage of standardized forms.

One of the main procedural reforms to be tested in these courts is the establishment of alternatives to pretrial detention. This will involve: a survey of current release practices, determination of the legal limitations to judicial discretion and development of release criteria. Emphasis will be placed on establishing a presumption that release should be awarded in all cases which the law allows. The activity will develop release criteria which assigns points to variables that assure court appearance at a subsequent date and protection of the public against further criminal acts by the defendant.

Case assignment will not be affected by this activity since selective case assignment would bias the experiment being tested. In all instances of testing, comparable courts will be selected and monitored in order to be able to evaluate the success of the pilot project in comparison to normally operating courts. The administrative reforms outlined throughout this component --such as case tracking, records management, statistics-- will first be tested in these pilot courts. Upon completion of the first stage of this activity a conference will be held to assess the

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impact of the selected reforms. An evaluation will be presented to the conference participants. Following the conference, efforts will be made to implement clearly effective reforms across the judicial system. Such implementation efforts will include new rules of court procedures, training programs for judicial personnel and, possibly, the establishment of additional model offices.

The Harvard project will be charged with the implementation of this activity in coordination with the other activities of the project, and will provide technical assistance and the training of personnel as well as funding for the first evaluative conference. The Supreme Court will provide the requisite staff and facilities along with other activity related costs.

m. Financial Plan

Table 11 sets forth the estimated budget for this component of the Project.

T A B L E 11
FINANCIAL PLAN FOR COURT SYSTEM
IMPROVEMENT COMPONENT
BY SUB-COMPONENT CATEGORY AND FISCAL YEAR (U.S.\$)

<u>SUB-COMPONENT</u>	<u>FY 1989</u>	<u>FY 1990</u>	<u>FY 1991</u>	<u>LOP COST</u>
Administrative Structure	10,465	10,030	5,905	26,400
Judicial Planning Unit	44,064	31,097	18,182	93,343
Financial Management Budgeting	20,500	12,880	13,702	47,082
Personnel System	25,911	10,189	10,189	46,289
Records Management	125,424	25,046	14,294	164,764
Standardized Forms	31,860	2,000	2,000	35,860
Caseflow Management	0	34,004	15,752	49,756
Judicial Statistics	0	69,034	32,263	101,297
Court Interpreters	0	18,100	8,900	27,000
Court Libraries & Publications	63,000	4,000	8,125	75,125
Information Systems	25,078	775,280	82,132	882,490
Pilot Programs	37,860	67,047	83,467	188,374
T o t a l	384,162	1,058,707	294,911	1,737,780

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4. Strengthening the National Commission

In October 1987 a National Justice Commission was established by a Supreme Court Decree, in October 1987. Acting under the Chairmanship of the President of the Supreme Court, its members are from all key Guatemalan institutions involved in the justice sector, specifically Supreme Court (as the entity which governs the whole court system), the Ministry of Interior (which is in charge of police and the prison system), the Ministerio Publico or equivalent of the Attorney General's Office (which is responsible for the prosecution of crime), the Guatemalan Bar Association, the National Congress and representatives of four university law faculties. The purposes for which the National Justice Commission was established are:

- to determine national justice sector priorities;
- to identify methods to improve the administration of justice;
- to provide leadership in establishing a consensus for recommended changes in the justice sector and internal as well as external support to carry them out.

In essence, the National Justice Commission represents a common forum or advisory body to exchange views on national policy within the sector and plan and coordinate policy reforms needed to improve performance within the country's justice system.

The National Justice Commission has met periodically since it was established, holding at least four plenary sessions. The meetings have been attended by both the heads and their alternates of the respective constituent organizations. It has also met every month as required to discuss issues of importance. And while it has not had a complete staff or its own office space, it has still been able to carry out its functions. The most important activity of the National Justice Commission to date has been to sponsor with ILANUD a National Workshop to review the Sector Assessment's findings, identify and prioritize constraints and provide of key recommendations to be used for future directions in this area. The National Justice Commission also met to review the preparations for this project, both in its early and its final form, and individual members of the National Justice Commission cooperated in preparing the Project Paper. In addition, the National Justice Commission has sponsored conferences on different subjects of interest to Guatemala's legal profession, e.g. the use of oral proceedings, judicial statistics, etc.

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a. General

The RAJP will support the operation of the Guatemalan National Justice Commission. Funds will be used to purchase office equipment and to pay the salary of the recently hired technical coordinator for the Commission through FY 1989. However, more needs to be done for the National Justice Commission is to meet the responsibilities involved in the purposes for which it was established and become a principal instrument toward assisting Guatemala to succeed in developing a better justice system. The major steps which need to be taken are the following:

-- An experienced Executive Director and other needed support staff will be hired to assist the National Justice Commission in organizing its work and providing follow-up for the Commission on its decisions;

-- Office space with appropriate equipment will be provided for the National Justice Commission's meetings and the work of its staff;

-- A capacity will be created within the National Justice Commission to identify and study the major problems facing the justice sector and for organizing conferences/workshops to establish priorities, an overall plan and action programs to resolve them.

-- A capacity will be created for the National Justice Commission to arrange for the evaluation of the performance of the justice sector and its major constituent organizations and for proposing responses to the problems identified in such evaluations.

Together with support under the RAJP, this project will provide the additional technical and financial resources needed for the accomplishment of the steps listed above.

As discussed in part V of this paper, the project's Implementing Unit (PIU) would be physically located in or near to the office space of the National Justice Commission, and would share support services with it.

b. Financial Plan

In order to achieve the objectives of this component of the project the following inputs will be necessary: salaries for the professional and support staff of the National Justice Commission; rental of office space and financing of the Commission's operation; the purchase of furniture and equipment for the office; and funds for the holding of conferences and workshops. Funds for these inputs would come from both the RAJP and this project, as well as from the Guatemalan entities, which are members of the National Commission. The last of these sources would not be sought before 1991, in order to allow the National Commission time to demonstrate its worth.

Table 12 is the financial plan for this component of the Project.

T A B L E 12
FINANCIAL PLAN FOR STRENGTHENING THE NATIONAL COMMISSION
COMPONENT BY TYPE OF COST AND FISCAL YEAR (US\$)

TYPE OF COST	FY 1989	FY 1990	FY 1991	LOP COST
Personnel Costs	24,960	35,200	27,264	87,424
Office Operations	22,800	22,800	22,800	68,400
Conference Costs	0	15,600	0	15,600
Commodities	4,500	0	0	4,500
T o t a l	52,260	73,600	50,064	175,924

5. Other Aspects

There is a need for current and reliable baseline data and more detailed analyses with relevant pilot activities to assess major problems facing the Guatemalan justice system. The Sector Assessment, which was the first attempt at an interdisciplinary review of this sector, was comprehensive but only exploratory on many topics. It and other preparatory analyses have provided an adequate basis for the project's components directed at improvements in the court system. However, for other institutions and for certain functions within the court system more analyses will be necessary in order to design future efforts to serve the purpose of building consensus among concerned Guatemalan agencies as to what needs to be done.

Therefore, an attempt will be made to provide baseline data for appropriate planning and evaluation of the project, to assist the Supreme Court in its implementation of the current components of the project, and to provide the information necessary for the development of additions to the existing project's scope during future phases.

a. Additional use of the Guatemala Judicial Sector Assessment (To be funded by RAJP and this Project)

The Sector Assessment and the National Workshop provided valuable information and recommendations from key persons of the justice system. The RAJP will fund regional meetings during FY 1989-1991 for the purpose of reviewing the performance of the justice sector in the preceding years. The Sector Assessment will serve as the basis for these meetings. The purpose of the regional meetings will be to identify problems common to the region and to discuss regional means to address them. The first regional meeting will take place in early FY 1989, and a final regional meeting will be held in FY 1991. Staff from the RAJP, the directors of each

country's Sector Assessment and two participants from each of the countries will attend these regional meetings. These activities will be funded under the RAJP. Additional National Meetings will be needed as well in Guatemala to deal with country-specific problems and progress that has been made towards their solution, and funds made available to strengthen the National Justice Commission will be used for this purpose.

Copies of the sector assessment have not been widely disseminated. Since they would be useful as the basis for further planning, and since their study could generate further support for reform actions. Funds made available to strengthen the National Justice Commission will also be used to support the dissemination of the content of the assessment through publications and meetings.

- b. Additional Studies of Key Topics and Pilot Activities Complementary to Project to be carried out through use of Mission's PD&S Funds (and to the extent possible under the RAJP where area of interest has regional implications)

The following represents an illustrative list of key topics that require further analysis through studies and pilot activities prior to the development of specific project components. And while illustrative, priority will be given to the development of baseline data to measure the project's impact on improving access, fairness and efficiency of the justice system and carrying out studies and pilot activities to improve the criminal defense system.

- (1) Assessment of Public Attitudes towards Justice System

The Sector Assessment included a survey of the attitudes toward the justice system by various participants in the system. It included judges, lawyers and prisoners. The survey did not extend to the attitudes of the general public. However, an accurate measuring of current public attitudes towards the justice system is necessary as a baseline for measurement of the project's impact on improving the credibility of the system.

The following difficulties face any survey with a representative national sample of the population: i) There is no current up to date census; ii) Guatemala is geographically fragmented, and many areas are inaccessible; and iii) the ethnic composition of the population is diverse with a large number of persons identifying themselves as belonging to specific indian groups having their own languages and customs. The national survey, therefore, is likely to be a sample of approximately 2,000 to 3,000 persons from selected population centers which are representative of the population groups and their geographic distribution rather than a true national sample. The following numbers are indicative of the number of persons to be surveyed: national population (2,000 to 3,000), judges (85), lawyers (308) and inmates (614).

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(2) Assessment of the criminal defense system

This study will assess the current system of defense for those persons accused of crimes, including the use of privately retained lawyers as well as lawyers appointed by the courts and law students in bufetes populares. In addition to identifying constraints in the present system, the study will identify and evaluate alternatives for criminal defense, including a public defender system. The study will provide recommendations among those alternatives including the type and amount of resources necessary to implement the recommended measures. Pilot activities will be carried out as well to test the feasibility of these recommendations.

(3) Assessment of the Attorney General's Office

This study will analyze the appropriate criminal prosecution and investigation functions of the Public Ministry, particularly with regards to its relationship to the courts and the police. It will determine the constraints to performance of these functions, recommend actions to address the constraints, and determine the nature and quantity of the resources necessary to take those actions. These actions are likely to include the drafting of a new organic law and implementation regulations for the Attorney General.

(4) Assessment of the Impact of the Formal Justice System on Indian Communities.

One of the major problems facing the administration of justice in Guatemala is the existence of two distinct ethnic groups, Ladinos and indians, each representing about one-half of the country's population. The justice system is a Ladino creation with roots in the European tradition. However, there has been little work done on the implications of this for indian communities. The Sector Assessment presents only a superficial view of the problems faced by indian communities which are compelled to operate in the formal, Ladino-oriented justice system. This project activity will fund further analysis to understand the effects which the formal justice system has on its indian users. The following areas will be the focus of that study: i) varied conceptions of interests to be protected by law (particularly property); ii) dispute resolution alternatives available for users including tribunals such as the cofradia; iii) the role of indian participants in the process as judges, attorneys, defendants and victims; iv) impediments to indian participation in the justice system (including the importance of trained official court interpreters and translators so that indians understand the documents in their cases, etc.); and v) the indian as an inmate in the correctional system.

(5) Assessment of alternatives for dispute resolution

This study will be carried out after the aforementioned study on indian communities is completed in order to incorporate its results. The study will describe and evaluate the current

methods available for resolution of disputes within the total Guatemalan society including informal as well as formal systems and indigenous as well as Ladino systems. The study will identify and evaluate potential alternatives for improvements or additions to these systems including recommendations and the determination of the required resources.

(6) Guatemalan system of detention of criminal suspects prior to final judgment.

This study will analyze the results and implications of current pretrial detention practices and the 1987 law requiring detention prior to trial for those accused of certain crimes. If the study concludes there is an excessive detention, it will include specific recommendations as to the extent to which, and by what criteria, the courts should exercise greater discretion in permitting the release of criminal defendants pending judgment.

(7) Assessment of special constraints for women in the administration of justice in Guatemala.

Women already have important positions within the court system, and roughly half of the current law students are women. Nevertheless, the law does treat men and women differently, and women are not significantly involved in either investigative or prosecutorial work. Thus, funds will be provided for research on (i) the present legal status of women in Guatemala with emphasis on their participation in the legal profession and on revisions of laws which currently appear to discriminate against them, and (ii) any impediments to women's participation in the investigative and prosecutorial functions. These activities will be carried out in coordination with the women's bar association.

(8) Assessment of the feasibility of decentralization of various aspects of the justice system

This study will determine the extent to which the justice system might be improved by decentralization of the operation of its various elements. In offering recommendations the study will identify advantages and disadvantages of any decentralization initiative including a quantitative analysis of savings and costs involved.

c. Implementation of Studies

The topics for the proposed studies will be approved by the Supreme Court and the Mission. Thereafter, the PIU will prepare scopes of work for the Mission to contract out required studies.

In so doing the Mission will work closely with the Supreme Court or other agencies directly concerned with the given study. Indeed, in some cases such agency or members of its staff may be active participants in the study.

Given the sensitivity of the subject matter of these studies, the initial design of the studies will be done cautiously. A concept paper will be prepared by the Supreme Court (with assistance from the PIU) setting forth the major issues to be confronted in designing the particular study and outlining a proposed methodology for proceeding. This paper will be discussed thoroughly with the Mission, and the institutions most directly involved. Generally, in the conduct of the studies the following approach will be used: (i) the contractor will be an institution with a non-political interest in the topic to be addressed; (ii) the contractor will employ local personnel whenever possible (however, it should be recognized that it is difficult to find lawyers from Latin American countries who are trained in social science research and are adept at writing technical reports; thus provision will have to be made for time to edit and rewrite reports, and to redirect efforts to assure methodological soundness); (iii) the draft study will be presented to local authorities with the understanding that its distribution will be limited until there has been consultation with them; and (iv) the study will be used as an instrument to reach consensus on the subject matter through consultations or a workshop with participation of representatives of the National Justice Commission as required.

IV. PROJECT ANALYSES

A. Administrative Analysis

First, reference should be made to Appendix O for a complete assessment of the administrative capacity of the court system to carry out its responsibilities in areas relevant to the execution of this project. Furthermore, reference should be made to Part V.A. that covers administrative arrangements for the GOG and AID.

Regarding the first area, it should be noted that the basic emphasis of this project is in fact to improve the capacity of Guatemala's court system. Towards this end, the project development team carried out a rather comprehensive survey of the court system's organization, management and staffing, determined what was available already, and recommended that the project concentrate on basic reforms and related improvements in a number of functional areas to enhance the professionalization of the court system's employees and strengthen its administrative systems prior to carrying out major program activities. The following represents a summary of the survey's findings:

- that the court system is in need of administrative reorganization to separate administrative from judicial functions, to provide greater support to lower courts in such critical areas as case processing and scheduling, records management and statistical reporting, and to decentralize decision-making;

- that many elements of an effective caseload management system are not present resulting in a considerable slowdown in case processing and judges reaching sentencing decisions;

- that the elements of an effective personnel system are not yet in place, e.g. personnel classifications, employment guarantees, recruitment and selection procedures;

- that there is currently no planning office with the consequence that planning is done on an ad hoc basis;

- that while the court system has its own constitutionally mandated percentage of the national budget and has considerable autonomy for developing priorities through the budget process, it has experienced difficulty in receiving its full budget allocations each year and is constrained in introducing significant new programs because it must dedicate such a large amount of its budget to fixed costs;

- that its financial management system is not efficiently and is in need of automation to meet the demands being placed on it;

- that the court system lacks efficient functioning records management and statistical reporting systems;

- that it lacks insufficient individuals trained and certified as interpreters to represent illiterate parties in court proceedings;

- that it lacks sufficient bibliographic or reference materials;

- that its physical infrastructure is in need of substantial rehabilitation and maintenance;

- and finally that its judges (especially at the lower level) and support personnel require considerable training and development to be fully competent in their professional field but also in the management of others.

Given the above assessment of the Court System's capabilities and resulting conclusions on areas in need of improvement, it is obvious that there are many weaknesses in the court system's organization, management and staffing that need to be overcome to permit the court system to perform its functions more efficiently in the future. The project's implementation arrangements recognize that the required policy changes and institutional improvements will take a lot of time and provide for substantial assistance by a U.S. institutional contractor under contract to AID as an additional project element to assist the Supreme Court to carry out the implementation of the project until the Supreme Court is prepared to perform these tasks itself. The Mission, through the hiring of a U.S. PSC and assumption of the responsibility for contracting of most goods and services, will also play a strong supporting and monitoring role.

B. Financial Analysis and Project Budget

1. Project Budget and Financial Plan

This project consists principally of technical assistance, training, the purchase of computer hardware and office equipment, and back-up administrative support. With minor exceptions, it will be carried out by the PIU, whose staff will be provided under an institutional contract executed by AID.

The proposed total cost of the Improved Administration of Justice project is \$7.0 million. AID's contribution will comprise 71% of the total project budget or \$5.0 million in Economic Support Funds (ESF) grant funds. The remaining 29% of the budget or \$2.0 million will be contributed by the Government of Guatemala (GOG). The \$5.0 million in ESF funds will be obligated through a Project Agreement between USAID/Guatemala and the Supreme Court.

Table 13 contains the project summary by component, including GOG counterpart funding, broken down by foreign exchange and local currency. Table 14 provides a projection of expenditures by fiscal year. Estimated financing for each of the projects components has been covered under Part III.B. Table 15 shows the breakdown of the foreign exchange and local currency requirements and the distribution between AID funding and GOG counterpart. The detailed budgets for each component are contained in Appendix D, and include the calculations and the assumptions on which they are based.

The Obligation schedule for the project is shown below:

**PROJECT OBLIGATION SCHEDULE
(In US\$Million of ESF Grants)**

FY 88	1.1
FY 89	2.5
FY 90	1.4

The contingency is 5% and inflation was calculated at 5% starting in the second year.

T A B L E 13
BUDGET SUMMARY AND FINANCIAL PLAN (\$000's)
BY ACTIVITY

ACTIVITY	USAID		TOTAL USAID	GOG FUNDS		TOTAL
	FX	LC		FX	LC	
1. Training of Justice Sector personnel	114	722	836	0	1,741	2,577
2. Improving Jurispru- dential Information	4	88	92	0	91	183
3. Court System Improvement	1,109	629	1,738	0	206	1,944
4. Strengthening the National Justice Commission	3	173	176	0	17	193
5. Project Management						
(a) PIU	777	329	1,106	0	0	1,106
(b) USAID Admin. Support	389	89	478	0	0	478
6. Evals/Audit	75	25	100	0	0	100
7. Contingencies	124	104	228	0	0	228
8. Inflation	136	110	246	0	0	246
TOTAL	2,731	2,269	5,000	0	2,055	7,055

T A B L E 14
SUMMARY EXPENDITURES BY FY (US\$)

FISCAL YEAR	AID	GOG	TOTAL
1989	1,042,248	521,162	1,563,410
1990	2,119,325	739,537	2,858,862
1991	1,364,218	794,530	2,158,748
INFLATION	245,799		245,799
CONTINGENCY	228,410		228,410
TOTAL	5,000,000	2,055,229	7,055,229

METHODS OF IMPLEMENTATION AND FINANCING

	<u>METHOD OF IMPLEMENTATION</u>	<u>METHOD OF FINANCING</u>	<u>AMOUNT</u>
I.	TECHNICAL ASSISTANCE-U.S. INSTITUTIONAL CONTRACT	DIRECT PAYMENT/ REIMBURSEMENT	\$1,372,053
II.	PERSONNEL COSTS-HC-PSC	DIRECT PAYMENT/ REIMBURSEMENT	971,628
III.	TRAINING COSTS-HC CONTRACT	DIRECT PAYMENT	596,100
IV.	TRAVEL/PER DIEM- HC-PROCEDURES	DIRECT PAYMENT/ REIMBURSEMENT	237,290

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V.	COMMODITIES-U.S. CONTRACTOR	DIRECT PAYMENT	985,225
VI.	EQUIPMENT MAINTENANCE/RENTAL- HC CONTRACTOR	DIRECT PAYMENT/ REIMBURSEMENT	35,975
VII.	OFFICE OPERATIONS-HC PROCEDURES/PURCHASE ORDERS	DIRECT PAYMENT/ REIMBURSEMENT	227,520
VIII.	EVALUATIONS/AUDITS- HC CONTRACTORS	DIRECT PAYMENT	100,000
	Sub-total		<u>\$4,525,791</u>
	CONTINGENCY/INFLATION		474,209
	TOTAL		<u>\$5,000,000</u> =====

Most of the procurement will be made by the Mission but coordinated or supervised by the PIU. The GOG institutions will mainly use GOG revolving funds to finance project expenses so that reimbursement will be used.

2. GOG Contributions

The counterpart GOG's contributions provided by the Supreme Court are both tangible in the form of in-kind contributions and intangible. On the tangible side, GOG contributions will include the salaries paid to participant trainees and their replacements during their training, the costs of professional and support personnel and materials in the preparation of the training courses, physical facilities (including office space) required by the new offices within the court system and costs of additional personnel needed in various areas of court system as described in Part III.B. On the intangible side, the GOG will provide extensive legal expertise in numerous areas.

3. Recurrent Costs

Personnel costs consist of the salaries and benefits of long-term Guatemalan employees and represent \$971,628 or 19% of total project costs. All salaries shall be consistent with appropriate GOG compensation and benefit regulations. However, some of these will be contracted by the Project Implementation Unit or form part of USAID administrative support. The remainder will be contracted or hired by the recipient organization and continued after the termination of the project. In some cases the cost of these latter employees will be picked up during the life of the project as described in Part III.B.

TABLE 15

IMPROVED ADMINISTRATION OF JUSTICE
SOURCE OF FUNDS

(figures in US\$, rounded to nearest hundred)

INPUT	FY 1989				FY 1990				FY 1991				TOTAL			
	USAID		GOG		USAID		GOG		USAID		GOG		USAID		GOG	
	FX	LC	FX	LC	FX	LC	FX	LC	FX	LC	FX	LC	FX	LC	FX	LC
TECHNICAL ASSISTANCE	435.8	125.9	0.0	0.0	368.1	162.5	0.0	0.0	362.3	154.5	0.0	0.0	1,166.2	442.9	0.0	0.0
COMMODITIES	718.0	124.5	0.0	0.0	4.0	121.0	0.0	0.0	40.2	0.0	0.0	0.0	762.2	245	0.0	0.0
TRAINING	32.3	150.8	0.0	0.0	40.4	177.2	0.0	0.0	41.0	170.0	0.0	0.0	113.7	498.0	0.0	0.0
ADMINISTRATIVE SUPPORT																
PERSONNEL COSTS	0.0	252.2	0.0	497.7	0.0	225.8	0.0	701.0	0.0	144.6	0.0	733.8	0.0	622.6	0.0	1,932.5
TRAVEL AND PER DIEM	55.4	41.0	0.0	0.0	49.6	34.3	0.0	0.0	21.3	32.9	0.0	0.0	137.3	108.2	0.0	0.0
EQUIPMENT MAINTENANCE	0.0	1.7	0.0	0.5	0.0	35.2	0.0	0.5	0.0	33.5	0.0	1.7	0.0	70.4	0.0	2.7
OFFICE OPERATIONS	0.0	86.3	0.0	0.0	0.0	84.1	0.0	0.0	0.0	74.4	0.0	0.0	0.0	244.8	0.0	0.0
MATERIALS	0.0	0.0	0.0	23.0	0.0	0.0	0.0	32.0	0.0	0.0	0.0	33.0	0.0	0.0	0.0	88.0
PUBLICATION INDEX	0.0	0.0	0.0	0.0	0.0	0.0	0.0	6.0	0.0	0.0	6.0	0.0	0.0	0.0	0.0	12.0
EVALUATIONS/AUDIT	0.0	0.0	0.0	0.0	15.0	0.0	0.0	0.0	60.0	25.0	0.0	0.0	75.0	25.0	0.0	0.0
Sub-Total	1,252.5	782.4	0.0	521.2	477.1	640.1	0.0	739.5	524.8	634.9	0.0	774.5	2,254.4	2,257.4	0.0	2,035.2
CONTINGENCIES	63.9	40.0			23.9	42.0			26.3	31.7			114.1	113.7		
INFLATION	0.0	0.0			33.4	58.8			76.1	92.1			109.5	150.9		
Sub-Total	63.9	40.0			57.3	100.8			102.4	123.8			223.6	264.6		
TOTAL	1,316.4	822.4	0.0	521.2	534.4	940.9	0.0	739.5	627.2	758.7	0.0	774.5	2,478.0	2,522.0	0.0	2,035.2

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The recurrent costs included in the project costs and GOG counterpart over the life of the project are detailed below:

RECURRENT COSTS

Personnel costs	\$ 819,947
Equipment maintenance	58,625
Office operations	<u>174,770</u>
LOP Recurrent costs	\$1,053,342
ANNUALIZED	\$ 383,000
	Q1,034,100

The ability of the Supreme Court to cover these costs is assured based on a constitutionally mandated 2% annual contribution from the GOG Budget (in 1988, the contribution to the Judicial Branch was projected to be Q34 million). In addition, funds generated by court fees, averaged approximately Q4.5 million annually. The annualized recurrent costs only represent 3% of all anticipated 1988 Judicial branch resources. Furthermore, there is a possibility of additional revenue to be generated from the fees for public access to the legal databases to be established under the project. Finally, under the sub-component for improving the financial management and budgeting procedures within the court system, there will be a study of the sources of income which is derived by the Judiciary other than the National Budget, which will lead to recommendations of ways in which this income can be increased.

C. Economic Analysis

A nation's system of justice has both direct and indirect implications for the level and the pattern of economic activity that is undertaken. The extent to which the system confers and protects property rights can be an important determinant of economic decision making. Saving relative to consumption and domestic investment relative to capital flight, are examples of economic decisions that are influenced directly by perceptions of the protection afforded by the justice system. Less directly but equally importantly are the indirect influences exerted through the relationship between the effectiveness of the system of justice and the quality of life generally.

A stable social and political environment is one in which a knowledge of the "rules of the game" enables one to predict outcomes of economic (and other) decisions with relatively greater accuracy. To the extent that the game is not played by the rules, uncertainty creeps in and risk cannot be assessed. This is the opposite of the kind of environment required for robust and dynamic economic activity. Thus, in principle, there is little doubt that in a democracy the performance of the economic system will vary directly with the quality of the system of justice.

The proposed activities of the project have as their objective the improved performance of the Guatemalan judicial system. Project success in further establishing the rule-of-law as the guiding principle of the Guatemalan political system can certainly affect the investment climate in Guatemala. The administrative environment for doing business in Guatemala will be directly affected by the more equitable application of the laws expected to result from this project.

As the criminal justice system in particular is improved under this project, the international image of Guatemala should also improve. The treatment of suspects and trial they receive have a direct bearing on the respect for which human rights are held in a country. Human rights is often used as a measure of the relative political stability of a country over the longer run. As more Guatemalans are able to protect their rights through a fair and effective judicial system, the less likely they are to resort to other, more violent, means of effecting social and political change.

Whether the gains to the Guatemalan economy will have a value greater than the \$5 million proposed to improve the justice system cannot be proved objectively. It is our judgment, however, that: a) the proposed measures are the most appropriate with which to start; b) the methods proposed are the least expensive for achieving the project purpose, and c) sustained long-term development within a democratic content cannot reasonably be expected without the changes proposed in this paper. Also, although it is not easily subject to quantification, increased political stability resulting from an improved judicial system can be expected to stimulate greater domestic and foreign investment in Guatemala, which will contribute to income growth and increased standards of living for all Guatemalans. On the basis of all these factors, the proposed project is judged to be economically sound.

D. Legal Technical Analysis

The Judiciary in Guatemala, like that of other Latin American nations, has operated in a political environment in which most power is exercised by the executive branch. This concentration of power reached a peak during the military governments which dominated the nation during the last decade. The election of a democratic government in 1985 has brought significant change and the judicial branch shares in this democratic movement buttressed by a new constitution and laws which seek to assure its autonomy.

This project proposes to strengthen the judiciary while recognizing that the judiciary operates within a framework of often tenuous political stability and competing socio-economic ideologies. While the Project may be viewed as a high-risk venture, it is a venture which we no longer can avoid and on which social, economic and political progress may depend. Fortunately, while the three-year Guatemalan democratic experiment is still young, it appears to rest on adherence to the principle of the rule of law; and the political environment appears receptive to this initiative.

The structure of this project is an adaptation to Guatemala of the 1970's court reform efforts in the United States (and, to a lesser extent, of Italy and Germany) and more recently in Spain. It seeks to reverse a trend of institutionally weak and politically manipulated court structures with a cross-current of concentrated reforms: legal, structural, financial and administrative. The project will draw on the widest political base possible in implementing the reforms, recognizing the importance of executive support. It also presupposes increasing curbs on the military's tradition of political intervention and increasing application of the rule of law to all sectors of the society.

1. Operating Principles

Previous United States Government assistance to the administration of justice reached its zenith during the 1960's under the "Law and Development" program. The models in that effort largely were centered on the assumed superiority of the US model and its exportability to developing nations. In Latin America the "Law and Development Program" encountered an entrenched legal culture resistant to change, peopled by a large and powerful legal profession, trained in formalism and bound to national laws and legal institutions based on European principles of rationality, philosophy and a theoretical adherence to a concept of separation of powers. It encountered grave difficulties.

Recent United States assistance has taken into account the previous experience. Thus, the administration of justice effort was initially based on the notion that a regional approach would best achieve the objectives of a strengthened judiciary. The RAJP was funded in 1985, and the Instituto Latinoamericano para la Prevencion del Delito y el Tratamiento del Delincuente (ILANUD), a United Nations regional institute, was contracted as the primary implementation agent. RAJP also provided assistance to the Interamerican Institute for Human Rights (IIHR), the Interamerican Bar Association, the Interamerican Bar Foundation, American Bar Association, Florida International University, Harvard University and the US Justice Department. This regional approach has encouraged the climate for change within the individual countries.

The designers of the RAJP are aware that this type of activity could be viewed as political interference by the United States in a basic area of national sovereignty, the justice system. To reduce the political risks a number of steps were taken. A National Justice Commission was established with the participation of high level national officials charged with the administration of justice to guide the analytical preparations. A local attorney was employed as a national coordinator to act as liaison between the RAJP, USAID/Guatemala and national leaders for the conduct of the Sector Assessment, and primary reliance was placed on national experts to carry out the analytical work. The Sector Assessment made only general recommendations with more specific recommendations left to a planning conference attended by high government officials and private sector leaders related to the justice sector. This project has built on that process, and the National Justice Commission and Guatemalan Supreme Court officials have been consulted closely in its development.

-Decentralizing aspects of the justice system, (both re the concentration of resources in the capital and in the office of the President of the Supreme Court); and

-Encouraging the legislative reform efforts designed to better define the role of key institutions, specifically the Public Ministry, in the justice system.

This project is a specialized administrative and legal reform process dealing with the main legal institutions of Guatemala. It accepts Latin American civil law traditions imported from European countries, and integrates modern concepts of an independent judiciary, efficient case processing, constitutional guarantees and court administration.

E. SOCIAL SOUNDNESS

(1) Training court personnel.

The project places emphasis on improving the level of competence of judicial branch personnel through training. It contemplates training involving the lower level courts and their personnel, including the judges of trial courts (primera instancia); the justices of the peace, including both the previously existing justices and the newly named justices of the peace (jueces comarcales); personnel such as the assistants to the justices of the peace (alguaciles); and the secretaries, notifiers, and others. Emphasis will also be placed on building and maintaining an ongoing capacity for training in the Supreme Court's recently created Training Section.

Two topics present themselves as being particularly important: the training of court personnel other than the judges themselves, and the training needs brought on by the regionalization of justices of the peace and by the creation of their group of assistants, the alguaciles. As regards the former, much of the personnel in the provinces and virtually all of the personnel in the capital, who work in the court system, are law students, many of whom have not finished their course work. The courts seek to employ law students since they can be expected to have an understanding of law. However, most of these students intend to graduate; and upon graduation, they leave the courts for private practice. Thus the court system must constantly train new personnel. The question is whether the judiciary branch should establish permanent personnel and carry out more or less continual training of them, or whether the judiciary branch should continue to use law students and design the training mechanism to continually train new personnel. It may be preferable that law students continue to work as officials, but be allowed to work only for a limited time and not remain indefinitely. Law students who continue to advance toward graduation are more likely to consider their time as an official as a useful experience and to postpone their "earning years" until after graduation. This will depend mostly on the establishment of the civil service Law for judicial branch employees, and whether law students and court employees find it attractive to enter a judicial career.

(2) Other Improvements of Court System

a. "Juzgados Menores Comarcales" - Judges and Alguaciles

Until this year in those municipalities where no justice of the peace had been installed, the popularly elected mayors acted as judges. This system had certain advantages, particularly if the mayor judge was impartial and took his judge's role seriously, since he often knew many of the persons who came before him and the circumstances in his jurisdiction. He also understood the cultural orientation of his municipality. However, there also were abuses as the judges usually had no legal training, and the mayor judges were elected as members of political parties which led to favoritism to members of the mayor's party.

The new Constitution mandated the separation of the judicial and mayoral functions. However, since full country coverage by judges would have been prohibitively expensive, certain municipalities were grouped under the jurisdiction of one judge, called a comarca, and the judges called jueces comarcales. All of the new justices of the peace have been named, and have begun to function. They are to be assisted by alguaciles, one from each individual municipality; but the alguaciles have yet to be named; and there is still some doubt as to how they should be remunerated. The alguaciles are selected through community participation, although the form of that participation varies. The judicial branch has carried out town meetings where alguaciles will function; and each town has selected its own candidates. In some cases the town has simply held an election to choose between two or more competent individuals, while in other cases a committee chosen to select the alguacil has presented its own candidate to the judicial branch.

The minor judicial functions of the alguacil in his own municipality may be of considerable importance as they effectively replace the mayors, who were elected more to provide evenhanded justice at the local level than for their role in town administration. While the Supreme Court is concerned that honest and honorable persons be selected, regardless of ethnic affiliation, indians may feel that the system is now less just than before if they have no effective voice in choosing the alguacil.

b. Personnel System

One area of attention in the administrative system is the development of an adequate and professional personnel system which would involve the current personnel evaluation system, the compensation of staff and benefits. This will be one of the most sensitive areas of the administrative improvement program, since it touches on the job security of people working in the courts. Particularly sensitive will be the topics of the removal of personnel and personnel evaluation. Even at the study stage the effectiveness of work in this area could be damaged by the perception that it is the result of foreign interference. Of special importance is the fact that the judicial branch labor union is most concerned with personnel office activities, and is

also the most likely to take any perceived problems to the press. Thus the analytical work in this area should be carried out by Guatemalan nationals, and special care should be taken to avoid even the appearance of challenging the union to accomplish its objectives.

c. Information management

The area of information management has been identified as one in which substantial improvements should be made. The success of this area will be crucial for the measurement of impact for the entire project since the basic measure of how well a court system functions is the statistical reporting system. Specific areas of interest are records management, caseload management, the judicial statistical system and computerized information management systems.

The statistics should be organized in a way which will help in understanding the manner in which the administration of justice in Guatemala affects the Indian population. The summary statistics should provide information on ethnic identity so that it will be possible to determine how many Indians are involved in cases involving imprisonment, for example, or how fast cases involving Indians proceed through the court system as compared with cases involving Ladinos.

(3) Strengthening of National Justice Commission

The idea for a National Justice Commission, emanating initially from the Regional Administration of Justice Project (RAJP), has been endorsed and encouraged by Guatemala's major legal institutions, who feel there is a need for a common forum to exchange views on national policy in the sector and to plan and coordinate policy reforms to improve performance within the country's justice system. Chaired by the President of the Supreme Court, members of the National Justice Commission are from the major institutions in the justice sector -- the Supreme Court, the Ministry of Government, the Attorney General, the Bar Association, the Congress, and four university law faculties.

When meetings are held, they are attended by the head of each major organization. If they are unable to go, they delegate their responsibility to a well qualified alternate to discuss and work out consensus positions on key issues to be discussed in plenary sessions.

As Guatemala's legal institutions continue to work towards improving the capacity of their justice system to provide fair, efficient and accessible services to its beneficiaries, the Commission's work has become very critical. Its members have developed essential team skills as each organization has become more appreciative of the constraints of its own organization and the practical problems flowing from their differing roles and perspectives within the judicial system.

In effect, the Commission has become an essential continuing process without which individual accomplishments by each organization would be constrained or dissipate quickly. Furthermore, it has become the best guarantee of Guatemalan ownership of and political support to comprehensive justice sector improvements and its composition and activity mirror other U.S. Government collaborative assistance efforts to an improved Guatemalan justice sector system --thus promoting coordination through information sharing, etc.

In summary inclusion of support for strengthening Guatemala's National Justice Commission in this project ensures the project's own viability in the larger sector program sense and preserves the framework for effective future expansion of efforts. If the Commission did not already exist, it would be necessary to establish it to identify major constraints in the justice sector and reach consensus on their resolution through policy reforms in the form of new/revised laws, improved legal procedures, etc. What is needed now is to strengthen the Commission's capacity through staffing, minimum equipment/space support, conferences and other related support so that it can function effectively in fulfilling the role envisaged for it as described above.

Beneficiaries

The beneficiaries in this project can be divided into two groups: litigants and/or public at large and court personnel. As regards the first group, there are a number of areas in this project with the express purpose of improving the service provided by the judicial branch to litigants. The examination of the administrative structure will place priority in determining those administrative rules of organizational issues which impact on the public. The introduction of standard forms and of improved caseflow management practices will benefit litigants in the speed with which their cases pass through the court system and, ultimately, in the fairness of the justice they receive.

F. Environmental Analysis

Based on the Initial Environmental Examination (see Annex D), the Mission has concluded that the project will have no significant impact on the physical environment of Guatemala and has approved the recommendation that this project be given a negative determination with no further environmental analysis required.

V. IMPLEMENTATION ARRANGEMENTS

A. Administration Arrangements

1. Obligating Documents

Support for the activities with the court system will be provided under a Project Agreement between AID and the Supreme Court which might also be signed by the Ministry of Foreign Relations. Following the

signing of such an Agreement, support for the operations of the Project Implementation Unit (PIU) will be provided under a contract between AID and the future contractor which will provide such services.

2. Project Implementation Unit.

A Project Implementation Unit ("PIU") will represent both the Mission and the Supreme Court in the implementation of the Project. The PIU will be the channel through which most of the goods and services are provided for the project. It will be attached to the National Justice Commission, and work closely with the staff of the Commission. The PIU will keep the Commission informed about the conduct of the project's activities, but it will deal directly with the Supreme Court and be legally responsible to the Mission for the handling of the funds.

In principle the involvement of the National Justice Commission enhances Guatemalan proprietorship of the Project. However, the members of the Commission will confine their role as a forum to consideration of the larger issues of planning, coordination and evaluation and not be involved in project implementation. The Supreme Court will approve all activities directly involving it, and will be expected to work directly with the PIU in the implementation of such activities.

The PIU will be headed by a full time Guatemalan person of distinction and experience in the justice sector who will be contracted directly by AID. AID also will contract with a firm, institution or joint venture to staff and operate the PIU under the general guidance of the head of the PIU. The PIU will help to plan, coordinate and arrange training, consultant and advisory services and commodity assistance to meet the project's needs pursuant to the terms of its contract with AID. This will include the preparation of project implementation orders and related documentation but not contracting for any of this assistance, which shall be the function of the Mission or the Supreme Court for persons who are to be their employees.

In selecting the general contractor for the PIU, while it will be an institutional grant with a U.S. institution, substantial weight will be given by the Mission to Guatemalan participation as staff and sub-contractors or as a member of a joint venture firm. The object is to enhance Guatemalan participation and proprietorship in all aspects of the project. There is a capacity in Guatemala to provide many of the services which will be required. For instance, there are several firms in Guatemala City with a high level of competence in management consulting services in such areas as financial management. Several firms in Guatemala City are also affiliated with major U.S. accounting/management firms, and would have access through their U.S. affiliates to such specialized expertise as might not be available in Guatemala.

Staff of the Project Implementation Unit

In order to perform the role assigned to it, the PIU must have a strong management capability in addition to well qualified experience and expertise in the various areas of specialized knowledge involved in the project. In addition to the head of the PIU, its full time staff in Guatemala should include the following:

Contractor Chief of Party.

The chief of party should combine managerial strength and experience with a legal background, fluency in Spanish and English and, preferably, experience in Central America. He would act under the guidance of the head of the PIU, but should be able to operate effectively at the highest levels of the Guatemalan justice sector, the Mission and the Embassy. For maximum effectiveness in coordinating the Project's activities with such organizations as ILANUD, the U.S. Embassy, Drug Enforcement Administration, U.S. Department of Justice and the Mission, the chief of party probably should be a U.S. citizen. This individual will also serve as the Court Administration Specialist to oversee and coarrange the myriad activities involved in the court improvement component.

Training advisor, is to be responsible for providing the necessary assistance for the many major training activities during the program.

A financial analyst to process all financial paperwork as well as assist the participating Guatemalan agencies in their project related financial management to the extent that time is available.

Legal Specialist to provide expertise in Guatemalan law and assist in dealing with Guatemalan counterparts in the court system and National Commission.

One Secretary and one messenger/driver to provide general support to the aforementioned individuals. Should additional secretarial assistance be needed, additional funds will be provided out of the project's budget contingency account.

Beyond the full time personnel in Guatemala, the PIU should have ready and continuing access to consultant expertise in the following areas:

- Court Administration (different areas as described under court system improvement component)
- Management Information Systems
- Financial Management

Requirements for part time consultant services are described in more detail in Part III.B.3 of this Project Paper and will be contracted for by the PIU.

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While the general policy will be for the PIU to be as self-sufficient as possible (including the preparation of project implementation orders, etc.) in order to minimize the management and administrative burdens upon the Mission, factors of efficiency in the timely implementation of the project dictate that the Mission will handle contracting and custom clearances for the procurement of goods and services both for the project and for personal needs of any non-Guatemalan staff financed by the project.

Financing of the PIU

The entire cost of the PIU will be financed by the project. Table 16 is the Project's budget for the PIU by year and type of expenditure. For details of the budget see Appendix D.

T A B L E 16
FINANCIAL PLAN FOR PROJECT IMPLEMENTATION UNIT
BY TYPE OF COST AND FISCAL YEAR (\$U.S.)

<u>Type of Cost</u>	<u>FY 1989</u>	<u>FY 1990</u>	<u>FY 1991</u>	<u>LOP COST</u>
Technical Assistance	175,216	361,828	436,828	973,872
Office Operations	12,750	23,750	23,750	60,250
Commodities	22,500	0	0	22,500
Travel and Per Diem	11,700	17,300	18,300	47,300
Equipment Maintenance	0	1,000	1,000	2,000
<u>T o t a l</u>	<u>222,166</u>	<u>403,878</u>	<u>479,878</u>	<u>1,105,922</u>

3. Coordinating Activities of Other Agencies

The activities of ILANUD and Harvard in Guatemala are largely financed by the AID/W or the Mission, respectively and their activities are closely related to those financed under this project. Indeed, the success of many of the project's activities depends to a degree on the success and timing of those other activities. Accordingly, it is important that those agencies and this project coordinate the implementation of their activities in support of the justice sector. The PIU would be used to achieve that coordination. To the extent that the agreements between the Mission and Harvard and AID/W and ILANUD require that annual or other periodic implementation plans be approved by the Mission, those plans would be submitted first to the PIU for its recommendations. To ensure that such coordination occurs, there will be a series of Memoranda of Understanding between ILANUD, Harvard, the Supreme Court, and the Mission, which will set forth each activity to be undertaken, and the authorities/responsibilities, as well as budget of each organization in carrying them out. They will be

reviewed on an annual basis and updated as required. Similarly, the U.S. Embassy could request ICITAP to coordinate the implementation of their training activities involving judges and prosecutors through the Supreme Court through use of a separate memorandum of understanding.

4. Rationale of the Choice of Arrangement

The project consists principally in providing technical advisory services, training and institution building support. The major commodity purchases are computer related equipment and services.

There are important factors to address in deciding on the implementation arrangements for the project. First, the Project is complicated by the multiplicity of areas requiring attention; and by the fact that except for some recent, rather limited experience with ILANUD and ICITAP, Guatemalan institutions are generally inexperienced in dealing with foreign donors including AID. The Supreme Court has varying degrees of experience in contracting in their own right, but virtually no experience in international contracting and procurement. Nor does it appear necessary to build such expertise for the long term. Second, the administration of justice is a particularly sensitive area for direct involvement by the USG. Indeed, too direct an involvement could be counterproductive to achieving the project's purposes.

These factors argue for substantial assistance to any participating Guatemalan entity in the management of coordination of inputs, and in preparing work plans for implementation of the project. They also argue for providing that assistance through an entity responsive to AID but not a part of AID. Contracting for such a role by a single organization working in the name of the program and in conjunction with a distinguished Guatemalan would permit a relatively low profile for AID yet also provide for a contracted degree of control and direction which the U.S. Government considers necessary. Such a contract, as contrasted to a grant or even a cooperative agreement, can more readily provide the necessary flexibility for expanding and contracting the scope of action. It also would permit termination or replacement of the contractor if necessary.

Notwithstanding the above arrangement, due to complexity of host country contracting/procurement and its possible adverse impact on timely implementation of the project, the Mission will contract directly with various sources of technical assistance, training and commodities as it has the needed management and administration systems in place as well as personnel to carry out this function.

5. USAID/Guatemala Administrative Support

The Mission has placed in one office responsibility for all the administration of justice activities, including its relations with RAJP and the Harvard Law School Cooperative Grant. That responsibility is now the Program Office, but is to be transferred to the Office of Human Resources

Development. The individual responsible for all democracy development activities including this project will be a U.S. personal services contractor with significant experience in this area, who will report to the Deputy of the USAID's Office of Human Resources Development responsible for these activities. In addition, the FSN employee, a Guatemalan lawyer, who has been working on administration of justice activities in the Program Office as the Resident Coordinator of the RAJP, will be assigned to the Office of Human Resources Development to continue to work full time as Project Manager for administration of justice activities under the supervision of this U.S. PSC. She will have an assistant and a secretary.

The cost of the contracts for the U.S. PSC, FSN employee and secretary as well as their support will be paid by the project. (For further budget details see Appendix D). The FSN employee's assistant will be paid for under the Mission's Operating Expense Budget.

The Regional Administration of Justice Officer based in San Jose, Costa Rica, will be available for consultation as needed. Furthermore, in view of the heavy implementation work load to be faced during the first year of the project, and particularly prior to the establishment and staffing of the PIU, the Mission will contract for a person or persons with expertise in the implementation of projects on a full-time basis for at least six months following the Project's authorization. That person or persons will assist in carrying out a number of pre-implementation actions such as the initial procurement plan, initial workplan, training plan, and other aspects. Funding for these services will be from the Mission's Project, Development and Support Funds (PD&S).

The need for continuing such short-term consultant services to assist the Mission on pre-implementation actions will be reappraised. Among the factors which will affect the need for a continuation of such services are: i) the management demands of other projects on the Mission staff who are assigned responsibility for this project; ii) the speed with which the general contractor is put in place; and iii) the limitations on the use of the Mission's PD&S funds for this purpose.

B. Project Implementation Plan

The Project Implementation Plan covers three years.

Appendix M is a chart of the timing of the major implementative actions in of the Project. Among the first tasks of the PIU staff will be to prepare a more detailed implementation plan. It will include key actions by ILANUD, Harvard, the Mission and the Supreme Court and specific target dates for the accomplishment of those actions.

Among the more significant aspects of the Implementation Plan are the following:

(1) In order to accelerate implementation, the Mission will issue the RFP for the PIU general contractor as soon as possible after the Project Agreement with the Supreme Court has been signed. This will require that the Mission commence preparation of the RFP as soon as the Project has been authorized. Although the contract with the general contractor would not be executed until the general conditions precedent have been satisfied, there is, of course, no need that issuance of the RFP await that satisfaction.

(2) It is desirable, but not essential, that the National Justice Commission staff be in place by the time the general contractor has been mobilized for work in Guatemala.

(3) Approval of the training program is scheduled relatively early during the implementation period because work thereon is already well under way. The urgency thereof is somewhat relieved, however, by the existence of other sources of training already funded from ILANUD among others.

(4) An evaluation is scheduled after two years so that the results may contribute to future efforts.

This implementation plan calls for some very rapid actions by the Mission's general contractor. However, such rapidity is important if the project activities are to commence on time.

C. Procurement Plan

Contracting/procurement of goods and services under the project will be performed by Mission's Contracting Officer. The major exception to that modality will be the use of project funds to pay salaries or contract expenses of employees of the Supreme Court which will be handled by the Court itself.

The procurement needs of the Training, Legal Information and Court Improvement components of the Project have been identified in some detail during the design of the project. See Appendixes D, J and P. However, those identified needs for goods and services will need to be refined and the timing of their availability more precisely identified in the preparation of the procurement plan or as late as the first implementation plan to be prepared for the project by the PIU. There will be some limited procurement necessary before the PIU is able to complete the first implementation plan. The main procurements involved are: i) the contract between the Mission and the U.S. personal services, contractor which will be awarded following competitive procedures; ii) the contract between the Mission and the contractor for the PIU, and iii) the contract for additional employees by the Supreme Court for its various offices in need of strengthening. The scope of work for the contractor for the PIU will be of great importance. Thus, the Mission may need to use the services of a consultant to assist it in defining and expressing that scope of work and in discussing it with the Supreme Court beforehand.

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The scope of work will make clear that the Mission expects the PIU and its contract staff to make an effort to identify competent, minority, and disadvantaged firms to do work under the project. The PIU will consult with the office of Small and Disadvantaged Business Utilization for a list of potential sub-contractors.

D. Monitoring System

The project will utilize the usual quarterly progress reports; semi-annual, joint reviews by the Mission and Supreme Court of the accomplishments, status and problems facing the implementation of the project; and yearly audits of the handling of funds by the Supreme Court and PIU. The difference from the usual approach is the use of the PIU as the office responsible for preparing the reports and the review sessions and for conducting or contracting for the auditing of the Supreme Court. The PIU will adapt the usual AID formats to accommodate the particular circumstances of the project, and work with the Supreme Court, to assure that the information required for the reporting system is acquired in a timely way. The Supreme Court will nominate a liaison officer to work with the PIU on this aspect of the system. The PIU will conduct the system under the guidance of the Mission's Controller and Project Officer, and will adjust both the format and the information gathering system in response to their suggestions.

Although the Mission will be relying on the PIU for the conduct of the monitoring system, it also will maintain direct contact with the Supreme Court and the PIU through the U.S. PSC and FSN Guatemalan contract employees. Furthermore, the Mission will use project funds to contract directly for independent audits of the operation of the PIU and its handling of any of Project's funds.

E. Evaluation Plan

The evaluations to take place in the course of the Project are of three types. The first is an assessment of the experience of particular activities such as the planned expansion of legal operation systems, improvements in administrative structures, and other aspects, i.e. the operation of the model courts, the regional administrative office and the field testing of proposed standard forms and various manuals. The scheduling and funding for these and other assessments are contained in the various components of the Project (See part III.B.). The PIU would prepare the detailed planning for these evaluations and usually arrange and oversee their conduct in cooperation with the Supreme Court. They would make decisions as to whether the activities should be continued and their scope be widened to cover the whole justice system.

The second type of evaluation is that of the project's progress towards purpose, outputs, etc. operation of the whole project. There will be an evaluation in the first quarter of FY 1991 in order to have the results available. As part of the preparation of the detailed workplans for each component of the project the PIU will identify reasonable targets of progress

for each year. Those targets will be utilized in conducting the evaluation. Although contracting for this evaluation may be arranged by the PIU, the preparation of the terms of reference and its guidance will be the responsibility of the Mission since the evaluation will include the operations of the PIU as well as the Supreme Court. The focus of this evaluation will be on assessing: the effectiveness of the project's structure for delivering the inputs, the progress being made on accomplishing both the outputs and the institutional improvements which are the objectives of the project's components, and the capacity of the project to widen the scope of its activities.

The third type of evaluation will represent an annual review and cover both the overall progress of the project in accomplishing its objectives as well as the status of the external/political environment in which the project is taking place. To accomplish this, information will be collected to provide an indication of the project's accomplishments as well as a list of external factors that could adversely affect this project. Such an annual assessment will permit the Mission to learn about issues or conditions beyond its control which could require modifications in the project or its termination if necessary.

The PIU will be responsible for preparing a evaluation plan for the project to include time-phased indicators of progress on the end-of project status indicators contained in the Logical Framework (See Appendix C). It will also reflect the detailed work planning which will have been performed during the first and second quarters of 1989.

F. Conditions, Covenants, and Negotiating Status

1. Conditions Precedent

The only conditions precedent which will be sought from the grantee is the designation of legal representatives. These conditions will not apply to the Memoranda of Understanding. Although the passage of the draft laws re the organization of the judicial branch and civil service status for its members are important, they are not indispensable to the accomplishment of the project's purpose; and thus their passage need not be made a condition precedent.

2. Covenants

There will be few formal conditions included in the obligating documents. This is the result of the Mission's conclusion that it is very desirable that the USG not be seen as interfering in the operation of the justice system and of the Mission's desire not to get in front of the ability and willingness of the Guatemalan entities to take measures to reform and improve the operation of the criminal justice sector.

The only covenants which will be included in the obligating documents are the following:

a. That the grantee shall provide resources and personnel as described in the agreement to maintain the level of effort required to sustain, or further improve, the judicial branch up to and beyond the Project Assistance Completion Date.

b. That the grantee shall exert its best efforts to ensure congressional enactment of the Civil Service Law for judicial branch employees.

3. Negotiating Status

The components of the Project have been discussed verbally with the President of the Supreme Court. In addition, a short written outline of the components was provided to him in Spanish as well. He indicated his agreement with the components. His guidance has been followed in preparing this Project Paper. A letter of request of the project as current described has been received by the Mission. The most likely areas in which issues could arise is defining the nature/extent of support to be received under the RAJP with ILANUD for such activities as the improvement of legal information, judicial statistics, caseload management and related activities of this project.

G. Gray Amendment

Every possible effort is being pursued to utilize Gray Amendment firms, where their input is appropriate. There is a significant difference between the legal system of Guatemala and that of the United States. Therefore, it will not be possible to use U.S. expertise for short term technical assistance in many cases. Every effort will be made to keep potential users aware of the capacities of these firms and to encourage their utilization in cases where U.S. expertise is appropriate (e.g. providing list of technical assistance organizations including Gray Amendment firms with appropriate capability, etc.).

SC(2) - PROJECT CHECKLIST

Listed below are statutory criteria applicable to projects. This section is divided into two parts. Part A includes criteria applicable to all projects. Part B applies to projects funded from specific sources only: B(1) applies to all projects funded with Development Assistance; B(2) applies to projects funded with Development Assistance loans; and B(3) applies to projects funded from ESF.

CROSS REFERENCES: IS COUNTRY CHECKLIST UP TO DATE?

Yes (May 1988)

HAS STANDARD ITEM CHECKLIST BEEN REVISED FOR THIS PROJECT?

Yes.

A. GENERAL CRITERIA FOR PROJECT

1. FY 1988 Continuing Resolution Sec. 523; FAA Sec. 634A. If money is sought to obligate for an activity not previously justified to Congress, or for an amount in excess of amount previously justified to Congress, has Congress been properly notified?

A congressional notification was submitted to Congress on August 11, 1988.

2. FAA Sec. 611 (a)(1). Prior to an obligation in excess of \$500,000, will there be (a) engineering, financial or other plans necessary to carry out the

a. Yes.
b. Yes.

- assistance, and (b) a reasonably firm estimate of the cost to the U.S. of the assistance?
3. FAA Sec. 611 (a)(2). If legislative action is required within recipient country, what is the basis for a reasonable expectation that such action will be completed in time to permit orderly accomplishment of the purpose of the assistance? **Legislative action is not required within recipient country.**
4. FAA Sec. 611(b); FY 1988 Continuing Resolution Sec. 501. If project is for water or water-related land resource construction, have benefits and costs been computed to the extent practicable in accordance with the principles, standards, and procedures established pursuant to the Water Resources Planning Act (42 U.S.C. 1962, et seq)? (See A.I.D. Handbook 3 for guidelines.) **Not applicable.**
5. FAA Sec. 611(e). If project is capital assistance (e.g., construction), and total U. S. assistance for it will exceed \$1 million, has Mission Director certified and Regional Assistant Administrator taken into consideration the country's capability to maintain and utilize the project effectively? **Not applicable.**
6. FAA Sec. 209. Is project susceptible to execution as part of regional or multilateral project? If **No.** The project is Guatemala specific in terms of addressing critical issues with regard to improving the judicial system.

so, why is project not so executed? Information and conclusion whether assistance will encourage regional development programs.

The project is a complement to the regional project currently being carried out by ILANUD. However, the scope and magnitude of this project precludes a regional approach. The results of this project will be shared with ILANUD and other countries in the Central American region.

7. FAA Sec. 601(a). Information and conclusions on whether projects will encourage efforts of the country to: (a) increase the flow of international trade; (b) foster private initiative and competition; (c) encourage development and use of cooperatives, credit unions, and savings and loan associations; (d) discourage monopolistic practices; (e) improve technical efficiency of industry, agriculture and commerce; and (f) strengthen free labor unions

By improving the capacity of the judicial system to provide fair, effective and accessible services nationwide, it will provide support for democratic institutions and improve the climate for private investment.

8. FAA Sec. 601(b). Information and conclusions on how project will encourage U.S. private trade and investment abroad and encourage private U.S. participation in foreign assistance programs (including use of private trade channels and the services of U.S. private enterprise).

Project will make use of US public and private sector institutions in implementing the project. Also, by promoting judicial reforms and improving the capacity of the court system to resolve crimes, the project should improve the climate for U.S. private trade and investment.

9. FAA Secs. 612(b), 636(h). Describe steps taken to assure that, to the maximum extent possible, the country is contributing local currencies to meet the cost of contractual and other services, and foreign currencies owned by the U.S. are utilized in lieu of dollars.

Guatemala's Government will be making substantial in-kind contributions of personnel, office facilities and other support. The U.S. Government does not own any local currency in Guatemala yet, but is meeting with the Guatemalan Government to discuss the introduction of a section 108 program under its PL480 Title I agreement to provide such resources.

10. FAA Sec. 612(d). Does the U.S. own excess foreign currency of the country and, if so, what arrangements have been made for its release? No.
11. FY 1988 Continuing Resolution Sec. 521. If assistance is for the production of any commodity for export, is the commodity likely to be in surplus on world markets at the time the resulting productive capacity becomes operative, and is such assistance likely to cause substantial injury to U.S. producers of the same, similar or competing commodity? Not applicable.
12. FY 1988 Continuing Resolution Sec. 553. Will the assistance (except for programs in Caribbean Basin Initiative countries under U.S. Tariff Schedule "Section 807," which allows reduced tariffs on articles assembled abroad from U. S.-made components) be used directly to procure feasibility studies, prefeasibility studies, or project profiles of potential investment in, or to assist the establishment of facilities specifically designed for the manufacture for export to the United States or to third country markets in direct competition with U.S. exports, of textiles, apparel, footwear, handbags, flat goods (such as wallets or coin purses worn on the person), work gloves or leather wearing apparel? Not applicable.

13. FAA Sec. 119(g)(4)-(6).

Will the assistance (a) support training and education efforts which improve the capacity of recipient countries to prevent loss of biological diversity; (b) be provided under a long-term agreement in which the recipient country agrees to protect ecosystems or other wildlife habitats; (c) support efforts to identify and survey ecosystems in recipient countries worthy of protection; or (d) by any direct or indirect means significantly degrade national parks or similar protected areas or introduce exotic plants or animals into such areas?

Not applicable

14. FAA 121(d). If a Sahel project, has a determination been made that the host government has an adequate system for accounting for and controlling receipt and expenditure of project funds (either dollars or local currency generated therefrom)?

Not applicable.

15. FY 1988 Continuing Resolution. If assistance is to be made to a United States PVO (other than a cooperative development organization), does it obtain at least 20 percent of its total annual funding for international activities from sources other than the United States Government?

Not applicable.

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16. FY Continuing Resolution Sec. 541. If assistance is being made available to a PVO, has that organization provided upon timely request any document, file, or record necessary to the auditing requirements of A.I.D., and is the PVO registered with A.I.D.?

Not applicable.
Not applicable.

17. FY 1988 Continuing Resolution Sec. 514. If funds are being obligated under an appropriation account to which they were not appropriated, has prior approval of the Appropriations Committees of Congress been obtained?

Not applicable.
Not applicable.

18. FY Continuing Resolution Sec. 515. If deob/reob authority is sought to be exercised in the provision of assistance, are the funds being obligated for the same general purpose, and for countries within the same general region as originally obligated, and have the Appropriations Committees of both Houses of Congress been properly notified?

Not applicable.
Not applicable.

19. State Authorization Sec. 139 (as interpreted by conference report). Has confirmation of the date of signing of the project agreement, including the amount involved, been cabled to State L/T and A.I.D. LEG within 60 days of the agreement's entry into force with respect to the United States, and has

Not applicable.
Not applicable.

the full text of the agreement been pouched to those same offices? (See Handbook 3, Appendix 6G for agreements covered by this provision).

Not applicable.

B. FUNDING CRITERIA FOR PROJECT

1. Development Assistance Project Criteria

Not applicable.

2. DEVELOPMENT ASSISTANCE PROJECT CRITERIA (LOANS ONLY)

Not applicable.

3. Economic Support Fund Project Criteria

a. FAA Sec. 531 (a). Will this assistance promote economic and political stability? To the maximum extent feasible, is this assistance consistent with the policy directions, purposes, and programs of Part I of the FAA?

Yes. The purpose of the project is to improve the capacity of Guatemala's judicial system, the strengthening of which is intended to benefit other democratic institutions, thus promoting economic and political stability.

b. FAA Sec. 531 (e). Will this assistance be used for military or paramilitary purposes?

No.

c. FAA Sec. 609. If commodities are to be granted so that sale proceeds will accrue to the recipient country, have Special Account (counterpart) arrangements been made?

Not applicable.

**PRESIDENCIA DEL ORGANISMO JUDICIAL
Y DE LA CORTE SUPREMA DE JUSTICIA**

REPUBLICA DE GUATEMALA

NUMERO 871/arded

Guatemala, 22 de agosto de 1968.

Señor
Anthony J. Causerucci
Director Misión AID/Guatemala
12 calle 6-70 zona 10
Ciudad

Estimado señor Director:

Me permito hacer referencia al Proyecto de Administración de Justicia, el cual fuere diseñado con la participación de profesionales guatemaltecos de las instituciones legales involucradas y técnicos contratados por la Misión AID.

En el inicio del diseño de este nuevo proyecto tuve la oportunidad de analizar una propuesta de los componentes y actividades que integran el mismo, cuyo contenido, en principio, fue aceptado por la Presidencia del Organismo Judicial y de la Corte Suprema de Justicia, en su carácter de entidad rectora del sistema de administración de justicia.

En conversaciones posteriores, durante el período de diseño y elaboración del documento del Proyecto de Administración de Justicia para Guatemala, también se convino en que los componentes y actividades de este Proyecto se estructuraran de acuerdo con las conclusiones y recomendaciones de la reunión para discutir el Estudio Sectorial sobre la Administración de Justicia en Guatemala, que se realizó en la ciudad de Antigua Guatemala el 8 y 9 de abril del presente año. Estas conclusiones y recomendaciones fueron formuladas y aceptadas como prioritarias por las distintas instituciones que integran el sector de administración de justicia guatemalteco, y se derivan de los principales problemas y restricciones existentes en esta área.

Por este medio me permito manifestar a Usted el interés del Organismo Judicial y Corte Suprema de Justicia de la República de Guatemala en llevar a cabo este proyecto, con el objeto de desarrollar programas para fortalecer la capacidad de nuestro sistema judicial.

Asimismo, me permito solicitar a la Agencia para el Desa-

**PRESIDENCIA DEL ORGANISMO JUDICIAL
Y DE LA CORTE SUPREMA DE JUSTICIA**

REPUBLICA DE GUATEMALA

NUMERO

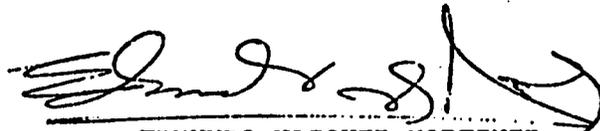
Sr. Anthony J. Cauterucci

22 de agosto de 1988

Página dos

rollo Internacional un financiamiento por aproximadamente US \$5.0 millones, en calidad de recursos no reembolsables. Por su parte, el Organismo Judicial y Corte Suprema de Justicia como en el caso de proyectos similares, contribuirá con la participación de recursos profesionales y técnicos, instalaciones y gastos conexos ya presupuestados y que estén disponibles en el Organismo para apoyar y viabilizar la ejecución del proyecto.

En espera de concretar los arreglos para suscribir el Convenio correspondiente, al presentarnos oficialmente los documentos para nuestra consideración y aprobación final, me suscribo del señor Director con las muestras de mi consideración y estima,



EDMUNDO VASQUEZ MARTINEZ
PRESIDENTE DEL ORGANISMO JUDICIAL
Y DE LA CORTE SUPREMA DE JUSTICIA



Project Authorization

Name of Country: Guatemala
 Name of Project: Administration of Justice
 Number of Project: 520-0369

1. Pursuant to Sections 531 and 534 of the Foreign Assistance Act of 1961, as amended, I hereby authorize the Administration of Justice Project for Guatemala, involving planned obligations of not to exceed \$5,000,000 in grant funds over a three (3) year period from date of authorization subject to the availability of funds in accordance with the A.I.D. OYB/allotment process, to help in financing foreign exchange and local currency costs for the project. The planned life of the project is three (3) years from the date of initial obligation.
2. The project consists of assisting the Government of Guatemala in its efforts to improve the capacity of the judicial system to provide fair, effective and accessible services nationwide.
3. The Project Agreement which may be negotiated and executed by the officer(s) to whom such authority is delegated in accordance with A.I.D. regulations and Delegations of Authority shall be subject to the following essential terms and covenants and major conditions, together with such other terms and conditions as A.I.D. may deem appropriate.

a. Source and Origin of Commodities, Nationality of Services

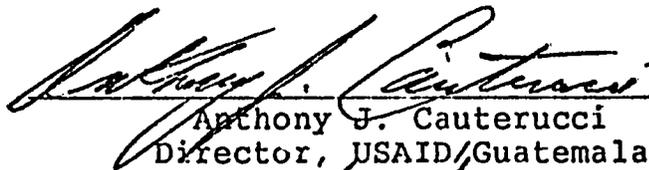
Commodities financed by A.I.D. under the project shall have their source and origin in the United States (A.I.D. Geographic Code 000), the cooperating country, or other countries included in the Central American Common Market, except as A.I.D. may otherwise agree in writing.

Except for ocean shipping, the suppliers of commodities or services shall have the United States, the cooperating country, or other countries included in the Central American Common Market as their place of nationality, except as A.I.D. may otherwise agree in writing.

Ocean shipping financed by A.I.D. under the project shall, except as A.I.D. may otherwise agree in writing, be financed only on flag vessels of the United States.

b. Covenants

- i. The Grantee shall provide the resources and personnel for the project to maintain the level of effort required to sustain, or further improve, the justice system during the life of project and beyond the Project Assistance Completion Date.
- ii. The Grantee shall exert its best efforts to ensure congressional enactment of the Civil Service System Law for Judicial Branch Employees.



 Anthony J. Cauterucci
 Director, USAID/Guatemala

 9/25/88

 Date

Drafter:

PDSO: JFLombardo	<u>JFL</u>	Date <u>9/13/88</u>
Clearance:		
RLA: MWilliams	<u>MJW</u>	Date <u>9/13/88</u>
PDSO: RSteelman	<u>RS</u>	Date <u>9/15/88</u>
PRM: RBurke	<u>RB</u>	Date <u>9/18/88</u>
OEPA: SSkogstad	<u>SS</u>	Date <u>9/20/88</u>
CONT: JOHill	<u>JOH</u>	Date <u>9/24/88</u>
DDIR: PEWhite	<u>PEW</u>	Date <u>9/22/88</u>

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AGENCY FOR INTERNATIONAL DEVELOPMENT
WASHINGTON, D C. 20523

LAC-IEE-88-18

ENVIRONMENTAL THRESHOLD DECISION

Project Location : Guatemala

Project Title : Improved Administration of Justice

Project Number : 520-0369

Funding : \$5,000,000

Life of Project : FY 1988 - FY 1993

IEE Prepared by : Thomas A. Kellermann
Deputy Program Officer,
USAID/Guatemala

Recommended Threshold Decision : Negative Determination

Bureau Threshold Decision : Concur with Recommendation

Comments : None

Copy to : Mr. Anthony J. Cauterucci,
Director
USAID/Guatemala

Copy to : Eng. Roberto Figueroa, PDO/PDSO,
USAID/Guatemala

Copy to : Don Boyd, LAC/DR, AID/W

Copy to : Frank Zadroga, REMS, USAID/ROCAP

Copy to : IEE File

James S. Hester Date JUN 20 1988

James S. Hester
Chief Environmental Officer
Bureau for Latin America
and the Caribbean

INITIAL ENVIRONMENTAL EXAMINATION

I. Project Data

Country : Guatemala
Project Title : Improved Administration of Justice
Project Number : 520-0369
Life-of-Project: 5 years

II. Project Description

The project's long-term goal is to strengthen democratic institutions and practices and to promote citizen participation in the political process to further social progress and economic well-being. The purpose of the project is to strengthen the capacity of Guatemala's judicial and legal institutions to provide fair, effective, and accessible justice services to the Guatemalan population. To accomplish this, the project focuses on providing assistance directly to bilateral public and private institutions and directly or indirectly through regional organizations (such as ILANUD). The project's major components include the following: law revision and reform with special emphasis on the establishment of a career judiciary; the training of judicial and administrative support personnel; the upgrading of planning, administrative and other needed systems and procedures; developing more effective public prosecutor and public defender systems and carrying out public education campaigns to inform the public about their rights and available justice services.

AID's contribution to the project over the next five years will be \$5,000,000.

III. Environmental Impact

Project resources will be used to provide technical assistance, training, commodities and other related assistance to support those activities that promote the professionalism and independence of the judicial system. None of the planned activities are expected to have any adverse effects on the environment.

IV. Recommendation

Based on the information presented above, the Mission has concluded that the project will not have any significant impact on the environment and therefore recommends a negative determination.

Approval  Date 7/11/88

Paul E. White
AID/Guatemala Mission Director, a.i.

0352U

Synopsis of the Sector Assessment

The following description of the operation of the major institutions and organizations of the criminal justice sector is based on the Sector Assessment produced in 1987 under the direction of Florida International University with funding from the Regional Administration of Justice Project.

1. The Court System

The Judicial Branch exercises its judicial role through four court levels, which are, in descending order:

a. The Supreme Court composed of 9 magistrates elected by the Congress to six year terms, exercises administrative and judicial control over this Branch. These judges are elected by the Congress, following a mixed system whereby 4 are elected directly by the Congress and the remainder from a list of thirty nominees determined by a judicial nominating commission composed of law schools, bar association and the judiciary itself.

b. The 14 Appeals Courts, each made up of three judges hear all appeals. These judges are also named by the Congress but from a list of candidates (at least two for each vacancy) proposed by the Supreme Court. Eight of these courts are located in the capitol with the remainder dispersed throughout the country.

c. The 71 First Instance Judges, which are one judge courts, are appointed by the Supreme Court. Those that exercise criminal jurisdiction are divided into instructional and sentencing courts, with the remainder of the penal judges exercising both. Thirty-eight judges are located in the capital while there is at least one in each departmental capital.

d. The 135 justices of the peace are named by the Supreme Court (31 in Guatemala). The prior system of delegating some of these judicial functions to mayors in all 246 municipalities has been replaced by a new figure, the juez comarcal who will have jurisdiction over a broad territory. These are one judge courts and handle minor legal matters. These functionaries are named by the Supreme Court.

All of the courts are assisted by secretarios (238) which supervise the administration of the individual courts and carry out quasi-judicial functions if they are lawyers. Other personnel are classified as oficiales (851), notificadores (77), comisarios (73) and alguaciles (200).

The Constitution dictates that there be a judicial career (guaranteeing stability and a merit system of selection and promotions) for judicial officials. It also orders the establishment of a civil service system for the judiciary. The necessary legislation is pending in the Congress but has not been

enacted.

While the upper levels of the Court system are named by the Congress (through a complicated mechanism in which there is participation from a number of sectors), the lower levels are named by the Supreme Court. There is widespread dissatisfaction among lawyers about the selection of judges (57% felt the selection of Supreme Court magistrates is inadequate, 58% inadequacy for Appeals judges, 65% inadequacy for first instance judges and 63% inadequacy for justice of the peace). The major reason for discontent was the predomination of political considerations and friendships for nomination (61% for the Supreme Court, 69% for the Appeals judges, 59% for the first instance judges and 60% for the justices of the peace).

Caseloads vary among the different courts, even within the same layer of courts. Thus, of 9,678 cases filed in penal justices of the peace courts in August, 1987 in thirteen courts in the capital, one had 10.37% while another had 4.33% of the cases. This gives us a rate of 745 cases per court. The same diversity occurs in first instance courts. Thus, of 1,492 complaints filed in these courts during the month of August, 1987, one received 22.18% of the cases while another had .34% of the cases. This gives us a rate of 68 cases per judge. Sentence courts are not much different, of 683 cases entering 21 courts during the month of August, 1987, one court received 30% of the cases while another received 1.3% of the cases. This gives us an overall rate of 32 cases per Sentence Court.

Although the statistical system in use now must be questioned for its accuracy, one can get an approximate idea of caseloads and in particular the distribution of caseloads between the various departments. In the following table selected criminal case types and the total filings for the first half of 1987 are listed.

Department	Homicide	Lesion	Robo	Hurtos	Total	Percent
	Assault	Robbery	Larceny			
Guatemala	121	348	2,490	2,300	11,282	41.1
Chimaltenango	14	61	65	76	456	1.7
Sacatepequez	12	110	44	116	634	2.3
Huehuetenango	26	165	95	21	1,230	4.5
Quezaltenango	34	165	67	106	800	2.9
Retalhuleu	48	302	52	89	1,290	4.6
San Marcos	7	42	14	12	267	1.0
Solola	43	70	66	69	414	1.5
Suchitepequez	23	52	114	113	1,358	5.0
Totonicapan	4	83	55	53	369	1.3
Chiquimula	46	404	46	88	947	3.5
Jalapa	62	223	48	114	696	2.5
Jutiapa	67	187	32	94	1,193	4.3
Zacapa	17	250	16	30	835	3.0

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Alta Verapaz	7	135	46	51	662	2.4
Baja Verapaz	1	21	26	15	188	.7
Izabel	68	257	53	77	855	3.1
Peten	10	126	42	46	594	2.7

Department	Homicide	Lesion Assault	Robo Robbery	Hurtos Larceny	Total	Percent
Quiche	30	90	27	64	432	1.6
Escuinta	39	83	94	82	1,050	3.8
Santa Rosa	126	235	149	6	1,425	5.1
El Progreso	19	111	10	33	374	1.4
TOTAL	524	3,521	3,651	3,655	27,351	100.0

These statistics show that 41 percent of the filings are in Guatemala City. The Departments with the next highest percentages of criminal cases filed are Santa Rosa (5.1) and Suchitepequez (5.0).

These caseload statistics should be interpreted with care, not only due to their unreliability, but also because 80% of new cases received by criminal courts are cases in which the perpetrator has not been identified and the amount of work to be done may not be as great as a case in which there is a defendant.

There is an administrative office which oversees the administration of the courts throughout Guatemala. The administration is totally centralized. There is no administrative presence outside of the Supreme Court. Decision-making is centralized in the office of the President of the Supreme Court with some review of major decisions such as the budget by the entire Supreme Court. Because the President of the Court exercises such strong control of the decision-making there is little planning and programming of future directions for the court by administrative staff. The staff tends to wait for a directive from the President before acting rather than develop initiatives and present alternative approaches to the President for his review. Consequently, although there have been significant advances in the area of administration in the past few years, particularly in the area of maintenance of the physical plants, progress tends to be slow.

The administrative structure maintains the traditional separation between the legal and administrative responsibilities of the Supreme Court. The Secretary of the Supreme Court has no responsibility for administrative matters. Administrative matters are coordinated by the General Secretary of the Presidency. The administrative structure contains the key administrative offices one would expect to find with the exception of a planning office. The main offices include: human resources (training), personnel, financial management including accounting and budgeting, building management, purchasing, trial

court supervision, records, statistics, data processing and library. The budget office was only created in 1987 so is in its formative stages. The administrative offices also include several offices that are reflective of broad a range of social services the court system offers its employees. These include a medical clinic, a dental clinic and a pharmacy.

The local courts are totally dependent on the above offices for their administrative support. Personnel is named by the President of the Supreme Court from lists maintained at the national office. Persons appointed to posts do not necessarily have to come from that region but rather are offered a position by the court anywhere in the country where a vacancy exists. It is then their option to accept or reject the position. Buildings are maintained by a traveling group of painters, electricians, plumbers, cleaners etc. who are sent from Guatemala City on a regular schedule to maintain the 52 buildings that the court owns. If a local court needs paper and/or other supplies they must send an employee to Guatemala City or wait until the Court can have the materials delivered by one of the court's vehicles.

There is almost no use of judicial statistics. The trial courts do provide statistics of a summary nature on the type of cases filed to the statistics office. Not all courts provide this data. It is maintained and totaled each six months but never assembled into an annual report or used to analyze programmatic issues. The information contained in these reports is not audited so undoubtedly contains errors in both definition and accuracy of reporting. Commencing in 1988, the courts are beginning to submit more thorough caseload information. The data required will provide the court with a statistical base as long as the information is summarized into annual reports and there are constant checks for accuracy.

One of the areas of greatest need, as expressed by all of the surveys conducted, is training for judges (88% of judges responded affirmatively). The area of criminal law was pointed out as the greatest area of training need (29% of judges), followed by civil law, criminology and criminal procedure. It was not until 1986 that the Court established a Human Resources Office with a Training Office (3 professionals and one secretary).

While recent developments in training are to be commended, it should be pointed out that they have been carried out by outside funding with little or no local responsibility. Additionally, the Court has not undertaken a thorough review of its training needs in order to develop a long-term training strategy, especially deficient in incoming and continuing education programs. Popular legal education is another area in which the Court could play an essential role. Another training area is the training of support personnel, especially secretaries (clerks of court).

Judicial salaries have improved. The following breakdown exists:

President of the Supreme Court Q. 4,500, Appeals Courts Q. 1,905, first instance 1,675 quetzales, Supreme Court justices Q. 3,300, justices of the peace Q. 300 to 1,085. These are generally lower than similar positions in the Executive and the majority of judges complained about the inadequacy of their remuneration (72%).

The median age for judges is 43, with 86% being males and only 2.5% being Indians. The majority of judges are not allowed to hold outside employment, with the exception of teaching at law schools, but 7% (mayors) hold some other employment.

Another group of personnel which is often overlooked when reviewing judicial systems are support personnel. The key person in any judicial office is the judicial secretary, akin to the US clerk of court. This official is not only in charge of the administrative affairs of his/her court but also oftentimes acts as the judge, especially in taking statements and formulating orders. The majority of lawyers (67%) and 48% of judges were dissatisfied with the system of selection of support personnel with friendship and political factors being pointed out as the primary factors for dissatisfaction. The majority of judges complained of the insufficiency of these persons (57%).

One of the major problems facing the public sector is corruption and the judiciary is not any different with 84% of lawyers and 51% of judges indicating the existence of corruption in the courts. This does not appear to be a major problem at the highest levels with the majority occurring at the justice of the peace and support personnel level (72% of lawyers felt there was a great deal of corruption among the support personnel).

Judges indicated a need for greater bibliographic resources, a need which has been partially addressed by the donation of a basic legal library to the Court by the ILANUD Project.

Generally, there is satisfaction with the work of the upper level courts but only 15% of lawyers indicated satisfaction with the work of the first instance courts and 16% with the work of the justices of the peace. This emphasizes the need to concentrate efforts to improve the resources and personnel at the lower court levels.

A measure of judicial independence has been financial autonomy. The new Constitution orders that 2% of the national budget be awarded to the courts on a monthly basis for their own usage. The new budget received in 1988 was 32 million quetzales (\$12.8 million US) which represented a small increase over the previous annual budget. In addition to these budgetary assignments, the Court received 7.7 million quetzales (\$2.9 million US) from other sources bringing their budget to 39 million quetzales (\$14.4 million US). A severe problem faced by the courts is that the Executive is not transferring their allotment in a timely

fashion and thus it is impossible to predict whether the State will be able to meet its constitutional requirement.

Material resources are a problem for the courts. The problem is especially acute in the lower courts outside the capital. The court system is the owner of 52 buildings throughout the country. These buildings include courthouses, morgues and 9 houses for judges. The Office of Maintenance and Construction both maintains the existing buildings and oversees the construction of new buildings. Small scale remodeling is done in house while large scale construction is contracted out and overseen by the architects on the court's staff. Repairs, building supplies and offices equipment and supplies all most been requested from and actually obtained in Guatemala City. This may mean that a workman from Guatemala City would be sent several hundred kilometers to change lightbulbs in a court. Aside from the constraints caused by such centralization the resources for support equipment is limited. Courts generally function with ancient typewriters and the courts have not been able to take advantage of technological advances such a word-processing.

The library in the Supreme Court has been assisted by an ILANUD grant of a basic criminal law library and another has gone to the Constitutional Court. There are still severe shortages of legal materials in outlying areas and it should be considered whether donations should be made to regional libraries. The Court has also established a program for collection of jurisprudence and legislation.

Some of the major problems faced by the Guatemalan judiciary appear to be: a) centralization of administrative functions in the Presidency of the Court; b) legalization and establishment of the judicial career law; c) establishment of a personnel system; d) development of adequate judicial statistics, both for short-term and long-term planning; d) development of a consistent training program based on a thorough needs assessment; e) establishment of a control mechanism, both for decision-making and regulation of judicial conduct.

2. The Constitutional Court

A unique feature of the Guatemalan legal system is the existence of a Constitutional Court. This Court was created in 1985, as a result of the new Constitution, and appears to be patterned after the Spanish model.

The Court is composed of five magistrates and has jurisdiction to hear any constitutional challenges of laws and decrees. A mixed system is used to select these magistrates for five year terms: 1 selected by the Supreme Court, 1 by the Congress, 1 by the President, 1 by the University of San Carlos and 1 by the Bar Association.

The Court is not subordinate to any of the other Branches of government and may exercise exclusive jurisdiction over all constitutional matters. In addition to constitutional cases, the Court also hears amparo suits (suits to prevent a governmental abuse) against the Congress, the President and the Supreme Court. It may also hear appeals of amparo suits which were decided by the Judicial Branch. In order to guarantee its financial independence it receives .5% of the national budget.

While the Court is of recent origin it has already had a substantial impact. Of primary importance is a ruling of unconstitutionality of an Executive decree regulating defendant's rights. It also has several matters pending which affect the administration of justice. For example, there is a pending case in which a judge is challenging the judicial selection mechanism employed by the Supreme Court as violative of the judicial career provisions of the Constitution.

3. The Public Ministry

The Public Ministry is charged with the prosecution of persons accused of a crime in Guatemala. The Public Ministry is located in the Executive Branch (the Procuraduría General de la Nación).

The Public Ministry lacks regulations to govern its operations and depends on a law which many feel is outdated. There are eight lawyers assigned to the central offices and at least one in each department, for a total of 30 prosecutors with an average age of 40 years and a predominance of males (90%). Salaries for prosecutors range from 16,800 quetzales monthly to 19,800 quetzales annually, similar to those of a justice of the peace. Judges criticized their selection mechanism (59.4% characterized it as inadequate) complaining that nominations are made on the basis of connections (58.3%). The caseloads vary, with an average of 672 cases annually but with deviations ranging from 127, in the department with the least number of cases, to 1732, in the department with the highest number of cases.

While the law stipulates that the Public Ministry must be notified of all criminal cases, the reality is that the role that they play is passive in the criminal process, thus, 17.7% of judges interviewed stated that the Public Ministry has no functions in their court while only 3.5% stated that they participate in the investigatory stage, even less in trials (1.2%) and only 7.1% felt that they acted as the officials accusers during the process.

The support which is provided to prosecutors is minimal. For example, in the central office there is no water, there is a lack of bathrooms, no parking facilities and only one telephone line. Library support is minimal.

Except for occasional, short, continuing-education courses or

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conferences sponsored by ILANUD, there are no professional training courses offered the members of the prosecuting agency.

In general, lawyers (75.9%) and judges (50.5%) indicated dissatisfaction with the work being carried out by the prosecutorial branch. The priority of reform in this area appears to be a policy determination of the role which prosecutors should play in the criminal process. If they are to be passive participants, a role contrary to most modern notions of criminal procedure, its place in the system will remain the same.

4. Attorneys and legal defense

There are 2,487 lawyers in Guatemala, with a median age of 41.5 years of age. This results in a rate of 0.29 lawyers per 1,000 population. This compares with 1.12 lawyers per 1000 population in Costa Rica and 0.41 lawyers per 1000 population in Honduras. Eighty per cent of lawyers are concentrated in the capital, an additional eight per cent in Quetzaltenango, and the remainder in the rest of the country.

Lawyers tend to be men (92%), with Indians being seriously underrepresented (only 4%) and with an average of eight years of practice denoting the recent growth in professional ranks. The University of San Carlos continues to graduate the majority of lawyers (90%), followed by Mariano Gálvez (4.8%), Rafael Landívar (3.9%) and Francisco Marroquín (0.6%).

Membership in the bar association is a requirement for legal practice. There is no requirement for a bar examination upon completion of legal studies at the University.

Regulation of the profession is exercised through the Association's Ethics Committee (Tribunal de Honor) which reviews complaints against lawyers and recommends disciplinary action. A majority of lawyers felt that the disciplinary actions of the Association are either too weak or inefficient.

The bar association operates a number of continuing legal education programs but these have not been characterized by long-term planning or responsiveness to the needs of the membership. The number of programs varies from year to year depending on the Board of Directors of the Association. Long-term planning is hampered by the fact that the Board of Directors is elected to only one-year terms.

At the core of any legal system is the basic education which the legal profession receives prior to entry into the practice of law. There are four Guatemalan law schools with San Carlos (the public university) having the majority of graduates. Legal education in Guatemala is undergoing a critical period. It is characterized by: 1) a lack of adequate funding levels; 2) part-time faculty; 3) a lecture system of education; 4) poor library

resources, with budget restrictions causing the collection to remain outdated. Nevertheless, when questioned about the adequacy of their legal training, 77% of lawyers characterized it as good. The only law faculty which offers postgraduate programs is Rafael Landívar, which is currently characterized as offering the best undergraduate program.

The law schools play a minor role in continuing legal education. The law faculties have almost no involvement in training of justice officials.

Research into problems affecting the justice sector is also notably absent from the law school environment. Curricula typically concentrates on traditional legal topics with little attention devoted to social sciences or administration issues affecting the justice system.

Guatemala provides in its Constitution that all accused persons shall have an attorney represent them during criminal proceedings and if the defendant is indigent, an attorney shall be appointed by the court. Under this system, a defendant may be represented by private counsel, a court appointed lawyer or a law student. Inmates, who had been sentenced, questioned during the sector assessment survey indicated the following breakdown: 57.4% court appointed counsel, 32.5% private counsel and .7% by law students, and 8% did not have a lawyer.

There is no body of public defenders which labors full-time. Private attorneys are appointed by courts to act as lawyers for indigents. Under this system attorneys work gratuitously in the cases assigned. This system sometimes operates capriciously since this load is not assigned proportionately to all members of the bar. Sector surveys indicate that 27.5% of lawyers have been named as court appointed counsel.

Defense of indigents is also exercised by law students who must carry out a set number of defenses (five or six) prior to graduation. This is supervised by legal clinics operated by four law schools: Universidad de San Carlos (with two clinics, one in Guatemala and one in Quetzaltenango), Rafael Landívar, Mariano Gálvez and Francisco Marroquín.

A problem common to all law schools is the scarcity of cases available for students, both due to the growing number of law students and the fact that they only practice in the capital. This results in the sale of cases by court employees as well as competition among students for cases. This is especially difficult for students at the private universities since many judicial lay employees are students at San Carlos, the public university.

While legal defense is supposedly available from the moment of arrest, this is not carried out in practice. One of the factors

is the time required for a law student to be assigned a case. Thus, 93% of inmates questioned did not have a lawyer during their initial detention and 20% did not have one during the entire instructional stage. It is surprising that 20% of defendants did not have a lawyer during their trial. Even taking into account prejudices of inmates questioned these figures are very high.

There appears to be widespread dissatisfaction with the current system of legal defense. Thus, only 16% of lawyers questioned and 27% of judges indicated satisfaction with the work of court appointed counsel. The figures were similar with law students, with 26% of lawyers and 25% of judges indicating satisfaction. When asked whether they would be in favor of a professional corps of public defenders, 57% of lawyers agreed, with the majority feeling that it should be an independent institution rather than being subordinate to existing ministries, the courts or the law school. It should be pointed out that there is universal opposition from the law schools to the creation of a public defender system since there is a perception that this would signal the end to the required practice of students. There is also dissatisfaction in the Supreme Court with the existing system since the Court feels they have no control over the legal practice of students.

5. The Police

There are three police agencies in Guatemala: the National Police (Policia Nacional), the Treasury Guard (Guardia de Hacienda), and the Mobile Military Police (Policia Militar Ambulante). The first two respond to the Ministry of Government while the third falls under the jurisdiction of the Ministry of Defense. Numerically and jurisdictionally, the National Police is the most important police force in the country.

During the 1966 coup, the National Police came under special criticism for excesses and the DIE (detective body) was renamed. The successor, DIT was accused of being a primary agent for the military government's repressive policies. This led to the detention of the DIT's 600 members by the Cerezo government in 1986 and the creation of its successor BIEN (Brigada de Investigaciones Especiales). It should be pointed out that none of the DIT's members have been prosecuted and many have been reassigned to other police units.

The existence of the National Police and the Treasury Guard presents serious problems of jurisdictional conflicts, both at the institutional and personal level. An example is the area of narcotics enforcement, in which the Treasury Guard is charged with crop eradication and border patrol while the National Police has jurisdiction over the remainder of the field. The Mobile Military Police exercises jurisdiction over matters of national security and has recently stayed out of civilian common crimes.

The National Police operates under an outdated organizational structure dictated by the law which created it. There is a project to replace the old law, establishing all the norms necessary for a modern police system.

The National Police counted among its ranks, 9847 active police officers with 1,278 unfilled positions with 70% of the officers being concentrated in the capital. There are serious questions as to the manner of personnel assignment. For example, the Police Hospital, with 22 patients, has 163 staff while the Police Academy, which is not currently in operation, absorbs 410 persons. The size of the Palace Guard (presidential protection) with 654 men is also surprising, especially if one takes into account the size of BIEN with 354 persons and much broader jurisdiction. It should also be pointed out that there appears to be an inflated number of superiors given the number of persons occupying the lower ranks. The utilization of women also appears to be inappropriate with less than 4% of police being women (married women are not admitted into or permitted to remain on the police force).

The Treasury Police has 1994 men with only 500 being found in the capital while the Mobile Military Police has 6000 men of which 500 operate in the capital. The overall total of police personnel is 19000 which is 2.614 police per 1000 inhabitants.

The resources devoted to police, while increased in recent years, are still woefully inadequate. The budget of the National Police has increased 102% from 1981 to 1987 while that of the Treasury Guard has been stable between 1981 and 1985. However, taking into account inflationary factors, the budget of the National Police has decreased 12% during the same period while that of the Treasury Guard has decreased 27%. If one considers that 89% of the National Guard's budget is devoted to personnel costs, one can see that its budget barely meets operational costs. Thus, an evaluation by the Venezuelan police of the National Police indicated that approximately half of its vehicles were in service at any particular time, there were severe shortages of weapons, gasoline was at a premium and radio service was affected by deterioration of equipment and shortages of parts. Computer equipment is almost totally lacking and laboratory equipment is deficient. The vehicle situation has improved recently with the donation of German vehicles and radio equipment while the Spanish government has also donated patrol vehicles. This can however, produce maintenance problems due to the diversity of equipment being utilized.

BIEN, the detective force of the National Police suffers from a number of deficiencies: a) almost all of its personnel is new and only a small percentage of those on active duty have been trained; b) it has undergone a number of changes in its leadership in the last two years; c) almost all of its personnel operates in the capital and lacks resources to assign staff

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outside of Guatemala City (it can only count on four cars to mobilize its officers). There appears to be no clearly defined jurisdictional area for BIEN operations. The public may present a complaint before any police office and the recipient has almost total discretion in forwarding complaints to BIEN. Thus, of 5000 arrests by the National Police in August, 1987, less than 100 were made by BIEN. Their workload consists of 300 new cases received in an average month with each agent having an average of 20 to 30 cases assigned.

The Treasury Guard also has a detective force, the SIN (Servicio de Investigación de Narcóticos) which has narcotics control (especially crop eradication) as its primary concern.

Control of police conduct is assigned to the institutions themselves, with the exception of those cases in which officers are prosecuted for crimes. In the National Police this task is performed by the Internal Affairs Section (40 men assigned) which last investigated 25% of all complaints with the remainder being investigated by the superiors of those affected. During 1985 and 1986, 179 and 182 agents were processed. The Treasury Guard has been expelling an average of three agents monthly while the National Police expels 80 monthly presenting a very high turnover rate. It should also be mentioned that almost half of all inmates indicated mistreatment at the hands of the arresting authorities.

While there is a general perception among police leaders that their image has improved considerably over the last years, the sector assessment surveys do not confirm this. More than eighty per cent of judges and lawyers surveyed indicated dissatisfaction with the work of the police in assistance to the courts. Additionally, when asked what features best characterize Guatemalan police, the respondents listed inefficiency, corruption, repression or ignorance as the primary features. When asked about specific characteristics, 80% agreed with the statement that corruption exists in the police and 50% rated it as high. There is also an overall feeling that police act arbitrarily and discriminate on the basis of the status of the suspect.

Police efficiency appears to have improved in the last year. First, the number of arrests has increased from 43,000 in 1986 to 60,000 in 1987. Secondly, its equipment has improved due to donations from foreign governments. Lastly, the percentage of persons which were ordered held in preventive detention by the courts is currently approximately 43% compared with 9% in 1985.

Among the primary problems faced by the Guatemalan police are the following: a) historical antecedents which made police one of the repressive arms of the military; b) the existence of two different police agencies in the same ministry with sometimes unclear and conflicting jurisdictions; c) the constitutional norms which dictate processing speed for detainees (presentation

of a detainee within six hours of detention) are utopic and cause fraudulent behavior or inadequately prepared cases; d) the lack of a modern police design reflected in its organizational structure (this will be rectified by the pending legislation); e) personnel selection and training mechanisms are rudimentary; f) personnel assignment and evaluation are deficient while its control mechanism is in need of reform and definition of jurisdictional limits; g) material resources are insufficient to meet the demands.

6. The Correctional System

The Guatemalan correctional system is administered by the Dirección General de Presidios situated in the Ministry of Government. Guatemala is unique in that corrections is also shared by the Patronato de Cárceles y Liberados, under the judiciary. In practice, the Executive is charged with administration of the prison system while the Judiciary is charged with rehabilitation of prisoners and insuring that sentences are carried out appropriately. Additionally, it should be mentioned that the National Police also administers temporary detention facilities at the departmental level.

There are six major penal centers in the country: Pavón, Canadá, Cartel, COF, Puerto Barrios and a female center, Santa Teresa. There were 6093 inmates in Guatemala during a census on June 6, 1987. Of these, only 420 were women. The majority of inmates are between 25 and 40 years of age with a 23% Indian inmate population. Surprisingly, the primary cause of detention appears to be homicide, accounting for 32% of sentenced offenders and 18% of those awaiting trial. There are few complaints of mistreatment (62% have never been mistreated by guards). However, there appears to be few services destined to rehabilitation. Thus, 78% of inmates have never seen a counselor, 76% have not seen a psychologist, 60% a social worker, 60% a doctor. Manual labor is a fact for sentenced inmates.

One of the most serious problems facing the system is the amount of persons which are held pending trial. Of the total jail population, 75% are persons pending trial. This causes an inordinate amount of resources devoted to them and a diversion of funds which could be utilized for rehabilitation of sentenced inmates.

Overcrowding is another major problem of the correctional system. Pavón, for example, with 1107 beds, holds 2,430 inmates. Prison overcrowding cannot be solved without, either a major construction effort or a decision to reduce the amount of persons awaiting trial.

Survey results show that lawyers and judges believe that the system does not achieve its goals of rehabilitation of the criminal offender and his adaptation to society. At the same

time, the above mentioned surveyed groups feel that the state should re-evaluate the objectives of the system and possibly redefine new objectives.

Some of the problem areas facing the prison system are: a) clarification of the duality of jurisdiction and function of the Executive and Judicial Branches with respect to corrections; b) design of a uniform administrative system (each prison is organized differently); c) the poor utilization of the system's capacity to generate resources; d) design of an effective personnel system; e) greater use of pretrial release mechanisms to reduce the size of the population awaiting trial.

7. The Criminal Process.

This section examines Guatemala's criminal procedure, which is primarily reliant on the traditional civil law written process.

Criminal Procedure in Guatemala is characterized by its strong apparent emphasis on "due process" requirements such as the privilege against self-incrimination, the prohibition of defendants being held incommunicado, the right to counsel, the right to a public trial, and fixed periods for the completion of the different procedural stages. Even though all of these guarantees are written into the Constitution, they are not always followed. Thus, 26% of judges surveyed in the sector study felt that the accused almost never knows what he/she is charged with; 80% of lawyers felt that procedural time periods are not complied with.

The nature and severity of the offense determines the type of proceeding to be followed, including who may bring the prosecution. For the majority of serious crimes, the prosecution is brought by the Public Ministry and the process is divided into two distinct phases: an instructional stage during which the court determines probable cause that a crime was committed and that the accused is the person who committed it; and a trial stage during which the guilt or innocence of the defendant is adjudicated and a sentence imposed. Finally, there is an appeal process.

The purpose of the preliminary phase of the criminal proceeding is to determine if a crime was committed, and the person to be charged for that act. The agency which receives the criminal complaint must bring it before competent judicial authorities, who then initiate the process. In practice this does not always take place. If the police do not identify a witness or effect a detention, they often do not inform the judiciary of the complaint so that judicial and police statistics on crimes reported are not equal. The process may be initiated in a justice of the peace or first instance court. The justice of the peace court may hold the case for three days, during which time they may order preventive detention, thereafter, it must be forwarded

to the corresponding first instance instructional court. Once the complaint is received this investigatory stage is directed by the instructional judge (investigating magistrate) who may order a series of investigatory actions, including the arrest of a suspect.

The instructional stage is secret with limited access provided to the accused, his counsel and the Public Ministry. All of the actions during this stage are written since they will constitute the evidence to be examined during the trial. Upon the arrest of the accused he/she must be placed before a judge within six hours, something which due to the size of the country is oftentimes utopian. Within five days, the judge must determine whether the defendant is to be released, detained or awarded monetary bail. If the accused is detained, the process must be completed within fifteen days. Even though the process provides for a speedy determination for detained persons, the assessment research indicates an average instructional period exceeding the established norm. Upon the completion of this stage, the court determines whether it should proceed to trial and notifies the Supreme Court so that a first instance trial court is appointed to hear the case.

Upon receipt of the case, the first instance judge may order temporary or permanent dismissal of the case. Dismissal results in the release of a detained defendant. Once the trial stage is opened, the accused and the Public Ministry shall have access for a period of five days to the investigative record. The trial, which is public and oral, is held continuously. Even though Guatemalan procedure orders a speedy trial process, the sector study indicates an average trial period of eight months from arrest to sentence. Upon conclusion, the judge shall determine the guilt or innocence of the accused and shall impose sentence.

Guatemalan criminal procedure orders the appellate review of all sentences, dismissals and when pretrial release is allowed in serious crimes.

NATIONAL WORKSHOP
REVIEW OF THE GUATEMALA JUDICIAL SECTOR
SECTOR ASSESSMENT STUDY

Antigua, Guatemala
April 8-9, 1988

I JUDICIAL BRANCH

1. Administrative re-organization of the Judicial Branch, in such a way, that access to the Justice system is facilitated as also improve the efficiency of the system. Two priority areas:

a. Decentralization of Jurisdiction of territory: There is actually a concentration of functions and administrative resources in Guatemala City. Decentralization of specific services is recommended, which are necessary such as: supplies, library, registry of Powers of Attorney, Archives of Material Registries, Traffic clearances, Records of convictions, etc.

A suggestion in the above-mentioned plan is through a pilot project.

b. In order to expedite the process of administrative matters decision making of the Judicial Branch, it is required to establish and provide an appropriate internal ruling backup to decentralize make effective specific tasks within high intermediate level administrative personnel, incorporating mechanisms, procedures and structures of modern management clearly defining the levels of responsibility and authority as also applicable controls to guarantee efficiency and carrying out of responsibility.

2. To place the highest priority on the National Congress to approve and publish two laws that have been presented to the Legislative Branch.

a. The Judicial Branch Law.

b. The Civil Service System Law for the Judicial Branch employees.

3. To obtain financial and technical assistance for the Personnel Office of the Judicial Branch, in order to implement and make effective the "Civil Service System Law for the Judicial Branch employees", and matters related to personnel management.

4. Training: Up-to-date training has been provided to Judicial Branch employees lacking and adequate integrated planning system. It is necessary to establish an adequate training program for Judicial officials and support personnel at different levels in technical and administrative matters. Training in the criminal area must be maintained and study its enlargement for personnel of other areas such as: Labor Courts, Family Courts, Courts for Minors.

This training program must meet the needs of the Judicial Branch, of the total number of employees and the different levels of personnel. Therefore, a variety of teaching mechanisms must be developed such as: seminars, post-graduate courses, workshops distance education.

On the other hand, it is recommended to take measures that will allow that the knowledge acquired by the Judicial personnel that receive training will result in a multiplying effect or networks in the Judicial system, through the organization of workshops, working journeys, etc.

5. Informatics: Computerized technology must be introduced into the Judicial Branch mechanisms, to the effect of:

a. Modernizing the access to the information on Juridical documentation on Court Decision (Jurisprudence and treatises), as also legislation.

b. To provide support to the Judicial system in the development of Court Management, being able to collect registry and order the basic information to follow case management, as also the automated organization of the general administrative functions of the Judicial Branch.

6. Corruption: Define and defuse policies addressed to prevent corruption.

7. Justice: to perform study and research involved in Anthropological, sociological and criminal studies concerning Justice in general, such as: the indigenous indian problems, problems in urban marginal population, minors, etc.

II PRISON SYSTEM AND CRIMINAL PROCESS

The commission for this study, after an analysis and discussion of the summary of conclusions regarding the present problems in Guatemala's prison system, recommends: The convenience through a two-fold commission of defining responsibilities and proposing

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adequate measures to prevent dualities and duplication in problems pointed out related to the Prison System, as also to reinforce training of their personnel.

As to the Criminal Process, which was also analyzed by working group number two, when discussed, in the general meeting the following conclusion to the summary presented is:

The actual organization of the criminal courts (Instruction or Investigative and Sentencing) and the structure of the process itself, is convenient, because it expedites the process, and provides the basis to adopt it, to the oral system.

Due to the above it is recommended to:

I. Adopt other measures for arrested persons such as:

- Domicile arrest
- Release from Jail paying a fine or freedom on bail or caution juratory, etc.

II. To reinforce the judges attitude in the sense that when applying the above mentioned benefits must not be granted in an arbitrarily manner, nor to proceed capriciously.

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III GENERAL ATTORNEY AND DEFENSE

1. The general consensus was that the General Attorney's Office is not, at present, complying in a satisfactory manner with the functions which in a generic manner are assigned to it by the Republic's Constitutional Politics, specifically in regard to its participation in assuring the Guatemalan society a correct and full administration of Justice.

2. This non-compliance has its roots and explanation in the deficiencies of a conceptual, organizational, structural, financial nature and of assignment of human resources which the institutions suffers, aggravated by the increasing demands upon its services. This situation has caused a serious deterioration of the quality and quantity of services provided and of the institutions's public image, as a vigilant for full compliance of the country's laws.

3. A revision of the normative, organic and functional

activities of the institution is considered imperative to:

- 3.1. Fully harmonize it with the spirit of the functions assigned by the Political Constitutions (Article 2.1).
- 3.2. Due to the constitutional provision (Article 252) granting the President of the Republic, authority for appointing and dismissing the Nation's General Attorney and Chief of the General Attorney's Office, (which may result in an undesirable dependence which may denature the essence of his function and hierarchy), in the new law a provision should be included to strengthen his independence and stability, through a precise and restrictive cause for dismissal, and point out his independence and functional autonomy and criteria.
- 3.3 In the new law, special care must be taken to precise an area of competence which would not get in conflict with other public institutions, specifically with the Human Rights Attorney.
- 3.4. The financial, technical and human resources strengthening of the institution, in accordance with its nature, goals and competence. Special emphasis must be given to the urgent improvement of the present levels of remuneration, and the establishment of a specific regime for the administration of personnel, including the continuous upgrading thereof.
- 3.5. Provide the institution with a more up-to-date and flexible structure which would permit a rapid and flexible accommodation thereof to the changing needs for its services. It is especially recommended to review its present departmentalization by incorporating other support units to the fiscalization function, such as investigation, information, documental reference, etc.
4. For the purposes of the above section, and taking into account the institutional nature and importance of the General Attorney's Office, it is recommended that a workshop specifically oriented towards the examination of the theme and the formulation of the proposed law, be carried out.
5. A constructive, direct, and immediate relationship between the Judicial Court authorities and the General Attorney's Office is considered necessary and convenient, in order to solve the daily operational and emergency problems which affect the administration of justice, such as notification proceedings, copies of resolutions, etc.

b) Defense

1. The focus upon the theme is limited to the function of the defense when the same is not elected and contracted by the defendant. In this sense it is considered that the right for defense, as a human right, is contained in the Political Constitution, however, in order for such right to be full and

effective, in the case of those persons who cannot have or pay for the services of lawyers whom they would trust, it must be free of charge to the defendant and performed immediately and from the initiation of the proceedings.

The constitutional provisions are in harmony with norms stated at the Human Rights Inter-American convention, in the sense of recognizing as a right that of counting upon a lawyer paid by the State.

2. In Guatemala, legal provisions related to the public defense (defensa de oficio) are not complied with both in relation to the services performed by lawyers, such as services performed by popular legal offices. As a consequence, it could be said that, in a general way, the defense (defensa de oficio) is nothing but a "formal fallacy", due to the fact that it is practically impossible to operate.

3. Although the opinions on the form in which an effective and free of charge public defense service should be organized are diversified, the general consensus is that they must be structured at least along the following guidelines:

3.1 An entity must be established to provide the service through public defenders remunerated by the State.

3.2. The entity created for this purpose must enjoy the necessary functional autonomy in order to efficiently comply with its commitment, without undesirable interferences of any nature.

3.3. Although the performance of popular legal offices in the public defense has had some practical significance and has served educational purposes, the convenience of defining its functions in order to give them more of a social service nature, is recognized. However, educational objectives could be satisfied by incorporating and linking them in some way to the suggested public defense entity. To comply with this commitment, it is indispensable to incorporate this task to the corresponding Law Faculties.

3.4 The Lawyers and Public Notaries College can, and must perform a contributing and controlling function on the compliance and effectiveness of public defense.

LOGICAL FRAMEWORK - IMPROVED ADMINISTRATION OF JUSTICE PROJECT 520-0369

NARRATIVE SUMMARY	OBJECTIVELY VERIFIABLE INDICATORS	MEANS OF VERIFICATION	IMPORTANT ASSUMPTIONS
A. PROJECT GOAL			
Strengthen Guatemalan democratic initiatives in order to promote social progress and economic well being of the Guatemalan population	<ol style="list-style-type: none"> 1. Increased equitable treatment under law 2. Increased number of Guatemalans receiving legal assistance 3. Increased public confidence in justice system 	<ol style="list-style-type: none"> 1. Introduction of new laws/ reforms of outdated laws 2. Periodic opinion polls/ reports 3. <ol style="list-style-type: none"> a. Periodic public opinion polls b. Progress in resolution of cases c. Increase in amount domestic and foreign investment 	<ul style="list-style-type: none"> - That the Government and economy remain stable - Continued GOG commitment to update its laws

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LOGICAL FRAMEWORK - IMPROVED ADMINISTRATION OF JUSTICE PROJECT 520-0369

NARRATIVE SUMMARY	OBJECTIVELY VERIFIABLE INDICATORS	MEANS OF VERIFICATION	IMPORTANT ASSUMPTIONS
B. PROJECT PURPOSE			
Improve the capacity of the Guatemalan judicial system to provide fair, effective and accessible judicial services nationwide	<ol style="list-style-type: none"> 1. Increased Professionalization/ Independence of Judiciary 2. Legal information is available to participants in the justice system in timely way and affordable price 3. Improvement in GOG financing of judiciary 	<ol style="list-style-type: none"> 1.a Implementation of new career civil service system law for judicial branch employees 1.b Surveys of opinions of personnel 2.a Records of Court Management Information System 2.b Surveys of opinion of participants in system 3.a Revenue levels for judicial branch 	<ul style="list-style-type: none"> - GOG commitment to provide increased resources to improve the justice system - Supreme Court will act quickly and efficiently to implement project - Supreme Court will devote sufficient personnel and other resources to address problems

LOGICAL FRAMEWORK - IMPROVED ADMINISTRATION OF JUSTICE PROJECT 520-0369

NARRATIVE SUMMARY	OBJECTIVELY VERIFIABLE INDICATORS	MEANS OF VERIFICATION	IMPORTANT ASSUMPTIONS																														
C. PROJECT OUTPUTS																																	
1. Training of Justice Personnel																																	
a. Personnel Trained .		- Periodic Reports and Evaluations	- GOG will allow government employees to participate in training activities																														
<table border="0"> <tr> <td>a.1</td> <td>Judicial Branch</td> <td>FY 87</td> <td>FY 90</td> <td>FY 91</td> <td>TOTAL</td> </tr> <tr> <td></td> <td></td> <td>468</td> <td>726</td> <td>751</td> <td>1945</td> </tr> <tr> <td>a.2</td> <td>Public Ministry</td> <td>320</td> <td>320</td> <td>320</td> <td>960</td> </tr> <tr> <td>a.3</td> <td>Defense System</td> <td>85</td> <td>170</td> <td>170</td> <td>425</td> </tr> <tr> <td></td> <td>T o t a l</td> <td>873</td> <td>1216</td> <td>1241</td> <td>3330</td> </tr> </table>	a.1	Judicial Branch	FY 87	FY 90	FY 91	TOTAL			468	726	751	1945	a.2	Public Ministry	320	320	320	960	a.3	Defense System	85	170	170	425		T o t a l	873	1216	1241	3330			- That training is appropriate in terms of current in-service needs and new training needs under pending career civil service system law for judicial branch employees
a.1	Judicial Branch	FY 87	FY 90	FY 91	TOTAL																												
		468	726	751	1945																												
a.2	Public Ministry	320	320	320	960																												
a.3	Defense System	85	170	170	425																												
	T o t a l	873	1216	1241	3330																												
b. Training system within Judicial Branch Strengthened	<ol style="list-style-type: none"> 1. Training needs assessment completed by first quarter FY1989 2. Training Plan completed by second quarter FY1989 3. Training section of Human Resources Dpt. of Supreme Court organized, equipped and staffed by end of project 	- Periodic reports and Evaluations	<ul style="list-style-type: none"> - That GOG commits necessary budget and staffing to support this activity - That needed coordination with other institutions providing training takes place to avoid duplication, etc. - That required support from ILANUD received 																														

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LOGICAL FRAMEWORK - IMPROVED ADMINISTRATION OF JUSTICE PROJECT 520-0369

NARRATIVE SUMMARY	OBJECTIVELY VERIFIABLE INDICATORS	MEANS OF VERIFICATION	IMPORTANT ASSUMPTIONS
2. Improving Legal Information (CENALEX)			
a. System designed and implemented for collection, organization and dissemination of Legislation in effect and Court decisions	<ol style="list-style-type: none"> 1. Establishment of an automated legislative and jurisprudential database by 3rd Qtr, FY89 2. Establishment of system for inexpensive distribution of information by 4th Qtr FY89 	- Periodic Reports and Evaluations	<ul style="list-style-type: none"> - That ILANUD provides the necessary support to complete the first phase and assists the Supreme Court in expansion of the system during a second phase
b. System expanded to include full texts of legislation/jurisprudence, legislative, legal and executive decrees, and doctrina	<ol style="list-style-type: none"> 1. Analysis of costs/benefits of including additional completed by 3rd Qtr FY1990 2. Incorporation of additional information in database by 4th Qtr FY1990 3. Analysis of alternative distribution systems completed by 1st Qtr FY1991 4. New distribution mechanism introduced by 4th Qtr FY1991 		<ul style="list-style-type: none"> - That the Supreme Court has the will and capacity to commit needed staffing and budget to support this activity including the charging of fees to users

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LOGICAL FRAMEWORK - IMPROVED ADMINISTRATION OF JUSTICE PROJECT 520-0369

NARRATIVE SUMMARY	OBJECTIVELY VERIFIABLE INDICATORS	MEANS OF VERIFICATION	IMPORTANT ASSUMPTIONS
3. Court System Improvement			
a. Strengthening of Administrative structure	<ol style="list-style-type: none"> 1. New judicial organic law passed in 1st Qtr, FY1989 2. Analysis of administrative structure completed by 4th Qtr FY1989 3. Recommendations approved for execution in 2nd Qtr, FY1990 	- Periodic Reports and Evaluation	<ul style="list-style-type: none"> - That the GOG (through the Supreme Court) is prepared to do following, <ol style="list-style-type: none"> 1. commit human and financial resources to support project as described 2. to charge fees for usage of services as needed
b. Strengthening of Planning Capacity	<ol style="list-style-type: none"> 1. New planning office established in 3rd Qtr FY1989 2. Short and medium term plans developed by 4th Qtr FY1989 	- Periodic Reports and Evaluations	- That ILANUD and Harvard provide agreed upon support as described
c. Improved Financial Management and Budgeting Capacity	<ol style="list-style-type: none"> 1. Analyses of current system of accounting and budgeting completed by 4th Qtr FY1989 2. Development of financial and accounting manuals completed by 1st Qtr FY1990 3. Implementation of automated system by 3rd Qtr FY1990 	- Periodic Reports and Evaluations	

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LOGICAL FRAMEWORK - IMPROVED ADMINISTRATION OF JUSTICE PROJECT 520-0369

NARRATIVE SUMMARY	OBJECTIVELY VERIFIABLE INDICATORS	MEANS OF VERIFICATION	IMPORTANT ASSUMPTIONS
d. Strengthening of Personnel System	<ol style="list-style-type: none"> 1. Career civil service system law for judicial branch employees passes 3rd Qtr FY1989 2. Career personnel system developed/implemented by 2nd Qtr FY1990, which contains following: <ul style="list-style-type: none"> - selection, compensation and promotion mechanisms based on merit - new job descriptions - publication of a personnel manual covering both, as well as other aspects 	- Periodic Reports and Evaluation	
e. Strengthening of Records Management	<ol style="list-style-type: none"> 1. Installation of an effective records management system by 2nd Qtr FY1990, through the following: <ul style="list-style-type: none"> - the hiring of personnel - development of standards/guidelines - development of a manual - acquisition of equipment 		

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LOGICAL FRAMEWORK - IMPROVED ADMINISTRATION OF JUSTICE PROJECT 520-0369

NARRATIVE SUMMARY	OBJECTIVELY VERIFIABLE INDICATORS	MEANS OF VERIFICATION	IMPORTANT ASSUMPTIONS
f. New/Updated Standardized Forms	- Production of both standardized forms and a form's design manual by the 1st Qtr, FY 1990	- Periodic Reports and Evaluation	
g. Improved Caseflow Management	<ol style="list-style-type: none"> 1. Implemented pilot efforts with 5 criminal courts in Guatemala City and one outside it. to field test these items by the 2nd Qtr of FY1990 2. Carry out analyses of entire process by 2nd Qtr, FY1990 to arrive at recommendations for techniques, procedures, and forms 3. Based on these results, introduction of benchbook for use by judges and their staff by 1st Qtr, FY1991 	- Periodic Reports and Evaluations	
h. Improved Judicial Statistics System	<ol style="list-style-type: none"> 1. Detailed analysis of current system carried out by 4th Qtr FY1989 2. Preparation of statistical reporting manual covering forms, procedures, etc. by 2nd Qtr, FY1990 3. Installation of automated system by 1st Qtr FY1991 	- Periodic Reports and Evaluations	

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LOGICAL FRAMEWORK - IMPROVED ADMINISTRATION OF JUSTICE PROJECT 520-0369

NARRATIVE SUMMARY	OBJECTIVELY VERIFIABLE INDICATORS	MEANS OF VERIFICATION	IMPORTANT ASSUMPTIONS
i. Strengthened Court Interpreter Capacity	<ol style="list-style-type: none"> 1. Analysis of overall needs completed by 2nd Qtr, FY1990 2. Plan developed for creation of interpreter corps by 3rd Qtr FY1990 	- Periodic Reports and Evaluation	
j. Court Libraries and Publications Improvement	<ol style="list-style-type: none"> 1. Analysis of overall needs for library and related legal material (as well as of printing unit) completed by 3rd Qtr, FY1989 2. Procurement of needed materials/equipment by 1st Qtr FY1990 	- Periodic Reports and Evaluations	
k. Development of Unified Management Information System	<ol style="list-style-type: none"> 1. New Management Information System Office established by 1st Qtr FY1989 2. Management Information System Plan designed and implemented by 4th Qtr, FY1990 3. Management Information System designed and implemented by 3rd Qtr, FY1991 	- Periodic Reports and Evaluations	
l. Establishment of Pilot Programs to test recommendations and build consensus	<ol style="list-style-type: none"> 1. Establishment of model courts in Guatemala City in conjunction with the Harvard Program by 4th Qtr, FY1989 2. Establishment of pilot regional administrative office in Quetzaltenango by 2nd Qtr, FY1990 3. Establishment of model courts outside Guatemala City by 4th Qtr, FY1990 	- Periodic Reports and Evaluations	

LOGICAL FRAMEWORK - IMPROVED ADMINISTRATION OF JUSTICE PROJECT 520-0369

NARRATIVE SUMMARY	OBJECTIVELY VERIFIABLE INDICATORS	MEANS OF VERIFICATION	IMPORTANT ASSUMPTIONS
<p>4. Effective National Justice Commission in existence</p>	<p>1. Recruitment of Executive Director and support staff by 2nd Qtr, FY1989</p> <p>2. Establishment of sector priorities, development of plan and action program to carry it out by 1st Qtr, FY90</p> <p>3. Seen as planning and coordination forum or advisory body with respect to this project and other activities in the justice sector carried out by Guatemalan legal institutions</p>	<p>- Periodic Reports and Evaluation</p>	

LOGICAL FRAMEWORK - IMPROVED ADMINISTRATION OF JUSTICE PROJECT 520-0369

NARRATIVE SUMMARY	OBJECTIVELY VERIFIABLE INDICATORS				MEANS OF VERIFICATION	IMPORTANT ASSUMPTIONS
D. PROJECT INPUTS						
	Total (In U.S.\$000's)				- USAID Quarterly and Semi-Annual Progress Reports	- That there is no delay in the contracting of services for the Project Implementation
	USAID		G.O.G.			
	FX	LC	FX	LC		Unit
1. Technical Assistance	1024.7	347.4	0.0	0.0		
2. Commodities	742.2	243.0	0.0	0.0		
3. Training	113.7	482.4	0.0	0.0		
4. Administrative Support						
- Personnel Costs	377.5	594.1	0.0	1932.5		
- Travel/Per Diem	137.7	99.6	0.0	0.0		
- Equipment Maintenance	0.0	36.0	0.0	22.7		
- Office Operations	0.0	227.5	0.0	0.0		
- Materials	0.0	0.0	0.0	89.0		
- Publication Index	0.0	0.0	0.0	12.0		
Sub-Total	515.2	957.2	0.0	2055.2		
5. Evaluations/Audit	75.0	25.0	0.0	0.0		
6. Contingencies	124.5	103.9	0.0	0.0		
7. Inflation	133.4	110.4	0.0	0.0		
T O T A L	2730.7	2269.3	0.0	2055.2		
	5000.0					

**Detail Budget Breakdown for Each Major
Component and Management
Support**

**Component No. 1
TRAINING OF JUSTICE SECTOR PERSONNEL
Detailed Budget (US\$)**

CONCEPT	1989	1990	1991	Total
Training Jud. Br. (See table 3)	91,000	139,000	142,000	372,000
Training Pub. Min. (See table 5)	56,000	56,000	56,000	168,000
Training Def. Coun. (See table 8)	14,500	7,000	7,000	28,500
Judicial Branch - 4 Professionals	14,000	28,000	28,000	70,000
Judicial Branch - 2 Staff	5,850	11,700	11,700	29,250
Fringe benefits (28%)	5,558	11,116	11,116	27,790
Judicial Branch - Limited data processing equipment	20,000	0	0	20,000
Instructional and reproduction equip- ment, office and classroom furniture	25,000	95,000	0	120,000
Total	231,908	347,816	255,816	835,540

**Component No 2
IMPROVING JURISPRUDENTIAL INFORMATION
Detailed Budget (US\$)**

CONCEPT	1989	1990	1991	Total
Computer Consultant (1/4 time)	0	3,000	3,000	6,000
Consultants 60 days p.a. @ \$274	0	16,440	16,440	32,880
1 Information Analyst	0	6,000	6,000	12,000
Fringe benefits (Info. Anal. 28%)	0	1,600	1,600	3,360
Publications Index	6,000	0	0	6,000
Computer Terminals (4 @ \$5,000)	0	20,000	0	20,000
Computer Rqip. CPU Expansion	0	6,000	0	6,000
equipment Maintenance (5% p.a.)	0	1,300	975	2,275
Travel (\$1,000 per trip)	0	2,000	1,000	3,000
Per Diems (5 days @ \$90 per trip)	0	900	450	1,350
Total	6,000	57,320	29,545	92,865

Component No 3
COURT SYSTEM IMPROVEMENT
 Detailed Budget
 US\$

CONCEPT	1989	1990	1991	TOTAL
a. Administrative Structure				
1 Public Admin. expert (6 mths.)	3,000	3,000	0	6,000
Consultants (total of 50 days at \$150)	2,250	3,000	2,250	7,500
Overhead (50% of US/3rd. C TA)	1,125	1,500	1,125	3,750
International Travel (3 trips at \$1,000)	1,000	1,000	1,000	3,000
Per Diems (total of 51 days at \$90)	1,530	1,530	1,530	4,590
Local travel (6 trips at \$100)	600	0	0	600
Local Per diem 24 days at \$40	960	0	0	960
	10,465	10,030	5,905	26,400
b. Judicial Planning Unit				
1 Planner	9,600	4,800	0	14,400
1 Secretary	4,800	2,400	0	7,200
Fringe Benefits (28%)	4,032	2,016	0	6,048
Foreign Consultant 45 days at \$274	3,208	5,754	3,208	12,330
Overhead (50% of US/3rd. C TA)	1,644	2,877	1,644	6,165
1 PC	5,000	0	0	5,000
Equipment maintenance (5%)	250	250	250	750
Office equip. 2 staff at \$500 (cost of desk, chair and filing cab.)	1,000	0	0	1,000
Office supplies	1,500	1,500	1,500	4,500
Photocopying	2,500	2,500	2,500	7,500
Telephone	2,500	2,500	2,500	7,500
Int. Travel 7 at \$1,000.	3,000	2,000	2,000	7,000
Per Diem 35 days at \$90	1,350	900	900	3,150
Local Travel 36 trips at \$100	1,200	1,200	1,200	3,600
Local per diem 180 days at \$40	2,400	2,400	2,400	7,200
	44,064	31,097	18,182	93,343
c. Financial Management Budgeting				
CPA firm	20,000	0	0	20,000
TA total of 42 days at \$274	0	5,480	6,028	11,508
Overhead (50% of US/3rd. C TA)	0	2,740	3,014	5,754
Printing	500	500	500	1,500
4 Trips at \$1,000 + 40 days at \$90	0	4,160	4,160	8,320
	20,500	12,880	13,702	47,002

Component No 3
COURT SYSTEM IMPROVEMENT
Detailed Budget
US\$

CONCEPT	1989	1990	1991	Total
5 d. Personnel System				
Personnel Expert 6 mths.	6,000	0	0	6,000
Testling Expert	2,500	0	0	2,500
TA 49 days at \$274	5,754	3,836	3,836	13,426
Overhead (50% of US/3rd. C TA)	2,877	1,918	1,918	6,713
Int. travel 7 at \$1,000	3,000	2,000	2,000	7,000
Int. Per diem 35 days at \$90	1,350	900	900	3,150
Local travel 24 trips at \$100	1,200	600	600	2,400
Local Per diem 120 days at \$40	480	400	400	1,280
Printing	2,750	535	535	3,820
	25,911	10,189	10,189	46,289
e. Records Management				
1 Records Mgmt. Spec.	6,000	6,000	0	12,000
Secretary	4,800	2,400	0	7,200
Pringe Benefits (28%)	3,024	2,352	0	5,376
TA 28 DAYS AT \$274	5,480	1,096	1,096	7,672
Overhead 50% (TA)	2,740	548	548	3,836
Local Consultancies 28 days at \$150	0	2,100	2,100	4,200
100 Typewriters at \$350 each	35,000	0	0	35,000
100 Filing cabinets at \$200 each	20,000	0	0	20,000
300 Open shelf files at \$100 each	30,000	0	0	30,000
500 Boxes of color coded files	5,000	0	0	5,000
Office Equipment	3,000	0	0	3,000
Telephone	2,500	2,500	2,500	7,500
Photocopying	2,500	2,500	2,500	7,500
Equip. Maint. 5%	0	1,750	1,750	3,500
Local Travel 49 trips at \$100	2,100	1,400	1,400	4,900
Per diems 196 days at \$40	3,280	2,400	2,400	8,080
	125,424	25,046	14,294	164,764
f. Standardized Forms				
2 Lawyers for 6 mths.	12,000	0	0	12,000
Secretary for 6 mths.	2,400	0	0	2,400
Local Consultants 30 days at \$150	4,500	0	0	4,500
Office Equipment	2,000	0	0	2,000
Telephone	300	0	0	300
Office Supplies	1,000	0	0	1,000
Photocopying and Print	2,500	2,000	2,000	6,500
Int. Travel 2 trips at \$1,000	2,000	0	0	2,000
Per Diem 14 days at \$90	1,260	0	0	1,260
Local Travel 15 trips at \$100	1,500	0	0	1,500
Per Diem 60 days at \$40	2,400	0	0	2,400
	31,860	2,000	2,000	35,060

Component No 3
COURT SYSTEM IMPROVEMENT
 Detailed Budget
 US\$

CONCEPT	1989	1990	1991	Total
5 g. Caseflow Management				
1 Lawyer	0	12,000	6,000	18,000
Secretary	0	4,800	2,400	7,200
Fringe Benefits (28%)	0	4,704	2,352	7,056
1 PC Computer	0	5,000	0	5,000
Office Equipment	0	2,000	0	2,000
Telephone	0	300	300	600
Office Supplies	0	1,000	1,000	2,000
Photocopying and Print	0	2,500	2,000	4,500
Int. Travel 1 trip/yr at \$1,000	0	1,000	1,000	2,000
Per Diem 7 days at \$100	0	700	700	1,400
	0	34,004	15,752	49,756
h. Judicial Statistics				
1 Statistician	0	7,200	3,600	10,800
1 Programmer	0	14,400	0	14,400
2 Data entry clerks	0	9,600	4,800	14,400
Fringe Benefits (28%)	0	4,704	2,352	7,056
Consultants 51 days at \$274	0	8,220	5,754	13,974
Overhead (50% of US/3rd. C TA)	0	4,110	2,877	6,987
Int. Travel 4 at \$1,000	0	2,000	2,000	4,000
Int. Per diem 77 days at \$90	0	4,500	2,430	6,930
Local Travel 25 trips at \$100	0	1,500	1,000	2,500
Per diem 75 days at \$40	0	1,800	1,200	3,000
Printing of Manual & Reporting forms	0	5,500	2,750	8,250
Office Equipment \$500/employee	0	2,000	0	2,000
Office Supplies	0	2,000	2,000	4,000
Telephone	0	1,500	1,500	3,000
	0	69,034	32,263	101,297
i. Court Interpreters				
2 Anthropologists (8/4 mths. at \$1,000)	0	16,000	8,000	24,000
Local Travel 10 trips at \$100	0	700	300	1,000
Local Per diem 50 days at \$40	0	1,400	600	2,000
	0	18,100	8,900	27,000

Component No 3
COURT SYSTEM IMPROVEMENT
Detailed Budget
US\$

CONCEPT	1989	1990	1991	Total
j. Court libraries and publications				
Books Supreme Court	25,000	0	0	25,000
Maintenance of Collections 7.5%	0	0	1,875	1,875
Purchase of Appeals Court 6 at \$5,000	30,000	0	0	30,000
Maintenance of Collections 7.5%	0	0	2,250	2,250
Books for Lower Courts, Judges etc.	8,000	4,000	4,000	16,000
	63,000	4,000	8,125	75,125
k. Information Systems				
k1. Design and Implementation of HIS plan				
k1a. Organ. Analysis/Systems design				
Systems Analyst 44 days at \$274	6,028	6,028	0	12,056
k1b. Hardware & Software needs analysis				
Systems Analyst 22 days at \$274	0	6,028	0	6,028
Systems Engineer 22 days at \$274	0	6,028	0	6,028
k1c. Procurement				
Systems Analyst 22 days at \$274	0	6,028	0	6,028
k1d. Systems Mgmt. and Opns.				
Statistical Analyst 30 days at \$274	0	8,220	0	8,220
Systems Analyst 22 days at \$274	0	6,028	0	6,028
Systems Engineer 22 days at \$274	0	6,028	0	6,028
k1e. System Control and Evaluation				
System Analyst 22 days at \$274	0	6,028	0	6,028
Systems Engineer 22 days at \$274	0	6,028	0	6,028
k2. Design and Implementation of HIS				
Systems Analyst 80 days at \$274	0	24,112	0	24,112
Systems Engineer 66 days at \$274	0	18,084	0	18,084
3 Programmers \$8400 each	0	25,200	16,800	42,000
k3. Estab. of National Legal Reference System				
Systems Analyst 44 days at \$274	0	0	12,056	12,056
Computer Programmer at \$8400	0	0	8,400	8,400
Database Programmers 60 days at \$50	0	3,000	0	3,000
k4. General Support				
Secretary	1,200	4,800	4,800	10,800
Fringe Benefits (20% Progs./Sec.)	336	8,400	6,048	14,784
Overhead (50% of US/3rd. C TA)	3,014	49,320	6,028	58,362
Hardware	0	400,000	0	400,000
Software	0	125,000	0	125,000
Equipment maintenance 5%	0	20,000	0	20,000
Office Equipment	6,000	0	0	6,000
Office Supplies	1,500	4,500	3,000	9,000
Telephone	1,000	4,000	3,000	8,000
Int. Travel 21 trips at \$1,000	2,000	10,000	9,000	21,000
Int. Per diems 438 days at \$90	4,000	22,420	13,000	39,420
	25,078	775,280	82,132	882,490

Component No 3
 COURT SYSTEM IMPROVEMENT
 Detailed Budget
 US\$

CONCEPT	1989	1990	1991	Total
5 1. Pilot Programs				
Regional Administrator	0	9,600	9,600	19,200
Secretary	0	4,800	4,800	9,600
Accountant	0	6,000	6,000	12,000
Fringe Benefits (28%)	0	5,712	5,712	11,424
1 PC Computer	0	5,000	0	5,000
Office Equipment \$500 per staff	0	1,500	0	1,500
Office supplies	0	1,750	1,750	3,500
Telephone	0	600	600	1,200
1 Four wheel drive	0	15,000	0	15,000
Gasoline	0	500	600	1,200
Equipment maintenance 5%	0	0	1,075	1,075
Model Courts				
Model Paz Courts (criminal)				
Office Equipment PC, typew, taperecorder	7,500	0	0	7,500
Clerical for transcription of intervs.	4,000	4,000	0	8,000
Fringe Benefits (28%)	1,120	1,120	0	2,240
Maintenance of Equip. (5%)	0	375	0	375
Model Paz Courts (mixed)				
1 yr. 1 ct. Capital + 2 yrs. Cts. Rural				
Office Equip. PC, typew, taperecorder	7,500	0	16,050	23,550
Clerical for transcription of intervs.	4,000	4,000	8,000	16,000
Fringe Benefits (28%)	1,120	1,120	2,240	4,480
Maintenance of Equipment 5%	0	375	375	750
Model 1st. Inst. Ct.				
1 yr. Ct. Capital + 2 yrs. Cts. Rural				
Office Equip. PC, typew, taperecorder	7,500	0	16,050	23,550
Maintenance of Equipment 5%	0	375	375	750
Clerical for transcription of intervs.	4,000	4,000	8,000	16,000
Fringe Benefits (28%)	1,120	1,120	2,240	4,480
	37,860	67,047	83,467	180,374
Total	384,162	1,058,707	294,911	1,737,780

Component No. 4
STRENGTHENING THE NATIONAL COMMISSION
Detailed Budget (US\$)

Concept	1989	1990	1991	Total
Executive Director (part time)	14,000	14,000	7,000	35,000
Technical Coordinator (part time)	0	8,000	4,000	12,000
Secretary	0	0	4,800	4,800
Accountant	5,500	5,500	5,500	16,500
Fringe Benefits (28%)	5,460	7,700	5,964	19,124
Rent of office space	9,400	9,400	9,400	28,200
Office Operations	9,400	9,400	9,400	28,200
Other Expenses	4,000	4,000	4,000	12,000
Office Equipment \$500 per staff	2,000	0	0	2,000
Word Processor	2,500	0	0	2,500
Conferences	0	15,600	0	15,600
Total	52,260	73,600	50,064	175,924

PROJECT IMPLEMENTATION UNIT (PIU)
Detailed Budget (US\$)

CONCEPT	1989	1990	1991	TOTAL
Head of the PIU	6,000	24,000	24,000	54,000
Chief of Party/Court Admin. Spec.	50,000	85,000	115,000	250,000
Training Advisor	50,000	90,000	110,000	250,000
Financial Analyst/Adminstr.	6,500	25,000	25,000	56,500
Legal Specialist	5,000	20,000	20,000	45,000
Secretary	1,200	4,800	4,800	10,800
Messenger/Driver	1,000	3,800	3,800	8,600
Fringe Benefits Nacionals (28%)	5,516	21,728	21,728	48,972
Overhead (50% of Int. personnel)	50,000	87,500	112,500	250,000
Office Equipment \$500 per staff	2,500	0	0	2,500
1 PC Computer	5,000	0	0	5,000
Office rental	4,000	12,000	12,000	28,000
Office supplies	3,000	4,000	4,000	11,000
Telephone, telex, printing etc.	4,000	6,000	6,000	16,000
Vehicle	15,000	0	0	15,000
Gasoline and other expenses	1,750	1,750	1,750	5,250
Maintenance of Equipment 5%	0	1,000	1,000	2,000
Int. Travel	2,000	1,000	2,000	5,000
Int. Per diem	700	700	700	2,100
Local Travel 12/yr*5 persons*\$100	4,000	6,000	6,000	16,000
Local Per diem 4 dys per trip *\$40	5,000	9,600	9,600	24,200
Total	222,166	403,878	479,878	1,105,922

**USAID ADMINISTRATIVE SUPPORT
Detailed Budget (US\$)**

CONCEPT	1989	1990	1991	Total
PSC	117,500	130,000	130,000	377,500
Project Officer's salary	6,000	12,000	12,000	30,000
Secretary	2,400	4,800	4,800	12,000
Fringe Benefits (28%)	2,352	4,704	4,704	11,760
Int. Travel	2,000	2,000	2,000	6,000
Int. Per diem	2,000	2,000	2,000	6,000
Local Travel	3,000	3,000	3,000	9,000
Local Per diem	3,000	3,000	3,000	9,000
Training	6,000	0	6,000	12,000
Other costs	1,500	1,500	1,500	4,500
Total	145,752	163,004	169,004	477,760

Component No. 1
TRAINING OF JUSTICE SECTOR PERSONNEL
 Detailed Budget (US\$)

CONCEPT					Supreme Court
	1989	1990	1991	Total	Ref.
Training Jud. Br. (See table 3)	91,000	139,000	142,000	372,000	Training 80% Q 20%\$
Training Pub. Min. (See table 5)	56,000	56,000	56,000	168,000	"
Training Def. Coun. (See table 8)	14,500	7,000	7,000	28,500	"
Judicial Branch - 4 Professionals	14,000	28,000	28,000	70,000	Personnel Q
Judicial Branch - 2 Staff	5,850	11,700	11,700	29,250	"
Fringe benefits (28%)	5,558	11,116	11,116	27,790	"
Judicial Branch - Limited data processing equipment	20,000	0	0	20,000	Equipment/supplies Q
Instructional and reproduction equip- ment, office and classroom furniture	25,000	95,000	0	120,000	"
Total	231,908	347,816	255,816	835,540	

Component No 2
IMPROVING JURISPRUDENTIAL INFORMATION
 Detailed Budget (US\$)

CONCEPT					Supreme Court
	1989	1990	1991	Total	Ref.
Computer Consultant (1/4 time)	0	3,000	3,000	6,000	TA Q
Consultants 60 days p.a. @ \$274	0	16,440	16,440	32,880	TA Q
1 Information Analyst	0	6,000	6,000	12,000	Personnel Q
Fringe benefits (Info. Anal. 28%)	0	1,680	1,680	3,360	"
Publications Index	6,000	0	0	6,000	Office Ops./reproduction Q
Computer Terminals (4 * \$5,000)	0	20,000	0	20,000	Equip./Supplies Q
Computer Equip. CPU Expansion	0	6,000	0	6,000	"
equipment Maintenance (5% p.a.)	0	1,300	975	2,275	Equip. Maint./rental Q
Travel (\$1,000 per trip)	0	2,000	1,000	3,000	Travel/Per. diem \$
Per Diems (5 days * \$90 per trip)	0	900	450	1,350	"
Total	6,000	57,320	29,545	92,865	

CONCEPT	1989	1990	1991	Total	Supreme Court Ref.
a. Administrative Structure					
1 Public Admin. expert (6 mths.)	3,000	3,000	0	6,000	TA Q
Consultants (total of 50 days at \$150)	2,250	3,000	2,250	7,500	TA \$
Overhead (50% of US/3rd. C TA)	1,125	1,500	1,125	3,750	TA \$
International Travel (3 trips at \$1,000)	1,000	1,000	1,000	3,000	Travel/Per diem \$
Per Diems (total of 51 days at \$90)	1,530	1,530	1,530	4,590	"
Local travel (6 trips at \$100)	600	0	0	600	Travel/Per diem Q
Local Per diem 24 days at \$40	960	0	0	960	"
	10,465	10,030	5,905	26,400	
b. Judicial Planning Unit					
1 Planner	9,600	4,800	0	14,400	Personnel Q
1 Secretary	4,800	2,400	0	7,200	"
Fringe Benefits (28%)	4,032	2,016	0	6,048	"
Foreign Consultant 45 days at \$274	3,288	5,754	3,288	12,330	TA \$
Overhead (50% of US/3rd. C TA)	1,644	2,877	1,644	6,165	"
1 PC	5,000	0	0	5,000	Equip./Supplies \$
Equipment maintenance (5%)	250	250	250	750	Equip. maint./rental Q
Office equip. 2 staff at \$500 (cost of desk, chair and filing cab.)	1,000	0	0	1,000	Equip./Supplies Q
Office supplies	1,500	1,500	1,500	4,500	Equip. maint./rental Q
Photocopying	2,500	2,500	2,500	7,500	Office operations/reprod.
Telephone	2,500	2,500	2,500	7,500	"
Int. Travel 7 at \$1,000	3,000	2,000	2,000	7,000	Travel/Per diem \$
Per Diem 35 days at \$90	1,350	900	900	3,150	"
Local Travel 36 trips at \$100	1,200	1,200	1,200	3,600	Travel/Per diem Q
Local per diem 180 days at \$40	2,400	2,400	2,400	7,200	"
	44,064	31,097	18,182	93,343	
c. Financial Management Budgeting					
CPA firm	0,000	0	0	20,000	TA Q
TA total of 42 days at \$274	0	5,480	6,028	11,508	TA \$
Overhead (50% of US/3rd. C TA)	0	2,740	3,014	5,754	TA \$
Printing	500	500	500	1,500	Office ops./reprod. Q
4 Trips at \$1,000 + 48 days at \$90	0	4,160	4,160	8,320	Travel/Per diem \$
	20,500	12,880	13,702	47,082	
d. Personnel System					
Personnel Expert 6 mths.	6,000	0	0	6,000	TA Q
Testing Expert	2,500	0	0	2,500	TA Q
TA 49 days at \$274	5,754	3,836	3,836	13,426	TA \$
Overhead (50% of US/3rd. C TA)	2,877	1,918	1,918	6,713	TA \$
Int. travel 7 at \$1,000	3,000	2,000	2,000	7,000	Travel/Per diem \$
Int. Per diem 35 days at \$90	1,350	900	900	3,150	"
Local travel 24 trips at \$100	1,200	600	600	2,400	Travel/Per diem Q
Local Per diem 120 days at \$40	480	400	400	1,280	"
Printing	2,750	535	535	3,820	Office ops./reprod. Q
	25,911	10,189	10,189	46,289	

e. Records Management

1 Records Mgnt. Spec.	6,000	6,000	0	12,000	Personnel Q
Secretary	4,800	2,400	0	7,200	"
Fringe Benefits (28%)	3,024	2,352	0	5,376	"
TA 28 DAYS AT \$274	5,480	1,096	1,096	7,672	TA \$
Overhead 50% (TA)	2,740	548	548	3,836	TA \$
Local Consultancies 28 days at \$150	0	2,100	2,100	4,200	TA Q
100 Typewriters at \$350 each	35,000	0	0	35,000	Equip./Supplies \$
100 Filing cabinets at \$200 each	20,000	0	0	20,000	Equip./Supplies Q
300 Open shelf files at \$100 each	30,000	0	0	30,000	"
500 Boxes of color coded files	5,000	0	0	5,000	"
Office Equipment	3,000	0	0	3,000	"
Telephone	2,500	2,500	2,500	7,500	Office ops./reprod. Q
Photocopying	2,500	2,500	2,500	7,500	"
Equip. Maint. 5%	0	1,750	1,750	3,500	Equip. maint./rental Q
Local Travel 49 trips at \$100	2,100	1,400	1,400	4,900	Travel/Per diem Q
Per diems 196 days at \$40	3,280	2,400	2,400	8,080	"

125,424 25,046 14,294 164,764

f. Standardized Forms

2 Lawyers for 6 mths.	12,000	0	0	12,000	TA Q
Secretary for 6 mths.	2,400	0	0	2,400	TA Q
Local Consultants 30 days at \$150	4,500	0	0	4,500	TA Q
Office Equipment	2,000	0	0	2,000	Equip./Supplies Q
Telephone	300	0	0	300	Office ops./reprod. Q
Office Supplies	1,000	0	0	1,000	"
Photocopying and Print	2,500	2,000	2,000	6,500	"
Int. Travel 2 trips at \$1,000	2,000	0	0	2,000	Travel/Per diem \$
Per Diem 14 days at \$90	1,260	0	0	1,260	"
Local Travel 15 trips at \$100	1,500	0	0	1,500	Travel/Per diem Q
Per Diem 60 days at \$40	2,400	0	0	2,400	"

31,860 2,000 2,000 35,860

g. Caseflow Management

1 Lawyer	0	12,000	6,000	18,000	Personnel Q
Secretary	0	4,800	2,400	7,200	"
Fringe Benefits (28%)	0	4,704	2,352	7,056	"
1 PC Computer	0	5,000	0	5,000	Equip./Supplies \$
Office Equipment	0	2,000	0	2,000	Equip./Supplies Q
Telephone	0	300	300	600	Office ops./reprod. Q
Office Supplies	0	1,000	1,000	2,000	"
Photocopying and Print	0	2,500	2,000	4,500	"
Int. Travel 1 trip/yr at \$1,000	0	1,000	1,000	2,000	Travel/Per diem \$
Per Diem 7 days at \$100	0	700	700	1,400	"

0 34,004 15,752 49,756

h. Judicial Statistics

1 Statistician	0	7,200	3,600	10,800	Personnel Q
1 Programmer	0	14,400	0	14,400	"
2 Data entry clerks	0	9,600	4,800	14,400	"
Frinige Benefits (20%)	0	4,704	2,352	7,056	"
Consultants 51 days at \$274	0	8,220	5,754	13,974	TA \$
Overhead (50% of US/3rd. C TA)	0	4,110	2,877	6,987	TA \$
Int. Travel 4 at \$1,000	0	2,000	2,000	4,000	Travel/Per diem \$
Int. Per diem 77 days at \$90	0	4,500	2,430	6,930	"
Local Travel 25 trips at \$100	0	1,500	1,000	2,500	Travel/Per diem Q
Per diem 75 days at \$40	0	1,800	1,200	3,000	"
Printing of Manual & Reporting forms	0	5,500	2,750	8,250	Office ops./reprod. Q
Office Equipment \$500/employee	0	2,000	0	2,000	Equipment/Supplies Q
Office Supplies	0	2,000	2,000	4,000	Office ops./reprod. Q
Telephone	0	1,500	1,500	3,000	"

0 69,034 32,263 101,297

i. Court Interpreters

2 Anthropologists (8/4 mths. at \$1,000)	0	16,000	8,000	24,000	TA Q
Local Travel 10 trips at \$100	0	700	300	1,000	Travel/Per diem Q
Local Per diem 50 days at \$40	0	1,400	600	2,000	

0 18,100 8,900 27,000

j. Court libraries and publications

Books Supreme Court	25,000	0	0	25,000	Equipment/Supplies \$
Maintenance of Collections 7.5%	0	0	1,875	1,875	
Purchase of Appeals Court 6 at \$5,000	30,000	0	0	30,000	
Maintenance of Collections 7.5%	0	0	2,250	2,250	
Books for Lower Courts, Judges etc.	8,000	4,000	4,000	16,000	

63,000 4,000 8,125 75,125

k. Information Systems

k1. Design and Implementation of MIS plan

k1a. Organ. Analysis/Systems design					
Systems Analyst 44 days at \$274	6,028	6,028	0	12,056	TA \$
k1b. Hardware & Software needs analysis					
Systems Analyst 22 days at \$274	0	6,028	0	6,028	TA \$
Systems Engineer 22 days at \$274	0	6,028	0	6,028	TA \$
k1c. Procurement					
Systems Analyst 22 days at \$274	0	6,028	0	6,028	TA \$
k1d. Systems Mgmt. and Opns.					
Statistical Analyst 30 days at \$274	0	8,220	0	8,220	TA \$
Systems Analyst 22 days at \$274	0	6,028	0	6,028	TA \$
Systems Engineer 22 days at \$274	0	6,028	0	6,028	TA \$
k1e. System Control and Evaluation					
System Analyst 22 days at \$274	0	6,028	0	6,028	TA \$
Systems Engineer 22 days at \$274	0	6,028	0	6,028	TA \$

k2. Design and Implementation of MIS					
Systems Analyst 88 days at \$274	0	24,112	0	24,112	TA \$
Systems Engineer 66 days at \$274	0	18,084	0	18,084	TA \$
3 Programmers \$8400 each	0	25,200	16,800	42,000	Personnel Q
k3. Estab. of National Legal Reference System					
Systems Analyst 44 days at \$274	0	0	12,056	12,056	TA \$
Computer Programmer at \$8400	0	0	8,400	8,400	Personnel Q
Database Programmers 60 days at \$50	0	3,000	0	3,000	TA Q
k4. General Support					
Secretary	1,200	4,800	4,800	10,800	Personnel Q
Fringe Benefits (28% Progs./Sec.)	336	8,400	6,048	14,784	"
Overhead (50% of US/3rd. C TA)	3,014	49,320	6,028	58,362	TA \$
Hardware	0	400,000	0	400,000	Equipment/Supplies \$
Software	0	125,000	0	125,000	"
Equipment maintenance 5%	0	20,000	0	20,000	Equip. maint./Rental Q
Office Equipment	6,000	0	0	6,000	Equipment/Supplies Q
Office Supplies	1,500	4,500	3,000	9,000	Office operations/reprod.
Telephone	1,000	4,000	3,000	8,000	"
Int. Travel 21 trips at \$1,000	2,000	10,000	9,000	21,000	Travel/Per diem \$
Int. Per diems 438 days at \$90	4,000	22,420	13,000	39,420	"
	25,078	775,280	82,132	882,490	
1. Pilot Programs					
Regional Administrator	0	9,600	9,600	19,200	Personnel Q
Secretary	0	4,800	4,800	9,600	"
Accountant	0	6,000	6,000	12,000	"
Fringe Benefits (28%)	0	5,712	5,712	11,424	"
1 PC Computer	0	5,000	0	5,000	Equipment/Supplies \$
Office Equipment \$500 per staff	0	1,500	0	1,500	Equipment/Supplies Q
Office supplies	0	1,750	1,750	3,500	Office ops./reprod. {
Telephone	0	600	600	1,200	"
1 Four wheel drive	0	15,000	0	15,000	Equipment/Supplies \$
Gasoline	0	600	600	1,200	Office ops./reprod. Q
Equipment maintenance 5%	0	0	1,075	1,075	Equip. maint./rental Q

Model Courts

Model Paz Courts (criminal)

Office Equipment PC, typew, taperecorder	7,500	0	0	7,500	Equipment/Supplies \$
Clerical for transcription of interv	4,000	4,000	0	8,000	Personnel Q
Fringe Benefits (28%)	1,120	1,120	0	2,240	"
Maintenance of Equip. (5%)	0	375	0	375	Equip. maint./rental Q

Model Paz Courts (mixed)

1 yr. 1 ct. Capital + 2 yrs. Cts. Rural

Office Equip. PC, typew, taperecorder	7,500	0	16,050	23,550	Equipment/Supplies \$
Clerical for transcription of interv.	4,000	4,000	8,000	16,000	Personnel Q
Fringe Benefits (28%)	1,120	1,120	2,240	4,480	"
Maintenance of Equipment 5%	0	375	375	750	Equip.Maint./rental Q

Model 1st. Inst. Ct.

1 yr. Ct. Capital + 2 yrs. Cts. Rural

Office Equip. PC, typew, taperecorder	7,500	0	16,050	23,550	Equipment/Supplies \$
Maintenance of Equipment 5%	0	375	375	750	Equip.Maint/rental Q
Clerical for transcription of interv.	4,000	4,000	8,000	16,000	Personnel Q
Fringe Benefits (28%)	1,120	1,120	2,240	4,480	-

37,860	67,047	83,467	188,374
384,162	1,058,707	294,911	1,737,780

Total

Component No. 4
STRENGTHENING THE NATIONAL COMMISSION
Detailed Budget (US\$)

Concept	1989	1990	1991	Total	Ref.
Executive Director (part time)	14,000	14,000	7,000	35,000	Personnel Q
Technical Coordinator (part time)	0	8,000	4,000	12,000	"
Secretary	0	0	4,800	4,800	"
Accountant	5,500	5,500	5,500	16,500	"
Fringe Benefits (28%)	5,460	7,700	5,964	19,124	"
Rent of office space	9,400	9,400	9,400	28,200	Office ops/reprod. Q
Office Operations	9,400	9,400	9,400	28,200	"
Other Expenses	4,000	4,000	4,000	12,000	"
Office Equipment \$500 per staff	2,000	0	0	2,000	Equipment/Supplies Q
Word Processor	2,500	0	0	2,500	Equipment/Supplies \$
Conferences	0	15,600	0	15,600	Training costs Q
Total	52,260	73,600	50,064	175,924	

PROJECT IMPLEMENTATION UNIT (PIU)
Detailed Budget (US\$)

CONCEPT	1989	1990	1991	TOTAL	Ref.
Head of the PIU	6,000	24,000	24,000	54,000	TA Q
Chief of Party/Court Admin. Spec.	50,000	85,000	115,000	250,000	TA \$
Training Advisor	50,000	90,000	110,000	250,000	TA \$
Financial Analyst/Adminstr.	6,500	25,000	25,000	56,500	TA Q
Legal Specialist	5,000	20,000	20,000	45,000	TA Q
Secretary	1,200	4,800	4,800	10,800	TA Q
Messenger/Driver	1,000	3,800	3,800	8,600	TA Q
Fringe Benefits Nationals (28%)	5,516	21,728	21,728	48,972	TA Q
Overhead (50% of Int. personnel)	50,000	87,500	112,500	250,000	TA \$
Office Equipment \$500 per staff	2,500	0	0	2,500	Equipment/Supplies Q
1 PC Computer	5,000	0	0	5,000	Equipment/Supplies \$
Office rental	4,000	12,000	12,000	28,000	Office ops./reprod. Q
Office supplies	3,000	4,000	4,000	11,000	"
Telephone, telex, printing etc.	4,000	6,000	6,000	16,000	"
Vehicle	15,000	0	0	15,000	Equipment/Supplies \$
Gasoline and other expenses	1,750	1,750	1,750	5,250	Office ops./reprod. Q
Maintenance of Equipment 5%	0	1,000	1,000	2,000	Equip. Maint./rental Q
Int. Travel	2,000	1,000	2,000	5,000	Travel/Per diem \$
Int. Per diem	700	700	700	2,100	"
Local Travel 12/yr*5 persons*\$100	4,000	6,000	6,000	16,000	Travel/Per diem Q
Local Per diem 4 dys per trip *\$40	5,000	9,600	9,600	24,200	"
Total	222,166	403,878	479,878	1,105,922	

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USAID ADMINISTRATIVE SUPPORT
Detailed Budget (US\$)

Carmen Aguilera
and Secretary

CONCEPT	1989	1990	1991	Total	Ref.
US PSC	117,500	130,000	130,000	377,500	Personnel \$
Project Officer's salary	6,000	12,000	12,000	30,000	Personnel Q
Secretary	2,400	4,800	4,800	12,000	"
Fringe Benefits (28%)	2,352	4,704	4,704	11,760	"
Int. Travel	2,000	2,000	2,000	6,000	Travel/Per diem \$
Int. Per diem	2,000	2,000	2,000	6,000	"
Local Travel	3,000	3,000	3,000	9,000	Travel/Per diem Q
Local Per diem	3,000	3,000	3,000	9,000	"
Training	6,000	0	6,000	12,000	Training costs Q
Other costs	1,500	1,500	1,500	4,500	Office ops./reprod. Q
Total	145,752	163,004	169,004	477,760	
GRAND TOTAL	1,042,248	2,104,325	1,279,218	4,425,791	
Evals./Audits	0	15,000	85,000	100,000	
				4,525,791	

USAID SUMMARY BUDGET

Component No. 1	231,908	347,816	255,816	835,540
2	6,000	57,320	29,545	92,865
3	384,162	1,058,707	294,911	1,737,780
4	52,260	73,600	50,064	175,924
PIU	222,166	403,878	479,878	1,105,922
USAID ADMIN. SUPPORT	145,752	163,004	169,004	477,760
EVALS./AUDIT	0	15,000	85,000	100,000
CONTINGENCIES (5%)	1,042,248	2,119,325	1,364,218	4,525,791
INFLATION (5%)	54,233	105,966	68,211	228,410
	0	105,967	139,832	245,799
	1,096,481	2,331,258	1,572,261	5,000,000

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IMPROVED ADMINISTRATION OF JUSTICE PROJECT
SUMMARY BUDGET BY COMPONENT
US\$ 000'S

COMPONENT	FY 1989		FY 1990		FY 1991		TOTAL		TOTAL USAID
	FX	LC	FX	LC	FX	LC	FX	LC	
TRAINING OF JUSTICE SECTOR PERSONNEL	32,300	199,608	40,400	307,416	41,000	214,816	113,700	721,840	835,540
IMPROVING JURISPRUDENTIAL INFORMATION	0	6,000	2,900	54,420	1,450	28,095	4,350	88,515	92,865
COURT SYSTEM IMPROVEMENT	906,970	376,658	150,646	206,377	79,162	112,611	1,136,778	805,685	832,428
STRENGTHENING THE NATIONAL COMMISSION	2,500	69,360	0	77,600	0	54,064	2,500	201,024	203,524
PROJECT IMPLEMENTATION UNIT (PIU)	306,700	95,814	264,200	165,278	339,200	165,278	910,100	426,370	1,336,470
USAID ADMINISTRATIVE SUPPORT	4,000	35,004	4,000	29,004	4,000	35,004	12,000	99,012	111,012
EVALUATIONS/AUDIT	0	0	15,000	0	60,000	25,000	75,000	25,000	100,000
CONTINGENCIES (5%)	63,973	39,986	23,857	42,005	26,241	31,743	114,070	113,734	227,805
INFLATION (7%)	0	0	33,400	58,807	76,098	92,056	109,498	150,863	260,360
TOTAL	1,316,443	822,430	534,404	940,906	627,150	758,667	2,477,996	2,522,004	5,000,000

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IMPROVED ADMINISTRATION OF JUSTICE PROJECT
SUMMARY BUDGET BY INPUT
US\$ 000'S

INPUT	FY 1989		FY 1990		FY 1991		TOTAL		TOTAL USAID
	FX	LC	FX	LC	FX	LC	FX	LC	
TRAINING	32,300	150,800	40,400	177,200	41,000	170,000	113,700	498,000	611,700
TECHNICAL ASSISTANCE	435,780	125,864	368,106	162,468	362,247	154,468	1,166,133	442,800	1,608,933
COMMODITIES	718,000	124,500	4,000	121,000	40,225	0	762,225	245,500	1,007,725
ADMINISTRATIVE SUPPORT									
PERSONNEL COSTS	0	252,160	0	225,792	0	144,640	0	622,592	622,592
TRAVEL AND PER DIEM	66,390	41,020	49,640	34,300	21,340	32,900	137,370	108,220	245,590
EQUIPMENT MAINTENANCE	0	1,750	0	35,250	0	33,475	0	70,475	70,475
OFFICE OPERATIONS	0	86,350	0	84,085	0	74,385	0	244,820	244,820
EVALUATIONS/AUDIT	0	0	15,000	0	60,000	25,000	75,000	25,000	100,000
CONTINGENCIES (5%)	63,973	39,986	23,857	42,005	26,241	31,743	114,070	113,734	227,805
INFLATION (7%)	0	0	33,400	58,807	76,098	92,056	109,498	150,863	260,360
TOTAL	1,316,443	822,430	534,404	940,906	627,150	758,667	2,477,996	2,522,004	5,000,000

Component No. 1
TRAINING OF JUSTICE SECTOR PERSONNEL
 Detailed Budget (US\$)

CONCEPT	1989	1990	1991	Total
Training Jud. Br. (See table 3)	91,000	139,000	142,000	372,000
Training Pub. Min. (See table 5)	56,000	56,000	56,000	168,000
Training Def. Coun. (See table 8)	14,500	7,000	7,000	28,500
Judicial Branch - 4 Professionals	14,000	28,000	28,000	70,000
Judicial Branch - 2 Staff	5,850	11,700	11,700	29,250
Fringe benefits (28%)	5,558	11,116	11,116	27,790
Judicial Branch - Limited data processing equipment	20,000	0	0	20,000
Instructional and reproduction equip- ment, office and classroom furniture	25,000	95,000	0	120,000
Total	231,908	347,816	255,816	835,540

Component No 2
IMPROVING JURISPRUDENTIAL INFORMATION
 Detailed Budget (US\$)

CONCEPT	1989	1990	1991	Total
Computer Consultant (1/4 time)	0	3,000	3,000	6,000
Consultants 60 days p.a. @ \$274	0	16,440	16,440	32,880
1 Information Analyst	0	6,000	6,000	12,000
Fringe benefits (Info. Anal. 28%)	0	1,680	1,680	3,360
Publications Index	6,000	0	0	6,000
Computer Terminals (4 * \$5,000)	0	20,000	0	20,000
Computer Equip. CPU Expansion	0	6,000	0	6,000
equipment Maintenance (5% p.a.)	0	1,300	975	2,275
Travel (\$1,000 per trip)	0	2,000	1,000	3,000
Per Diems (5 days * \$90 per trip)	0	900	450	1,350
Total	6,000	57,320	29,545	92,865

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Component No 3
COURT SYSTEM IMPROVEMENT
Detailed Budget
US\$

CONCEPT	1989	1990	1991	Total
a. Administrative Structure				
1 Public Admin. expert (6 mths.)	6,000	0	0	6,000
Consultants (total of 50 days at \$150)	2,250	3,000	2,250	7,500
Overhead (50% of US/3rd. C TA)	1,125	1,500	1,125	3,750
International Travel (3 trips at \$1,000)	1,000	1,000	1,000	3,000
Per Diems (total of 51 days at \$90)	1,530	1,530	1,530	4,590
Local travel (6 trips at \$100)	600	0	0	600
Local Per diem 24 days at \$40	960	0	0	960
	13,465	7,030	5,905	26,400
b. Judicial Planning Unit				
1 Planner	9,600	4,800	0	14,400
1 Secretary	4,800	2,400	0	7,200
Fringe Benefits (28%)	4,032	2,016	0	6,048
Foreign Consultant 45 days at \$274	3,288	5,754	1,288	12,330
Overhead (50% of US/3rd. C TA)	1,644	2,877	1,644	6,165
1 PC	5,000	0	0	5,000
Equipment maintenance (5%)	250	250	250	750
Office equip. 2 staff at \$500 (cost of desk, chair and filing cab.)	1,000	0	0	1,000
Office supplies	1,500	1,500	1,500	4,500
Photocopying	2,500	2,500	2,500	7,500
Telephone	2,500	2,500	2,500	7,500
Int. Travel 7 at \$1,000	3,000	2,000	2,000	7,000
Per Diem 35 days at \$90	1,350	900	900	3,150
Local Travel 36 trips at \$100	1,200	1,200	1,200	3,600
Local per diem 180 days at \$40	2,400	2,400	2,400	7,200
	44,064	31,097	18,182	93,343
c. Financial Management Budgeting				
CPA firm	20,000	0	0	20,000
TA total of 42 days at \$274	0	5,480	6,028	11,508
Overhead (50% of US/3rd. C TA)	0	2,740	3,014	5,754
Printing	500	500	500	1,500
4 Trips at \$1,000 + 48 days at \$90	0	4,160	4,160	8,320
	20,500	12,880	13,702	47,082

Component No 3
COURT SYSTEM IMPROVEMENT
Detailed Budget
US\$

CONCEPT	1989	1990	1991	Total
d. Personnel System				
Personnel Expert 6 mths.	6,000	0	0	6,000
Testing Expert	2,500	0	0	2,500
TA 49 days at \$274	5,754	3,836	3,836	13,426
Overhead (50% of US/3rd. C Th)	2,877	1,918	1,918	6,713
Int. travel 7 at \$1,000	3,000	2,000	2,000	7,000
Int. Per diem 35 days at \$90	1,350	900	900	3,150
Local travel 24 trips at \$100	1,200	600	600	2,400
Local Per diem 120 days at \$40	480	400	400	1,280
Printing	2,750	535	535	3,820
	25,911	10,189	10,189	46,289
e. Records Management				
1 Records Mgnt. Spec.	6,000	6,000	0	12,000
Secretary	4,800	2,400	0	7,200
Fringe Benefits (28%)	3,024	2,352	0	5,376
TA 28 DAYS AT \$274	5,480	1,096	1,096	7,672
Overhead 50% (TA)	2,740	548	548	3,836
Local Consultancies 28 days at \$150	0	2,100	2,100	4,200
100 Typewriters at \$350 each	35,000	0	0	35,000
100 Filing cabinets at \$200 each	20,000	0	0	20,000
300 Open shelf files at \$100 each	30,000	0	0	30,000
500 Boxes of color coded files	5,000	0	0	5,000
Office Equipment	3,000	0	0	3,000
Telephone	2,500	2,500	2,500	7,500
Photocopying	2,500	2,500	2,500	7,500
Equip. Maint. 5%	0	1,750	1,750	3,500
Local Travel 49 trips at \$100	2,100	1,400	1,400	4,900
Per diems 196 days at \$40	3,280	2,400	2,400	8,080
	125,424	25,046	14,294	164,764
f. Standardized Forms				
2 Lawyers for 6 mths.	12,000	0	0	12,000
Secretary for 6 mths.	2,400	0	0	2,400
Local Consultants 30 days at \$150	4,500	0	0	4,500
Office Equipment	2,000	0	0	2,000
Telephone	300	0	0	300
Office Supplies	1,000	0	0	1,000
Photocopying and Print	2,500	2,000	2,000	6,500
Int. Travel 2 trips at \$1,000	2,000	0	0	2,000
Per Diem 14 days at \$90	1,260	0	0	1,260
Local Travel 15 trips at \$100	1,500	0	0	1,500
Per Diem 60 days at \$40	2,400	0	0	2,400
	31,860	2,000	2,000	35,860

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Component No 3
COURT SYSTEM IMPROVEMENT
 Detailed Budget
 US\$

CONCEPT	1989	1990	1991	Total
g. Caseflow Management				
1 Lawyer	12,000	6,000	0	18,000
Secretary	4,800	2,400	0	7,200
Fringe Benefits (28%)	4,704	2,352	0	7,056
1 PC Computer	5,000	0	0	5,000
Office Equipment	2,000	0	0	2,000
Telephone	300	300	300	900
Office Supplies	1,000	1,000	1,000	3,000
Photocopying and Print	2,500	2,000	2,000	6,500
Int. Travel 1 trip/yr at \$1,000	1,000	1,000	1,000	3,000
Per Diem 7 days at \$100	700	700	700	2,100
Local Travel 8 trips at \$100	0	0	800	800
Per Diem 30 days at \$40	0	0	1,200	1,200
	34,004	15,752	7,000	56,756

h. Judicial Statistics

1 Statistician	7,200	3,600	0	10,800
1 Programmer	14,400	0	0	14,400
2 Data entry clerks	9,600	4,800	0	14,400
Fringe Benefits (28%)	4,704	2,352	0	7,056
Consultants 51 days at \$274	8,220	5,754	0	13,974
Overhead (50% of US/3rd. C TA)	4,110	2,877	0	6,987
Int. Travel 4 at \$1,000	2,000	2,000	0	4,000
Int. Per diem 77 days at \$90	4,500	2,430	0	6,930
Local Travel 25 trips at \$100	1,500	1,000	0	2,500
Per diem 75 days at \$40	1,800	1,200	0	3,000
Printing of Manual & Reporting forms	5,500	2,750	2,000	10,250
Office Equipment \$500/employee	2,000	0	0	2,000
Office Supplies	2,000	2,000	0	4,000
Telephone	1,500	1,500	0	3,000
	69,034	32,263	2,000	103,297

i. Court Interpreters

2 Anthropologists (8/4 mths. at \$1,000)	0	16,000	8,000	24,000
Local Travel 10 trips at \$100	0	700	300	1,000
Local Per diem 50 days at \$40	0	1,400	600	2,000
	0	18,100	8,900	27,000

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Component No 3
COURT SYSTEM IMPROVEMENT
Detailed Budget
US\$

CONCEPT	1989	1990	1991	Total
j. Court libraries and publications				
Books Supreme Court	25,000	0	0	25,000
Maintenance of Collections 7.5%	0	0	1,875	1,875
Purchase of Appeals Court 6 at \$5,000	30,000	0	0	30,000
Maintenance of Collections 7.5%	0	0	2,250	2,250
Books for Lower Courts, Judges etc.	8,000	4,000	- 4,000	16,000
Consultants to design list of books	4,000	0	0	4,000
Publications Needs Assessment	3,000	0	0	3,000
PC Computer, printer & software	45,000	0	0	45,000
Maintenance of Equipment 5%	0	2,250	2,250	4,500
	115,000	6,250	10,375	131,625
k. Information Systems				
Hardware & Software needs analysis				
Systems Analyst 22 days at \$274	6,028	0	0	6,028
Systems Engineer 22 days at \$274	6,028	0	0	6,028
Statistical Analyst 30 days at \$274	8,220	0	0	8,220
System Control and Evaluation				
System Analyst 22 days at \$274	6,028	0	0	6,028
Systems Engineer 22 days at \$274	6,028	0	0	6,028
Procurement				
Systems Analyst 22 days at \$274	6,028	0	0	6,028
Technical Assistance				
Systems Analyst 180 days at \$274	12,056	39,456	0	51,512
Systems Engineer 110 days at \$274	24,112	6,028	0	30,140
4 Programmers \$8400 each	33,600	16,800	8,400	58,800
Database Programmers 60 days at \$50	3,000	0	0	3,000
Secretary	4,800	4,800	4,800	14,400
Fringe Benefits (28% Progs./Sec.)	10,752	6,048	3,696	20,496
Overhead (50% of US/3rd. C TA)	38,764	22,742	0	61,506
Hardware	500,000	0	0	500,000
Equipment maintenance 5%	0	25,000	25,000	50,000
Office Equipment	6,000	0	0	6,000
Office Supplies	3,500	3,500	2,000	9,000
Telephone	3,000	3,000	2,000	8,000
Int. Travel 21 trips at \$1,000	11,000	10,000	0	21,000
Int. Per diems 438 days at \$90	27,000	12,420	0	39,420
	715,944	149,794	45,896	911,634

Component No 3
COURT SYSTEM IMPROVEMENT
Detailed Budget
US\$

CONCEPT	1989	1990	1991	Total
1. Pilot Programs				
Regional Administrator	9,600	9,600	0	19,200
Secretary	4,800	4,800	0	9,600
Accountant	6,000	6,000	0	12,000
Fringe Benefits (28%)	5,712	5,712	0	11,424
1 PC Computer	5,000	0	0	5,000
Office Equipment \$500 per staff	1,500	0	0	1,500
Office supplies	1,750	1,750	0	3,500
Telephone	600	600	0	1,200
1 Four wheel drive	15,000	0	0	15,000
Gasoline	600	600	0	1,200
Equipment maintenance 5%	0	1,075	0	1,075
Model Courts				
Model Paz Courts (criminal)				
Office Equipment PC, typew, taperecorder	7,500	0	0	7,500
Clerical for transcription of intervs.	4,000	4,000	0	8,000
Fringe Benefits (28%)	1,120	1,120	0	2,240
Maintenance of Equip. (5%)	0	375	0	375
Model Paz Courts (mixed)				
1 yr. 1 ct. Capital + 2 yrs. Cts. Rural				
Office Equip. PC, typew, taperecorder	7,500	0	16,050	23,550
Clerical for transcription of intervs.	4,000	4,000	8,000	16,000
Fringe Benefits (28%)	1,120	1,120	2,240	4,480
Maintenance of Equipment 5%	0	375	375	750
Model 1st. Inst. Ct.				
1 yr. Ct. Capital + 2 yrs. Cts. Rural				
Office Equip. PC, typew, taperecorder	7,500	0	16,050	23,550
Maintenance of Equipment 5%	0	375	375	750
Clerical for transcription of intervs.	4,000	4,000	8,000	16,000
	1,120	1,120	2,240	4,480
	88,422	46,622	53,330	188,374
Total	1,283,628	357,023	191,773	1,832,424

Component No. 4
STRENGTHENING THE NATIONAL COMMISSION
Detailed Budget (US\$)

Concept	1989	1990	1991	Total
Executive Director (part time)	14,000	14,000	7,000	35,000
Technical Coordinator (part time)	0	8,000	4,000	12,000
Secretary	0	0	4,800	4,800
Accountant	5,500	5,500	5,500	16,500
Fringe Benefits (28%)	5,460	7,700	5,964	19,124
Rent of office space	9,400	9,400	9,400	28,200
Office Operations	9,400	9,400	9,400	28,200
Other Expenses	8,000	8,000	8,000	24,000
Office Equipment \$500 per staff	2,000	0	0	2,000
Word Processor	2,500	0	0	2,500
Conferences	15,600	15,600	0	31,200
Total	71,860	77,600	54,064	203,524

PROJECT IMPLEMENTATION UNIT (PIU)
Detailed Budget (US\$)

CONCEPT	1989	1990	1991	TOTAL
Head of the PIU	12,000	24,000	24,000	60,000
Chief of Party/Court Admin. Spec.	95,000	85,000	115,000	295,000
Training Advisor	95,000	90,000	110,000	295,000
Financial Analyst	12,500	25,000	25,000	62,500
Admin./Contracts Specialist	10,000	20,000	20,000	50,000
Legal Specialist	10,000	20,000	20,000	50,000
Secretary	2,400	4,800	4,800	12,000
Messenger/Driver	1,900	3,800	3,800	9,500
Fringe Benefits Nationals (28%)	13,664	27,328	27,328	68,320
Overhead (50% of Int. personnel)	95,000	87,500	112,500	295,000
Office Equipment \$500 per staff	5,000	0	0	5,000
1 PC Computer	5,000	0	0	5,000
Office rental	4,000	8,000	8,000	20,000
Office supplies	3,000	6,000	6,000	15,000
Telephone, telex, printing etc.	4,000	8,000	8,000	20,000
Vehicle	15,000	0	0	15,000
Gasoline and other expenses	1,750	1,750	1,750	5,250
Maintenance of Equipment 5%	0	1,000	1,000	2,000
Int. Travel	1,000	1,000	1,000	3,000
Int. Per diem	700	700	700	2,100
Local Travel 12/yr*5 persons*\$100	6,000	6,000	6,000	18,000
Local Per diem 4 dys per trip *\$40	9,600	9,600	9,600	28,800
Total	402,514	429,478	504,478	1,336,470

**USAID ADMINISTRATIVE SUPPORT
Detailed Budget (US\$)**

CONCEPT	1989	1990	1991	Total
Project Officer's salary	12,000	12,000	12,000	36,000
Secretary	4,800	4,800	4,800	14,400
Fringe Benefits (28%)	4,704	4,704	4,704	14,112
Int. Travel	2,000	2,000	2,000	6,000
Int. Per diem	2,000	2,000	2,000	6,000
Local Travel	3,000	3,000	3,000	9,000
Local Per diem	3,000	3,000	3,000	9,000
Training	6,000	0	6,000	12,000
Other costs	1,500	1,500	1,500	4,500
Total	39,004	33,004	39,004	111,012

CUESTIONARIO SOBRE DETECCION DE NECESIDADES DE CAPACITACION:

APPENDIX E
Page 1 of 7

INSTRUCTIVO GENERAL DEL CUESTIONARIO

OBJETIVOS DEL CUESTIONARIO

- Detectar necesidades de capacitación en los diferentes puestos permanentes del Organismo Judicial, a fin de conocer las NECESIDADES REALES del puesto y no las DEMANDAS de las personas que los ocupan.
- Facilitar la planificación de las actividades de capacitación según prioridades y áreas que se detecten para desarrollarlas de manera progresiva.

INSTRUCCIONES GENERAL

- Este cuestionario debe ser llenado por los jefes inmediatos de los diferentes puestos de trabajo.
- Se le agradece proporcionar información clara y concreta.
- A continuación se explica la forma en que debe ser llenado el cuestionario; el cual contiene las series "A" y "B".

SERIE "A"

- 1 Esta serie contiene preguntas generales sobre su unidad de trabajo y acerca de su criterio respecto de la capacitación del personal a su cargo.
- 2 Marcar con una "X" (equis) los horarios que considere más convenientes para las actividades de capacitación, según las carreras o niveles comprendidos dentro del Organismo Judicial, que son los siguientes

- | | | |
|-----------------------------|------|--|
| - Carrera Judicial | (J) | Magistrados y Jueces |
| - Carrera Auxiliar Judicial | (AJ) | Secretarios, Oficiales, Comisarios y Alguacil Judicial, si los hubiese. |
| - Carrera Administrativa | (A) | Puestos que tienen asignadas tareas y responsabilidades de oficina y de apoyo en dicha área. |
| - Nivel Profesional | (P) | Profesionales, contratados para trabajar por horas. |
| - Nivel Operativo | (O) | Puestos que realizan o apoyan tareas manuales, repetitivas y que requieren un esfuerzo físico. |

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SERIE "B"

1. Indicar el nombre del puesto según las funciones reales que desempeña.
2. Escribir con números la cantidad de personas que ocupan el puesto de trabajo indicado en el inciso uno.
3. Marcar con una "X" (equis) la carrera o nivel a la que pertenece el puesto, las cuales son las siguientes:
 - (J) Carrera Judicial
 - (AJ) Carrera Auxiliar Judicial
 - (A) Carrera Administrativa
 - (P) Nivel Profesional
 - (O) Nivel Operativo
4. Indicar las actividades de trabajo básicas para realizar eficaz y eficientemente dicho puesto.
5. Indicar en orden de prioridad cinco áreas, si las hubiesen, en las que deban capacitarse al personal que ocupa el puesto indicado en el inciso uno.

Si considera que no es necesaria la capacitación, NO escriba nada en el inciso cinco.
6. Según las áreas que indicó en el inciso cinco y, siguiendo el mismo orden de prioridad, escriba dos temas específicos en los que se deban capacitar al personal que ocupa ese puesto.

Se hace notar que el área (inciso cinco) y los temas (inciso seis) - deben guardar relación.
7. Proponer el nombre de algún funcionario o persona que por su capacidad y experiencia podría colaborar en las actividades de capacitación al personal.
8. Indicar si la capacitación descrita en el inciso 7, corresponde a las necesidades de capacitación que deben preverse para un futuro a mediano y largo plazo.
9. Si su respuesta fue negativa en el inciso 8, indique cuáles son los puestos y las área en las que se deba capacitar.
10. Incluir cualquier información adicional relacionada con capacitación que considere oportuna.
11. Escribir claramente su nombre y cargo y, firmar el presente cuestionario, para permitir a la Sección de Capacitación el poder aclarar cualquier duda que pueda surgir en el futuro.

FAVOR DE LEER EL INSTRUCTIVO ANTES DE LLENAR EL
CUESTIONARIO

ESCRIBIR CON LETRA DE MOLDE O A MAQUINA

CUESTIONARIO SOBRE DETECCION DE NECESIDADES DE CAPACITACION

SERIE "A"

1. Escriba el nombre de esa unidad de trabajo:

2. Escriba el o los objetivos generales de esa unidad de trabajo:

a. _____

b. _____

c. _____

3. ¿Es necesario capacitar al personal de esa unidad para el logro de los objetivos de trabajo?

SI NO

4. Si su respuesta a la pregunta tres fue negativa indique las razones:

a. _____

b. _____

c. _____

5. ¿Cuales horarios son los más adecuados para las actividades capacitadoras, según las diferentes carreras y niveles existentes en el Organismo Judicial? Marque con una "X" (equis) la casilla correspondiente:

CARRERA O NIVEL	HORARIOS				
	7:00	8:00	12:30	14:00	TIEMPO COMPLETO
	a	a	a	a	
J	11:00	12:00	16:30	17:00	
NJ					
A					
P					
O					

OBSERVACIONES:

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CUESTIONARIO SOBRE DETECCION DE NECESIDADES DE CAPACITACION

- Favor leer instrucciones previo a llenar el presente cuestionario
- Favor escribir con letra de molde o a máquina

SERIE "B"

1 NOMBRE DE PUESTO SEGUN FUNCIONES QUE REALIZA	2 # PERSONAS PUESTO	3 CARRERA O NIVEL	4 FUNCIONES SUSTANTIVAS DEL PUESTO	5 AREAS A CAPACITAR EN ORDEN DE PRIORIDAD	6 TEMAS ESPECIFICOS DE LAS AREAS INDICADAS EN LA COLUMNA ANTERIOR
		J	1	1	1.1
		AJ	2	2	2.1
		A	3	3	3.1
		P	4	4	4.1
		O	5	5	5.1
		J	1	1	1.1
		AJ	2	2	2.1
		A	3	3	3.1
		P	4	4	4.1
		O	5	5	5.1
		J	1	1	1.1
		AJ	2	2	2.1
		A	3	3	3.1
		P	4	4	4.1
		O	5	5	5.1
		J	1	1	1.1
		AJ	2	2	2.1
		A	3	3	3.1
		P	4	4	4.1
		O	5	5	5.1

CUESTIONARIO SOBRE DETECCION DE NECESIDADES DE CAPACITACION

- Favor leer instrucciones previo a llenar el presente cuestionario
- Favor escribir con letra de molde o a máquina

SERIE "B"

1	2	3	4	5	6
NOMBRE DE PUESTO SEGUN FUNCIONES QUE REALIZA	# PERSONAS PUESTO	CARRERA O NIVEL	FUNCIONES SUSTANTIVAS DEL PUESTO	AREAS A CAPACITAR EN ORDEN DE PRIORIDAD	TEMAS ESPECIFICOS DE LAS AREAS INDICADAS EN LA COLUMNA ANTERIOR
		J	1	1	1.1
		AJ	2	2	2.1
		A	3	3	3.1
		P	4	4	4.1
		O	5	5	5.1
		J	1	1	1.1
		AJ	2	2	2.1
		A	3	3	3.1
		P	4	4	4.1
		O	5	5	5.1
		J	1	1	1.1
		AJ	2	2	2.1
		A	3	3	3.1
		P	4	4	4.1
		O	5	5	5.1
		J	1	1	1.1
		AJ	2	2	2.1
		A	3	3	3.1
		P	4	4	4.1
		O	5	5	5.1

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NOMBRE DEL FUNCIONARIO O PERSONA QUE PODRÍA COLABORAR EN ACTIVIDADES DE CAPACITACION:

AREA	NOMBRE COMPLETO	PROFESION	LOCALIZACION
1			
2			
3			
4			
5			
6			
7			
8			
9			
10			

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8. ¿Considera que la capacitación descrita en el inciso anterior, corresponde a las necesidades de capacitación que deben preverse para un futuro a mediano y largo plazo?

SI NO

9. Si su respuesta fue negativa, indique cuáles son esos puestos y las áreas en las que se deba capacitar: (Si fuera necesario utilice hojas adicionales)

NOMBRE DE PUESTO SEGUN FUNCIONES QUE REALIZA	# PERSONAS PUESTO	CARRERA O NIVEL	AREAS A CAPACITAR EN ORDEN DE PRIORIDAD	TEMAS ESPECIFICOS DE LAS AREAS INDICADAS EN LA COLUMNA ANTERIOR	
		J	1	1.1	1.2
		AJ	2	2.1	2.2
		A	3	3.1	3.2
		P	4	4.1	4.2
		O	5	5.1	5.2
		J	1	1.1	1.2
		AJ	2	2.1	2.2
		A	3	3.1	3.2
		P	4	4.1	4.2
		O	5	5.1	5.2

10. OBSERVACIONES:

Incluir cualquier información adicional sobre actividades capacitadoras que usted considere pertinente.

Nombre y cargo de la persona que proporcionó la información

Firma

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DESIGN OF A SYSTEM FOR ORGANIZING AND
DEVELOPING TRAINING ACTIONS

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DESIGN OF A SYSTEM FOR ORGANIZING AND
DEVELOPING TRAINING ACTIONS

In view of the continuously growing demand for training that will be greatly enhanced when the judicial profession is established in the Judicial Branch, it is necessary to strengthen and systematize at the institutional level the present training process. This requires starting from the principle that training for judicial personnel must be a permanent, conscientious and stimulative process at the individual or group level; based on the constant need that knowledge, abilities, skills and attitudes must be increased, enhanced and improved on the same job to maximize the quality and quantity of the rendering of the services, as well as their own integral education. From an institutional point of view this means to guarantee and promote access to educational opportunities

This process includes not only scientific and technological improvements in each professional, technical and administrative area but also the need to establish a working group relationship as the fundamental basis to joint efforts and resources in the services provided to the population.

It is in this manner that is proposed the design of the system for organizing and developing training actions. This will be the guiding plan for the activity to be carried out by

the Training Section of the Judicial Branch, under the technical and financial assistance of agencies and organizations which have or will participate to enhance the ability of the Guatemalan judicial system.

It is worth mentioning that the design is not by itself a goal, but a means for achieving the right conclusion on four important areas to be developed:

- Strengthening of the Training Section as the coordinating and implementing unit for training activities;
- Implementation of training activities in accordance with the general requirements identified by the formal and informal diagnosis;
- Training in very specialized areas and development of multiplying factors;
- Related training as a result of the implementation of the Bilateral Project.

The design of a system to develop training actions as the methodological basis for operating the Training Section of the Judicial Branch will include the following areas within a political, conceptual and structural frame of reference:

- Academic Planning
- Academic Production
- Organization and Development of the Teaching-Learning Process

Evaluation and follow-up (Actual on the job application)

The design becomes a flexible proposal which is adaptable to planned or unexpected political and technical requirements that will be implemented in stages at the short, medium and long-term, according to national and institutional characteristics and conditions, and with the type of support that agencies and organizations will actually provide.

The design of the proposal and its implementation are subject to adjustments and to the natural enhancements that experience and appropriate feed-back provide.

I. Political, Conceptual and Structural Frame of Reference

It is expected that during the second phase of the Project, at the medium-term, it will be possible to establish

the guiding content of this area which is subject to a political decision with relation to the conceptual implications and the structural organization that will have for the Judicial Branch the approval or disapproval of its Civil Service Law for the Judicial Profession, presently under study by Congress.

At the present time, the design of the system will provide details of this frame of reference for future definitions that will influence in determining policies, objectives, goals, strategies, specific functions and the internal organizational chart of the Training Section, as well as its relationships with other units within the Judicial Branch.

The methodological planning of other components is sufficiently flexible to adjust to this political, conceptual and structural frame of reference to be established later on.

II. Academic Planning

The beginning of an educational process is characterized by a planning stage where studies on educational and training needs or updating of human resources are carried out, as well as conditions for the context to determine the academic programs that will be provided in answer to such needs. The main element of this process is the general curriculum planning to be developed once priorities are defined.

In accordance with the above, three main elements may be emphasized:

Requirements Diagnosis

Priorities Determination

General Curriculum Planning

A. Requirements Diagnosis

In relation to the requirements diagnosis, what is important is to establish a process for determining personnel needs that may be corrected through training, as well as for periodically updating the information gathered with a methodology adequate to the medium and to the characteristics of the Judicial Branch and to prepare devices and educational materials to gather the information in an objective and scientific manner. At the same time, preparation of a specific program that will permit the processing of the results within the information center and will consequently facilitate the decision making process should be anticipated.

B. Priorities Determination

In defining priorities to be addressed by the training, different views should be taken into consideration

to satisfy the needs that will arise as a result of a political nature effort, a formal requirements study or an informal diagnosis. Some of the criteria to be considered include:

1. **Political Impact:** Institutional authorities have, within the context of their administration, priority goals to be reached that will have an important impact from a political point of view.

2. **Qualitative Requirements:** Availability of qualified personnel to carry out duties in accordance with the scientific, technological and national political development improvements. This means that the training programs concentrate in enhancing the quality of the services provided by the judicial system.

Quantitative Requirements: This refers to the number of persons to be trained in order to guarantee an effective coverage at the national level.

4. **Time Availability:** Time availability is an important factor in determining priorities, this includes the time available before the training activity as well as during the implementation of the training itself. The above are only samples of some of the criteria that should be expanded as part of the development system.

C. General Curriculum Planning

The design of "Educational Profiles" will be the fundamental base for planning the curriculum of the different educational areas. This is a basic task to initiate systematization in the organization of the training actions. Profiles should be structured in accordance with the knowledge, abilities, skills and attitudes that the different population groups to be trained should have. The need could be considered that within the outlines of the Judicial Profession to be established, profiles be developed at the short, medium and long-term with the objective that the training programs respond to the levels of the same profile and therefore, to the possibility of moving horizontally and vertically within the same Branch.

The detail of the profile is the one that determines the separation and sequence of thematic areas to be addressed.

Curriculum planning will include global aspects that will determine recipients and their requirements, objectives and general subjects to be covered, as well as will determine the availability of time. This first planning sketch will be the necessary input to establish the proper planning of actions.

III. Academic Production

The area called Academic Production includes the selection of educational design models in relation to specific objectives to be achieved, with the purpose of determining methods and means for implementing the training activities.

In accordance with the complexity of the activity to be carried out and the quantitative impact to be achieved, it is recommended that the training process be organized in educational packages which will be established after the educational design. The "packages" could include, among others, elements such as: objectives to be achieved; subjects to be addressed; activities to be carried out; evaluation systems, manuals, guides, educational materials to provide participants the best organization structure. These elements could be periodically updated in order not to become static material.

Since the training design shows the types of training materials required to support the different programs, it is important to carefully review the existing materials to verify the possibility of their use. In relation to written materials, there are those which can be used in their original version or complemented with special guides (methodological treatment), or some of their parts may be joined with other materials, anthology type. In these cases, copyrights should

be kept in mind. The organization of educational materials will help to develop training programs

There are not always usable existing materials, if that is the case, new materials should be produced.

Within the institutional and economic possibilities the production of autochthonous materials is a valuable intellectual and editorial experience. A solid base in controlling criteria and basic techniques will help the intellectual production that includes an institutional academic development. In view of the infrastructure required for publishing materials, this might require external support

IV. Organization and Development of the Teaching-Learning Process

This area includes three general aspects: Administrative, academic, and a combination of both in implementing the activities themselves.

A. Administrative Organization

Taking into consideration that the administrative aspects affect favorably or unfavorably the development

of the training activities, it is necessary to have the minimum infrastructure which includes availability of human and physical resources. (Among the human resources are included those who participate in the process in relation to the methodological handling of the phases included, as well as specialists in content who participate in preparing educational materials, in implementing courses, shops, or other activities). Among the physical resources are classrooms, educational equipment, audiovisual equipment, photocopying equipment and printing equipment.

The actual use of the infrastructure or the installed capacity will be determined by the logistical support to be actually provided. The timely decision-making, the speeding of formal procedures are some of the aspects to be considered in this way.

Also allocating economic resources in accordance with the specific programing and their rational utilization are conclusive actions to carry out activities.

It is important to mention that as part of the administrative organization be included the possibility of deconcentrating some of the activities at the local level with the objective of not always moving the personnel to be trained

to the capital city. The deconcentration could initially occur at the level of regions with the greatest training impact.

B. Academic Organization

When organizing academic aspects for implementing the training activity, the following should be considered as a minimum:

Establishment and preparation of the methodological strategies to be used in accordance with the strategy selected in the educational design

In accordance with adult educational principles and consequently with permanent education, innovation in the type of educational methodologies is an important factor for highly motivating and encouraging personnel participation in the training actions, as well as its subsequent use. At the present time methodologies that encourage the active participation of individuals or groups have been strengthened, as have been personalized strategies that provide education at a distance when there are geographic barriers, dispositions that allow time to leave the work and study, or cases when the number of trainees is greater than the conditions of the installed capacity. These are some of the main impact strategies, with the condition that the institution should, at this

stage of the process, develop its own conception of each methodology in accordance with the national reality, sufficiently flexible to adapt them to unforeseen situations.

Any of the methodologies to be followed, including the innovative eyewitness system will require the following modifications on the part of the institution:

1. Establishment of systematic processes of academic planning and production, development of teaching-learning, investigation, evaluation and follow-up processes.
2. Development of training programs based on educational profiles.
3. Acceptance of new focuses and training models.
4. Changes in attitudes and in the role of instructors and participants.
5. Preparation of target population in relation to techniques and practices for individual or group study.

6. Consciousness on the evolution of expenses (greater concentration on the initiation-coverage impact once the prior preparation phase has concluded.

7. Establishment of a motivating system of institutional incentives and conditions for the actual participation of personnel in the training, and above all its subsequent application. In relation to this aspect, the following should be considered:

a. Motivation: In training activity it is feasible to develop different strategies that will provide technical and professional satisfaction to participants. For example, an internal bulletin could be promoted to include results of individual or group workshop works; at the same time, the best participants of a determined activity could obtain educational and organizational support to act at the local level as multiplying factors for the activity. In fact, this last sample should be taken as a commitment, from participants as well as from the institution.

b. Incentives: This is closely linked to the Judicial Profession and refers to some kind of institutional reward in relation to the participation in the training activities and the positions.

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c. Conditions: It could be an institutional decision to condition the keeping of certain position or employment to the compliance of specific training requirements.

V. Evaluation and follow-up

This includes two areas that always require priority attention in developing training activities.

When the purpose of the training is to help improve the capacity of the Guatemalan Judicial system, the training is by itself a means and not a purpose. Therefore, having a great deal of participants in the activities is not a sufficiently reliable indicator that an impact is being made or that the activity will subsequently benefit (on the job application) or on the multiplying effect of the information.

Therefore, a thorough evaluation process should be developed to include context, input, process, product and service impact. In this regard, the following are included:

A. Participant Evaluation to a duly interrelated training activity with a self-evaluation process. This includes pre and post diagnosis studies of the knowledge, abilities, skills and attitudes with a series of strategies that

will permit to gather appropriate information as well as will permit trainees' participation in their own progress analysis

B. Evaluation of Instructors or Suppliers in relation to content (field of activity or subject of the training), in relation to activity methodology (education), and in relation to the promoter's role in the training and motivating processes and study preparation. This information will permit to establish a data bank on education as well as will identify greater educational needs of instructors.

C. Evaluation of Materials: Generally, in accordance with the "useful life" and the effect of the use of certain materials, a pilot program to evaluate materials before their use in training activities is recommended. This is not always feasible given the time availability, the number of persons to be trained and the resources required to carry out previous evaluations with participants. Even though, it is necessary to establish the criteria, as well as the mechanisms and procedures to detect aspects in the materials that must be improved to permanently update them. The above is very important since educational materials play a very important role in systematizing educational actions and broadening their impact, even though at the level of guides, manuals or motivating material.

Some examples of criteria to be kept in mind when making evaluations could include among others:

1. Purpose for the use of the materials
2. Type and educational level of users of materials
3. Comprehension level
4. Presentation (format, volume, organizational index, etc.)
5. Motivation for active participation
6. Quality and sequence of the thematic development
7. Amount of information
8. Demand or actual utilization by users.
9. Results of their use
10. Scientific and political value of contents.

D. Evaluation of educational methods from their useful and applicable point of view to attain the objectives, as well as the institutional possibility to carry out the different methods.

E. Curriculum evaluation to define current priorities to update educational profiles, curriculum planning and educational designs.

The joining of the different evaluation procedures provides an integral evaluation of the process and of the system itself. This last element should consider some criteria as:

1. Attainment of goals and objectives
2. Intercommunication processes and distribution of responsibilities
3. Implementation of duties
4. Compliance with deadlines and anticipated conditions
5. Adapting capacity opportunities and timely decision making

- 6 Capacities and experience of human resources involved in the development of the system

VI Information System

The main components of the system completely described here are interrelated among themselves and with an information system to be fed from data required or resulting from each process; in accordance with specific programs in order to make the appropriate and timely decision.

For structuring this information system it is necessary to carry out the following phases: to provide the minimum equipment; to design the system; to program, implement, and provide training to users. This system must be interconnected with the Judicial Branch's Management Information System.

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TABLE No. 1
ORGANIZATION AND DEVELOPMENT OF EDUCATIONAL ACTIONS

Academic Planing	Academic Production	Organization and Development of the Teaching-Learning Process	Evaluation and Follow-up
-Responsible -Technician	-Responsible -Technician	-Responsible -Technician	-Responsible -Technician
Teachers and specialists of subject matters who are not training officials			
	Information Systems		Technical Analyst -Executive Secreta., (textbook production)
	Logistical Support		-Auxiliary Secretary -Materials Production Auxiliary

TABLE 1-A
ACADEMIC PLANNING

Diagnosis of educational needs	Design of educational profiles: - Short - Medium - Long-Term	By administrative levels By Professional areas By specific duties	
Political needs	Institutional needs	Determination of priorities to be developed	Criteria
	Individual needs and interests		
Determination of target population	General curriculum planning		
	Prerequisites	Global objectives	General subjects Time availability

TABLE No. 1-B
ACADEMIC PRODUCTION

Selection of educational models		Approval of existing materials	Written materials
Preparation of educational designs	DECISION	Adaptation of existing materials	Audiovisual materials
Specific objectives		Production of new materials	Complementary resources
Specific subjects			
Methodological strategies			
Resources			
Evaluation systems			
Time distribution			

TABLE No. 1-C
ORGANIZATION AND DEVELOPMENT OF THE
TEACHING-LEARNING PROCESS

Administrative organization	Infrastructure	Logistic Support	Financial Allocation
Deconcentration at the regional level			
		Implementation of the training processes	
Academic organization	Establishment and preparation of methodological strategies to be used	Selection and training of instructors or suppliers	Selection and partic- pants prep- aration
		Definition of the role of instructors or suppliers	Definition of the role of partici- pants

TABLE No. 1-D

EVALUATION AND FOLLOW-UP

Evaluation System
 (Integral Evaluation)

Evaluation of methods	Evaluation of materials	Curriculum evaluation	Evaluation of partici- pants	Self evaluation
		Post- training impact	Follow-up system	
Written	Audio- visual	Complemen- tary resources		
		Updating of Determination of	Updating profiles	Updating curriculum planing and educational design
				Feedback for the whole process

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DISEÑO DE UN SISTEMA DE ORGANIZACIÓN Y DESARROLLO DE ACCIONES DE CAPACITACIÓN

Frente a la demanda de actividades de capacitación, que continuamente se acrecienta y que se verá aumentada considerablemente cuando se implanta una carrera judicial en el organismo judicial, se hace indispensable fortalecer y sistematizar el actual proceso de capacitación a nivel institucional. Lo anterior requiere partir del principio de que la capacitación debe ser un proceso permanente, conscientizador y motivador del personal judicial, a nivel individual y grupal, con respecto a la necesidad constante de que, en el mismo trabajo, se deben aumentar, enriquecer y perfeccionar los conocimientos, habilidades, destrezas y actitudes que mejor permitan maximizar la calidad y cantidad de la prestación de los servicios, así como su propia formación integral. Ello implica, desde el punto de vista institucional, garantizar y promover el acceso a las oportunidades educacionales.

Este proceso debe conllevar, no sólo la mejoría científica y tecnológica de cada área profesional, técnica o administrativa, sino también generar la relación de trabajo en equipo, base fundamental para aunar esfuerzos y recursos en la atención que se brinda a la población.

Es así como se propone un diseño de un sistema de organización y desarrollo de acciones de capacitación, que será el esquema orientador de la actividad realizada por la Sección de Capacitación del Organismo Judicial y que será objeto de la cooperación técnica y financiera de las agencias y organismos que han venido o irán a participar en el mejoramiento de la capacidad del sistema judicial Guatemalteco.

Cabe destacar que el diseño no es un fin en sí mismo, sino un medio para el logro de una determinación acertada sobre cuatro grandes áreas a ser desarrolladas:

- a. El fortalecimiento de la Sección de Capacitación como coordinadora y ejecutora de las actividades de capacitación;
- b. La ejecución de actividades de capacitación según necesidades generales surgidas del diagnóstico formal e informal;
- c. La capacitación en áreas muy especializadas y preparación de agentes multiplicadores
- d. La capacitación implicada como consecuencia de la ejecución del Proyecto Bilateral.

El diseño de un sistema de desarrollo de acciones de capacitación, como base metodológica para el funcionamiento de la Sección de Capacitación del Organismo Judicial estará integrado por las siguientes áreas, dentro de un Marco de Referencia Político, Conceptual y Estructural.

1. Planeamiento Académico

2. Producción Académica
3. Organización y Desarrollo del Proceso de Enseñanza-Aprendizaje
4. Evaluación y Seguimiento (Aplicación real en el trabajo)

El diseño se constituye en una propuesta flexible, adaptable a requerimientos políticos y técnicos planificados o coyunturales, el cual será operacionalizado por etapas en el corto, mediano y largo plazo, acorde con las características y condiciones nacionales e institucionales, y con el tipo de apoyo que efectivamente brinden las agencias y organismos.

La propuesta de diseño y su puesta en marcha están sujetas a los ajustes y enriquecimiento natural que produce la experiencia y la adecuada retroalimentación.

1. MARCO DE REFERENCIA POLITICO, CONCEPTUAL Y ESTRUCTURAL

Se espera que, a mediano plazo, en la segunda fase de desarrollo del Proyecto, se pueda llegar a establecer el contenido orientador de esta área, que está sujeta a una decisión política respecto a las implicaciones conceptuales y de estructura organizativa que tendrá, para el Organismo Judicial, la aprobación o no de la ley del Servicio Civil del Organismo Judicial sobre la Carrera Judicial, que actualmente se encuentra en el Congreso para su estudio.

De momento, el diseño del sistema dejará el detalle de este marco para futuras definiciones que incidirán en la determinación de políticas, objetivos, metas, estrategias, funciones específicas y en el organigrama interno de la Sección de Capacitación, así como en sus relaciones con otras Unidades dentro del Organismo Judicial.

El planteamiento metodológico de los demás componentes es suficientemente flexible como para acondicionarse a este marco político, conceptual y estructural que se planteará más adelante en el tiempo.

2. PLANEAMIENTO ACADEMICO

El inicio de un proceso educativo se caracteriza por una etapa de planificación en la que se realizan estudios de necesidades de formación, capacitación o actualización de los recursos humanos, así como las condicionantes del contexto, con el fin de determinar los programas académicos que se ofrecerán como respuesta a dichas necesidades. El principal elemento de este proceso es la planificación curricular general que se genera una vez definidas las prioridades a considerar.

En consecuencia con lo anterior, se pueden destacar tres elementos principales:

- a. Diagnóstico de necesidades
- b. Determinación de prioridades

c. Planificación curricular general

Diagnóstico de Necesidades: En relación al diagnóstico de necesidades, lo importante es establecer un proceso de determinación de los requerimientos que tiene el personal y que pueden ser subsanados mediante la capacitación así como de actualización periódica de la información recolectada, para lo cual se deberá el diseño de una metodología adecuada al medio y a las características del Organismo Judicial y elaborar instrumentos e instructivos para recoger los datos, de manera objetiva y científica. Asimismo, deberá preverse la preparación del programa específico que, dentro del sistema de información, permita el procesamiento de los resultados y facilite la consecuente toma de decisiones.

En la definición de prioridades a ser atendidas por la capacitación deben ser tomados en cuenta diversos criterios que, en lo posible, serán conjugados para satisfacer las necesidades que surjan como consecuencia de una gestión de índole político, de un estudio de necesidades formal o de un diagnóstico informal. Algunos criterios a considerar pueden ser:

- a. Impacto político: las autoridades institucionales tienen, dentro del contexto de su gestión, metas prioritarias a alcanzar que generen un impacto importante desde el punto de vista político.
- b. Requerimientos cualitativos: Poder contar con personal calificado para ejercer funciones acordes con los adelantos científicos, tecnológicos y de desarrollo político nacional, implica que los programas de capacitación se centren en elevar la calidad del servicio que brinda el sistema judicial.
- c. Requerimientos cuantitativos: Se refieren al número de personas que deberán ser capacitadas con el fin de garantizar verdaderos alcances a nivel nacional.
- d. Disponibilidad de tiempo: La condición de tiempo es un factor decisivo en la determinación de prioridades, tanto en el sentido del tiempo con que se cuenta previo a la actividad de capacitación, como para la ejecución en sí del proceso de capacitación.

Los anteriores son sólo ejemplos de algunos criterios, los cuales deberán ser ampliados como parte del desarrollo del sistema.

Planificación Curricular General:

Como eje conductor de la planificación curricular de las actividades educativas estara el diseño de "Perfiles Educativos" para las diferentes áreas funcionales. Esta es una labor fundamental para iniciar la sistematización en la organización de acciones capacitantes. Los perfiles serán estructurados según los conocimientos, habilidades, destrezas y actitudes que deberán poseer los diferentes grupos de población objeto de la capacitación. Podrá considerarse la necesidad de que, dentro de los lineamientos de la Carrera Judicial que se llegase a implantar, se diseñen perfiles a corto, mediano y largo plazo, con el fin de que los programas de capacitación respondan a la consecución de niveles de un mismo perfil y, consecuentemente a la posibilidad de movilidad horizontal y

vertical dentro del mismo Organismo.

El detalle del perfil es el que determina el desglose y secuencia de las áreas temáticas a tratar.

Una planificación curricular contemplará aspectos globales que delimiten los destinatarios y sus requisitos, los objetivos y temas generales a cubrir y la determinación de la disponibilidad de tiempos. Este primer esbozo de planificación será el insumo necesario para establecer una adecuada programación de acciones.

3. PRODUCCION ACADEMICA

El área denominada Producción Académica incluye la selección de modelos de diseño de instrucción según objetivos específicos a lograr, con el objeto de determinar métodos y medios para la ejecución de las actividades de capacitación.

Según la complejidad de la actividad a realizar, y el impacto cuantitativo que deberá lograrse, se recomienda la organización del proceso de capacitación en lo que podría llamarse paquetes instruccionales los cuales se conformarán a partir del diseño de instrucción. Los "paquetes" podrían incluir elementos tales como: objetivos a lograr, temas a tratar, actividades que se realizarán, formas de evaluación, instructivos, guías, materiales educativos, entre otros, con el fin de proporcionar a los participantes con una organización previa lo más estructurada posible. Estos deben actualizarse permanentemente de manera que no conviertan en un material estático.

Dado que el diseño de instrucción perfila los tipos de materiales educativos que se requieren para el apoyo a los diferentes programas, es importante que, como primer paso se revisen cuidadosamente materiales existentes para verificar la factibilidad de su utilización. En cuanto a materiales escritos, hay aquellos que pueden ser utilizados en su versión original, o complementados con guías especiales (tratamiento metodológico), o algunas de sus partes se pueden conjugar con otros materiales, tipo antología. En estos casos debe tenerse presente los derechos del autor. La organización de un acervo de materiales educativos favorecerá el desarrollo de programas de capacitación.

No siempre se cuenta con la facilidad de materiales existentes utilizables, en cuyo caso se debe proceder a la producción de materiales nuevos.

Dentro de las posibilidades institucionales y económicas, la producción de materiales autóctonos es una experiencia de producción intelectual y editorial muy valiosa. Una base sólida en el manejo de criterios y técnicas fundamentales posibilitará la incursión en la producción intelectual que conlleva un crecimiento académico institucional. Dado el tipo de infraestructura requerido para la producción editorial, es posible que se requiera apoyo externo.

4. ORGANIZACION Y DESARROLLO DE PROCESO DE ENSEÑANZA-
APRENDIZAJE

Dentro de esta área se pueden visualizar tres aspectos generales: el administrativo, el académico y la combinación de ambos en la ejecución en sí de las actividades.

1. Organización Administrativa

Considerando que los preparativos de tipo administrativo afectan favorable o desfavorablemente el desarrollo de las actividades de capacitación, se requiere contar con una infraestructura mínima que contemple la disponibilidad de recursos humanos y recursos físicos. (Entre los recursos humanos se consideran a quienes participan en el proceso, en cuanto al manejo metodológico de las etapas involucradas, así como a especialistas en contenido que participan en la preparación de materiales educativos, en la ejecución de cursos, talleres, u otras actividades). Entre los recursos físicos están las aulas, equipo didáctico, equipo audiovisual, equipo de fotocopiado y tiraje de materiales, entre otros.

La real utilización de la infraestructura o capacidad instalada será determinada por el apoyo logístico que efectivamente se brinde. La toma de decisiones oportuna, la agilización de trámites formales, son algunos de los aspectos a considerar en este sentido.

Así también la asignación de los recursos económicos según la programación específica y su utilización de manera racional son acciones decisivas para llevar a cabo las actividades.

Es importante destacar que, como parte de la organización administrativa se considere la factibilidad de desconcentración de algunas actividades a nivel local, con el fin de no trasladar siempre al personal que se capacita a la ciudad capital. Podría darse inicialmente una desconcentración a nivel de las regiones de mayor impacto de la capacitación.

2. Organización Académica

En la organización de los rubros académicos para la ejecución de procesos de capacitación se requiere considerar como mínimo, lo siguiente:

a. Montaje y preparación de las estrategias metodológicas a utilizar, según la selección de la estrategia que se definió en el diseño de instrucción.

En consecuencia con los principios de la educación de adultos, y por ende, de la educación permanente, la innovación en el tipo de metodologías educativas es un factor relevante en la consecución de una alta motivación y participación real del personal en las acciones de capacitación, y en su posterior utilidad. Hoy en día se han fortalecido las incursiones en metodologías que fomentan la activa participación de individuos y grupos, las estrategias personalizadas la educación a distancia para cuando se deben

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superar barreras de espacio geográfico, de disponibilidad de tiempo para salir del trabajo y dedicarse al estudio, o para casos en que el número de capacitandos supera las condiciones convencionales de capacidad instalada. Se destacan éstas como algunas estrategias de impacto, con la salvedad de que la institución deberá en esta etapa del proceso, generar su propia concepción de cada metodología, acorde a la realidad nacional, con suficiente flexibilidad para adaptarse a situaciones coyunturales.

Cualquiera de las metodologías a utilizar, inclusive aquella de innovación del método presencial requerirá de parte de la institución algunas condiciones como las que se mencionan a continuación:

- Establecimiento de procesos sistémicos de planificación y producción académica, de desarrollo de la enseñanza-aprendizaje y de investigación, evaluación y seguimiento.
- Desarrollo de programas de capacitación fundamentados en perfiles educativos.
- Aceptación de nuevos enfoques y modelos de capacitación.
- Cambio de actitud y del rol de instructores y participantes.
- Preparación de la población objeto en cuanto a técnicas y hábitos de estudio individual y grupal.
- Concientización sobre la evolución de los costos (mayor concentración al inicio-cobertura de impacto una vez concluida la fase de preparación previa).
- Establecimiento de un sistema de motivación, incentivos institucionales y condicionamientos para la real participación del personal en la capacitación y sobretodo en su aplicación posterior. En cuanto a este aspecto se puede considerar lo siguiente:

Motivación: es factible desarrollar diversas estrategias que conlleven la satisfacción personal y profesional del participante en actividades de capacitación. Por ejemplo, se puede fomentar un boletín interno que incluya resultados de trabajos individuales o de grupo como producto de un taller; asimismo, los participantes más destacados en una actividad determinada pueden recibir apoyo didáctico y organizacional para servir de agente multiplicador de la actividad, a nivel local. De hecho, este último ejemplo debe asumirse como un compromiso, tanto de los participantes como de la institución.

Incentivos: esto va muy ligado a la Carrera Judicial que se determine y se refiere a algún tipo de reconocimiento institucional en relación a la participación en actividades de capacitación de interés para los puestos.

Condicionantes: puede depender de la voluntad institucional de condicionar la permanencia en determinado puesto u ocupación al cumplimiento de requisitos específicos de capacitación.

5. EVALUACION Y SEGUIMIENTO

En esta área se incluyen dos áreas que requieren siempre atención prioritaria en el desarrollo de actividades de capacitación.

Cuando el objetivo de la capacitación es coadyuvar en el mejoramiento de la capacidad del sistema judicial guatemalteco, la capacitación es un medio y no un fin en sí mismo. Por lo tanto el solo logro de que un número grande de participantes esté presente durante las actividades no es un indicador suficientemente confiable de que se de realmente un impacto o utilidad posterior a la actividad (aplicación en el trabajo) y el efecto multiplicador de la información.

En consecuencia, se debe desarrollar una evaluación integral de contexto, insumo, proceso, producto e impacto en el servicio. Es así como se contemplan los siguientes rubros:

- a. Evaluación del participante a una actividad de capacitación debidamente interrelacionada con un proceso de autoevaluación. ello incluye pre y post diagnósticos de los conocimientos, habilidades, destrezas y actitudes, para lo cual se puede recurrir a una gama de estrategias que permitan recoger la información adecuada y que posibiliten la participación de los capacitandos en su propio análisis de progreso.
- b. Evaluación de los instructores o facilitadores en cuanto a su manejo de contenidos (dominio del campo o tema objeto de la capacitación), en cuanto al manejo metodológico (didáctico) de la actividad y en su rol de promotor de procesos de capacitación y motivación y preparación para el estudio. Esta información permitirá ir estableciendo un banco de recursos docentes y posibilitará detectar necesidades de mayor preparación de los instructores.
- c. Evaluación de los materiales: generalmente, según la "vida útil" y el impacto del uso de ciertos materiales, se recomienda una prueba piloto para validarlos antes de su utilización en actividades propias de capacitación. Esto no es siempre factible dada la disponibilidad de tiempo, el número total de personas a capacitar y los recursos que se requieren en la validación previa con participantes. Aun así, es necesario establecer los criterios, mecanismos y procedimientos para detectar aspectos en los materiales que deben ser mejorados a modo de actualización permanente. Lo anterior es sumamente importante debido a que en la sistematización de acciones educativas y en la ampliación de su impacto, los materiales educativos, aunque sea a nivel de guías, instructivos o material de motivación, asume un papel relevante.

Algunos ejemplos de criterios a tomar en cuenta en la validación pueden ser, entre otros:

- Objetivo del uso de los materiales
- Tipo y grado de preparación de los usuarios de los materiales
- Niveles de comprensión
- Presentación (formato, volumen, índice organizacional, etc.)
- Motivación para la participación activa
- Calidad y secuencia del desarrollo temático
- Cantidad de información
- Demanda o uso real por parte de los usuarios

- Resultados de su utilización
- Vigencia científica y política del contenido

d. Evaluación de los métodos de instrucción desde el punto de vista de su utilidad y facilidad en el logro de los objetivos, así como en la factibilidad institucional para asumir las implicaciones de los diferentes métodos

e. Evaluación del currículum en la cual se genere una actualización de prioridades, una actualización de perfiles educativos de la actualización de la planificación curricular y diseño instruccional.

La conjugación de los diferentes procesos de evaluación conlleva una evaluación integral del proceso y del sistema en sí. Este último elemento deberá considerar algunos criterios tales como:

- Consecución de objetivos y metas
- Procesos de intercomunicación y distribución de responsabilidades.
- Ejecución de funciones
- Cumplimiento de tiempos y condiciones previstas
- Capacidad de adaptación coyuntural y toma de decisiones oportuna.
- Cualidades y experiencia de los recursos humanos involucrados en el desarrollo del sistema.

6. Sistema de Información

Los componentes principales del sistema que aquí se han descrito en forma global, estarán interrelacionados entre sí y con un sistema de información que se alimentará de los datos requeridos o resultantes de cada proceso; según programas específicos, de modo que se permita la oportuna y adecuada toma de decisiones.

Con el fin de estructurar este sistema de información se requiere la ejecución de etapas que incluye: equipamiento mínimo, diseño del sistema, programación, implementación y capacitación de los usuarios. Este sistema deberá estar interconectado con el sistema de información gerencial del Organismo Judicial.

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ORGANIZACION Y DESARROLLO DE ACCIONES EDUCATIVAS

Planificación
Académica

Producción
Académica

Organización y
Desarrollo del
Proceso de Ense-
ñanza Aprendizaje

Evaluación
y
Seguimiento

-Responsable
-Técnico

-Responsable
-Técnico

-Responsable
-Técnico

-Responsable
-Técnico

Docentes y especialistas en contenido que no son funcionarios de Capacitación

Sistemas de Información

Técnico Analista

-Secretaría Ejecutiva
(levantamiento de
textos)

Apoyo Logístico

-Secretaría Auxiliar
-Auxiliar de
reproducción
de materiales

ESQUEMA NO. 1A

PLANEAMIENTO ACADÉMICO

Diagnóstico
de necesidades
educativas

Diseño de
perfiles
educativos:
-corto
-mediano
-largo plazo

por niveles
administrativos

por áreas
profesionales

por funciones
específicas

necesidades
políticas

necesidades
institucionales

Determinación de
prioridades a
desarrollar

critérios

necesidades
e intereses
individuales

determinación
de población
objeto

Planificación
curricular
general

pre-requisitos

objetivos temas disponibilidad
globales generales de tiempo

Appendix F - Page 11 of 13
ESQUEMA NO 1B
PRODUCCION ACADEMICA

Selección de
Modelos de
Instrucción

Adopción de
materiales
existentes

Materiales
escritos

Elaboración de
diseños de
instrucción

DECISION

Adaptación
de materiales
existentes

Materiales
audiovisuales

objetivos
específicos

Producción de
materiales
nuevos

Recursos
complementarios

temas
específicos

estrategias
metodológicas

recursos

Integración del
Paquete
Instruccional

formas de
evaluación

distribución del
tiempo

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ESQUEMA NO. 1C

ORGANIZACION Y DESARROLLO DEL PROCESO
DE ENSEÑANZA-APRENDIZAJE

Organización Administrativa Infraestructura

Apoyo Logístico Asignación de financiamiento

Desconcentración
a nivel regional

Ejecución de los
procesos de capacitación

Organización académica montaje y preparación de estrategias metodológicas a utilizar

selección y adiestramiento de instructores o facilitadores

selección y preparación de participantes

definición del rol de los instructores o facilitadores definiciones del rol de los participantes

ESQUEMA NO. 1D

EVALUACION Y SEGUIMIENTO

Sistema de Evaluación
(Evaluación Integral)

Evaluación de Métodos	Evaluación de Materiales	Evaluación del Currículum Impacto Post-capacitación	Evaluación de los Participantes Sistema de de seguimiento	Autoeva- luación
escritos	audio- visuales	recursos complementarios	actualización de determinación de	actualización de perfiles actualización planificación curricular y diseño instruc- cional
				Retroalimentación a todo el Proceso

APPENDIX G
CONSOLIDATED TRAINING PLAN

This Technical Appendix G contains the following Charts:

<u>Chart</u>	<u>Page No.</u>
Summary Table of All Training Activities by Year	1
Illustrative Five Year Plan for Judicial Branch (Courts)	2
Illustrative Five Year Plan for the Public Ministry (Prosecution)	3
Illustrative Five Year Plan for Defense	4

The costs shown on these four charts are for instructional costs for activities. Information regarding personnel and equipment costs are included in the Financial Plan and Detailed Component Budgets (Please see Appendix D).

CONSOLIDATED TRAINING PLAN
ILLUSTRATIVE SUMMARY TABLE BY YEAR,
JUDICIAL ORGANIZATION, TARGET NO. NO. TRAINED AND INSTRUCTIONAL COST
(U.S.\$000)

LEVEL	TARGET NUMBER	FIRST YEAR			SECOND YEAR			THIRD YEAR		
		A	B	C	A	B	C	A	B	C
Judicial Branch	2,475	26	936	\$182.0	41	1,452	\$278.0	42	1,502	\$ 285.0
Public Ministry	205	4	140	24.5	6	181	41.5	8	281	59.0
Defense	435	2	225	4.5	4	325	6.5	4	325	6.5
GRAND TOTALS	3,115	32	1,301	\$211.0	51	1,958	\$326.0	54	2,108	\$ 350.5

LEVEL	TARGET NUMBER	FOURTH YEAR			FIFTH YEAR			LIFE OF PROJECT		
		A	B	C	A	B	C	A	B	C
Judicial Branch	2,475	28	1,025	\$185.0	14	554	\$ 87.0	151	5,469	\$1,017.0
Public Ministry	205	9	282	69.0	7	241	52.0	34	1,125	246.0
Defense	435	9	330	56.5	7	230	54.5	26	1,435	128.5
RAND TOTALS	3,115	46	1,637	\$310.5	28	1,025	\$193.5	211	8,029	\$1,391.5

A = NO. ACTIVITIES; B = NO. TRAINED; C = COST

JUDICIAL BRANCH TRAINING ACTIVITIES FOR LOP
BY YEAR, NO. ACTIVITIES, NO. OF TRAINEES, AND APPROXIMATE COSTS

LEVEL	Target	YEAR 1		YEAR 2		YEAR 3		YEAR 4		YEAR 5		TOTALS		COST
		#	Trained cost	#	Trained Cost	#	Trained cost	#	Trained Cost	#	Trained Cos	#	Trained	
JUSTICE OF THE PEACE COURTS														
- Judges	238	2	80 14,000	3	120 21,000	3	120 21,000	2	80 14,000	1	40 7,000	11	440	77,000
- Secretaries	238	2	80 14,000	3	120 21,000	3	120 21,000	2	80 14,000	1	40 7,000	11	440	77,000
- Officials	250	2	100 14,000	3	150 21,000	3	150 21,000	2	100 14,000	1	50 7,000	11	530	77,000
- Comisarios	73	2	50 14,000	2	50 14,000	2	50 14,000	1	25 7,000	-	-	5	125	35,000
SUB TOTAL...	799	6	260 42,000	11	440 77,000	11	440 77,000	7	285 49,000	3	130 21,000	28	1,555	266,000
INSTANCIA-INSTRUCCION														
- Judges	47	2	50 14,000	2	50 14,000	2	50 14,000	1	25 7,000	1	25 7,000	8	200	56,000
- Secretaries	47	2	50 14,000	2	50 14,000	2	50 14,000	1	25 7,000	1	25 7,000	8	200	56,000
- Officials	309	2	100 21,000	3	150 21,000	3	150 21,000	3	150 21,000	2	100 14,000	13	650	91,000
SUB-TOTAL...	403	6	200 49,000	7	250 49,000	7	250 49,000	5	200 35,000	4	150 28,000	29	1,050	210,000
TRAFFIC-PAZ AND TRIAL														
- Judges	119	2	80 14,000	2	80 14,000	2	80 14,000	-	-	-	-	6	240	42,000
- Secretaries	119	-	-	1	40 7,000	1	40 7,000	1	40 7,000	-	-	3	120	21,000
- Officials	251	2	100 14,000	2	100 24,000	3	150 21,000	2	100 14,000	-	-	9	450	63,000
- Notificadores	129	-	-	1	45 7,000	1	45 7,000	1	45 7,000	2	100 14,000	5	235	35,000
SUB TOTAL...	628	4	180 28,000	6	265 42,000	7	315 49,000	4	185 28,000	2	100 14,000	23	1,045	151,000
SUPPORT UNITS TO JUDICIAL BRANCH														
- Social Service Information	74	1	40 7,000	2	80 14,000	2	80 14,000	1	40 7,000	-	-	6	240	42,000
- Forensic Medicine														
- Service	58	1	30 7,000	1	30 7,000	1	30 7,000	1	30 7,000	-	-	4	120	28,000
- Jail and probation														
- Dept. of Supreme Court	20	-	-	1	20 7,000	1	20 7,000	1	20 7,000	-	-	3	60	21,000
- General Court														
- Supervision	10	-	-	1	10 7,000	1	10 7,000	1	10 7,000	-	-	3	30	21,000
SUB TOTAL...	162	2	70 14,000	5	140 35,000	5	140 35,000	4	100 28,000	-	-	16	450	112,000
ADMINISTRATIVE UNITS OF THE JUDICIAL BRANCH														
- Personnel	30	1	30 5,000	2	60 10,000	2	60 10,000	2	60 10,000	1	30 5,000	8	240	40,000
- Finance	30	1	30 5,000	1	30 5,000	1	30 5,000	1	30 5,000	1	30 5,000	5	150	25,000
- Data Processing (CENALEX, RECEDE, etc)	50	1	50 5,000	1	50 5,000	1	50 5,000	1	50 5,000	1	50 5,000	5	250	25,000
- Support staff	150	1	50 5,000	2	100 10,000	2	100 10,000	1	50 5,000	1	50 5,000	7	350	35,000
- Alguaciles	200	1	50 7,000	2	100 14,000	2	100 14,000	1	50 7,000	-	-	6	300	42,000
SUB TOTAL...	460	5	210 27,000	8	340 44,000	8	340 44,000	6	240 32,000	4	160 20,000	31	1,290	167,000
INSERVICE TRAINING FOR TRAINING SECTION														
- Technicians (4)														
- Potential Instructors (10)	14	1	14 4,000	1	14 4,000	1	14 4,000	1	14 4,000	1	14 4,000	5	70	20,000
TOTAL	2,475	26	936 182,000	41	1,452 278,000	42	1,502 285,000	28	1,025 185,000	14	534 67,000	151	5,469	1,017,000

Activities

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ILLUSTRATIVE FIVE YEAR TRAINING PLAN
MINISTERIO PUBLICO (PUBLIC MINISTRY)
 BY ACTIVITIES, ± TRAINED, AND COST
 (U.S.\$000)

LEVEL	TARGET NUMBER	FIRST YEAR			SECOND YEAR			THIRD YEAR		
		A	B	C	A	B	C	A	B	C
<u>Fiscales</u> (Prosecutors)	40	1	40	\$ 7.0	1	40	\$ 7.0	2	80	\$ 14.0
Secretaries	40	1	40	7.0	1	40	7.0	2	80	14.0
Officials	80	1	40	7.0	2	80	14.0	2	80	14.0
Administrative Support Staff	40	1	20	3.5	1	20	3.5	1	40	7.0
Human Resources Staff and Instructors (U.S. and 3rd. Country)	5	-	-	-	1	1	10.0	1	1	10.0
TOTALS	20	4	140	\$ 24.5	6	181	\$ 41.5	8	281	\$ 59.0

LEVEL	TARGET NUMBER	FOURTH YEAR			FIFTH YEAR			LIFE OF PROJECT		
		A	B	C	A	B	C	A	B	C
<u>Fiscales</u> (Prosecutors)	40	2	80	\$ 14.0	2	80	\$ 14.0	8	320	\$ 56.0
Secretaries	40	2	80	14.0	2	80	14.0	8	320	56.0
Officials	80	2	80	14.0	1	40	7.0	8	320	56.0
Administrative Support Staff	40	1	40	7.0	1	40	7.0	5	160	28.0
Human Resources Staff and Instructors (U.S. and 3rd. Country)	5	2	2	20.0	1	1	10.0	5	160	28.0
TOTALS	20	9	282	\$ 69.0	7	241	\$ 52.0	34	1,125	\$246.0

A = NO. ACTIVITIES; B = NO. TRAINED; C = COST

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ILLUSTRATIVE FIVE YEAR TRAINING PLAN
FOR DEFENSE BY NO. ACTIVITIES, NO. TRAINED AND COST
(U.S.\$000)

LEVEL	TARGET NUMBER	FIRST YEAR			SECOND YEAR			THIRD YEAR		
		A	B	C	A	B	C	A	B	C
Bufetes Populares Administrative Staff San Carlos - 21 Directors, Supervisors and Advisors Lendívar - 2 Mariano Gálvez - 2	25	1	25	\$ 3.5	1	25	\$ 3.5	1	25	\$ 3.5
Orientations for Students (1 day)	400	1	200	1.0	3	300	3.0	3	300	3.0
Possible COG Personnel to Administer New Defense System (Includes U.S. & 3rd. Country)	10	-	-	-	-	-	-	-	-	-
TOTALS	435	2	225	\$ 4.5	4	325	\$ 6.5	4	325	\$ 6.5

A = NO. ACTIVITIES; B = NO. TRAINED; C = COST

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ILLUSTRATIVE FIVE YEAR TRAINING PLAN
FOR DEFENSE BY NO. ACTIVITIES, NO. TRAINED AND COST
(U.S.\$000)

LEVEL	TARGET NUMBER	FOURTH YEAR			FIFTH YEAR			LIFE OF PROJECT		
		A	B	C	A	B	C	A	B	C
Bufetes Populares Administrative Staff San Carlos - 21 Directors, Supervisors and Advisors Landívar - 3 Mariano Gálvez - 3	25	1	25	\$ 3.5	1	25	\$ 3.5	5	125	\$ 17.5
Orientations for Students (1 day)	400	3	300	3.0	1	200	1.0	11	1,300	11.0
Possible GOG Personnel to Administer New Defense System (Includes U.S. & 3rd. Country) Administrative Support Staff	10	5	5	50.0	5	5	50.0	10	10	100.0
TOTALS	435	9	330	\$ 59.0	7	230	\$ 54.5	26	1,435	\$128.5

A = NO. ACTIVITIES; B = NO. TRAINED; C = COST

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APPENDIX H: SOCIAL SOUNDNESS ANALYSIS

I. Sociocultural setting

The Administration of Justice Project is national in scope, but one important problem it hopes to address within the context of the Project involves the multiethnic composition of the population and the fact that the justice system from colonial times as been oriented toward the values, beliefs, and world view of just one ethnic group: the Spanish conquerors and their descendants, the so-called Ladinos. In this section, the nature of the ethnic situation in Guatemala will be analyzed with particular attention to the Indian culture and its relationship to the dominant Ladino culture.

A. Historical setting

The population of Guatemala at the time of the Spanish Conquest has been estimated at about one million people divided into several ethnic groups, mostly varied groups of Highland Mayan in speech and heritage. The native population of Guatemala dropped to perhaps ten or twenty percent of what it had been in the years just after the Conquest as the European diseases decimated the people, and estimates for the year 1650 put the total population of Guatemala at no more than 200,000, still nearly all Indian. By 1778, this figure had increased to just about 380,000. The present population is estimated to be about 8 million, about half of whom are Indian.

In most cases, the Indians continued to occupy the same areas after the Conquest as they had previously. Because of the low and very slowly growing population, the Indian situation changed little in the centuries of the Spanish colony and not much more in the first hundred years of Guatemala's independence. The Spanish presence in much of the Indian area was token, usually a priest and a small detachment of soldiers, with the priest wielding the greatest influence. Under these circumstances a Guatemalan Indian culture developed which represented the confluence of three basic elements: the autochthonous preconquest Mayan culture with roots in the general Mesoamerican civilization, the Spanish Catholic culture of the 16th to 18th centuries, and the subsistence base of the Indians.

This subsistence agricultural base of corn, beans, and other crops grown on fertile and plentiful land was ample enough to comfortably maintain the Indian populace, produce grain surpluses, and incidentally, maintain civil tranquility for the most part among the colonized Indians. The Spanish colonial contribution was found primarily in a religio-civic social organization based on obligatory service in the cofrades, religious brotherhoods taken from the Spanish but elaborated to fulfill the civic needs of a town's population. The religious

practices. At the same time the Indian population maintained and developed their own cultural traits through the stubborn retention of elements of their own cultural heritage, although at times it was at the insistence of the Spanish that distinguishing cultural traits were established and conserved. In sum, the Mayan Indians acquired an ethnic identity both then and now that distinguishes them from the Ladinos, the ethnic group represented by the descendants of the Spanish colonizers.

The Ladinos are the cultural descendants of the Spanish conquerors. In some parts of the country, notably the eastern part (the Oriente), the Ladino population is fairly homogeneous racially speaking, and the great majority of the people are fair skinned and blue eyed, but a majority of the Ladino group is made up of people of mixed racial heritage and even persons whose racial composition is purely Indian. The Ladinos of mixed heritage are the product of racial mixing which dates to the colonial period, while the latter subgroup is the product of factors such as the wholesale declaration that a particular Indian town was now Ladino or the decision by an individual to abandon his Indian community and "become" a Ladino.

Guatemalan Ladinos--and Indians, too, for that matter--accept as Ladinos those who act like Ladinos, regardless of their racial aspect. Therefore, those who speak Spanish without accent, who share the interests and orientation of other Ladinos, and who identify themselves both consciously and unconsciously as Ladinos and not Indians, are considered Ladinos and will be treated as such by both Indians and Ladinos.

During the colonial administration, the Indian communities were segregated from the non-Indians, including in the latter group the Spaniard born in Spain, the Creole (Criollo, a person of Spanish ancestry but born in the colony), the mestizo of mixed ancestry, and others. This segregation continued in fact throughout the Independence period from 1823 to 1944, in spite of the fact that the various constitutions proclaimed equality for all.

B. Ethnic setting

Ethnic groups can be defined and described using a variety of criteria, such as beliefs, rituals, economic base, dress, food, and so forth, and the Indian-Ladino situation in Guatemala is no exception. One of the more obvious and important elements of this ethnic culture in Guatemala is language. Nearly all Indians speak languages of the Mayan family as their first and sometimes only language, and very few Ladinos can speak or understand these languages. Thus, speaking a Mayan language is a strong factor in the ethnic identity of Indians. Dress is another indicator of Indian identity. Nearly all Indian women wear distinctive Indian dress, while Ladino women use current Euro-American clothing styles.

World-view is another cultural area in which the Indian culture differs strongly from that of the Ladinos. The traditional Indian orientation toward the world is one of adjustment, adaptation, and coming to terms with the physical and human reality found there. On the other hand, the Ladino approach is aggressive in an effort to control and dominate his universe, and destructive force is a legitimate means to this control.

One of the most important aspects of Indian culture is the relation of the individual to the group. In contrast to the western European emphasis on individualism, the Indian culture stresses that the individual exists as a member of the group and that the individual prospers as the group prospers. The function of the individual is thus to promote the group and not his own personal interests. This tends to produce communities with less social conflict than the those in which the individual is supreme. The traditional Indian society is usually unstratified, and leadership is considered, usually within the confines of the *cofradia*, obligatory but temporary and open to all who follow the patterns and precepts which regulate Indian society. Group decisions are arrived at through consensus rather than fiat or majority vote. This contrasts with the strong individual leadership of Ladino culture based on personal characteristics coupled with loyal, subordinate followers.

These and other cultural characteristics combine to define the boundary between the two ethnic groups. This boundary is well established, much of the cultural content is firmly set and subject only to limited change, and the identity of members of both groups is well understood and accepted by both. There are problematic elements in this ethnic relationship which have produced real problems in Guatemala recently. The administration of justice Project must address these problems to have a long-run, significant, and positive impact on the social, political, and economic reality of the rural Indian population in the Highlands.

The recent civil unrest in the country has been double-edged: economic at bottom but also ethnic, with the Ladino group seen as the cause of the Indians' economic problems. Some of those who have had contact with rebel groups have reported ideologies on the part of the rebels with much higher ethnic than Marxist content. Often these include ridding certain areas of Ladinos or the establishment of an Indian state, even the return to some sort of pre-Conquest, semi-mythical kingdom.

C. Social context

During most of the last forty years the Indians' relationship with the dominant Ladino culture has been one of accommodation and resistance to change, since the Indians appeared to prefer a difficult but known present reality to an unknown but perhaps more difficult future. For example, in the *2/2x*

earlier elections following the Revolution of 1944, the Indians almost always voted in effect for a continuation of whatever government was in power. In this way it was perhaps felt there would be less change which might adversely affect the Indians' traditional way of life and his accommodation to the situation of ethnic subordination.

However, partly because of the hard economic realities of recent years and also in part due to the civil unrest, this traditional culture has been severely affected in many of its traditional aspects. The Indian population has had to adjust to a far more difficult existence, the result of which has been to spur the Indian to assess his sociocultural situation and to attempt to make some fairly radical changes.

1. Ladinization

One of the changes that has always been available to the Indian, though perhaps not to the extent the some would like to believe, is that of "ethnic crossover," or "Ladinization", through which the individual for all practical purposes ceases to participate in the Indian culture and takes up the Ladino culture as his own. Examples of this ethnic crossing are especially common in the capital city where, for example, teenage Indian girls find work as maids in Ladino households, change their traditional Indian dress for that of Ladinos, and work on speaking accentless Spanish. The level of entry into Ladino society for a person of this type is, however, at the lowest level of Ladino society.

One thing that should be noted is that most ethnic group situations are characterized by the belief that the ethnic groups are somehow different racially, even when it is often impossible to objectively determine racial identity. The extensive mixing of the Indian and Ladino populations has produced a Ladino population whose racial characteristics closely resemble those of the Indians: straight black hair, olive complexion, short stature. Indeed, many Ladinos are racially descendants of Indians with no European admixture. As a result, any person who acts like a Ladino is for the most part treated like a Ladino.

There are a few cases of seemingly massive Ladinization, where an entire small town "converts" to Ladino culture. But cases of this type are similar to that of the maids, in that the class level in Ladino society of people from these towns is very low. Another example might be the university graduate from an Indian town who finds work in the capital city or some other city not his own, and who operates in every way as a Ladino, hiding or denying his former ethnic identity. It should be noted, however, that in both of these cases the change in ethnic identity requires that the individual leave his home town where, regardless of his actions, he will always be considered an Indian. Regardless of the seepage of individual Indians into Ladino society in this way, the ethnic Indian population has

continued to grow, and it is unlikely that this situation will change radically and produce something like the massive Ladinization of the entire Indian population.

2. The bicultural option

A more viable option for the Indian population is to become 'bicultural.' This option, which has been adopted in fairly large numbers among urban Indians, is one in which the Indian learns to operate effectively within the confines of the Ladino culture but without giving up his essential identity as an Indian. The bicultural option requires first and foremost that the Indian speak fluent and preferably accentless Spanish. No less important is the ability to dominate the Ladino conceptual framework and cultural mores to the extent that the Indian does not stand out or call attention to his ethnic identity in his relationships with Ladinos. This will require in large part that the Indian often conceal his cultural differences while appearing to share common culture with the Ladino, especially in those areas in which there is obvious conflict. It might be noted that these are the same requirements for anyone from any culture who wishes to operate effectively within another culture, such as businessmen, Peace Corps Volunteers, missionaries, and others.

At this point a distinction should be made between this type of education and enculturation. Cultural factors, both material and conceptual, are taught and learned in all societies through the educational process known as enculturation. Children everywhere learn from their parents and elders the "correct" behavior of the group, how one should act in particular situations, what one should believe, the relationships between the individual and the group, between individuals and between groups. At the same time, of course, children learn what is necessary to be a productive member of adult society in an economic sense. Ethnic groups may or may not reinforce this process with formal schooling; obviously, in many primitive societies formal schooling is nonexistent and the educational or enculturation process takes place informally. But even in modern societies with formal schooling, the enculturation educational process takes place outside of school as well.

The Indians until 1944 educated their children informally without the benefit of schools almost exclusively through the process of enculturation. Children learned from their parents and elders "correct" behavior, such as how one should act in particular situations, what one should believe, the relationships between the individual and the group, and so forth. At the same time, of course, the children learned what was necessary to be productive adults in an economic sense. In the 1980's, however, this system of nonformal enculturation education has become insufficient to maintain the Indian people economically.

D. Political context

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Until recently, the Indians in Guatemala have never enjoyed any political participation beyond that of followers of Ladino politicians and policies. The only exception to this rule came in 1982 when Indians were named by President Rios Montt to his Council of State, although it must be remembered that Rios Montt came to power through a coup d'etat and was replaced a year and a half later, once again by a coup.

Political participation in Guatemala depends on the knowledge of how politics work in Guatemala and how one might fit himself and his ideas into this scheme. Since politics means Ladino politics, this again means that one must understand intimately the Ladino culture and language in order to know its politics. The mechanism open to the Indian to acquire this knowledge is the school, but the school system is in Ladino hands and is based on Ladino culture.

It is uncertain just how the Indian population might in the future operate politically in Guatemala. One obvious option in a democratic system is that of block voting, where the candidates for office present their program to the ethnic voters and these voters in turn vote massively for the candidate which appears to them to offer them the best representation for their own particular causes and interests. Another option is the formation of a party or other political group which can then propose its own candidates and policy for more direct representation. But in any case, Indian politics would have to operate with a full and sober knowledge of the Ladino political system.

E. Legal setting

As described in detail by Ruth Bunzel in her ethnography on Chichicastenango, penal matters involving Ladinos or those involving both Ladinos and Indians were resolved by the Ladino system of justice, while affairs involving Indians only were settled by Indians. The mechanism involved on the Indian side was a form of the cofradia, a religious brotherhood usually involving the celebration of particular saints in the Catholic religious year.

One cofradia was charged with the administration of justice. It contained the same number of members (six) as the other brotherhoods, its members possessed special canes denoting membership, and it carried out a number of religious rituals in much the same way as the other brotherhoods. Prayers were said before judicial business began, a procession was held in which a religious painting was carried through the town, and so on. The system was undoubtedly one initiated by Spanish priests during the colonial period which the post-Independence authorities saw no reason to change.

The administration of justice brotherhood also controlled a number of "support personnel" to assist it in carrying out its functions. The regidores had the task of collecting evidence for

the brotherhood, bringing in accused persons, observing boundaries in land disputes, and so on. The brotherhood also had a group of messenger boys for lesser work. Membership in the brotherhood was for one year.

Individuals were selected by those who had already served as heads of one or another of the brotherhoods, and service was obligatory. Generally, one served in one or another of the 14 brotherhoods four or five times during ones lifetime, advancing from the lower to the higher offices. Service in the justice brotherhood was considered no different from service in any other brotherhood.

Thus, the Indian heritage in the administration of justice was radically different from that of the Ladino in 1944 when the modern revolution began, and it is probable that the change in the order of public life was greater in 1944 than in 1823. Justice up to 1944 was a matter of "acting in accordance with custom," as one individual was quoted as saying in the recently completed ILANUD/IU Sector Assessment. There was some influence from the non-Indian culture, but it was slight in comparison with the pervading force of "customary" law.

The Indian justice system was not monolithic. In the first place, there are microethnic differences which divide the Indian ethnic group into language groups with virtually no means of communicating except through Spanish. Quiche and Mam, for instance, are two major languages with from half a million to million speakers each, and the similarity between them is no greater than between French and German. Second, the Spanish carried out a policy of municipal isolation which prohibited contact between people of different municipalities. This has had the effect of creating a town loyalty much greater than pan-ethnic or even pan-language loyalty.

Thus, the customs of one municipality as regards justice often conflict with those of a neighboring one. There appears to exist no detectable norms of justice that are held in common among all Indian groups and which conflict with the Ladino system in a direct way. What does exist, however, is a world view and belief system which, while varying somewhat from town to town, will give the Ladino system of justice an "unjust" or negative appearance to Indians.

An example of this may be found in a recent book published in Guatemala entitled The Ladino Screwed Me ("El Ladino Me Jodió"), by Albertina Saravia, in which an Indian kills an Indian considered to be a witch who had already killed his wife and who was attempting to kill him too. The legal process, in which the author took part, would not admit as valid the fear the Indian had of the bewitching, and at the end he was sentenced to ten years in prison. It is clearly obvious that this man, were he judged by his Indian peers, would have been absolved of all

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II. Sociocultural feasibility of Project components

Before entering into an analysis of the individual Project components, it seems helpful to present a general panorama. There are eight components, each with several subcomponents. These are:

- A. Professionalization of judicial branch personnel
- B. Improving jurisprudential information
- C. Improving the administration of the court system
- D. Additional analytical work and preparation for expansion of the Project coverage
- E. Strengthening the National Commission
- F. Improving prosecutorial/investigation functions
- G. Improving criminal defense functions
- H. Improvement in the public's understanding and perception of the operation of the criminal justice system

The first three components (A, B, and C) are directly concerned with the courts themselves, and these three would form the focus of action during the initial stages of the Project and continue to constitute an important part of the Project throughout the life of the Project. The counterpart agency for activities under these three components will be the Supreme Court, which is responsible for the entire court system and all activities carried out in the courts. The institutional aspects of these components are clear, and the components have the support of the President of the Supreme Court.

The last three components (F, G, and H) are components which will take a phased approach. During the initial stages of the Project, limited activities will be undertaken, and the bulk of work will be study and analysis preparatory to more concrete action in either the later stages of the Project or as part of a new project. The limitations involved in acting on these components have to do with the lack of clear projections for action (Components F and G), disagreement among Guatemalans on what the desired action should be (Components G and H), and the lack of official policy guidelines (Component H).

The need for study links these last three components with components D and E. Component D is expressly designed to carry out studies and analyses related to the last three components, (D. Additional analytic work and preparation for expansion of the coverage of the Project).

A. Professionalization

This component is primarily oriented toward improving the level of competence of judicial branch personnel through training. It contemplates training involving the lower level courts and their personnel, including the judges of trial courts (primera instancia); the justices of the peace, including both the previously existing justices and the newly named justices of the peace (jueces comarcales); personnel such as the municipal assistants to the justices of the peace (alguaciles); and the secretaries, notifiers, and others working in the courts.

Training will cover key areas of need, such as investigation of penal matters by the courts, as well as other areas to be identified. The training process will attempt to incorporate manuals for guiding the operations of all levels of the judicial branch, beginning with the recently prepared justice of the peace manuals.

Emphasis will also be on building and maintaining an on-going capacity for training. The Supreme Court has a recently created Training Section which will be the focus of continued training capacity. Additionally, a relatively new Personnel Department will need to coordinate with the Training Section to effect the proper classification of trained personnel and to maintain records of training for use in assigning and promoting individuals who participate in the training. In addition, the Project envisions that follow-up will be provided to assure the continued support of persons trained, and evaluation procedures will need to be instituted to assess the impact of the training.

This component also contemplates assisting in the preparation of the rules and regulations necessary to implement the proposed Civil Service Law for the judicial branch. Although it is not strictly speaking a prerequisite for the above activities, when passed this law will have some effect on the personnel of the judicial branch and is thus a factor to be taken into account in programming the activities of the component. The law is not expected to be passed before the end of 1988.

As regards the social analysis of this component, there are a two topics which present themselves as being particularly important: the court personnel to be trained other than the judges themselves, and the training needs brought on by the regionalization of justices of the peace and by the creation of their group of assistants, the alguaciles.

1. Court support personnel

Each court has a certain minimum of support personnel to assist the judge in his or her duties. The most important of these is the secretary, who processes documents, supervises personnel, authenticates the judges signature, and other tasks. According to the Sector Assessment, the secretaries occasionally

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assume the tasks of the judges in their absence in activities such as officiating where a death has occurred or even acting as judge.

Other personnel include officials, notifiers and/or comisarios in approximately that order of importance. Each of the appellate courts have one secretary, four officials, and two notifiers, while the courts of first instance have a secretary, between three and eight officials, and one comisario. Justice of the Peace courts have the approximately the same personnel as first instance, although the newer regionalized justices of the peace have just one secretary and one official, as well as in some areas someone to act as interpreter between Spanish and the local Mayan Indian language.

If one assumes an average of five officials in the first instance and justice of the peace courts, the total number of court personnel is around 771, including secretaries, notifiers, officials, and comisarios. Of these (using the same assumptions) about 297 or 38.5% of the personnel is located in the capital city, excluding suburbs like Mixco and Amatitlan. Another 222 representing 28.8% carry out their duties within an hour's drive of either the capital city or the law school in Quetzaltenango. Thus, a about two-thirds of the court personnel in Guatemala is able to commute to evening classes at one of the law schools.

The above is important in that much of the personnel in the provinces and virtually all of the personnel in the capital who work in the court system are law students, many of whom have not finished their course work. The courts for obvious reasons seek to employ law students, since they can be expected to have both an understanding of law as well as a keen interest in it. As regards the secretaries, it is actually a requirement that they have completed certain courses in the law school curriculum in order to be hired.

However, the fact that so many of the court personnel are law students carries with it serious implications for training court personnel. Most of these students intend to graduate, and upon graduation, leave the courts for private practice, meaning that the training they receive is lost for the court system which must then train new personnel.

It may be, in the opinion of one lawyer, that the post of secretary is coming to be viewed as a legitimate goal even for a graduated lawyer, perhaps as a means of ascending eventually to the post of judge. For example, the Secretary of the Third Trial Court is a graduated lawyer. The salary for secretaries of the appellate courts and trial courts is sufficiently attractive, although the salary of the justice of the peace secretary is about a third less and thus less attractive.

The question is whether the professionalization of the judiciary branch should mean establishing permanent personnel and

carrying out more or less continual training of them, or whether the judiciary branch should continue in the use of law students and design the training mechanism accordingly to be able to continually train new personnel in certain posts.

In the opinion of one individual connected with the court, it is preferable that law students continue to work as officials, but they should be allowed to work only for a limited time and not remain in these positions indefinitely. In his opinion, the law student who never finishes his or her studies and who continues in the courts is the one most likely to attempt to augment his or her income through corruption. Law students who continue to advance toward graduation are more likely to consider their time as an official as useful experience and to postpone their "earning years" until after graduation.

This is perhaps more of a problem the greater the distance the court lies from either the capital or from Quetzaltenango. In these two major population centers, the court personnel tend to be more permanent but at the same time less qualified. The training programs will take into account the fact that the personnel in the provinces may never have been to law school and will thus have different requirements.

2. Training needs of the new regionalized justices of the peace (juces comarcales) and their assistants, the alguaciles

Until the beginning of this year, in those smaller municipalities where no justice of the peace had been installed, the popularly elected mayors acted as judges. This system had certain advantages at times, particularly if the mayor-judge was impartial and took his judge's role seriously, since he often knew many of the accused persons who came before him and the circumstances in which crimes were committed in his jurisdiction. He also could be expected to understand the cultural orientation of those in his municipality.

However, the system often led to abuses. In the first place, the judges usually had no legal training at all, and this made it inevitable that injustices were done through the mayor's lack of training and knowledge. Second, as Annex I of the Sector Assessment pointed out, since the mayor-judges were elected as members of political parties, favoritism was often shown to other members of the mayor's party.

There have always been a certain number of justices of the peace in the provinces, including the smaller municipalities, and without doubt it would be ideal to have them in all of the municipalities in the country. Where they existed, these justices of the peace carried out judicial functions instead of the mayor. Since the investment in full coverage is prohibitive, it was decided to group certain municipalities under the jurisdiction of one such judge. This system was mandated by the

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There has been some confusion as to whether the newly created judgeships, called Juzgados Menores Comarcales, were in some way different from the previously existing justices of the peace (Juzgado de Paz). They are not considered different by officials of the Supreme Court, however, and at present all of the previous justices of the peace have been incorporated into the same system as the new judgeships.

The confusion arose because the new system introduces a district or regional jurisdiction covered by the justices of the peace instead of a purely municipal one. The geographic area or district covered by these judges is called a comarca, and for this reason the judges themselves have been called district judges (jueces comarcales). In this way a system which mixed justices of the peace in some towns with mayors in others was converted into one in which district justices of the peace (jueces comarcales) cover all of the country.

The following example shows how the new system has replaced the old one. In Baja Verapaz, the eight municipalities were covered in the following way:

<u>Mayors</u>	<u>Justice of the Peace</u>
Granados	Salamá
El Chol	
Rabinal	
Cubulco	
San Jerónimo	
Purulhá	
San Miguel Chicaj	

Under the new system the same Department of Baja Verapaz is covered in the following way:

<u>Justice of the Peace/Juez Comarcal</u>	<u>Jurisdiction</u>
Salamá	Salamá San Jerónimo Purulhá San Miguel Chicaj
Rabinal	Rabinal Cubulco
Granados	Granados El Chol

There are currently 111 jueces comarcales, including 66 of the previously functioning justices of the peace--many now covering additional municipalities--and 45 new ones, which means that there is an average of approximately one judge for every three municipalities. The maximum number of municipalities

covered by a judge is eight. The municipalities are grouped according to accessibility, which means that there are cases where a municipality belonging to one Department is grouped with others in another Department. Thus El Palmar, though located within the boundaries of the Department of Quetzaltenango, is grouped with a series of neighboring towns in the Department of Retalhuleu.

All of the new justices of the peace have been named and have begun to function. They are to be assisted by alquaciles, one from each individual municipality, but the alquaciles have yet to be named and there is still some doubt as to how they should be remunerated. The law states that they are not salaried, but they will receive travel allowances and "representation costs" (gastos de representación), which is a sum of money received in some categories of public life which is not strictly speaking a salary but rather calculated according to services actually carried out.

The alquaciles are selected through community participation, although the form of that participation varies. The judicial branch has carried out town meetings where alquaciles will function, the each town has selected its own candidates. In some cases, the town has simply held an election to choose between two or more competent individuals, while in other cases a committee chosen to select the alquacil has presented its candidate to the judicial branch.

The minor judicial functions of the alquacil in his own municipality may be of considerable importance, as they effectively replace the mayor in many towns. Previously, in Indian areas Indian mayors were elected more to provide more evenhanded justice at the local level than for their role in town administration. While the Supreme Court is concerned that honest and honorable persons be selected, regardless of ethnic affiliation, Indians may feel that the system is now less just than before if they have no effective voice in choosing the alquacil.

The judicial branch is determined to use flexibility in making the system of jueces comarcales work. New judges are expected to be named if the work load merits it, and the reverse might occur as well, where one judge has the number of municipalities he or she covers increased if the present load is deemed too light. In addition, the municipalities covered by the various judges might be reassigned, where one judge with a particularly heavy load has a municipality reassigned to another judge with a lighter load. Also, where feasible, municipalities may be reassigned to make access more convenient.

The attitude of the judicial branch is to study the system as it develops and to make changes as they appear necessary. The judges make periodic reports, which are used to determine the need for adjustments.

Civil Service Law

The Civil Service Law is one of two closely linked laws that are presently before Congress: the Law for the Reorganization of the Judicial Branch and the Civil Service Law for Judicial Branch Personnel. The former will be considered in C. Improving the Administration of the Court System (below). The Civil Service Law (CSL) deals with the classification of positions within the judicial branch, and as such, it is probable that it would not be passed and would be difficult to implement unless accompanied by the reorganization law.

Although the law has been presented to Congress and should be passed sometime during the next year, it requires the preparation of regulations which detail the implementation of the law. The Project proposes to assist in the preparation of these regulations to enable the Civil Service Law to function properly once it is passed.

This law is clearly a Guatemalan initiative. It was authored following the transition to democratic government during 1986 and 1987, and it can therefore be assumed to represent a desire for reform on the part of the ruling Christian Democratic party. The principal author was the late Mr. Brañas, a Supreme Court magistrate.

Since such laws are prepared for Congress, however, it is necessary that this preparation establish a working relationship with key personnel in Congress to assure the acceptability of the law when it is finalized. This was done, the key Deputy being Lic. Jorge Skinner-Klee, a recognized legal authority with wide experience. It is perhaps important to note that Mr. Skinner-Klee is a member of the opposition. This law would appear to thus have broad backing and represent a bipartisan desire for reform.

One question about this law is that it appears to simply ratify and not correct many of the same problems which exist in the present situation (see Poitevin). Thus, while the existence of a new law to reform the judiciary civil service may appear to represent reform, the law actually represents very little change. An early activity of the Project should be to effect further analytical work on this law with a view toward amending it before it is actually presented for passage in the National Congress or making amendments after the main law is passed. This research would logically also include work on the reclamation of the law for implementation.

The lack of passage of this law does not appear to represent a major stumbling block for other aspects of the Project component, nor would the passage of the law in its present form without the amendments suggested by the section on legal analysis of the Project. Passage of a modified law would improve the

functioning of the personnel system or the courts, but training, which is the centerpiece of this component, should be able to be carried out successfully without it

B. Improving jurisprudential information

This component builds on current and future projections of work by the Regional Administration of Justice Project being carried out by ILANUD to organize and computerize the availability of information on current legislation, court decisions, and academic writing. The outputs include the completion of indices of laws and court opinions on penal, labor, family, and juvenile matters; the publication and distribution of the indices; computer retrieval of both indices and the corresponding texts; access to the computerized system by court, prosecutorial, and defense personnel; capacity to supply copies of laws, opinions, and relevant cases; capacity to maintain the system current with new legislation; and the provision of basic legal libraries where needed.

The main objective of this component is clearly to improve the functioning of the judicial system through access to information, with the goal of increasing both the speed and fairness of the justice received by accused persons. Fairness should result through the ability of those involved in legal cases--judges, prosecutors, lawyers--to effect justice which is less arbitrary because it is based on solid legal foundations. Increased speed should result through the ability of interested parties to gain ready access to the information necessary to judge, prosecute, or defend accused persons.

1. Beneficiaries

The direct beneficiaries of the component are limited to those involved in the administration of justice, whether they are judges, prosecutors, or lawyers. Increased access to information should increase their professionalism in general and make them more capable in their roles in the justice system. The component is even handed in that it really does not favor one of the beneficiary groups over another.

2. Impact and evaluation

Using baseline data, it should be possible to measure the impact of this component in two ways. First, assuming that increased speed in processing cases should result from the improved access to judicial information, baseline data gathered at the beginning of the project on the average length of time it takes to resolve cases could be compared with similar cases after the system has been in place for a period of time. It would be difficult to control for all relevant variables in such a study, but certainly the improved judicial information system could be given some of the credit if the length of time necessary to resolve cases is reduced.

A second way would involve maintaining records of actual use of the system. If the system is used comparatively little, it can be supposed that it will have little impact on the judicial

process, and conversely, if the system is used intensively, one can assume that the component is having the impact it was designed to have. Measuring impact in this way would require programming the computerized system to maintain such records.

Certain other impacts can be implied through the completion of the programmed outputs, such as the publication and distribution of a sufficient number of copies of indices so that they can be widely distributed and sold, and the placing of legal libraries where they are required.

C. Court administration improvement

This component is an ambitious combination of specific analytical work aimed at producing detailed knowledge of various aspects of the administrative structure of the judicial system coupled with action programs to improve the administration based on that analysis. Much of the groundwork for these improvements was accomplished through the Sector Assessment, which allowed the researchers to identify areas which could benefit from improved management and to discriminate to some degree between those in which can activities can begin relatively quickly and those which are more long term projects.

The activities involved in the component can be divided into four general areas. The first in the management of the judicial administrative system itself, which involves the legal basis or environment of the court administrative system, its present administrative structure, personnel, physical infrastructure, and the budget and revenues with which it operates. This judicial administrative system would first receive a detailed examination to determine which sectors should be granted priority in terms of later activities.

1. Management analysis

Two areas of interest in the analysis of the judicial administrative system are the separation of the purely administrative functions from those which deal with judicial process and the decentralization of material support for the courts. As regards the first of these, it is obvious that the relatively small size of the judiciary in Guatemala has not yet forced the courts to separate the purely administrative from the specifically judicial functions it has. But as the court becomes more sophisticated, growing in size and complexity as the country itself expands in population, these functions really should be separated. In addition, other aspects of the present Project will contribute to the complexity of court activities, such as increased training and computerization of judicial information, and this will only increase the pressure to separate the purely administrative functions from the judicial process.

The second area involves decentralization of material support. The judiciary, like most areas in the Guatemalan public sector, has grown up with idea that it must maintain control at the center of its material resources. The reasoning behind this is to prevent the provincial dependencies from misusing those resources, since the central authorities are ultimately responsible for those in the provinces. The disadvantage of centralized authority, of course, is that the provinces need authorization from the center for purchases like pencil or must request the pencils to be sent them from centralized warehouses. It will not be an easy task to convince the central authorities to give up their control, but if a system can be devised to allow the center to monitor the provinces, this might placate the

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uneasiness such a change would occasion.

Another area of study of the administrative system involves the development of an adequate and professional personnel selection system. In particular, the study would evaluate the current system for selection, promotion, and removal of personnel; examine the current personnel evaluation system; determine the necessity of a personnel manual with position descriptions and mechanisms for actions by personnel; compensation of staff; benefits; schedules; and other relevant aspects of a modern personnel system.

This should be one of the most sensitive areas of the analysis, since it touches on the job security of people working in the court. Particularly sensitive among the above topics are removal of personnel and personnel evaluation. Even at the study stage, this effectiveness of work in this area could be damaged by the perception that it is foreign interference. Of special importance is the fact that the judicial branch labor union (Sindicato de Trabajadores del Organismo Judicial) is most concerned with personnel office activities and is also the most likely to take any perceived problems to the press. The analytical work must be carried out by Guatemalan nationals and special care taken to avoid even the appearance of challenging the union for the study to accomplish its objectives.

The budget and revenue area analytical work focuses on the budgetary planning process. This requires an intimate knowledge of court finances, including the income derived from sources other than the national budget. It includes an analysis of the accounting system in actual use by the courts with a view toward producing a handbook of accounting procedures. The sensitivity of finances means that the Project will need to maintain the relationship of confidence and openness with the court authorities and in particular with the President of the Supreme Court that it currently enjoys.

The implementation activities outlined in the component reflect the need for caution and care. The design stage will involve constant consultation with both court authorities and USAID. The study itself will be carried out as far as possible by Guatemalan nationals with foreign consultants in the background to help direct activities and prepare the final report. The final report itself will not simply be presented to the Guatemalan authorities but rather form the basis for further discussion leading to a consensus of recommendations.

2. Information management

The area of information management has been identified as one in which substantial improvements could lead to improvement in the functioning of the courts. Specific areas of interest are records management, caseload management, the judicial statistical system, and computerized information management systems.

Records management procedures currently in use are limited to storing closed cases. Modern records management systems are much more sophisticated and are more useful to the judicial system. They include among other things the providing each case with a unique number nationally, storage of cases on microfilm to save space, standardized forms for use by the courts on a national scale, and other important interventions.

Caseflow management has the objective of pointing out the steps the Guatemalan courts need to take to achieve the desired level of efficiency and fairness. Improved standards and procedures for caseflow management could result in a dramatic improvement in the public's perception of the courts over the long run. The analysis of this topic must direct itself toward the commitment of judges and other court personnel in effecting the changes which will result in improvements for the litigants. It is unlikely that a wholesale package of changes would be acceptable, regardless of the improved efficiency they might represent. The study must choose carefully those areas where reforms will combine maximum benefit with minimum resistance.

Judicial statistics is an area which the bilateral Project will share with ILANUD's contribution as part of the Regional Project. The success of this area will be crucial for the measurement of impact for the entire Project, since the basic measure of how well a court system functions is the statistical reporting system. Improved efficiency can be tracked only through this system, and thus the usefulness of the Project as a whole will be determined in large part by the statistical output of this area.

These statistics should help in understanding the manner in which the administration of justice in Guatemala affects Indians. The summary statistics should provide information on ethnic identity so that it will be possible to determine how many Indians are involved in cases involving imprisonment, for example, or how fast cases involving Indians proceed through the court system as compared with non-Indians.

All of the above areas of information management involve computerization of the information system. The Project includes the purchase of adequate microcomputer systems to support these activities, as well as the training of personnel to operate them.

3. Pilot programs

The Project envisions trying out projected improvements in court administration through pilot programs. The justification in carrying out pilot programs is to test the feasibility of desired changes within a limited context. It is expected that many of the proposed changes will be tested in a pilot court, the situation monitored to detect improvements, and the results compared with a control court where the reforms have not been

implemented. Full scale court administration changes will take place only after they have been justified through this process.

The pilot program will be coordinated with the activities carried out by the Harvard effort, which envisions pilot activities involving the Public Ministry prosecutors. In addition, it is hoped that a pilot program involving public defenders paid by the government could also be tried out in this setting.

Pilot programs as a whole are an excellent way of testing out reforms before implementing them on a national scale. Care must be taken to control variables. For example, if the pilot court has the use of manuals and receives training, while the control court has neither manuals nor training, it may be difficult to determine whether positive effects stem from the mere existence of the manuals or from the training itself. Evaluation procedures will need to be included in the design of the pilot program to avoid this problem.

4. Beneficiaries

The beneficiaries in this component can be divided into two groups: litigants and court personnel. As regards the first group, there are a number of areas in this component with the express purpose of improving the service provided by the judicial branch to litigants. The examination of administrative structure will place priority in determining those administrative rules or organizational issues which impact on the public. Recommendations will be made to improve equality of access to the courts by all sectors and to remove unreasonable obstacles to the use of the courts by persons with limited financial resources.

The establishment of a judicial planning unit will permit planning to distribute the resources of the court more equitably throughout the country. At present, the bulk of resources are concentrated in the capital city, in spite of the fact that much of the population and need resides elsewhere. A planning unit will be able to distribute resources more in accordance with actual workloads. This should benefit the rural population of Guatemala.

The introduction of standard forms and of improved caseflow management practices will benefit litigants in the speed with which their cases pass through the court system and, ultimately, in the fairness of the justice they receive. Standard forms will have an obvious effect on the speed of case processing by reducing redundancy and repetitiveness. Caseflow management practice improvement will analyze the present system and make recommendations with the goal of expediting the disposition of cases in a manner consistent with fairness to all parties, enhance the quality of the litigation, assure equal access to the judicial process for all litigants, and assure that each step in the process is completed according to time frames established by

the code or established as reasonable.

Court personnel themselves are also direct beneficiaries of this component, and as they benefit, the system itself benefits, with the result that the indirect beneficiaries are once again those who find themselves in court. The planning unit, personnel, records management, judicial statistics, judicial information management--all of these items impact on the working of court personnel at all levels.

D. Additional analytical work and preparation for expansion of project coverage

The importance of this component derives from the lack of recent, quality, and/or reliable information about the justice sector in virtually all areas. The recent USAID-commissioned Sector Assessment on the administration of justice in Guatemala must be seen as a sound information base, but its global focus simply highlights the need for further exploration on topics identified in the Assessment.

The analytical work of the Project is divided into two types: work necessary for the other components in this Project, which are treated in their corresponding sections, and studies of a more general nature or those not connected directly to another component. This component is intended as the base for carrying out these latter studies.

The list of studies involving the other components includes the following:

1. The needs of the Ministerio Público (prosecution) (see Component F);
2. Assessment of the criminal defense system to ensure that accused persons have effective access to legal assistance (see Component G);
3. Assessment of the feasibility of decentralization of various aspects of the justice system (see Component C);
4. Assessment of the Guatemalan system of detention of criminal suspects prior to final judgement (see Component C);
5. Assessment of the new Judicial Branch Civil Service law (see Component A);
6. Assessment of the new Judicial Branch Reorganization law (see Component A); and
7. Assessment of role of the Colegio de Abogados in improving public awareness about the criminal justice system (see Component H).

These have been treated in the discussions of the appropriate corresponding sections.

Component D will deal with topics which are of interest to the Project as a whole or which, though specific in content, do not fit in the other components. These topics are:

1. Baseline research, to specifically include the study of 232

current attitudes among the general public about the justice system, the study of attitudes of specific target groups of interest and in particular the Indian communities, and the continued study of the actors in the justice sector--lawyers, judges, prosecutors, prisoners--as a follow-up of the Sector Assessment.

2. Research into improvements in the administration of justice in rural areas, in specifically include the study of Indian culture and customary law as regards the administration of justice and the study of problems experienced by non-Spanish speakers and illiterate persons and how they might be resolved.
3. Research into the special constraints experienced by women in the administration of justice in Guatemala, including the analysis of laws which adversely affect them and the position of women in the legal profession.
4. Research on other topics to be identified during the course of the Project.

The Component D analytical work, by the very nature of the topics to be covered, must be carried out by a variety of entities and institutions. Since there is no one entity which is both representative enough to cover all of the above topics and/or independent enough to be recognized as neutral by all sectors, USAID should probably function as the clearing house for distributing some of the research among the various institutions, although the National Commission should later play an important role.

The following section will examine the above research topics not covered in other components in light of their social implications and feasibility.

1. The Baseline Research

(a) Public attitudes

The Sector Assessment was based on three surveys carried out with lawyers, judges, and jailed individuals, which allowed the researchers to focus on those who in one way or another had close contact with the legal system. The Assessment was thus able to acquire opinions on the functioning of the system of justice which were based on personal experience. The study did not, however, examine the attitudes of the general public as regards the system of justice in Guatemala.

A study of public attitudes producing baseline data would be valuable in a number of ways. First, it would provide a means of measuring progress in improving the justice system. Surveys could sample public opinion on a periodic basis to determine

whether public attitudes reflected improvements. These surveys would also highlight those areas in which public attitudes are most negative so that corrective measures could be taken.

Another use of a public attitude study would be to provide key sectors with an idea of how they are viewed by the public. This information might be especially useful for the legal profession. A negative public image would motivate the Guatemalan Bar Association (Colegio de Abogados) to take steps to improve public understanding of the legal profession, how lawyers operate, and how the general public can make best use of legal services.

(b) Attitudes of selected interest groups

Either as part of the baseline study mentioned above, or as a separate study, or both, research should be carried out into the attitudes of selected interest groups, particularly Indians, to discover how the attitudes of these groups differ from the general public and what special problems might be addressed through subsequent programming.

Such studies should address a number of specific topics. First, the studies should determine what the Indian public considers to be its principle obstacles in the administration of justice, whether it be the clash of the two cultures as such; ethnic discrimination on the part of personnel in the administration of justice system, whether the police, the judges, the defense, or other; lack of knowledge and understanding of how the actual administration of justice system works; and other areas to be identified.

(c) Continual updating of the Sector Assessment

The Sector Assessment, commissioned by USAID, has received a positive response on the part of the Guatemalan criminal justice sector. A workshop was held in April, 1988, to discuss the findings in the Assessment, and another workshop took place in June in which local jurists made a number of corrections as regards terminology and historical fact in the document with a view toward producing an end product document which they themselves would feel comfortable supporting.

It is important to note that the conclusions and recommendations contained in the Assessment were not disputed, and the feeling among the participants was that the document was a fair representation of present reality as regards criminal justice in Guatemala. This fact allows the Assessment to stand as a base which Guatemalans can consider as their own in studying improvements and changes in their own system of justice.

In order for the Assessment to have the impact it merits, it should be published and copies made available to the legal and judicial community. In addition, the information contained in

the Assessment needs to be kept current, and additional information parameters need to be developed and added to those in the Assessment.

In order for the information in the Assessment to achieve the widest possible audience, seminars should be held to discuss selected aspects of the document. These seminars in some cases should include not just the legal community but other sectors with the potential of providing important input, such as social scientists with knowledge of Indian culture and world view.

The Sector Assessment may well have an important role in stimulating further research in selected key topics. Although the list of research topics in this section is derived in great part from the Sector Assessment itself, there may well be other topics which show themselves to be important during further analysis of the Assessment and which should be further analyzed as part of this component.

The principal impact of the Sector Assessment and the activities proposed in this component should logically be on the legal community: lawyers, judges, law students and faculty, and to some extent court personnel. It is obvious that the wider the dissemination of the published document, the greater the impact it will have, and the same can be said of seminars and workshops on the Assessment results and of research to update and complement these results.

Thus, impact should be based on the number of copies of the Assessment produced and distributed and on the number of seminars held. Impact can also be assumed from whether or not the Assessment directly stimulates research projects, whether as a part of the Project itself or, more importantly, outside the Project.

The Sector Assessment represents a valuable baseline study in itself, and the baseline research in this component should repeat the same study one or more times in the course of the Project. In addition, a similar study might be developed which surveys the same individual actors in the justice sector over a period of time, which would provide a substantial and interesting complement to the statistical data from the original Sector Assessment.

Activities

A national survey of public perceptions requires the investment of considerable resources. A survey instrument must be carefully designed and field tested, survey workers must be trained, the survey itself must be carried out in sample populations and the process monitored, data must be entered into computers and processed, and the results analyzed. Such a survey would probably require a minimum of six months and \$200,000.

2. Improving the administration of justice in rural areas

- (a) the study of Indian culture and customary law as regards the administration of justice

As stated in section II. Sociocultural Setting, one of the gravest problems in legal justice in Guatemala is the existence of two distinct ethnic groups, Ladinos and Indians, each representing about one-half of the country's population. The justice system of Guatemala is a Ladino system derived from European jurisprudence. It contains virtually no elements which can be traced to Indian culture. This places the Indians in an uncomfortable position, since law in most societies is usually based on common custom shared by the members of the society. In this case, it is shared by only one half of the population, the Ladino half.

However, as stated above, for much of the historical period of Indian life under non-Indian rule, there existed virtually a caste system where legal problems among Ladinos were settled among Ladinos using the national, Ladino-Spanish derived legal system, while legal problems among Indians were settled among Indians with little or no contact or recourse to the Ladino system. (Problems between Indians and Ladinos, however, were settled by the Ladino system.)

Since 1944, when the Revolutionary government began to try to incorporate all sectors under one political and legal system, the dispute resolution carried out strictly among Indians has been slowly disintegrating, and the results of the official disappearance of the caste system have often been disastrous and harmful to the Indian communities themselves. Where crimes and their punishment might have been resolved to the satisfaction of the Indian community under the old system, the mores, traditions, and procedures of the Ladino legal system left the Indians with the feeling that justice had not been done correctly.

There is a broad lack of understanding on the nature of this problem, as well as the opinion of many Ladinos that no problem exists. It would appear to require further analytical work, beginning with a study of how Indian communities would resolve penal matters if given the opportunity. Such a study would produce data as to which crimes might possibly be resolved within the Indian communities and what the procedures might be. Research would reveal whether such alternative legal procedure would be equitable, functional, and manageable.

The Annex in the Sector Assessment, an anthropological study of Indian attitudes toward justice, did not discriminate between criminal justice and civil or family justice but rather concentrated on the generality of attitudes among Indians in a number of communities as to the application of justice.

There are those, beginning with the President of the Supreme

Court, who feel that it is a mistake to establish separate legal solutions of any kind for Indians and that the Guatemalan legal system must be the same for all Guatemalans. There would be resistance from this sector to any alternative dispute resolution proposal, regardless of its origin and arguments.

There may exist viable non-judicial solutions to civil or family legal problems, such as disputes over property or abandonment of family, where local leaders, religious leaders, even members of Alcoholics Anonymous, can intervene effectively to resolve problems, and the courts would be used only as a last resort.

This area of analysis should also include the comparative study of the actual types of legal and judicial problems found in Indian areas as compared with non-Indian areas. The impression of some observers, for example, is that problems of land boundaries predominate in Indian areas, where this may not be a problem in other areas. An understanding of what types of conflicts there are, how they are currently resolved, and how the local people would like to see them resolved could aid the expanded justice of the peace system and their assistants, the alguaciles, to function properly, and aid the courts in the training of these persons.

A study of this type might be revealing in other ways. For example, one of the authors of the Sector Assessment noted that the prison population in Quetzaltenango, which is a center of high Indian population density, has a marked minority of Indian prisoners. Although his hypothesized explanation of this phenomenon was that Indians do not like to identify themselves as such in the prison, it may well be that Indians simply do not commit crimes resulting in imprisonment as often as Ladinos.

- (b) the study of problems experienced by non-Spanish speakers and illiterate persons and how they might be resolved.

The rural areas of Guatemala have a high Indian population, many of whom are monolingual and of those able to speak Spanish, nearly all have only a limited and imperfect knowledge, while the courts at every level use Spanish in their affairs. According to the Ladinos, there is nonetheless no problem: there is always someone around who can act as interpreter if needed. This person, however, with very few exceptions is usually not a trained interpreter but rather someone with bilingual ability who happens to be present at the time. There is no assurance that this person, whether a spectator or court functionary, functions fairly as an interpreter.

This study should lead to a program of trained, official court interpreters. If possible, the interpreter should be a functionary of the court, such as the judge, the secretary, an official, or an alguacil. If no member of the court is

sufficiently bilingual to be trained as an interpreter, the courts should find, train, and hire such a person from the local community.

The possibility of court legal translators should also be studied. Most of the court process in Guatemala is carried in documentary form as opposed to orally, so Indians who speak some Spanish may not understand the import of the documents in their cases. Key documents in a case, if translated into the local language, would allow the accused to understand the process.

A similar problem found in rural areas as well as in some urban areas, both Indian and Ladino, is the fact that nearly all of the legal process in the Guatemala system of justice is carried out in documentary form and not orally. Guatemala has one of the highest rates of illiteracy in the Americas, third only to Haiti and Bolivia, which means that more often than not, those who are processed for crimes cannot read the documents pertaining to their cases. A study should examine this problem with a view toward determining the feasibility of changing the laws of criminal procedure to include oral as well as written process.

Activities

This body of analytical work will require expertise in anthropology, Indian affairs, Guatemalan law, and perhaps linguistics. The work should be carried out by Guatemalans, in most cases preferably by Indians, and it appears that locating the required research personnel should be no problem. The Cultural Association of Communities of Mayan Descent (Asociación Cultural de Comunidades de Ascendencia Maya - OCCAM, Apartado Postal 21-F, Guatemala City) and the Santiago Study Group (Grupos de Estudio Santiago) are two Indian organizations with experience and interest in the legal sector. Other institutions and firms include the Meso American Regional Research Center (Centro de Investigaciones Regionales de Meso America - CIRMA), the Guatemalan Institute for Transcultural Studies (Instituto Guatemalteco de Estudios Transculturales - IGET), and Stewart, Alvarez y Compañía Limitada.

3. Constraints experienced by women in the administration of justice in Guatemala

The legal profession until recently was a male-dominated bastion, and the majority of lawyers today are men, but the situation appears to be changing. One prominent woman lawyer stated that the law school student population at present included nearly as many women as men and that more and more court officials--usually advanced law students--were women. In addition, there is a women's lawyer association which many women lawyers belong to, apart from their required membership in the bar association.

Within the Guatemalan penal code there is a category called "feminine crimes," which can be committed only by women. Infanticide, abortion, and adultery fall within this category. Women who commit infanticide during the early days of a baby's life can be committed to prison for a period of from two to eight years. Should a woman plead not guilty by virtue of post-partum depression, and therefore not responsible for her actions, she will still be sentenced to prison. By comparison, should a man kill his child (called homicide rather than infanticide when it is performed by a man), he can plead not guilty by virtue of mental stress and be found not guilty.

A married woman who commits adultery can be sentenced to six months to two years in jail, while a man can only be found guilty of "infidelity." In reality, there have been extremely few cases of adultery filed in Guatemala, and none in the decade 1970-1980, but the law is used as a weapon for men to acquire custody of children and to be released from any other financial obligation as regards the wife. Many studies have been conducted and various proposals have been presented to do away with this archaic law, but legislators have not dared to put it aside on the grounds that it protects the family.

Activities

The project will provide funds for research and studies on the present legal status of women in Guatemala with emphasis on the areas of the position of women in the legal profession and on the revision of laws which discriminate against women. These activities can be carried out in coordination with the women's lawyer association or directly by this association.

4. Research on other topics to be identified

A portion of this component's funding should be set aside for research and analytical work on topics which have yet to be identified. It is hoped that the National Commission will come up with a plan for analytical work in a series of themes, and the funding for this work would come from this component.

5. Beneficiaries

The beneficiaries of the analytical work in this component can be divided into several groups. The primary beneficiaries of the updating of the Sector Assessment and the public attitude survey are the principal actors in the judicial process, who should be able to individually and collectively take steps to improve situations and perceptions identified in these studies. Lawyers and the Bar Association can develop action plans to correct common misperceptions involving their role in the administration of justice. The courts can make adjustments in procedures or prepare amendments to laws and regulations to improve their functioning and relationship with the other actors in the judicial process. The law schools can study adjustments

in their curriculum in response to problems identified in the survey results.

As regards the studies oriented toward Indians, the obvious beneficiaries are the Indian communities themselves, although as with all studies, it still remains to convert the results of the studies into plans for action. What is clear is that the Ladino actors in the judicial process, beginning with the National Congress which passes the laws, continuing through the various actors in actual court cases, and including the law faculties at the different universities, have very little idea of just what the particular problems of the Indian communities might be as regards the administration of justice.

These studies may well produce results leading to proposed changes which produce little resistance on the part of the Ladino actors in the judicial sector, changes which have not been effected to date through the simple lack of understanding that a problem existed. Other results and proposed changes will undoubtedly produce more resistance, and it may not be possible for these changes to be effected readily. But at the same time, the studies will provide concerned Indians with data crucial for further examination of the issue with a view toward being able to continue to campaign for needed reform. Without the information provided by the studies, work toward needed reform by and for Indians would be seriously hampered.

As regards the work examining issues of interest to women, the obvious beneficiaries are women. As with Indians, it will be difficult for concerned women to work toward needed reform without the information provided by the studies to be done as part of this component.

E. Strengthening the National Commission

The National Justice Commission was formed in late 1987 with the purpose of determining national justice sector priorities, identifying methods of improving the administration of justice, and providing leadership and a forum to establish a consensus for recommended changes and to identify sources of internal as well as external support to carry them out. The major institutions in the justice sector are represented: the Supreme Court, in representation of the court system; Ministry of Government, in representation of the police and prison system; Ministerio Público, responsible for prosecuting crime; the Guatemalan Bar Association, the National Congress, and the four university law faculties.

The idea for a National Commission did not come from local sources but rather at the initiative of ILANUD and AID through the Regional Project. Nonetheless, the National Commission has met numerous times. The participants usually have not been the heads of their institutions but rather lower ranking representatives. Meetings to date have been held at the Supreme Court, as the Commission has not acquired its own offices, and it will not be possible for the Commission to formally acquire use of space in buildings belonging to one or another of the participating institutions.

The Commission has recently hired an executive coordinator, however, which provides an indication of the growing vitality of the body. It has also carried out workshops to study the results of the Sector Assessment and has reviewed the preparations for this Project. The regional project will pay the executive coordinator's salary and will purchase office equipment.

This Project proposes to strengthen the National Commission first by providing funds for support staff and for office space and office equipment to complement that provided by ILANUD. Further, the Project will provide funds to create the capacity for the National Commission to contract for analytical services to assist it in studying the major problems facing the operation of the justice sector and for organizing workshops and other approaches to encourage the use of that analytical work in preparing action programs. This analysis should include the evaluation of the performance of the justice sector and its major constituent organizations and for proposing responses to the problems identified in such evaluations.

The above support is designed to allow the National Commission to acquire a much stronger institutional presence to the point where it might prepare a statement of priorities and a formal sector plan to be adopted officially by the executive and judicial branches of the GOG and become the promoter and overseer of projects to be financed by external sources of support.

1. Feasibility of the National Commission

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The National Commission at present is not a firmly established institution, and it has a number of weaknesses which are inherent in its present structure. First, it is unconnected in any formal way with the government structure and is incapable of acquiring a place within the government, since its members come from distinct governmental institutions which would be very unlikely to permit any formal commitment to the Commission. Even if it were possible to acquire some formal standing within the government, it would be extremely difficult to prevent at least the appearance that the Commission was actually more tied to one branch of the justice system than another.

Another problem with the National Commission is that there is no clarity as to how it might acquire substance as an institution outside the government, since a majority of the members represent government institutions. Even now, there is no obligation on the part of the members to attend meetings, and if they do at present attend and participate in the Commission, there is no obligation on the part of their successors to do so once they are, as they inevitably will be, replaced.

The National Commission at present is an artificial creation of external agencies, principally ILANUD, and is expected to be supported through external sources in the foreseeable future. In situations of this sort, the National Commission might be expected to exist and function as long as the external support is there and to rapidly disappear when the support is someday withdrawn.

The membership list of the National Commission was devised to assure an equitable balance among the various interests in the justice sector. In one way or another, the courts, the police, the prisons, the prosecution, the defense, the preparation of professionals--all are represented on the Commission, and it would be expected that this participation would ensure that the Commission attempt to focus equitably on the interests of each sector. However, if one or another sector is lax in its participation--a real possibility, since participation is optional--, the Commission activities will inevitably be directed toward questions of interest of the more active participants, and this might adversely affect the national, cross-institutional orientation that the Commission was intended to have.

2. Project response

The fact that the National Commission is a nascent institution with no clear governmental mandate does not mean that it will necessarily be ineffective. The Commission's independence from the central government may in the end prove to be a strength, since it provides a neutral forum for all. This neutrality, which should be preserved, is what allows the Bar Association and the law faculties to meet as equals on common ground to deal with matters of common interest, and this is

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crucial to advance certain areas of interest to the members of the Commission, such as the improvement in the public defender system.

The Project should be able to overcome the problem of participation through the funding of activities of interest to the members and the institutions they represent. The interest of the members is likely to increase in proportion to the level of activity they observe in the Commission, and the existence of an outfitted office, secretarial and research staff, and executive coordinator should go far in attracting and maintaining interest in the Commission among the member representatives. The Project will thus provide a favorable environment for the Commission to develop programs which will eventually allow the Commission to function effectively on its own at some later date.

But even should the Commission later be dissolved or fall into disuse, it should not necessarily be considered a failure. It may be that the Commission functions effectively as a forum and sounding board for the Project during the life of the Project, and this in itself should be valuable.

3. Impact

It should be easy to measure the impact of the Commission, at least in the short term. If the Commission continues to meet, begins to use its office and analytical staff, and initiates plans for further work on areas of interest in the justice system, one can conclude that the Commission has been strengthened. Another measure of impact should be attendance at the National Commission meetings. Some member representatives, notably the representative of the National Congress, have yet to attend, while for others, attendance has been sporadic. If attendance improves, the Commission can be seen to have been strengthened.

Long term impact may be more difficult to assess. It is possible that the Commission will become extremely active, carry out studies and analyses, produce new legislation regarding the justice system, and so on, in which case it will be obvious that the Project impact has been positive and visible. On the other hand, if the Commission work is sporadic and of little importance, and if its functioning continues to require the constant attention of Project officer funded by AID, then it may be concluded that the Commission and the Project's investment in it have had little impact.

The National Commission is very much an unknown quantity in this Project. The Project should have sufficient flexibility to take advantage of Commission if it proves to be dynamic but to be able to function equally well without the Commission if it turns out to be weak and ineffectual. The initial thrust of Project activities focuses on the Supreme Court and on the judicial branch in general and will thus not be affected adversely if the

JB

Commission functions poorly.

The complementary portion of the Project is made up primarily of studies and analysis preparatory to later or second stage activities. The Project proposes to have a single contractor or joint venture for project implementation which will work with the National Commission. The arrangement envisions the Commission as an advisory body to allow the contractor to take advantage of whatever positive initiative the Commission provides.

Beneficiaries

Initially, the beneficiaries of this component will be the actual members of the Commission, but it is clear that the real beneficiaries should be the institutions which the Commission members represent. Each institution benefits from the forum provided by the Commission to learn of the concerns and problems of the other institutions. Problems concerning two or more of these institutions can be presented and discussed by concerned, professional colleagues. The same institutions should be able to not just look at common problems but begin to take concerted action to deal with these problems, first through research funded by the Project and later through activities to be carried identified by the research.

JHx

F. Improving performance of prosecutors

A number of commentators, including the President of the Supreme Court and the authors of the Sector Assessment, have singled out the Public Ministry (Ministerio Público) as the institution involved in the administration of justice that is most in need of reform. The problem with initiating action during the early stages of the Project is that there exists to date no locally sponsored initiative or project to carry out reforms, and this lack of initiative is due in part to a lack of research and analysis on the parameters of the problem.

Considerable analytical work will be necessary to provide the necessary information base to develop a major program of assistance. One of the principal outputs of this analytical work will be the design of a new organic law to define the functions of the Public Ministry. The present law so limits the Ministry that it is unable to carry out its investigative and prosecution functions in an effective way, which produces a generalized weakness in presenting the Government's case against accused persons.

The initial activities of the Project under this component will be supported and complemented by those of Harvard and ICITAP. The Harvard project is accused on the development of an investigation, prosecution, and adjudication model involving selected participants from the police, the Attorney General's office, and the trial courts (Primera Instancia). ICITAP provides short-term training courses in criminal investigation techniques and the use of material evidence. The bilateral Project proposes to enhance the above activities by helping to furnish, equip, and support the model prosecution operation within the Attorney General's office.

Both the purely analytical work and the experience gained from the pilot prosecution unit will provide the necessary data to develop a more substantial intervention at a later date.

JHS

G. Improvement of Criminal Defense System

Accused persons who lack substantial financial resources at present have relatively poor access to legal assistance. The law provides for the assigning of indigent cases to lawyers practicing in particular courts, but it is also possible for lawyers so designated to pay a small fine (Q.25.00 = US\$ 10.00) to be relieved of these cases, and most lawyers do so. In addition, those lawyers who accept such cases dedicate the minimum amount of time to them, often limiting themselves to writing no more than 20 lines (according to one former judge) in their defense and without even talking to the accused's family or possible witnesses.

Most cases are taken on by the Bufetes Populares (People's Law Offices), which are staffed by law students who have completed a certain minimum of course work and who must carry out a certain number of "practice" cases before they are allowed to graduate. Students who work in the court system may be exonerated from at least some practice work.

There are numerous problems with this system. First, the students more often than not provide an inadequate defense for the accused, either due to their lack of knowledge and experience or because they see the case as simply a prerequisite to graduation that should be completed with a minimum amount of time and effort. Second, the system has geographic limitations: only the Capital city and Quetzaltenango have a Bufetes Populares, although nine other cities and towns have sub-offices which are dependencies of the first two.

Another problem has to do with supervision. Students receive supervision from faculty members, but they rarely appear at court to observe their students and virtually never go out to the provinces to carry out supervision.

The need among students to carry out their case work has inevitably led to abuses. In many instances, students desperate to complete this requirement have been known to bribe or be forced to bribe the judge assigning cases. Judges also tend to favor students from the universities that they themselves have graduated from, and students from the other universities--usually the private schools--must wait.

Still, the Bufetes Populares are the only resource many accused persons have to help them with their legal problems, and there is no doubt that the universities would successfully resist any attempt to close them. The question is then what sort of additional mechanism might be developed to provide for more effective legal defense which includes the Bufetes Populares as an important element.

One suggestion is the establishment of a system of public defenders. Public defenders could be paid from public funds,

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work as a minimum in all the Justice of the Peace courts and courts of first instance (Primera Instancia). They would work with the law school students, the latter carrying out case research, preparation of documents, and otherwise assist the public defender. The public defender could provide considerable de facto supervision to complement the regular law faculty supervision.

The mechanisms necessary for establishing this system are still far from clear, and it is for this reason that further analytical work and research is required as part of Component D. Projects need to be developed, analyzed, and revamped until both the universities as well as the courts and the Colegio de Abogados are satisfied with the new system. The new system might begin to function as a pilot program during the present Project or form part of a second phase of USAID assistance to the administration of justice system.

A problem with a public defender system paid for by the government would be where it might be located within the governmental or judicial structure. One suggestion would be for the public defender to be attached to the Office of Human Rights (Procurador de Derechos Humanos), which is an autonomous office created under the 1985 Constitution.

Participation

The Guatemalan legal community is well aware that the problem of adequate legal defense for those without financial resources is in need of reform. The President of the Supreme Court, unhappy with the abuses of the Bufetes Populares, has suggested that they be suppressed, and he has threatened to punish students who work in one branch of the courts while "doing their cases" in another branch, even though the law school requirements are responsible in part for this sort of anomaly.

One law school dean stated unequivocally that both the bar association and the other law school deans would support some sort of public defender system as long as it included the Bufetes Populares in some form, and he also thought the President of the Supreme Court would eventually go along with it.

Impact and beneficiaries

The direct beneficiaries of such a system would in the first instance be the accused persons in courts all over Guatemala. They would acquire a more adequate defense, because they would have an experienced lawyer from beginning to end the legal process and one who could count on the research assistance of law students.

Benefitting indirectly from this system would be the law students themselves. They would be relieved of the "calvary"-- as one former judge put it-- of finding and working through the

five or six cases in each area that most students are required to resolve. At the same time, as research assistants to the public defender they would acquire a better knowledge of the functioning of the criminal courts.

H. Improvement in public understanding and perception of operations of criminal justice system

There is some question as to whether Guatemalans themselves see this as an important issue, which highlights the importance of the baseline study of public attitudes. A system of justice can only function well if the participants in the system--the general public--understand how it works and how they can use it. It can be affirmed that at present the general public has a lack of awareness in the system, as the President of the Supreme Court stated in a recent interview (Prensa Libre, June 19, 1980).

A campaign to make the general public more aware of the nature and operations of the criminal justice system has been identified as one means of improving this awareness and achieving a better understanding of how the courts work. However, it is first necessary to research present ideas and opinions among the general public on the courts to identify the priority areas for such a campaign as well as to provide basic information to aid in the design of these campaigns.

A campaign to improve public awareness will depend heavily on the baseline survey of public perceptions to be carried out in Component D. The uses of the survey in such a campaign derive fall into two categories. First, the information can be used to raise the consciousness of the lawyers as regards the negative aspects of their image. Many lawyers may be unconcerned with the image of their profession, but others will very likely be quite concerned when they are shown the statistics and the composite results of this survey. It is this latter group, especially those active either in the Bar Association or the law faculties, or both.

The baseline survey of public attitudes should thus both help to produce a group of concerned lawyers interested in investing their time at no fee in improving those attitudes as well as outline the major areas of concern. What will then be necessary is to indicate areas of action and the types of activities which can be carried out. Since campaigns of this sort have not been done previously, there is no experience the Bar Association, the law schools, or other concerned lawyers have to draw on.

The Project proposes to take advantage of the experience of bar associations elsewhere which have carried out campaigns of this type. Assistance will be sought from interested foreign bar associations, including visits by leaders and program implementers, plus the preparation of materials and instruction programs for lawyers who would participate in the program as "teachers" of elementary law.

The Guatemalan Bar Association has already shown interest in such programs. The current leadership has prepared an educational program in law as part of the September Independence

Day celebration to be carried out in secondary schools in the capital city. They are also planning to purchase time on commercial television for a similar program.

The Project will provide funds to complement those of the Bar Association. The Bar Association does not have the resources necessary to fund large scale projects, and it must use some of its funds in other ways. The Project will provide the Bar with sufficient funds, pending feasibility studies, to carry out a substantial campaign.

The public awareness campaign will also benefit from the other studies planned in Component D. Specifically, the studies on women and the law and on the special problems encountered by Indians in the administration of justice should provide important data to be used in orienting a part of the campaign toward these two groups. In addition, the Sector Assessment Annex I provides information which can be used.

T A B L E
1988 TRAINING SECTION ACTIVITIES
BY PLACE, SPONSOR, DATES

<u>E V E N T S</u>	<u>L O C A T I O N</u>	<u>S P O N S O R S</u>	<u>D A T E S</u>	<u># JUDICIAL PARTICIPANTS</u>
1. Seminar: National and International Protection of Human Rights	Guatemala City	JUD. BRANCH/ILANUD	2/15-2/17/88	40
2. Cooperative Seminar: Public Ministry and its Function in the Administration of Criminal Justice.	Guatemala City	JUD. BRANCH/MIN. OF GOVERNMENT	3/11-3/13/88	3
3. Seminar: Modern Mixed Process System	Guatemala City	JUD. BRANCH/ILANUD	3/16-3/19/88	44
4. Symposium: Modern Mixed Process System	Guatemala City	JUD. BRANCH/ILANUD	3/19/88	70
5. Workshop: Social Information Service as a Support to Criminal Courts	Guatemala City	JUD. BRANCH	4/14-4/15/88	27
6. Training Needs Analysis	Country-wide	JUD. BRANCH	4/28-9/30/88	526
7. Course: Basic Study of Investigative Techniques	Guatemala City	JUD. BRANCH/ICITAP	5/23-6/3/88	50
8. Meeting: Consultation, Harvard Project	Antigua	JUD. BRANCH/HARVARD	6/1-6/3/88	18
9. Course: International Drug Laws	Guatemala City	JUD. BRANCH/DEA	6/1-6/3/88	2
10. Seminar: Analysis of the Guatemalan Penal Process System	Guatemala City	JUD. BRANCH/HARVARD	6/1-6/3/88	28

<u>V E N T S</u>	<u>L O C A T I O N</u>	<u>S P O N S O R S</u>	<u>D A T E S</u>	<u># JUDICIAL PARTICIPANTS</u>
Seminar: Analysis of the Guatemalan Penal Process System	Quetzaltenango	JUD.BRANCH/HARVARD	6/6-6/7/88	38
Course: Investigative Techniques	Guatemala City	JUD.BRANCH/ICITAP/ MIN.OF.GOV'T	6/13-7/15/88	2
Course: Investigative Techniques	Guatemala City	JUD.BRANCH/ICITAP	6/20-7/22/88	2
Work Group: Functions of alguacil	Guatemala City	JUD.BRANCH	4/27-6/29/88	
Workshop: Human Rights and their Application to the Guatemalan Institutional Processes	Escuintla	JUD.BRANCH	7/6/88	11
Workshop: Human Rights and their Application to the Guatemalan Institutional Processes	Mazatenango	JUD.BRANCH	7/13/88	15
Course: Basic Study of Investigative Techniques	Guatemala City	JUD.BRANCH/ICITAP	7/15-8/5/88	60
Workshop: Human Rights and their Application to the Guatemalan Institutional Processes	Jutiapa	JUD.BRANCH	8/14/88	13
Workshop: Human Rights and their Application to the Guatemalan Institutional Processes	Teculután Zacapa	JUD.BRANCH	8/21/88	21
Workshop: Human Rights and their Application to the Guatemalan Institutional Processes	Guatemala City	JUD.BRANCH	9/7/88	60
Course: Investigative Techniques	Guatemala City	JUD.BRANCH/ICITAP	9/26-10/7/88	60

E V E N T S	LOCATION	SPONSORS	DATES	# JUDICIAL PARTICIPANTS
22. Workshop: Macro Thesarus	Guatemala City	JUD. BRANCH/ILANUD/ FES COLOMBIA	9/5-9/8/88	50
23. Course: Kidnapping and Extorsion	Guatemala City	JUD. BRANCH/ICITAP/M.G.	10/17-10/21/88	2
24. Workshop: Human Rights and their Application to the Guatema- lan Institutional Processes	Cobán	JUD. BRANCH	10/8/88	10
25. Workshop: Human Rights and their Application to the Guatema- lan Institutional Processes	uetzaltenango	JUD. BRANCH	10/12/88	25

SUB-TOTAL 1,177

PLANNED EVENTS NOT FINALIZED	LOCATION	SPONSORS	DATES	# JUDICIAL PARTICIPANTS
1. Course: Orientation for Aiguaciles	Various	JUD. BRANCH/ILANUD	Sept. 1988	200
2. Seminar: Court Management	Guatemala City	JUD. BRANCH/ILANUD	Oct. 1988	50

SUB-TOTAL 250

GRAND TOTAL 1,427

LISTA ILUSTRATIVA DE EQUIPO
BASADA EN LOS PRECIOS DE CATALOGO
DEL GOBIERNO DE GUATEMALA

(QUETZALES)

<u>DESCRIPCION</u>	<u>CANTIDAD</u>	<u>PRECIO UNITARIO</u>	<u>PRECIO TOTAL</u>
H. COMPUTADORA			
- Computadoras personales (compatibles para el sistema central de la Corte, uno para cada centro regional).	3	4,050	12,150
- Computadora personal (portatil)	1	8,100	8,100
- Impresora para el computador	3	1,890	5,670
- Mobiliario para el equipo de computacion	3	1,350	4,050
- Programacion adecuada	1	27,000	27,000
	SUB TOTAL...		56,970
B. EQUIPO AUDIOVISUAL PARA CAPACITACION			
- Retroproyectores estacionarios	2	1,750	3,500
- Retroproyectores portatiles con caja protectora	2	2,550	5,100
- Pantallas portatiles de tripode minimo de 60 x 60"	4	658	2,632
- Video grabadoras para cassette VH	2	1,990	3,980
- Televisores a colores de 20"	2	2,500	5,000
- Proyector de peliculas de 16mm.	1	5,800	5,800
- Proyector de diapositivas, con control remoto, con bandeja de 80 diapositivas	1	1,775	1,775
- Camara portatil para video cassette VHS	1	7,500	7,500
- Camara fotografica con varios tamanos de lentes para preparar material didactico	1	3,178	3,178
- Maquina Thermo Fax para acetatos	1	5,950	5,950
- Mesas especiales para colocar el equipo audiovisual	4	2,081	8,324
- Cajas de acetatos claros	25	139	3,475
- Cajas de acetatos de colores	25	199	4,975
- Marcos de carton para proteccion de acetatos	50	40	2,000

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E. MOBILIARIO

- Mesas para usos multiples	40	250	10,000
- Sillas	300	60	18,000
- Pizarrones de vinil portatiles	6	300	1,800
- Rotafolios	6	375	2,250
- Papel especial para rotafolios	o	a y m e r c a d o	
- Escritorios tipo ejecutivo pequenos	6	500	3,000
- Sillas con respaldo y rodos	4	175	700
- Sillas para secretaria con rodos	2	140	280
- Mesas para maquina de escribir	3	75	225
- Calculadoras para escritorio	3	275	825
- Archivos de cuatro gavetas cada uno	5	275	1,375
- Closets para resguardo de equipo audiovisual	3	500	1,500
- Librerias con vidrios	5	280	1,400
			<u>41,355</u>
			<u>G. 400,420</u>

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DESCRIPTION	QUANTITY	UNIT	TOTAL
C. REPRODUCTION EQUIPMENT			
- Off-set Press	1	36,482	36,482
- Coacalator (sp)	1	16,667	16,667
- Paper-cutter	1	16,667	16,667
- Electric	1	1,297	1,297
- Staplers for different sizes of staples (100 page capacity)	1	26	26
- Off-set plate maker	1	4,989	4,989
- Spiral Hole-punch	1	2,037	2,037
- Three-hole-punch, at least 100 pages	1	30	30
SUB TOTAL...			8,195
D. SOUND EQUIPMENT			
- Tape recorders (double cassette)	2	926	1,852
- Amplifiers, minimum 100 watts	1	337	337
- Wireless microphones	2	24	48
- Stationary wireless microphones	1	62	62
- Speakers, minimum 100 watts	2	102	204
- Tables for sound equipment	4	33	132
- Cassettes for conference recording	300	2	600
SUB TOTAL...			3,235
E. FURNITURE			
- Multiple use tables (4 classrooms)	40	93	3,720
- Chairs (4classrooms)	300	23	6,900
- Portable vinyl boards	6	112	672
- Flip charts	6	139	834
- Large paper for flip charts			
- Small executive desks	6	186	1,116
- Chairs with backrest and wheels	4	65	260
- Secretarial chairs with wheels	2	52	104
- Typewriter tables	3	28	84
- Desk calculators	3	102	306
- Four Drawers files cabinetes	5	102	510
- Storage cabinetes for audiovisual equipment	3	186	558
- Bookcases with glass doors	5	104	520
SUB TOTAL...			5,584
TOTAL..			148,790

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ILLUSTRATIVE EQUIPMENT LIST
BASED ON GUATEMALAN GOVERNMENT
PRICE CATALOGS

(U. S. Dollars)

<u>DESCRIPTION</u>	<u>QUANTITY</u>	<u>UNIT PRICE</u>	<u>TOTAL PRICE</u>
A. COMPUTER			
- Personal Computers (compatible with with the Central system of the Court, one each for two regional centers).	3	1,500	4,500
- Personal Computer (portable)	1	3,000	3,000
- Printers	3	700	2,100
- Computer furniture	3	500	1,500
- Software	1	10,000	10,000
		SUB TOTAL...	<u>21,100</u>
B. AUDIOVISUAL EQUIPMENT FOR TRAINING			
- Stationary Overhead Projectors	2	649	1,298
- Portable Overhead Projectors	2	945	1,890
- Portable screens (tripod) 60 x 60 minimum	4	244	976
- Video recorder for VH cassette	2	737	1,474
- Television Color 20"	2	926	1,852
- Film projector-16mm	1	2,149	2,149
- Slide projector, with remote control, with 80 slides tray	1	658	658
- Portable Video Cammera VHS	1	2,778	2,778
- Photographic cammera with various sizes of lenses to prepare teaching material 35mm	1	1,177	1,177
- Thermo Fax Copy machine for transparencies	1	2,204	2,204
- Audivisual carts	4	771	3,084
- Boxes of Clear Transparencies	25	52	1,300
- Boxes of Colored Transparencies	25	74	1,850
- Frames to Protect Transparencies	50	15	750
- Permanent Transparencies Markers	50	9	450
- Non-permanent Transparencies Markers	50	11	550
- VHS Cassettes for Cammera and Video Recorders (120 minutes)	300	13	3,900
- Extension cords	16	10	160
- Film (35mm)	125	10	1,250
- Storage cabinetes for audiovisual equipment	-	926	926
		SUB TOTAL...	<u>30,676</u>

X
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DESCRIPTION	QUANTITY	UNIT	TOTAL
C. REPRODUCTION EQUIPMENT			
- Off-set Press	1	36,482	36,482
- Coccalator (sp)	1	16,667	16,667
- Paper-cutter	1	16,667	16,667
- Electric	1	1,297	1,297
- Staplers for different sizes of staples (100 page capacity)	1	26	26
- Off-set plate maker	1	4,989	4,989
- Spiral Hole-punch	1	2,037	2,037
- Three-hole-punch, at least 100 pages	1	30	30
		SUB TOTAL...	8,125

D. SOUND EQUIPMENT			
- Tape recorders (double cassette)	2	926	1,852
- Amplifiers, minimum 100 watts	1	337	337
- Wireless microphones	2	24	48
- Stationary wireless microphones	1	62	62
- Speakers, minimum 100 watts	2	102	204
- Tables for sound equipment	4	33	132
- Cassettes for conference recording	300	2	600
		SUB TOTAL...	3,235

E. FURNITURE			
- Multiple use tables (4 classrooms)	40	93	3,720
- Chairs (4classrooms)	300	23	6,900
- Portable vinyl boards	6	112	672
- Flip charts	6	139	834
- Large paper for flip charts			
- Small executive desks	6	186	1,116
- Chairs with backrest and wheels	4	65	260
- Secretarial chairs with wheels	2	52	104
- Typewriter tables	3	28	84
- Desk calculators	3	102	306
- Four Drawers files cabinetes	5	102	510
- Storage cabinetes for audiovisual equipment	3	186	558
- Bookcases with glass doors	5	104	520
		SUB TOTAL...	17,584

TOTAL... \$ 148,720

GUATEMALAN COURT OFFICERS AND EMPLOYEES BY FUNCTION, LOCATION, AND LEGAL AREA

<u>JURISDICTION</u>	<u>U.S. EQUIVALENT</u>	<u>CRIMINAL</u>	<u>NON-CRIMINAL</u>	<u>TOTAL</u>
<u>Higher Courts:</u>				
President of Supreme Court and Judicial Branch	--	1	1	2
Supreme Court Justices	--	4	4	8
Presidents of <u>Salas</u> - Capital City	Appeals Courts	3	9	12
Justices in <u>Salas</u> - Capital City	Appeals Courts	6	16	22
Presidents of <u>Salas</u> - Outside Capital	Appeals Courts	6*	6*	6*
Justices in <u>Salas</u> - Outside Capital	Appeals Courts	12*	12*	12*
		<hr/>	<hr/>	<hr/>
	Sub-Totals	32*	48*	61*

* The Guatemalan Chief Justice of the Supreme Court and higher level courts outside Guatemala City deal with criminal and non-criminal matters in the same jurisdiction.

JEV

<u>JURISDICTION</u>	<u>U.S. EQUIVALENT</u>	<u>CRIMINAL</u>	<u>NON-CRIMINAL</u>	<u>TOTAL</u>
<u>Capital City Judges:</u>				
Juzgados de Primera Instancia de Instrucción	Trial Courts	7	-	7
Juzgados de Primera Instancia de Sentencia	Sentencing Courts	5	-	5
Juzgados de Primera Instancia de Familia	Family Courts	-	5	5
Juzgados de Primera Instancia de Civil	Civil Courts	-	7	7
Juzgados de Primera Instancia de Tránsito	Traffic Courts	2	-	2
Juzgados de Primera Instancia de Menores	Juvenile Courts	-	3	3
Juzgados de Primera Instancia de Cuentas	Accounts Courts	-	2	2
Juzgados de Primera Instancia Económico Coactivo	Business Courts	-	3	3
Juzgados de Primera Instancia de Trabajo y Previsión Social	Labor and Social Benefits	-	4	4
Justice of the Peace Courts - Penal	Penal Court	13	-	13
Justice of the Peace Courts - Civil	Civil Courts	-	6	6
Justice of the Peace Courts - Tránsito	Traffic Courts	4	-	4
Justice of the Peace Courts - Faltas	Minor Infractions	4	-	4
Justice of the Peace Courts - Turno	Shift (off hours)	4	-	4
	Sub-Totals	39	30	69

<u>JURISDICTION</u>	<u>U.S. EQUIVALENT</u>	<u>CRIMINAL</u>	<u>NON-CRIMINAL</u>	<u>TOTAL</u>
<u>Capital City Municipality Judges:</u>				
Juzgados de Primera Instancia - Ramos Mixtos	Mixed Trial Courts	2	2	2
Justice of the Peace Courts - Ramos Mixtos	Mixed Lower Courts	11	11	11
		<hr/>	<hr/>	<hr/>
	Sub-Totals	13	13	13
 <u>Departmental Courts - Judges:</u>				
Juzgados de Primera Instancia	Trial Courts	33	33	33
Justice of the Peace Courts - Mixed		102	102	102
Specific Courts for Labor and Social Benefits		-	2	2
		<hr/>	<hr/>	<hr/>
	Sub-Totals	135	137	137
 <u>Support Staff Assigned to Courts:</u>				
Capital City Court <u>Secretarios</u>	Court Clerks	52	48	100
Non Capital City Court <u>Secretarios</u>	Court Clerks	35	103	138
Capital City Court <u>Oficiales</u>	Court Officials	172	171	343
Non Capital City Court <u>Oficiales</u>	Court Officials	215	216	431
Country-wide Vacant <u>Oficiales</u> positions	Court Officials	38	39	77

<u>JURISDICTION</u>	<u>U.S. EQUIVALENT</u>	<u>CRIMINAL</u>	<u>NON-CRIMINAL</u>	<u>TOTAL</u>
Country-wide <u>Notificadores</u>	Process Servers	7	122	129
Country-wide <u>Comisarios</u>	Aide	42	31	73
Capital City Social Workers	—	15	21	36
Non Capital City Social Workers	—	37	37	37*
Non Capital Vacant Positions Social Workers	—	1	1	1**
Alguaciles (Approx. number)	Non-Judicial Mediators and/or Assistants	200	200	200**
SUB TOTALS				
<u>Administrative Support Personnel for Entire Court System:</u>				
36 Administrative Dependencies	—	400**	400***	400***
GRAND TOTALS				

**Total is same for criminal and non-criminal since the same persons serve both systems.

***There are 678 administrative support employees.
218 will be trained by other organizations such as
BTECAP (National Apprentice Training Organization)

TENTATIVE JUDICIAL BRANCH
TRAINING NEEDS BY LEVEL
OF EMPLOYEE AND CURRICULUM AREA

AREAS A CAPACITACION

JUZGADOS DE PAZ

JUECES

- Primeras Diligencias
- Tecnicas de Investigacion
(Obtencion y preservacion de los
medios de prueba)
- Tecnicas de Interrogatorio
- Medicina Forense
(reconocimiento de cadaveres,
lesiones en general)

SECRETARIOS

- Gestion de Tribunales
(Organizacion, control,
manejo de personal)
- Criminologia
- Criminalistica

OFICIALES

- Relaciones Humanas
(Relaciones inter-laborales y
trato con el publico)
- Primeras diligencias
(Derecho penal y procesal penal)
- Tecnicas de interrogatorio
(Toma de declaraciones procesados,
ofendidos y testigos)
- Medicina Forense
- Criminalistica
- Criminologia

COMISARIOS

- Aspectos administrativos controles,
registros, tecnicas de archivo, estadistica)

2657

JUZGADOS DE PRIMERA INSTANCIA
INSTRUCCION

JUECES

- Primeras Diligencias
- Técnicas de Investigación
- Técnicas de Interrogatorio
- Medicina Forense
- Derecho Procesal Penal
- Criminalística
- Derechos Humanos
- Derecho Penitenciario
- Aspectos Administrativos (control, supervisión y comunicación)

SECRETARIOS

- Derecho Penal
- Area administrativa (manejo de personal)
- Criminalística (delitos contra la seguridad personal)
- Derechos Humanos
- Medicina forense

OFICIALES

- Primeras Diligencias
- Técnicas de Investigación
- Criminalística

COMISARIOS

- Relaciones humanas (trato con el público)

AREA A CAPACITAR

JUZGADOS DE PRIMERA INSTANCIA
SENTENCIA

JUECES

- Derecho Procesal Penal (sustitutivos de prisión)
- Criminología (Antropología y Psicología Criminal)
- Derecho Penal
- Informática Judicial
- Penología

SECRETARIOS

- Derecho Procesal Penal
- Criminología
- Aspectos administrativos
- Penología
- Relaciones humanas

OFICIALES

- Derecho Procesal Penal
- Relaciones humanas
- Aspectos administrativos

COMISARIOS

- Relaciones humanas
- Aspectos administrativos (Técnicas de archivo, controles)
- Nociones generales sobre administración de tribunales

AREAS A CAPACITAR

JUZGADOS DE TRANSITO
PAZ

JUECES

- Derecho Procesal Penal (Primeras diligencias)
- Aspectos administrativos (organización y manejo de personal)
- Ingeniería de tránsito

- Derecho Procesal Penal
- Aspectos administrativos
- Ingeniería de Tránsito
- Criminología
- Medicina forense

OFICIALES

- Relaciones humanas
- Aspectos administrativos (archivo)
- Derecho Procesal Penal (primeras diligencias)
- Criminología

COMISARIOS

- Relaciones humanas
- Aspectos administrativos (archivo, registros)

NOTIFICADORES

- Relaciones humanas

AREAS A CAPACITAR

JUZGADOS DE TRANSITO

INSTANCIA

JUECES

- Ingeniería de tránsito (presupuestos, avalúos, identificación de vehículos, levantamiento de planos, señalización)

SECRETARIOS

- Derecho procesal penal
- Derecho penal
- Aspectos administrativos (organización y manejo de personal)
- Ingeniería de tránsito (señalización y levantamiento de planos)

OFICIALES

- Aspectos administrativos
- Derecho procesal penal
- Relaciones humanas
- Ingeniería de tránsito

COMISARIOS

- Aspectos administrativos (archivo, clasificación, manejo de Kardex)
- Relaciones humana

AREAS A CAPACITAR

SERVICIO DE INFORMACION SOCIAL

- Trabajo social en el campo jurídico
- Investigación social
- Diagnóstico social
- Redacción técnica de informes socio-económicos
- Criminología (caracterología y psicología del delincuentes)
- Relaciones humanas (dinámicas de grupo)

SERVICIO MEDICO FORENSE

- Investigación de técnicas y procedimientos
- Identificación de cadáveres
- Toxicología (Farmacología, investigación, alcoholemias)
- Muerte súbita
- Extremahuciones
- Reconocimiento médico de lesiones
- Violaciones
- Tanatología forense
- Ley y medicina legal
- Códigos y leyes afines (aplicación, proceso y logística)
- terminología legal
- Psiquiatría forense

PATRONATO DE CARCELES Y LIBERADOS

- Criminología
- Derecho Penitenciario
- Penología

CAPACITACION EN ESPECIALIDADES (FUERA DE GUATEMALA)

<u>AREA:</u>	<u>No. PARTICIPANTES</u>
<u>JUZGADOS DE PAZ PENAL</u>	
-Técnicas de Investigación Criminal	1
-Técnicas de Interrogatorio	1
<u>JUZGADOS DE PRIMERA INSTANCIA PENAL</u>	
-Criminalística	2
-Criminología	2
<u>JUZGADOS DE TRANSITO</u>	
-Ingeniería de Tránsito	2
<u>SERVICIO DE INFORMACION SOCIAL</u>	
-Investigación Social en el área Judicial	2
<u>SERVICIO MEDICO FORENSE</u>	
...	2
<u>PATRONATO DE CARCELES Y LIBERADOS</u>	
-Derecho Penitenciario	1
-Penología	1

TENTATIVE JUDICIAL BRANCH
TRAINING NEEDS BY LEVEL OF EMPLOYEE
AND CURRICULUM AREA

TRAINING AREAS

Office of the Justice of the Peace

Judges

- Initial Proceedings
- Investigation Techniques (obtaining and preserving the means of proof)
- Interrogatory Techniques
- Forensic Medicine (corpse examination, common injuries)

Secretaries

- Court Negotiations (organization, control, personnel management)
- Criminology
- Criminalistics

Clerks

- Human Relations (inter-labor relations and dealing with the public)
- Initial Proceedings (criminal and criminal procedural laws)
- Interrogatory Techniques (taking of depositions from indictees, from victims of an offense and from witnesses)
- Forensic Medicine
- Criminalistics
- Criminology

Court Attendants

- Administrative Aspects (controls, records, filing techniques, statistics)

272+

First Instance Trial Courts

Judges

- Initial Proceedings
- Investigation Techniques
- Interrogatory Techniques
- Forensic Medicine
- Criminal Procedural Law
- Criminalistics
- Human Rights
- Penitentiary Law
- Administrative Aspects (control, supervision and communication)

Secretaries

- Criminal Law
- Administrative Area (personnel management)
- Criminalistics (offenses against personal safety)
- Human Rights
- Forensic Medicine

Clerks

- Initial Proceedings
- Investigation Techniques
- Criminalistics

Court Attendants

Human Relations (dealing with the public)

First Instance Sentence Courts

Judges

- Criminal Procedural Law (prison substitutes)
- Criminology (Anthropology and Criminal Psychology)
- Criminal Law
- Judicial Electronic Information
- Penology

Secretaries

- Criminal Procedural Law
- Criminology
- Administrative Aspects
- Penology
- Human Relations

Clerks

- Criminal Procedural Law
- Human Relations
- Administrative Aspects

Court Attendants

- Human Relations
- Administrative Aspects (filing techniques, controls)
- General knowledge on court administration

Traffic Courts
Justice of the Peace

Judges

- Criminal Procedural Law (Initial Proceedings)
- Administrative Aspects (personnel management and organization)

2740

- Traffic Engineering

Secretaries

- Criminal Procedural Law
- Administrative Aspects
- Traffic Engineering
- Criminology
- Forensic Medicine

Clerks

- Human Relations
- Administrative Aspects (file)
- Criminal Procedural Law (initial proceedings)
- Criminology

Court Attendants

- Human Relations
- Administrative Aspects (file, records)

Process Servers

- Human Relations

Traffic Courts
Instance

Judges

- Traffic Engineering (budgets, valuations, vehicle identification, surveying, signal marking)

Secretaries

- Criminal Procedural Law
- Criminal Law
- Administrative Aspects (organization and personnel management)

Traffic Engineering (signal marking and surveying)

Clerks

- Administrative Aspects
- Criminal Procedural Law
- Human Relations
- Traffic Engineering

Court Attendants

- Administrative Aspects (file, classification, Kardex maintenance)
- Human Relations

Social Information Service

- Social Work in the Juridical Area
- Social Investigation
- Social Diagnosis
- Technical Writing of Socio-Economic Reports
- Criminology (the delinquent's psychology and characterology)

- Investigation of Techniques and Procedures
- Corpse Identification
- Toxicology (pharmacology, investigation, presence of alcohol in the blood)
- Sudden death
- Extreme Unction
- Medical examination of injuries
- Rape
- Legal Thanatology

- The Law and the Legal Medicine
- Appropriate Codes and Laws (application, process, logistic)
- Legal Terminology
- Forensic Psychiatry
- Prisons and Released Persons Association
- Criminology
- Penitentiary Law
- Penology

TRAINING BY SUBJECT (OUTSIDE OF GUATEMALA)

	<u>Subject</u>	<u>No. of Participants</u>
<u>Justice of the Peace Criminal Courts</u>	- Criminal Investigation Techniques	1
	- Interrogatory Techniques	1
<u>First Instance Criminal Courts</u>	- Criminalistics	2
	- Criminology	2
<u>Traffic Courts</u>	- Traffic Engineering	2
<u>Social Information Service</u>	- Social Investigation in the Judicial Area	2
<u>Coroner Service</u>	...	2
<u>Prisons and Released Persons Association</u>	- Penitentiary Law	1
	- Penology	1

MAJOR IMPLEMENTATION ACTIVITIES
SEPTEMBER 1988 - SEPTEMBER 1991

IMPLEMENTATION ACTIVITIES	FISCAL YEARS												
	1988 IV	1989 I	1989 II	1989 III	1989 IV	1990 I	1990 II	1990 III	1990 IV	1991 I	1991 II	1991 III	1991 IV
<u>AUTHORIZATION AND OBLIGATION OF PROJECT</u>													
1) Authorization of Project	X												
2) Signing of project agreement with Supreme Court	X												
<u>CREATION OF PROJECT IMPLEMENTATION UNIT</u>													
1) AID contract with Guatemalan head		X											
2) Preparation of RFP for general contractor		X											
3) Signing of general contract					X								
4) General contractor personnel arrive					X								
5) Project Implementation Plan prepared		X											
6) Procurement system in place													
7) MOU between Supreme Court, ILANUD, Harvard Law School and Mission signed		X		X									
8) Annual workplan for project prepared						X						X	
<u>I. TRAINING OF JUSTICE SECTOR PERSONNEL</u>													
1) Completion of training needs analysis		X											
2) Preparation of refined Training Plan		X		X									
3) Ordering of equipment for Supreme Court				X									
4) Hiring of additional training staff in Supreme Court				X									
5) Project sponsored training begins													X

2784

ACTIVITIES	FISCAL YEARS											
	1988 IV	1989 I	1989 II	1989 III	1989 IV	1990 I	1990 II	1990 III	1990 IV	1991 I	1991 II	1991 III

PROVIDING LEGAL INFORMATION

Completion of data base on legislation (ILANUD)		X											
Completion of data base on jurisprudencia (ILANUD)		X											
Purchase of computer equipment (ILANUD)		X											
Installation of equipment and software, training of people (ILANUD)			X	X									
Establishment of pilot system for distribution to central courts (ILANUD)				X									
Provision of complementary support to ILANUD's contributions (USAID)					X								
Analysis of cost benefit of including full texts (USAID)						X							
Completion of data base with full texts (USAID)							X						
Analysis of costs and approach for including decrees and doctrina (USAID)								X					
Completion of data base re doctrina and decrees (USAID)									X	X			
Analysis of alternative distribution mechanisms outside central court building (USAID)										X			
Purchase of equipment and its installation along with software and training outside central courts (USAID)											X	X	X

JRT SYSTEM IMPROVEMENT

Court Administrative Structure:

1) Passage of judicial organic law		X	X	X									
2) Analysis for revision in administrative structures					X								
3) Decentralization Plan developed						X							
4) Decentralization Plan executed							X						

-- CONTINUOUS --

879

IMPLEMENTATION ACTIVITIES	FISCAL YEARS											
	1988 IV	1989 I	1989 II	1989 III	1989 IV	1990 I	1990 II	1990 III	1990 IV	1991 I	1991 II	1991 III

b. Judicial Planning Unit:

- 1) Establishment of unit and hiring of personnel X
- 2) Purchase of support equipment X
- 3) Initial training in planning techniques X
- 4) Preparation of short and medium plans/budgets X
- 5) Carry out special studies/analyses (as required)

----- CONTINUOUS -----

c. Financial Management and Budgeting:

- 1) Analyses of current accounting and budgeting systems X
- 2) Development of manuals of financial controls X
- 3) Training in use of manuals
- 4) Analysis of automation needs X
- 5) Implementation of automated system X X

d. Personnel System:

- 1) Passage of civil service law for judicial branch employees X X X
- 6) Preparation of new job descriptions X X
- 2) Evaluation of current system X
- 3) Adoption of new selection and promotion system X
- 4) Adoption of new approach to decisions on compensation and benefits
- 5) Preparation of new personnel manual X
- 8) Preparation of implementation plan X
- 7) Training in use of new manual X X

220 X

TATION ACTIVITIES	FISCAL YEARS												
	1988 IV	1989 I	1989 II	1989 III	1989 IV	1990 I	1990 II	1990 III	1990 IV	1991 I	1991 II	1991 III	1991 IV
<u>Records Management:</u>													
1) Hiring of additional personnel				X									
2) Purchase of support equipment				X									
3) Preparation of records managements standards and manual						X	X						
<u>Standardized Forms:</u>													
1) Design of forms and manual				X	X								
2) Field trial of new forms						X							
3) Purchase of support equipment				X									
<u>Caseflow Management:</u>													
1) Analysis of overall judicial process					X	X	X	X					
2) Pilot effort with courts (ILANUD)		X	X	X	X	X	X						
4) Hiring of additional personnel							X						
5) Purchase of support equipment							X						
3) Introduction of improved system for caseflow management, e.g., issuance of benchbook for judges, etc.										X	X		

IMPLEMENTATION ACTIVITIES	FISCAL YEARS												
	1988 IV	1989 I	1989 II	1989 III	1989 IV	1990 I	1990 II	1990 III	1990 IV	1991 I	1991 II	1991 III	1991 IV
h. <u>Judicial Statistics System:</u>													
3) Hiring of additional personnel						X							
4) Preparation of workplan (ILANUD)						X							
1) Detailed analysis of present system					X								
2) Decision concerning approach to automation					X								
5) Preparation of form and procedures (Manual)						X	X						
6) Purchase of equipment							X						
7) Staged implementation of new system							X	X	X	X			
i. <u>Court Interpret</u>													
1) Analysis of needs and alternative solutions					X	X	X						
2) Develop plan for creation of interpreter corps									X				
j. <u>Court Libraries and Publications:</u>													
1) Determination of needs of Appellate Courts and lower courts				X									
2) Purchase library materials and publications (copies of codes)					X	X							
3) Analysis of needs of printing unit				X									
4) Purchase of equipment for printing office					X	X							

STATION ACTIVITIES	FISCAL YEARS											
	1988 IV	1989 I	1989 II	1989 III	1989 IV	1990 I	1990 II	1990 III	1990 IV	1991 I	1991 II	1991 III

Information System:

1) Creation of office for management information systems			X										
2) Hiring of additional staff				X									
3) Purchase of office equipment/supplies				X									
4) Design and implement judiciary management system plan													
(a) Organizational analysis and system design					X								
(b) Computer and software needs analysis					X	X							
(c) Procurement						X							
(d) Systems mgmt. and operations							X						
(e) System control and evaluation							X						
5) Design and implement a judiciary management information system								X	X				
(a) Establish court mgmt./case tracking system								X	X				
(b) Establish personnel mgmt. system										X			
(c) Establish financial mgmt. system										X	X		
6) Establish National Legal Reference system												X	X

Pilot Programs:

1) Begin to provide formal support for model courts under Harvard activity			X	X	X								
2) Evaluate experience of model courts						X							
3) Establish and staff pilot regional office in Quetzaltenango							X						
4) Evaluate performance of regional office													
5) Plan to create additional decentralization, e.g., establishment of model courts outside of Guatemala City									X				

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ACTION AID/1- INFO AMB DCM ROCAP ECON AGAT STORE/6

Appendix N

VZCZCGT0343
PT RUEHGT
DE RUEHC #5866 1611538
LNR UUUUU ZHH
F 091630Z JUN 88
FM SECSTATE WASHDC
TO RUEHGT/AMEMBASSY GUATEMALA PRIORITY 1856
INFO RUEHSJ/AMEMBASSY SAN JOSE PRIORITY 4191
BT
UNCLAS STATE 185866

09-JUN-88

TOR: 17:48
CN: 47228
CREG: AID
DIST: AID
ADD:

AIRAC

E.O. 12356: N/A
TAGS:
SUBJECT: GUATEMALA ADMINISTRATION OF JUSTICE PID

LAC/DI AND ARA/PPC HAVE REVIEWED SUBJECT PID AT MISSION REQUEST AND CONGRATULATE THE MISSION ON A WFLD DRAFTED DOCUMENT. PARKER AND ARMSTRONG DEEPLY REGRET THEY WERE UNABLE TO ATTEND MISSION REVIEW. HOWEVER, THE ONLY COMMENTS WE WOULD MAKE PERTAINING TO INTENSIVE REVIEW FOR THE PROJECT ARE:

1. TO UTILIZE THE ANALYSIS OF THE JUDICIAL SYSTEM BEING UNDERTAKEN BY HARVARD TO THE MAXIMUM EXTENT FEASIBLE IN PP DESIGN (WE UNDERSTAND MISSION IS ALREADY PLANNING TO DO THIS).

2. INCLUDE LAC/DI AND RAJO REPS IN PP REVIEW PROCESS. IT IS DIFFICULT TO IDENTIFY SPECIFIC PROJECT ISSUES AT THIS STAGE SINCE THE PROJECT DESIGN IS SO DEPENDENT ON THE INTENSIVE REVIEW. FOR THIS REASON WE BELIEVE THE PROJECT WILL BENEFIT FROM LAC/DI AND RAJO PARTICIPATION BEFORE MISSION FINALLY AUTHORIZES THE PROJECT. IN THIS REGARD, BOTH RAJO AND LAC/DI REPRESENTATIVES WILL BE AVAILABLE TO TRAVEL TO GUATEMALA TO SPEED THE REVIEW

PROCESS OF THE PP AT THE APPROPRIATE TIME.

3. FYI: PLEASE NOTE THAT IN THOSE CASES WHERE PP IS REVIEWED BY LAC/DI AND RAJO PRIOR TO AUTHORIZATION, WE EXPECT MISSION STAFF TO CONSIDER SERIOUSLY THE RECOMMENDATIONS OFFERED AND TO INCORPORATE CHANGES IN THE PP DOCUMENT, IF APPROPRIATE. WALLIS

BT
#5866

NNNN

SEARCHED	INDEXED
SERIALIZED	FILED
JUN 9 1988	
FBI - GUATEMALA	
PRM	
INFO	
DUE DATE	
6/30/88	
ACTION TAKEN	
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ADMINISTRATIVE ANALYSIS

I. Court System

In order to determine the appropriate programs to include in the area of court administration in the Project, a survey was made of the administrative systems that are in place at this time. In reporting this work, the elements of an efficient court administrative system are set forth and then determinations made of those elements which currently are present in the Guatemalan system.

a. Administrative Structure

A well managed court system will have strong national and local administrative offices which are overseen at each level by judges but which have significant authority to administer the court system under policies established by the court. The duties of the national administrative office should include at least the following:

- Prepare and manage the budget for the court system;
- Prepare an annual report on the condition of the court including statistics on the business of the court during the previous year;
- Establish and administer a personnel system;
- Maintain a system for purchasing for the court;
- Provide assistance to local courts in the use of record keeping systems, court technology and automated systems;
- Conduct special studies as required by the court;
- Conduct short and long range planning for the court;
- Prepare manuals to assist in the operation of the court;

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

- Carry out the administrative policies established by the local judges taking into account established national policies;
- Maintain the personnel system for the local court;

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- Prepare the annual budget request for the court;
- Prepare statistics for the local court as needed and to provide to the national statistical system;
- Maintain all court facilities and equipment including an inventory of equipment;
- Work with other agencies such as the prosecution and the police to resolve any problems that interfere with the normal flow of cases through the system;
- Act as the public relations officer for the court;
- Oversee purchasing at the local level.

In Guatemala, the administrative system exists only at the national level. There is no administrative presence at the local level, this refers to outside of Guatemala City. The national administrative office is overseen directly by the President of the Supreme Court; and, although important matters must be voted on by the entire Supreme Court, the President of the Supreme Court is the primary source of administrative policy. The administrative structure maintains the traditional separation between the legal and the administrative responsibilities of the Supreme Court. The Secretary of the Supreme Court has no involvement in administrative matters. They are coordinated under the General Secretary of the Presidency.

The administrative structure contains the key administrative offices one would expect to find with the exception of a planning office. The main offices are:

- Human Resources (Training Personnel)
- Financial Management (including accounting and budget)
- Building Management
- Purchasing
- Trial Court Supervision
- Records
- Statistics
- Library

The Financial Management Office was only created in 1987, so it is in its formative stages. The administrative offices also include several offices that are reflective of the broad range of social services the court system offers its employees. These include a medical clinic, a dental clinic and a pharmacy.

The local courts are totally dependent on the above offices for their administrative support. For example, personnel are named by the President of the Supreme Court from lists maintained at the national office. Persons appointed to posts do not necessarily have to come from the region, but rather are offered a position by the court system anywhere in the country where a vacancy exists. It is then their option to accept or reject the position. Another example of the centralization is that buildings are maintained by a traveling group of painters, electricians, plumbers, cleaners etc., who are sent from Guatemala City on a regular schedule to maintain the 52 buildings that the court owns. If a local court needs paper and/or other supplies they must send an employee to Guatemala City or wait until the Court can have the materials delivered by one of the court's vehicles.

b. Case Flow Management

The term caseload management is used to define the continuum of processes and resources necessary to move a case from filing to disposition. Caseload management suggests active attention by the judge to whom the case is assigned once it has been filed with the court. It also suggests an oversight role for the higher courts in the system charged with the overall administration of the system. Thus, caseload management is broader than just a concern with how cases are assigned to judges or scheduled for hearing. The goals of a well-managed caseload system are:

-To expedite the disposition of all cases in a manner consistent with fairness to all parties;

-To enhance the quality of litigation;

-To assure equal access to the judicial process for all litigants; and

-To assure that each step in the process is completed according to time frames established by the code or established as reasonable.

The key elements of a successful case flow management system consist of at least the following:

-Commitment by judges to control the movement of cases and avoidance of a build-up of a backlog of older cases by addressing these cases first;

-Continuing consultation among the court, prosecutors, defenders and the private bar about the operation of the system and the means to improve it including changes in the codes as necessary;

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-Procedures that are established by judges to control the movement of cases including circumstances under which appearances can be cancelled;

-Oversight responsibility for the overall operation of the caseload management system at the local and or national level;

-A statistical system designed to facilitate control of the progress of cases;

-Standards for the completion of steps in the judicial process for each type of case either set by law or established as national standards;

-Continuing measurement of system performance against standards and legal requirements to provide feedback to the judge(s);

-Established techniques for scheduling the appearances of prosecutors, the defendants' attorney, police witnesses and others to avoid conflicts;

-Service of a non-judicial administrator to assist the judges in the management of caseloads;

-A system equitably to distribute cases among judges with a means to redistribute cases in the event of illness, other absence or a trial court becoming backlogged;

-Reasonable sanctions for those who do not meet the minimum standards for the timely and appropriate disposition or movement of cases.

In Guatemala, some of the elements of an effective caseload management system are present, but in the main they are not. Briefly, the judges are named to a specific jurisdiction within the court district, and have their own caseloads. There are no systems in place for equalizing the caseload among judges. Thus, of 1,492 complaints filed in the first instance courts in the capital in August 1987, one court received 22.2 percent while another received less than one percent. This type of disparity is not unusual, and is seen in both the justice of the peace and sentencing courts. Once a case is assigned to a judge it remains with the judge unless the judge removes himself for cause. Thus it is possible for some cases to become extremely backlogged on one judge's docket while other cases which were filed at the same time have been disposed of on another judge's docket.

The Supreme Court recently has implemented two positive programs for better distributing caseloads in Guatemala City and for assuring that the courts are available seven days a week to the public.

First, eight additional justice of the peace courts were added to Guatemala City. These courts are open commencing at 3:30 in the afternoon when the other courts close. They also rotate to provide a judicial presence on the weekend. Second, the courts were assigned specific jurisdictions within the zones of Guatemala City according to the volume of cases in each zone. Some of the courts have been relocated from the judicial tower to locations in their jurisdiction.

The maximum time periods for processing cases in penal matters are primarily controlled by statute. There is no evidence either at the national or local level of established guidelines for the processing of cases through case management standards. Since many of the time periods are fixed by law, any change would involve legal reform. Most of the judges interviewed indicated that the fixed times are more often breached than met.

There is no specific attention given to older cases. through the Judges indicate that they give no preference to penal over civil cases, but in penal matters they do give preference to cases involving a prisoner. This assertion could not be confirmed as there is no reports available on the cases involving prisoners.

There is little communication between the court and the prosecutorial function, the publicly financed defenders and agencies such as the police as to how to improve the system. There is a surprising lack of relationship between the court and prosecutors, and 18 percent of the judges interviewed in the Sector Assessment process stated that the prosecutors had no role to play in their court. There is no evidence of any bench-bar committees are focusing on system improvements.

There is some supervision of lower courts in Guatemala. The secretaries of the courts of first instance review the required journals of the justice of the peace courts. There is an office of supervision of trial courts which reviews actions taken by judges on behalf of the Supreme Court after the receipt of a complaint.

c. Personnel Management

The personnel system is administered from the Supreme Court. Employees of the court are appointed from lists that are maintained by the personnel office. The appointment of non-judicial personnel is made by the President of the Supreme Court. Appointments are made to positions throughout the system. Thus, a resident of Guatemala City could be offered a position in Quetzaltenango. The system has been characterized by patronage and the appointment of people less than qualified. Although the current President of the Court has brought some qualified people into the system, the elements of an effective personnel system --including personnel classifications, employment guarantees, recruitment and selection procedures--

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are not yet in place. The legislature currently has before it a proposed law which would establish a civil service system for the court. There also has been a recent effort to rewrite the position descriptions and reclassify salary levels of the position within the court system.

d. Budgeting

Until 1987 the judicial system developed its budgets on an ad hoc basis. There was no budget office. In August of 1987 a budget office consisting of a director and four staff people was created. This office prepared a budget for 1988. The process was to analyze the expenditures for the past several years by the budget categories that were selected. These categories are:

<u>Category</u>	<u>Quetzales</u>
Supreme Court President's Office	1,181,165
National Administrative Offices	7,625,785
Maintenance and Construction of Buildings	9,030,088
Administration of Courts	2,159,518
Administration of the Supreme Court	1,559,106
Administration of the Courts of Appeal	2,819,173
Administration of the First Instance Courts	8,192,571
Administration of the Justice Courts	6,967,924
Debt Service	<u>230,795</u>
TOTAL	39,766,125 (\$15 Million)

A draft budget was developed by the staff, presented to the President of the Supreme Court and modified accordingly. The budget was eventually presented to the entire court, and after further modifications adopted by the court and published in the Diario Oficial on November 27, 1987.

The development of the budget does not include any input from the regional or local court officials. The budget director indicates that the normal needs of the local courts are included through the use of a base budget which is increased proportionally each year. The special new needs of any court are accommodated, assuming that there are no shortfalls in revenues or greater than expected inflation. A 15 percent reserve fund is maintained in each of the above budget categories.

The budget is organized by type of court that is penal, civil, labor, family, cuantias, administrative, juvenile and other. There is no specific budget for each court. There are periodic adjustments to the categories within the budget. These adjustments and movements among budget categories must be approved by the Supreme Court.

The source of funds for the budget is the proportion of the national budget assigned to the court which by law has to be a minimum of 2 percent. In the past two years the assignment has been 2.5 percent and 2.3 percent respectively (.5 of the 2.5 percent was subsequently assigned to the Constitutional Court.) The second source of funds are the funds which the court takes in directly from fines and fees. This source of funds accounts for approximately 7.1 million quetzales per year. Both the funds from the general budget and those from fines and fees can be spent as the court decides. Thus, there is considerable autonomy for developing priorities through the budget process. However, the court also must dedicate a high proportion of the budget to fixed costs (salaries, rent, essential supplies etc.) which decreases the court's ability to use the budget process as a way of introducing significant new programs.

e. Financial Management

The court system is responsible for a substantial number of financial transactions. There are the internal actions required to maintain a work-force of approximately 2,500 workers. There is the receipt of fines, fees and forfeitures from approximately 16 sources the most substantial of which are traffic fines in Guatemala City. In Guatemala City the funds are paid directly to the court at the Supreme Court building. Outside of Guatemala City the funds are deposited with a local bank and a transfer to the Supreme Court made once a month.

To manage the funds received, the Supreme Court maintains a manual accounting system using a double entry set of accounting records which include a cash book, a general ledger, a general journal and a book where all trial balances and financial statements are recorded. Books and records are posted on a daily basis, but currently the court's postings are approximately two months behind. The accounting office has the beginnings of a accounting manual which was started 11 years ago but never completed. To maintain internal control the court has an internal auditing office which performs daily cash counts, reviews procurement, tests payrolls and other financial activities.

Funds are deposited in two accounts. Each check that is written requires two signatures. The receipt and deposit of cash are centralized in the Treasury Section. Employees who participate in receiving, paying, and handling of cash are adequately bonded. The reconciliation of bank accounts is prepared by an accountant who does not handle funds.

The financial system has some automation. Traffic fines, procurement and supply records, payrolls, records of funds received by the Supreme Court, records of checks issued by the Court are automated. The system has many other demands on it, and is not adequate to its purpose or compatible with any other system. Therefore, the court does not have the capacity to add more applications at this time.

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f. Planning

There is no office of planning within the judicial system. Projects requiring planning are handled on an ad-hoc basis. For example, the planning for the new district judges and the alguaciles who will assist them was addressed as the issues arose. Similarly, the court is planning for the new civil service law as issues arise, and does not have a plan in place for implementation should the law be passed by the legislature. Since the decision-making authority is so concentrated in the President of the Supreme Court, the employees of the administrative office are reluctant to move in any direction without a clear mandate from him. Thus, it is not surprising that there is no planning function being performed. There is a new Office of Coordination of Programs whose role is largely undefined. This office may form the basis for a planning office in the future.

g. Auditing

Within the administrative organization there are several auditing functions. The office of internal audit conducts traditional financial auditing. The Office of Supervision of Trial Courts audits the activity of trial courts primarily after someone has written to the Supreme Court and complained about the activity of a judge in a particular case. One of the two staff members in that office visits the court or reviews a casefile in the office to determine if the actions of the judge require sanctions. On any visit, the office procedures would be reviewed to make sure that required journals and procedures are maintained. The office is too small to be effective.

h. Logistical Support

Supplies and building maintenance are centralized in offices in Guatemala City. Supplies are obtained through the office of Compras and Suministros by filling out a request form. Courts outside of Guatemala City have to follow the same procedure. Supplies are either delivered by court system vehicles or an employee of the requesting court must travel to Guatemala City to pick them up.

Building maintenance is centralized also. The court has a team of between 10-15 painters, electricians, plumbers etc. who travel the country maintaining the 52 buildings that the court owns. This team has a regular schedule to visit each building to conduct major maintenance. Emergency maintenance is provided by sending the required tradesperson to the court. Since this process can be expensive and slow, the head of the maintenance section now allows the local courts in some instances to contract locally to have the repair work done. The maintenance group also oversees the construction of new courthouses, and does major remodeling work itself. The office has a machine, woodworking, engine repair, upholstery, typewriter and other repair shops functioning in the Supreme Court Building.

The court system maintains a printing office in the Supreme Court which has two AB Dick offset printers and is supposed to produce manuals and other documents for the entire court system.

i. Records Management

The interdependence of the court's operations and court records makes records management a priority concern. The basic function of courts--case processing, as well as adjunct operations, financial and statistical reporting-- rely on court records for their accuracy. Records management can be defined as an active, continuing program for controlling the intake, maintenance, use and disposition of records used within a court to document and transact its business. The records lifecycle consists of four parts: initiation and intake; maintenance; access, use and distribution; and disposition.

The elements of a good records management system consist of the following:

-Guidelines for the management of records at each stage of the records' lifecycle including disposition schedules and adherence to legal requirements for records;

-Procedures for the successful completion of each required record such as case intake registers, registers of final decisions and others;

-Systems preferably developed at the national level on case numbering;

-Guidelines for appropriate equipment and technology such as filing equipment and use of microfilm;

-Guidelines for maintaining system security both from the threat of natural disaster (fire, water, etc.), and from unauthorized access to records; and

-Forms' design guidelines and development of standardized forms for use in the courts at the national level.

In Guatemala, at least in Guatemala City there has been considerable thought given to the records management system. The system is, as with all other aspects of the system, totally centralized. Inactive files from all courts within the country are sent to the archives in the Supreme Court building in the capital. The files are numbered and catalogued in a manual card index. The files themselves are bound, and then sent to the court's archives. After a determined period of time the older case files are sent to the Record Center for Central America which is located in Guatemala City.

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The court has a similar record keeping system for the records of notaries who have died or no longer are exercising the profession. The court has a program of microfilming the notary records. It began the program in 1977, and started filming files from 1966. It currently is filming files from 1977. The court is not really gaining the primary benefit of a microfilm program, however, as the records that have been filmed are still maintained and not destroyed. There is no destruction schedule for court records. The court has given attention to the record keeping environment, and the records are maintained in a air conditioned area to prevent mildew. The records are kept neatly on open shelf filing. The court generally allows free access to records. The archivist complains that at times critical records are removed from files thereby ruining case histories. There is no outside index of documents filed in a case.

The courts in Guatemala have not been able to take advantage of the technological advances in record keeping through word processing systems. They do not employ a docket or case history system in which a summary case history of a case is maintained apart from the case file so that a clerk or judge can tell at a glance what is the status of the case.

j. Statistical Reporting System

The basic measure of how well a court system is functioning is the statistical reporting system. At the local trial court level caseload statistics provide information for judges on how well their individual caseloads are being managed. When the statistics for all the courts are aggregated, decision-makers have the necessary information to make decisions on such critical matters as where to locate new personnel, court facilities and temporary help.

Court statistics can be divided into summary statistics and case tracking statistics. Summary statistics are generally divided into the number of cases which enter the system, the number of cases which are disposed of and the number of cases that are pending within the system or the backlog. Within any particular category of cases, there is interest in more detail than just these gross numbers. For example, in criminal matters, one will be interested in how many of the cases filed and/or disposed of involved a prisoner versus those which do not involve a prisoner. Consequently, summary statistics can be quite detailed.

Case tracking statistics focus on the process of individual cases through the system. Cases are tracked as they complete each of the required steps in the criminal or civil process. For example, the time between the filing and the close of the period of instruction can be measured and then compared to the statutory or case management guidelines for this period to determine whether or not that step in the process is being managed properly. This information is invaluable to a judge or administrator in determining where the bottlenecks in the caseload system exist.

In Guatemala at the moment, there is almost no use of judicial statistics. The trial courts do provide statistics of a summary nature on the type of cases filed to the statistics office. Not all courts provide this data. It is maintained and totaled each six months, but never assembled into an annual report or used to analyze programmatic issues. The information contained in these reports is not audited so undoubtedly they contain errors both in definition and in reporting. Commencing in 1988 the courts have begun to submit more summary caseload information. The data required will provide the court with a statistical base as long as the information is summarized into annual reports and there are constant checks for accuracy.

k. Physical Facilities

The court system is the owner of 52 buildings throughout the country. These buildings include courthouses, morgues and nine houses for judges. The Office of Maintenance and Construction both maintains the existing buildings and oversees the construction of new buildings. The court facilities in Guatemala City are well maintained, but the courts visited outside of the capital are generally in older buildings that are hard to maintain. Since the maintenance is done from Guatemala City, these facilities tend to suffer and be undermaintained.

2. The Public Ministry

a. Role.

The Public Ministry is an autonomous agency within the executive branch of government which serves as an auxiliary of the courts in criminal cases. Its function in criminal cases is to assist the court in determining the perpetrator of the crime, and in choosing the appropriate sentence. The Public Ministry through its prosecutors or "fiscales" may call upon the police for whatever investigating assistance may be deemed necessary.

b. Organization.

The Public Ministry is headed by the Procurador General de la Nación, the rough equivalent of an Attorney General in the U.S. system of justice. He has the standing of a Minister in the executive branch of the cabinet, and enjoys very closely the same rank in the justice system as a justice of the Supreme Court. The Procurador General is appointed by the President for a period of 5 years corresponding to the term of the President. He may be removed by the President upon a determination of cause by the Supreme Court.

That portion of the Ministry dealing with criminal cases is divided into two sections: The "Fiscalia", dealing with crimes alleged to be committed by adults, and the "Procuraduría de Menores" for

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crimes alleged to committed by minors. The prosecutors are currently distributed as follows: 8 in Guatemala City, 22 in the departments, and 3 assigned to the section dealing with minors. The prosecutors are paid on the average \$7,000 to \$8,000 per year, about 20 - 25% lower than their professional equivalents within the judiciary.

The Ministry does not yet have an organic law to implement the new constitution provisions. Furthermore, it has no planning, personnel or human resources offices worthy of the name.

c. Finances.

The Public Ministry's total budget for 1987 was Q. 1,638,198 (approximately \$640,000). The 1989 budget will be substantially higher but is not likely to be anywhere near adequate to support the proper functioning of the Ministry.

d. Facilities.

The Public Ministry is presently located in sub-standard facilities with inadequate space and basic services. It is, however, moving within the next few months to larger, more appropriate quarters which are more convenient to the courts. The library at the Ministry is inadequate. As of now, there are approximately three telephone lines for headquarters in Guatemala City which houses the eight prosecutors in addition to the Procurador General himself. In the departments the facilities are even worse with some prosecutor offices having no telephone whatsoever. There are insufficient motor vehicles to provide necessary mobility for the prosecutors.

e. Performance.

In the opinion survey of judges and lawyers conducted during the Sector Assessment, the performance of the Public Ministry was generally characterized as inadequate. These opinions were confirmed in interviews conducted by the intensive review. The general view was that the Public Ministry's officials should appear in many more cases. They now appear in only 15% to 20% of the cases. Further, when they do appear they usually have not conducted as thorough an investigation and other preparation as most judges would like.

f. Constraints.

The quality in terms of experience, expertise, and motivation of the Public Ministry's staff is highly variable. A major factor in the inadequate performance is a lack of staff. The general consensus is that not only are there not enough prosecutors, particularly in Guatemala city, but also that their efficiency is substantially impaired by inadequate

staff support and lack of mobility and communications. These problems are further aggravated by the current weakness of the police, who are supposed to respond to the needs of the Public Ministry in investigating cases. The problem will be addressed to some degree by the appointment of ten additional prosecutors. There remains, however, a need for substantial training and reorganization of prosecutors and their supporting staffs, along with improvement of their equipment and facilities, to bring the performance of the investigation/prosecution function up to standard.

3. Training Capabilities

The RAJP and other programs have been the major providers of training activities for the justice sector in Guatemala. Indeed, one of the basic purposes of the RAJP program was to establish training infrastructures in each country. The recent mid-term evaluation of RAJP found that ILANUD had provided a significant amount of training to Guatemalans, but that national training systems had not been established. The evaluation recommended more emphasis be placed on building national capabilities in developing human resources for justice administration. Guatemala is not an exception to this conclusion.

a. Court System

The Supreme Court's training capability is the most advanced in the whole justice area. The Court's Training Section, which is part of its Human Resources Development Division, has a staff of six persons -- a chief, two analysts, two assistants, and a secretary. It has been in existence for two years, and operates on a limited budget. It is housed in the Supreme Court building where it has access to a large area which can be used for training events. It also has access to the top floor of the adjoining Tribunal Tower for instructional purposes. However, the Training Section lacks classroom furniture and instructional equipment and supplies.

The staff of the Training Section is hard-working and cooperative, but it is not at the professional level needed to organize, develop and implement a large and complex training program. Currently the Training Section does not have a process in place to identify, develop and deliver training itself. Nevertheless, there is the nucleus of a training infrastructure in place, leadership and a strong desire to meet the judicial branch's training needs. Some indications of the Section's capabilities are:

-A 1988 Activity Plan for over 1,000 judicial branch employees

-A Needs' Survey developed and distributed to over 500 units

-Training equipment and supply requirements completed

-Tentative plans completed to establish two Regional Training Centers in Quetzaltenango and Zacapa

b. The Public Ministry

In sharp contrast to the Supreme Court, there is little or no training capability within the Public Ministry. The Attorney General personally handles training matters, and has not delegated any authority concerning them. At the inception of the development of this Project Paper the Attorney General was requested to name a representative of the Ministry with whom the design team could work. That person was never designated. Indeed, the Ministry does not have a training coordinator, classroom space or instructional equipment.

c. Other Police

The Police in Guatemala do have a training academy. However, due to the separation of the governmental powers and the law governing AID, this Project will not be associated with the police program. However, ICITAP's activities for the police have included judicial branch and Public Ministry personnel as participants, instructors (speakers) and observers, and UMis will continue to be a valuable resource to other members of the justice sector. The Project Implementation Unit in conjunction with the National Planning Commission is expected to coordinate these different activities with the interested justice sector entities.

MANAGEMENT INFORMATION SYSTEMS COMPONENT

I. Component Background and Rationale

A. Background

B. Rationale

- 1. Goals
- 2. Objectives

II. Description of Activities

A. Task Description

III. Financial Outline / Disbursement Schedule

IV. Institutional Feasibility

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I. COMPONENT BACKGROUND AND RATIONALE

A. Background

The Guatemala Judicial Sector Assessment and our field evaluation unveiled a set of implicit or explicit symptoms leading to believe that an information system effort is largely justified. A summary of those symptoms follows:

1. A lack of management data on the status of the court system and its component parts;
2. The management data is useless;
3. A very heavy volume of repetitive tasks of a relatively simple clerical nature;
4. A shortage of qualified clerical personnel;
5. No apparent uniform procedure for performing administrative and clerical tasks within the system;
6. Increasing delays in case processing;
7. Unexplainable growth in case inventories;
8. Increasing public and judicial dissatisfaction with the system;
9. A general inability to pinpoint the causes of the symptoms evidenced by the system.

A recent workshop to discuss the findings of the Assessment, seem to concur with our own interpretation of the facts. Following are their recommendations in the field of information systems:

1. To modernize and expand institutional and private access to juridical information;
2. Automated processes should be incorporated in the judiciary branch to support court management system's improvement. This will insure case tracking, court and other administrative statistics

Concern about information systems support to the Judiciary gained momentum during the last three years. One of the first initiatives taken by current authorities, was to create a legislative, statutory and doctrinary national information system.

The creation of CENALEX, in november 1986, was a formal decision in order to carry-out that initiative. Further assistance from A.I.D.'s Regional Administration of Justice-ILANUD has been strengthening the Center.

The contribution of the regional administration of justice implemented through ILANUD, has resulted in an information systems laboratory which includes two subprojects.

a. Under the Informatica Documental (ID) subproject, records will contain an index of every enacted law, and in case of existence, related legislative repeals, Supreme Court Resolutions, and or Doctrine.

Subsequent legal research will include the identification of laws which legal effectiveness is in doubt and should be submitted to the Supreme Court for their consideration.

Further referral of problem laws, from the Judiciary to Congress, will be part of the interbranch process of legislation purging and systematization.

b. Another CENALEX systems effort is the Case and Court Records Management pilot subproject (CCRM).

Among others the CCRM is expected to address issues like: Improvement of manual procedures, automation, records management, judicial statistics, case tracking operations, etc.

The CCRM is a pilot subproject covering a reduced number of Appellate, Sentence, and Instruction criminal courts and thirteen lower criminal courts in Guatemala city.

The latitude of the CCRM should allow a gradual introduction to new management and automated procedures in the Judiciary.

In fact CCRM will be an exercise which will set the stage for further design and development of court management systems and automation under the bilateral project.

B. Rationale

The Judiciary is an organization whose complexity can be measured in three dimensions: Organization, Documentation, and Document flow.

Courts are systems that hold and process a large number of complex documents. Thus they are data processing systems as well as judicial systems. As such they are subject to the techniques for operation, study, and improvement that have been used in management information systems.

An Information System must supply data that management of the organization requires to make decisions and exercise control. Such systems may require automation, but do not exclude manual processes.

1. Component Goals and Purposes

- * Establish the minimum judicial data elements and statistics required for a centralized Judicial Management Information System (JMIS), as an aid to the overall Judiciary decision making process.

- * Design a model for collecting and analyzing judicial information and statistics by the courts which could be implemented on a manual or automated basis in different jurisdictions and time frames.

- * Provide the design, support, and documentation needed for implementation of the model at the established jurisdiction and geographic levels.

- * Ensure that adequate provisions will be made for system security, the protection of individual privacy, and insurance of the integrity and accuracy of data collection.

2. Objectives

1. Design and implement a five year Information Systems Plan, as part of the national development plan for the Judiciary.

2. Design and implement a Judiciary Management Information System to support court management and case tracking, records management, judicial statistics, and strengthening of administrative operations.

3. Modernize the means of access to juridical data bases containing integrated legal, statutory, and doctrinary information. (a centralized data base in the Judiciary will assure institutional and private access to information)

II. DESCRIPTION OF ACTIVITIES.

Each objective has been broken down into related activities or tasks. Content, resource, and time requirement for every task is further described.

1. Design and implement a five year Information System Plan.

The plan will be in consonance with the national development plan for the Judiciary to be carried-out under the bilateral project. The Information System plan will include the following tasks :

- 1.1 Organizational analysis and system design
- 1.2 Computer and software needs analysis
- 1.3 Procurement procedures
- 1.4 System management and operation
- 1.5 System control and evaluation of proceduros

2. Design and implement a Judiciary Management Information System to support court management and case tracking, records management, judicial statistics, and strengthening of administrative operations.

An in depth study of decision and support functions within the judicial process as well as the system design, shall lead the way to the development of the following applications:

- 2.1 Court management and case tracking
- 2.2 Human Resource Management
- 2.3 Financial Management

2.4 Inmate Tracking and Criminal Statistics

3. Increase and modernize the means of access to integrated juridical data bases containing legal, statutory, and doctrinary information.

The project will expand the CENLEX-ILANUD ID subproject, assuring multiuser local and remote access to full-text legal reference system. This system will include legislation, statutory, and legal research information.

This purpose will be implemented through the following task:

3.1 National Legal Reference System (NLRS)

A. TASK DESCRIPTION

1. Design and implement a five year Information Systems Plan, as part of the national development plan for the Judiciary.

Task 1.1 Organizational analysis and system design

The Judiciary planning process will constitute a feasible approach to determine the overall needs of the system.

Information system needs should be highlighted by such analysis.

A precondition for effective planning, design, and implementation of the Judiciary Information System will be the involvement of top level management.

Through a Policy Committee, consisting of the highest possible level in the Judiciary, institutional goals and policies can be defined and discussed.

From the suggested composition, preparation of extensive, detailed needs statements should be developed although it cannot be the responsibility of such group. A working commission, consisting of middle management personnel, should be created to 'flesh-out' the skeletal goals of the policy committee.

The creation of the Policy Committee and its Working Commission should be a project precondition.

One of the symptoms of administrative inefficiency in the judiciary, pointed out by the Guatemala Sector Assessment, is the lack of geographic and functional decentralization through middle level management. A glance to the Judiciary organizational chart is another sample of the same problem:

- a. Twenty administrative units and 10 institutional social service units, report directly to the administrative Secretary of the judiciary
- b. Fifty nine Superior Courts (33 in Guatemala City and 26 in the Departments) report directly to the President of the Supreme Court.

The five year plan design should be based on an organizational study including judicial processes, as well as the character and structure of information flows.

The scope of the study will have to address among others:

1. Description of current operations and definition of functional administrative subsystems.
2. Functional and transactional hierarchies (networks and hubs)
3. Conception and design of alternatives
4. System design, indicating applications development, priorities and implementation schedule. A detailed description of actions and tasks, as well as resource needs and requirements should also be included.

Technical Assistance:

- a. Systems Analyst, 66 man/days.

Task 1.2 Computer and software needs analysis

Technical Assistance:

- a. Systems Analyst, 22 man/days
- b. Systems engineer, 22 man/days

Task 1.3 Procurement Procedures

Technical Assistance:

- a. Team leader, 10 man/days
- b. Systems Analyst, 22 man/days

Task 1.4 Systems management and operation

A Systems Information Unit, which at this moment is being created by the judiciary, will manage the Judiciary Information System

This unit will include the following functions:

- a. Analysis and statistics, including Cenalex and other research activities.
- b. Data collection
- c. Data processing (Computer Operations)
- d. Communications and users support

Support to strengthen this unit will be provided through project technical assistance

Technical Assistance:

- a. Systems analyst, 22 man/days
- b. Systems engineer, 44 man/days
- c. Statistical analyst, 66 man/days

Task 1.5 System control and evaluation of procedures

This task will depend on the development of appropriate standard procedures to be designed under task 1.4.

Technical Assistance:

- a. Systems analyst, 22 man/days
- b. Systems engineer, 44 man/days

2. Design and Implement a Judiciary Management Information System**Task 2.1 Court Management and Case Tracking**

This Task involves a series of court related activities which scope and complexity depends on court jurisdiction.

The project will primarily concentrate in Criminal Justice, followed by Juvenile and Family court systems.

The criminal, juvenile and family court system includes an extensive array of eleven superior courts, fifty intermediate courts, and one hundred and twenty justices of peace.

Of the eleven superior courts; five are criminal courts, two are juvenile and family courts and the rest are of mixed jurisdiction. The majority of these courts (8) are located in the capital city.

Thirty four Intermediate courts, and thirteen justices of peace are also located in Guatemala city.

The depth and scope of the automation effort will have to be determined by the project technical assistance, based upon Judiciary policies, system insights from the ILANUD pilot project (CCRM), and findings on tasks 1.1, 1.4, and 1.5.

The Court Management and Case tracking System should have the following features:

- * High and Intermediate Court full on-line capabilities for data entry, editing, record updating and controlled inquiry of all case record information.
- * Summary level accounting and management information for each court.
- * Multiple case typification allowing a variety of case types including felonies, misdemeanors, ordinance violation, etc. The system should also track special categories defined by the user.
- * Attorney, prosecutor and arresting officer information. Likewise, all alias and other parties information.
- * Fast retrieval system in order to change reports and computer screen headings, general offense codes, docket codes, disposition codes, etc. To reflect changes in the court system, code revision, addition, or deletion should be possible.
- * In addition to case tracking, the system should allow status information on each defendant. Virtually every important detail about each case should be made available on-line to authorized officers.
- * Generate up-to-date court calendars for all the judges.
- * Total capacity for user defined documents using data from general or selected case files.
- * Case status for clerks, administrators, prosecutors and judges (from convenient on-line terminals, or via management reports).
- * Minimal support from Data Processing Unit, user controlled table definition, case data, reports and document generation.
- * Reporting should satisfy the Judiciary requirements, reports will be generated using general data, filing data, all data, event data or disposition data. Among others, special reporting features will provide:
 - o Pending case reporting;
 - o Calendars; master calendar showing all events, or separate trial, sentencing and hearing calendars for each judge.
 - o Transaction activity report.
 - o Pending docket reports

- o Progress in-case-dockets; a hard copy document containing information of what has been filed to date in a specific case.
- o Statistical reports; reports will contain at least types of cases filed, cases pending previous month, cases disposed current month, etc. Reports may be prepared by court location and/or court hierarchy, and provide statistics by case and defendants.
- * Even distribution of case loads; this automated random-sort procedure should eliminate the possibility of "judge shopping".
- * The system should allow all required security on proprietary information and prevent unauthorized access.

Although of a more limited scope, experiences resulting from the ILAMP-Judiciary CCRM pilot subproject should be incorporated to the development of this task.

Data migration, usage of proven standard data collection forms and data entry procedures, as well as reporting and statistical formats, should also be part of the design and development of this task software and procedures.

Microcomputers and their terminal networks, currently used in the pilot subproject, could later be installed in two of the provincial court systems.

This task will involve design and implementation of manual and automated procedures, as well as software purchasing, installation and operation. Decisions about off-the-shelf software procurement or customized design, should be taken on the basis of courts needs and requirements.

Technical assistance:

- a. Systems Analyst, 40 man/days
- b. Systems Engineer, 88 man/days
- c. Computer Programmer, 132 man days

Software Procurement: \$ 60,000.00

Users Training:

Four, five days workshops for 15 people, \$ 18,000.00

Task 2.2 Human Resources Management

In conjunction with initiatives to create the Judiciary Civil Service System, the Judiciary Branch is strongly committed to professionalize it.

The organization of the judicial career, and their legal and institutional needs, will require a reliable data base dealing with a staff of 3500 employees.

Major areas in the Human Resource data base may be:

- o Personnel Records (file maintenance and lists)
- o Personnel Qualifications
- o Education And training
- o Promotional system
- o Personnel history
- o Payroll information
- o Social Security, Health Insurance and retirement plans

The system should have a limited on-line access and integration with the Financial Management application.

Technical Assistance:

- a. Systems Analyst, 30 man/days
- b. Data Base programmer, 60 man/days

Software Procurement: \$ 26,000.00

Task 2.3 Financial Management

The development of this application should be made with absolute independence from the accounting and financial system, presently operating at the Judiciary department of finance.

Such a system is already overloaded and operating under extremely deficient conditions. Any attempt to modify or migrate part, or all, of its programs will be detrimental to a new application. Besides, the type of computer being used (MISII) is incompatible with most of the systems in the market.

The court financial management application will be a multiuser integrated system, able to support the following:

- a. General Ledger (Multiple Courts and Departments)
- b. Accounts Payable
- c. Purchasing and Receiving
- d. Inventory Control
- e. Fixed Assets
- f. Payroll
- g. Budget Management

The system will also deal with fine collection, cost restitution, child support, traffic fines, and alimony payments fine and child support accounting.

Although the Traffic-fine component is one of the oldest and most common computer applications in courts, major adjustments to local needs will be required.

Technical Assistance:

- a. Systems Analyst, 60 man/days
- b. Systems Engineer 22 man/days
- c. Programmer, 120 man/days

Software Procurement: \$ 40,000.00

Users Training: \$ 30,000.00

Task 2.4 Inmate Tracking and Statistical Systems (ITSS)

Once convicted, all individual rights and obligations before the justice have to be overlooked by the 'Patronato de Carceles'.

This office acts in the name of the courts in all conviction and rehabilitation matters of the almost 2600 inmates

To live-up to expectations, awakened by recent court initiatives on inmate rehabilitation and redemption procedures, an urgent upgrading of the ITSS information system is needed.

Criminal records databases, jail tracking, inmate redemption control, and criminal statistics are just a few of court needs in this field. In operational terms, these are automated procedures which can be compared with current automated inventory systems.

The ITSS will have the following features:

Fully automated arrestee and inmate tracking system to help the Judiciary track persons who are either incarcerated or subject to some form of community supervision under pre-trial release, probation or parole programs.

The system should track a person from booking to incarceration and eventual release. The system should also include automated booking, inmate accounting, location assignment, release date calculation and court appearance scheduling. The system should service multiple facilities.

The indexing should be by name, physical description, ID numbers, cell location, release type, medical problems, work programs, judges, defense attorney and release data.

On-line and/or hard copy Operational and Management reporting should be defined by Court and Patronato executives.

Technical Assistance:

- a. Systems Analyst, 30 man/days
- b. Programmer, 44 man/days

Software Procurement: \$ 25,000.00

Users Training : \$ 15,000.00

3. Increase and modernize the means of access to integrated data bases containing legal, statutory, and doctrinary information

Based on the GENALEX-ILANUD Informatica documental (ID) subproject, the project will enhance its content creating full-text legal files, and full text retrieval systems. Access to the legislative and executive branches as well as the public will be assured.

Task 3.1 National Legal Reference System (NLRS)

The NLRS will permit a legal practitioner to search a current legislation using words, root words using variable characters, suffixes, or phrases. The system will conduct proximity searches at both the sentence and paragraph level.

THE NLRS will permit a priori delimitation of a certain legislation, i.e. civil code only, penal code only, or civil and penal code. It also will permit a priori delimitation of a time period, i.e. legislation enacted after 1959 but before 1978.

Sub-Task 1 Full-Text Reference System

The system will include all the hardware and software necessary for local posts in the Judiciary plus remote terminals and printers in: Office of the Executive (one), the Legislative (two), the Ministry of Justice (two), the Attorney General (one), the bar Association (one), and the five Universities (one each).

A database management system will permit full-text reference to a database of up to 1500 million words.

The system will allow the simultaneous access of at least eight users. A minimum of five-second response time to a query with three keywords and two Boolean operators at a paragraph-level proximity.

The system will have input devices to permit update and maintenance of the text database. The system will permit off-site storage of backup copies of the database.

The printed output devices will have an aggregated capacity of fifteen pages-minute.

All screen interaction, commands, menus, and documentation will be in Spanish.

Sub-Task 2 Conversion

Convert 110 books containing the text of laws and decrees of Guatemala, each book consisting of 1330 pages with 1200 words per page. The estimated magnetic storage capacity, assuming disk management space, is 1.2 Gigabytes (200 million words).

The Judiciary will provide access to a full bound set of books, with required information already classified and organized by a group of legal analysts from the Judiciary.

Cost estimates in the next section were calculated on the basis of the worst case scenario. The calculation was made assuming an strictly manual data entry process, a 27 person-year effort will be required to enter the data.

Recent technological developments in scanners, optical disks, and related technologies may prove more than manual procedures. The contractor will have to decide the most convenient data entry process on the bases of time, cost, and reliability.

Sub-Task 3 National Legal Reference System

The contractor will install the converted legal dataset, from sub-task 2, on the full-text database management system, from sub-task 1. The resulting National Legal Reference System (NLRS) will be indexed to permit reference at the law and article levels. Based on a preliminary macro-thesaurus, which could be expanded through the same database, the NLRS will index the full text of the legal database to permit searches defined above. The deliverable of this task is a LRS which provides the generic text DBMS functions defined in sub-task 1 above with the specific converted text of Guatemalan legislation provided in sub-task 2 above.

Technical Assistance:

- a. Systems Analyst, 88 person/days
- b. Expert in Documental Indexing, 44 person/days
- c. Programmer, 120 person/days.

Software Procurement: \$ 45,000.00

Users Training:

Training will be provided to three (3) staff members of the Judiciary's Information Systems Office in all aspects of user operation and database maintenance of the system.

Full user training to up to eighteen (18) users designated by the Judiciary will also be provided. The contractor will provide a self-instructional system with all the required manuals to permit ongoing user training.
Estimated training cost \$ 25,000.00

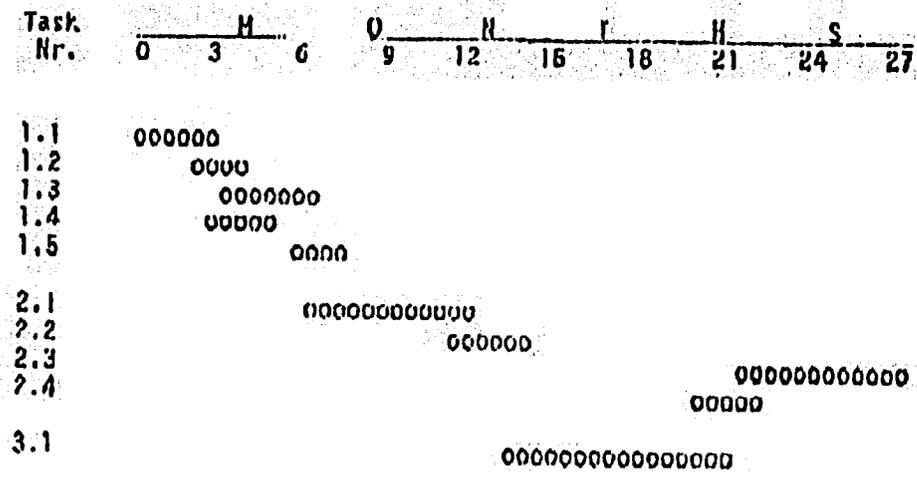
III. FINANCIAL OUTLINE / TASK SCHEDULE

Task Nr.	Tech.Ass.	Applic. Softw.	Train.	Data Entry	Hardware & Oper.Syst.
(1)	(2)	(3)	(4)	(5)	(6)
1.1	37,668				
1.2	26,112				
1.3	10,296				
1.4	75,246				
1.5	37,668				
2.1	148,340	60,000	18,000		
2.2	51,300	26,000			
2.3	15,246	40,000	30,000		
2.4	42,000	25,000	15,000		
3.1	38,026	45,000	25,000	180,000	
TOTAL	689,144	196,000	78,000	180,000	500,000

Notes:

- (1) Estimated rate includes: Operat.Exp., G&A, Fees and Per diem calculation.
 (3) Data entry was calculated on the basis of the worst-case alternative.
 Million of characters, including verification: 1.800
 Cost per key-stroke: \$.10/1000 characters.

Estimated Task Schedule



Note: oo, is equivalent to a month-work

DETAIL OF HARDWARE & SOFTWARE OPERATING SYSTEMS

- One Minicomputer (approximate characteristics):
 - CPU 8-16 MB Real Memory
 - 16-40 MB Virtual Memory

 - 32 Bites Bus
 - 1 MB Storage Chips
 - 10-16 on Line 400-800 MB Disks
 - 8 Port Multiplexer (8- 64 terminals)
 - 2 Channel Byte Multiplexer
 - (Printers - Magnet Tape Devices - Scanner, etc.)

- 2 Printers - 2000 LPM
- Magnetic Tape Unit
- Remote Comm. Device
- Uninterrupted Power Supply Unit
- 25 to 40 terminals
- Operating Systems:

Virtual memory
Multitasking
Spooling
DEM System
Migration Aids
Communication facilities
Utilities