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**USAID/HAITI
ADMINISTRATION OF JUSTICE PROJECT**

**FINAL REPORT
Contract No 521-0238-C-00-5052-00**

Submitted to

**U S Agency for International Development
Port-au-Prince, Haiti**

Submitted by

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1.1 Purpose and Scope of Contract Services

On August 8, 1995, USAID signed a level of effort (LOE) contract with Checchi and Company Consulting, Inc for the provision of technical assistance, training, and commodity procurement services under the Administration of Justice (AOJ) Project (No 521-0238). The purpose of the project was to assist Haitian authorities in developing a justice system that was responsive to the needs of the Haitian people, reinforced the rule of law, and fostered respect for human rights. The principal activities of the contract were to include the following:

- Educate and train Haitian personnel, lawyers, para-legals, and other participants to better understand and carry out their roles and responsibilities under existing legislation,
- Provide technical and commodity assistance to the Ministry of Justice, the courts, and the prosecutor's office (*parquet*) to strengthen their performance of their institutional roles under the existing system,
- Provide similar assistance to a public defenders' office should such an entity be established by the Government of Haiti (GOH),
- Promote public education and information exchange on the justice system,
- Provide technical assistance to the Legal Reform Commission (*Commission de la Refonte des Codes*) or other appropriate governmental and non-governmental bodies to build a capacity to identify and develop solutions for problems in the justice system,
- Administer a small-grants fund to support Haitian initiatives in legal aid and advocacy,
- Sponsor studies and organize public policy for attention to judicial issues, and
- Encourage networking among Haitian organizations involved in judicial reform and international groups with relevant experience and expertise.

In February 1996, a contract modification expanded the scope of services to encompass activities in the areas of judicial administration and supervision, administrative and logistic support to the Judicial Training School (*Ecole de la Magistrature*), and funding for construction and renovation efforts at the Ministry of Justice (MOJ) and the Palais du Justice in Port-au-Prince.

Although the contract termination date was extended to December 31, 1999, to accommodate field audit requirements, all technical assistance, training, and commodity procurement services under the contract were completed at or before the end of August 1999.

1 2 Project Strategy and Organization

From 1995 to 1999, the Checchi contract was the largest single component of an administration of justice program designed to provide the U S Government with a responsive, flexible capacity to respond to Haitian initiatives for strengthening the justice system. The contract became operational 11 months after President Aristide was restored to power and the U S began working with other donor countries to support the transition to democratic rule in Haiti. During this interim period, USAID supported several short-term activities including an emergency training program for justice sector personnel implemented by the U S Department of Justice (DOJ), organizational work at the Judicial Training School, and preliminary development of a judicial supervision mechanism. The Canadians proposed to spend \$1 million on courtroom refurbishment and the French to finance a separate judicial school. However, at the time of contract award, the division of tasks among these and other actors had not yet been agreed to and the Government of Haiti (GOH) had not yet demonstrated its commitment to full-scale judicial reform. Thus, the services to be provided under the Checchi contract were defined in generic terms rather than in terms of specific results or impact targets.

For much of the first year of the contract, Checchi concentrated on establishing a legal assistance and information program, supporting the Judicial Training School, and building a case tracking system in six model jurisdictions starting in the prosecutors' offices. In the second year, support to the School was phased out and the focus of the case tracking initiative shifted to the court of first instance in Port-au-Prince and ultimately to the justice of the peace courts in the model jurisdictions. With the GOH on the threshold of replacing all judicial personnel and undertaking sweeping structural changes in the justice sector, new activities were added to support the momentum for reform including a mentoring program for judges and technical assistance with the development of new operating budgets and salary structures. Consistent with the recommendations of a 1996 Internal Management Review of the AOJ project, all activities were grouped under three components: (i) strengthening the judiciary, (ii) model jurisdictions, and (iii) legal assistance and information.

By mid-1997, it was apparent that the Haitian Government was not ready to move forward with proposed reforms or increase budgetary support to the judicial sector due to lack of political will, legislative paralysis¹, resource constraints, and other factors. Accordingly, the AOJ project's technical assistance strategy was revised to focus more specifically on the justice of the peace (JP) courts in seven jurisdictions where the incidence of human rights abuses historically has been high. The new strategy sought to compensate for the lack of supervision and support from the top by mentoring judges, training court staff, providing legal assistance and information, and introducing systems to increase the efficiency and accessibility of justice at the grassroots level, thereby helping to create demand for justice as well as to increase the supply of trained judicial personnel. This strategy was implemented through three programs: (i) case tracking and court management, (ii) legal assistance and information, and (iii) judicial mentoring.

¹ The prime minister's post was vacant from July 1997 to January 1999, during which time the parliament barely functioned, after January 1999, the parliament was essentially shut down. Parliamentary elections planned initially for 1998 and later for 1999 have not been held to date.

The Checchi programs were developed and carried out in close collaboration with MOJ and other GOH officials at the working level. All actions taken by the case tracking and mentoring programs were done in consultation with the Director of Judicial Affairs, who issued administrative orders mandating the cooperation of participating JP courts. The Director and other MOJ officials publicly commended Checchi for its role in establishing a program to control pre-trial detention at the National Penitentiary. Checchi also worked closely with the national prison authority (APENA), local law schools and bar associations, and the NGO community, while maintaining good working relationships with other organizations providing technical assistance to the justice sector. Checchi and DOJ advisors undertook joint training activities and consulted frequently on project and sector issues. Other cooperating organizations included UNDP, the International Civilian Mission in Haiti (MICIVIH), French and Canadian aid, and *Centre Oecumenique des Droits de l'Homme*.

Checchi implemented the contract in association with three subcontractors. Ronco Consulting Corporation was responsible for procurement of commodities and equipment, facilities construction and renovation, and support to the administration of the Judicial Training School during the first two years of the contract. Sterling International Group, Inc. provided technical assistance in the area of judicial education and training during the first year of the contract and later furnished short-term services in judicial mentoring and program evaluation. The Rural Justice Center provided technical advice on aspects of case management and judicial supervision.

1.3 Summary of Contract Objectives and Accomplishments

The principal objectives and accomplishments of the Checchi contract are listed below. Many of the accomplishments had no precedents in Haiti.

Objective 1: Make the justice system more effective and accountable through institution-building efforts

- Established a judicial mentoring program in 23 justice of the peace (JP) courts
- Introduced case tracking, record-keeping, and other administrative procedures in 83 JP courts
- Developed a model case tracking system for prosecutors' offices in seven pilot jurisdictions
- Implemented training programs for 30 justices of the peace and nearly 100 court clerks
- Drafted legislation, internal regulations, and reporting forms pertaining the judicial inspection function, para-legal services, and court management procedures
- Participated in internship training at the Judicial Training School (*Ecole de la Magistrature*)
- Assisted two law schools to develop para-legal training programs
- Initiated a pilot clinical program for law students in Port-au-Prince
- Constructed an annex at the Ministry of Justice to centralize personnel and payroll operations
- Renovated and repaired the Port-au-Prince Court House (*Palais de Justice*) and the Judicial Training School
- Distributed office supplies and furnishings to 43 JP courts and six prosecutors' offices

Objective 2 Make the justice system more accessible by facilitating usage

- ☑ Established free legal aid program comprised of legal assistance, legal education, and legal information services in seven jurisdictions
- ☑ Reviewed over 26,000 cases, of which 18,474 were prison cases and 7,894 were outreach cases, of the approximately 15,000 prison cases accepted for legal assistance, 73 percent were adjudicated resulting in the release of 11,074 prisoners
- ☑ Conducted over 1,300 legal education sessions for a total of 52,600 participants
- ☑ Developed four legal education training programs and three training manuals for legal professionals and law students

Objective 3 Develop capabilities for sector reform

- ☑ Collaborated with the Ministry of Justice to establish the Office to Control Pre-Trial Detention at the National Penitentiary
- ☑ Assisted in the creation of a prisoner record-keeping system at the National Penitentiary
- ☑ Reduced the backlog of pre-trial detainee cases under the jurisdiction of JPs at seven prisons
- ☑ Prepared, promoted, and disseminated “rules of practice” for the JP courts
- ☑ Prepared “rules of practice” for juvenile courts and the first instance court of Port-au-Prince
- ☑ Carried out a comprehensive national court survey and developed policy recommendations to strengthen financial administration of the justice system
- ☑ Created a network of legal aid providers comprised of 19 non-governmental organizations, law schools, and bar associations
- ☑ Developed action plans and initiated policy dialogues with the Ministry of Justice on judicial salary structures, budgeting systems, and judicial supervision functions
- ☑ Organized a national colloquium and two national symposiums on judicial reform issues

1 4 Purpose and Organization of This Report

The next three sections of this final report give concise summaries of the AOJ project’s three principal components Case Tracking and Court Management (Section 2), Legal Assistance and Information (Section 3), and Judicial Mentoring (Section 4) The final section (Section 5) summarizes other activities undertaken to strengthen justice sector institutions and develop capabilities for sector reform The discussion of each component is organized as follows

- Program Background and Objectives
- Outputs and Accomplishments
- Lessons Learned and Recommendations

The reports submitted by the AOJ project at the close of each quarter and fiscal year provide more detailed information on the activities and accomplishments of each project component In addition, the project has produced numerous training materials, working papers, and studies of justice sector issues Annex V contains a bibliography of AOJ project publications

2.1 Program Background and Objectives

The principal objective of the Case Tracking and Court Management Program was to increase the effectiveness and accountability of the Haitian justice system by establishing a fundamental administrative system for the justice of the peace (JP) courts. Historically in Haitian courts, case files and other court documents could not be located quickly for lack of a uniform filing system, and were often lost. Court facilities were antiquated and poorly equipped, with most lacking even the most basic furnishings and supplies. Court clerks received no training for their jobs. People milled about the court offices, which typically lacked counters and waiting areas and had no tradition of serving customers one at a time. In addressing these constraints, the Program sought not only to make court personnel more effective and accountable, but also to increase the accessibility and transparency of the courts to the general population.

2.2 Outputs and Accomplishments

A fundamental administrative system was put in place in 83 JP courts in seven jurisdictions (Annex I), with the support and encouragement from the MOJ, especially the Director of Judicial Affairs.² The following are the elements of that system:

- Tableau de liege* a public information board
- Information preliminaire* a two-part form which allows the JP and his clerk to register a complaint in great detail and then copy the prosecutor
- Dossier de cas penal entendu par le juge* a three-part form prepared by the clerk and signed by him and the judge describing a criminal charge and the parties to the proceeding
- Lettre d'invitation* a subpoena form
- Rapport statistique des Tribunaux de Paix* an activity report form sent to the prosecutor who supervises the JP court and to the Director of Judicial Affairs at the end of each month

² See "Access to Justice of the Peace Courts and the Administrative Capacity of Justice of the Peace Courts," a year-long assessment of the impact of AOJ program activities based on data from a sample of 56 JP courts in five jurisdictions. Of the 49 courts sampled outside of Port-au-Prince, 77% were using the administrative system, 47% reported an increase in case registrations, and 43% reported an increase in case decisions. The corresponding percentages for Port-au-Prince courts were 56%, 29%, and 43%.

- Rapport de suivi* a form for the use of the judicial inspectors reporting on the functioning of individual courts visited. As the inspectors do not visit the courts, Checchi consultants conducted periodic demonstrations of the form to show the Director of Judicial Affairs how useful it would be to assign inspectors to the field, however, the forms never used by Checchi to evaluate the performance of the JP courts
 - Jours d'audience du Tribunal de Paix* a form which can be posted on the wall of the court to inform the public what type of proceeding will be held on any given day of the week (a simplified court calendar)
 - Registre alphabetique des suspects et victimes* an alphabetical register of all parties to a case which allows for the quick retrieval of a case file
 - Registre des cas et guide pratique du greffier pour l'utilisation du registre* a chronological register of all cases filed with the court and their disposition, with step-by-step instructions for the clerk in how to fill out the register
 - Tableau de controle de la detention* a form that is posted on the wall of the court for all to see the current status of prisoners under the court's jurisdiction
- A checklist for judicial inspections was prepared for, and accepted by, the Director of Judicial Affairs. This checklist was the model for a similar control mechanism developed by DOJ advisors for public prosecutors (*commissaires du gouvernement*) with the support of Checchi consultants
- Court personnel were trained in case registration and records management techniques both on site and at ten regional seminars held in five of the seven jurisdictions covered by the Case Tracking and Court Management Program. Attendance was close to 100 % at every session, even though the clerks had to pay for their own transportation and even when they were on strike. To assure that the clerks were able to use the new administrative tools effectively, numerous follow-up training visits were made to each participating JP court. To the extent possible, judicial inspectors accompanied Checchi project staff on these visits, although this was done on an irregular basis because the inspectors didn't have a travel budget.
- Basic supplies (paper, pens, dossier folders) needed to make the administrative system operational were provided to the JP courts with the expectation that the Ministry of Justice would assume this responsibility in the future. In addition, basic furnishings (desks, filing cabinets) were either purchased or obtained from USAID's excess furniture inventory for 43 of the 83 courts.
- In collaboration with the DOJ advisors, French Cooperation, and MICIVIH, Checchi took the lead in establishing a pilot case tracking system for prosecutors' offices in six jurisdictions (Cap-Haitien, Gonaives, St Marc, Petit-Goave, Jacmel, and Les Cayes). Responsibility for supporting and monitoring this system was later assumed by DOJ advisors. The system and the case regis-

tration system in the JP courts are compatible so that the case number can be tracked when a case leaves the jurisdiction of the justice of the peace for the public prosecutor

Essential repairs and improvements were made to prepare the Court of First Instance in Port-au-Prince for installation of new case tracking and record-keeping systems. Old files were archived (with the assistance of Haitian National Archives), counters, benches, and shelving were installed, and clerks received training in the fundamentals of customer service

A comprehensive action plan was prepared for establishing a fully-functioning Judicial Inspection Unit, including recommendations on structure, staffing, training, operating procedures, timing of organizational activities, and a financial plan

2.3 Lessons Learned and Recommendations

□ Due to resource limitations, the Case Tracking and Court Management Program was able to cover only 83 of Haiti's 181 JP courts in seven of 15 jurisdictions. Until the new administrative system is installed in all of the JP courts, with appropriate training and follow-up support, the Ministry will be unable to issue guidelines and directives on the new procedures with nationwide applicability. To ensure that the potential of USAID's investment to improve the accountability and transparency of the JP courts is fully realized, priority should be given to extending the system to the remaining courts. In each new court, the process should begin with a site evaluation (staff and infrastructure), followed by system installation and training. The MOJ should be encouraged to provide funds for the judicial inspectors to take an active part in the expansion and surveillance activities

□ The absence of a fully-functioning Judicial Inspection Unit (JIU) has negative consequences for the sustainability of the administrative system. The inspectors need to be able to visit the courts on a regular basis and complete the monthly control forms (*rappports de suivi*) in order to properly perform their investigative responsibilities. To be successful, judicial inspectors will not only have to be firm with respect to the detection of fraud, abuse of power, or other defects in the system, but they will also have to gain the trust of the judiciary and other court officials by being of service to them. A critical element of this supportive role is that the inspectors be able to train the JP clerks

□ An action plan prepared by a Checchi consultant in 1997 provides a blueprint for giving the JIU the structure, direction, and funding it now lacks. If the political will to create an independent judiciary should manifest itself in the future and if the implementation of the first two phases of the action plan should be successful, the JIU could be phased out of the MOJ and transferred to the *Conseil Supérieur de la Magistrature*. A related policy issue for decision concerns the role of the public prosecutors (*commissaires du gouvernement*) in the supervision of the JP courts

□ Symptomatic of the isolation of the JP courts in Haiti, especially in outlying jurisdictions, is the lack of material support they receive from the MOJ. The Ministry should be encouraged to implement its existing plan for distributing supplies to the courts on a pilot basis and to institu-

tronalize that plan based on the results of the pilot. In addition to paper, file folders, and other expendable supplies, copies of legal codes and seminal court decisions could be distributed.

□ The set of administrative tools introduced by Checchi in the JP courts is but one piece of an integrated management information system that eventually should link all institutions of the justice system. Such integration is necessary to keep all parties informed of the status and disposition of cases as they flow through the system and to give justice sector personnel at all levels the information they need to carry out their responsibilities. If multiple donors continue to be involved in institutional strengthening of the courts and *parquets*, their efforts must be better coordinated by the MOJ than has sometimes been the case in the past. Although the Checchi team collaborated closely with the DOJ team working in the *parquets* and, at one point, with the Canadian team assisting in the courts of first instance outside of Port-au-Prince, more could have been achieved had we been permitted to install case tracking in the Port-au-Prince Court of First Instance as planned. It is unfortunate that these plans had to be aborted at an advanced stage of preparation when the Special Advisor to the Ministry of Justice decided that the Canadians should do this work. Since that decision was made more than two years ago, the Checchi team has not observed any Canadian-funded technical assistance to the first instance courts in the seven jurisdictions where the team has worked, including Port-au-Prince.

3 1 Program Background and Objectives

The Legal Assistance and Information Program consisted of three sets of activities (i) a small grants fund to support Haitian initiatives in legal aid and advocacy, (ii) training for legal professionals and law students, and (iii) a legal education outreach activity to inform Haitian citizens of their rights and responsibilities under the rule of law. The program was the first of its kind. Before it began in January 1996, free legal services for the poor or for prison detainees did not exist on a wide geographic scale in Haiti. Obtaining legal information required paying a lawyer or studying law. The legal profession had no practical training and little or no experience in litigation procedures. Poor Haitians, comprising the vast majority of the population, often were exploited because they lacked understanding of the law and of their legal rights.

The contract statement of work anticipated that the Government of Haiti (GOH) might establish a Public Defenders Office, in which case the contractor would concentrate on helping develop that entity. Since such an event did not occur, a small grants program was organized to channel legal assistance resources through non-governmental intermediaries. At its peak in 1998, the legal assistance program worked through 19 grantees in seven jurisdictions to provide legal representation for prisoners in pre-trial detention and plaintiffs in civil cases before the courts. Thereafter, activities in one jurisdiction were discontinued and the number of grantees was reduced to ten for budgetary reasons.

3 2 Outputs and Accomplishments

More than 18,000 pre-trial detention cases were reviewed by legal aid practitioners supported through the small grants program (Annex II). Of these, approximately 83 percent were accepted to receive legal representation services, resulting in the release of over 11,000 legal aid clients from the National Penitentiary and nine other prisons covered by the program. In addition, several grantees conducted regular training sessions for prisoners on legal processes and procedures.

Nearly 8,000 outreach cases were reviewed, of which 88 percent were accepted and 72 percent were closed (Annex III). Many of these cases involved land disputes, which frequently culminate in violence if not settled through the courts or other peaceful means.

A legal education program was developed to inform Haitian citizens of their rights and responsibilities under the law, using practical examples. The program was based on ten lessons, *Konesans Lalwa Peyi Dayiti*, prepared by members of the Checchi team. Over 1,300 education sessions were presented, reaching 52,600 people in seven jurisdictions (Annex III).

A network of 19 legal assistance providers was established in seven jurisdictions consisting of 12 NGOs, four bar associations, and three law schools (Annex IV). The NGOs that received

grants from Checchi were human rights organizations with roots in their respective communities but, with the exception of l'Amicale des Juristes in Port-au-Prince, little or no prior experience in legal aid. Most of them have continued to provide free legal aid to prisoners even after the cessation of USAID grant support. In several jurisdictions where the NGOs developed collaborative relationships with the law schools and the bar associations, various other joint activities were initiated such as launching a shelter for street children frequently arrested by the police, bringing together representatives of the police, the judiciary, and the community in meetings to discuss problems, delivering radio broadcasts focussed on specific legal issues, and proposing draft legislation to better protect women's and children's rights. The network itself represents a strong ideal foundation for community-based efforts to advocate for judicial reforms.

☑ With training and technical support from Checchi advisors, the bars in Gonaives, St. Marc, Cayes, and Jacmal were reactivated and became active participants in the project's grant-supported legal assistance and outreach program. The program also influenced the creation of bar associations in Petit-Goave and Hinche and the strengthening of the bars in several other jurisdictions. These changes led the Ministry of Justice to convene a meeting for the first time of all the bars and to the establishment of the Federation of Haitian Bar Associations.

☑ In Gonaives and St. Marc, 169 participants completed paralegal training courses offered on a pilot basis by the law schools and bar associations in those jurisdictions under project auspices. This activity produced a cadre of trained paralegals capable of providing basic legal assistance to indigent residents of the Artibonite region and well as a potentially sustainable paralegal training system. It is noteworthy that participants were willing to make a substantial investment in their training and that one training program in St. Marc program had over 100 applicants for 40 slots.

☑ At the request of the Ministry of Justice, Checchi personnel assisted in drafting a revision of the 1919 law governing the para-legal function in Haiti. The revision covered accreditation procedures, professional ethics, judicial demeanor, and regulation of fees for para-legals, among other subjects.

☑ More than 250 lawyers, lawyer-trainees, and para-legals benefited from practical training in methods and techniques of providing free legal assistance to the poor. Two training manuals were developed (*Guide Pratique de l'Avocat Stagiaire*, *Manuel de Formation des Fondes de Pouvoir*) and distributed to grantees, law schools, and local libraries. Through its work with grantee staff and law student monitors, the project reached a significant percentage of the Haitian legal profession with various formal and on-the-job training activities. The positive influence of this practical training on the quality of legal services in Haiti should be very significant over the short- and medium-term.

☑ Checchi supported or co-sponsored three public forums on themes related to legal and judicial reform: (i) a Ministry of Justice colloquium on the status of the judiciary, the mandate of the judicial training school, and judicial independence, (ii) a three-day symposium on the problem of pre-trial detention organized by two legal aid grantees, and (iii) a two-day workshop (days of reflection) on the state of legal assistance in Haiti sponsored by the Preparatory Commission for Law Reform and Justice. The Commission, which included a Checchi representative, took rec-

ommendations formulated by the workshop participants into account in its final report to the Ministry of Justice on establishing a national legal assistance program

☑ The Law School of Port-au-Prince instituted a pilot clinical program for law students to provide legal assistance to prisoners at the National Penitentiary. This activity, which was launched in January 1999 under project auspices, afforded advanced law students the opportunity to gain practical experience in basic lawyering, case preparation, and trial advocacy while serving their communities

3 3 Lessons Learned and Recommendations

☐ The legal assistance, legal information, and legal education activities undertaken by Checchi have helped make the Haitian justice system more accessible by facilitating usage at the level of the JP courts. More than 22,000 people benefited from free legal representation services and more than 50,000 people became more knowledgeable about their legal rights and responsibilities. Bar associations were strengthened and practical training was provided to more than 400 legal and paralegal specialists and more than 200 law students

☐ At the beginning of February 1999, the number of grantees was scaled back and several grants were consolidated under the bar association umbrella. If the legal assistance program is to continue to receive grant support from USAID, efforts should be made to encourage the devolution of program management to local bars and law schools, in tandem with bar association and law school strengthening activities. The long-range objective should be for these organizations to assume a greater share of the responsibility for providing legal assistance services and training programs for both criminal and civil cases

☐ Future training activities should focus on mediation and conciliation of civil cases including land conflicts and commercial cases, the disposition of contravention cases, and reducing pre-trial detention cases older than 90 days. Although many Haitian justices of the peace routinely use conciliation to avoid issuing a court decision or referring a matter to a higher court, increased knowledge and understanding in the legal community of the various alternatives to court action should help to reduce the backlog in the courts and discourage citizens from redressing their grievance through illegal actions

☐ Participating in a legal assistance program is an excellent way for advanced law students to gain practical experience while serving their communities. To be most effective, such participation should be made part of the law school curriculum and closely supervised by experienced clinicians. The pilot clinical activity implemented under AOJ project auspices in Port-au-Prince showed promising results and should be expanded by bringing more law students into the program and reinforcing it with a classroom component. This activity would involve training clinical law professors and holding workshops for them on such topics as selection and supervision of cases and designing the clinical curriculum

☐ The ten lessons prepared by the Checchi team for use in informing Haitian citizens about their legal rights and responsibilities should be duplicated and disseminated as widely as possible

in Haiti. They should also be used for local radio broadcasts, as is currently being done on an *ad hoc* basis. USAID should continue to urge the United States Information Service (USIS) office in Port-au-Prince to integrate such broadcasts into its regular radio programming.

- Widespread communication of legal information through radio, face-to-face training events, and sessions with prisoners, prison guards, and members of all groups in civil society is critical both because it protects people by teaching them their rights and obligations under the law, and because ignorance of those rights and obligations is a secondary cause of criminal behavior and of civil litigation that clogs the schedules of lower-level courts in Haiti.
- The virtual absence of police presence outside of major cities and towns created an insecure atmosphere which made it difficult for Checchi to monitor program activities in some rural areas. In some instances, both grantee legal staff and justices of the peace were reluctant to take on controversial cases, particularly those involving land disputes, due to the lack of security.
- Haitian lawyers need to be among the lead technicians in any future program to support the institutionalization of legal aid services as the Haitian legal system has many unique features understood only by local practitioners.

4.1 Program Background and Objectives

The principal objective of the Judicial Mentoring Program was to increase the level of judicial professionalism in Haiti, with emphasis on justices of the peace. A corollary objective was to contribute to the development of basic administrative skills and procedures in the courts including regulation of the courtroom and trial management.

The program began in 1997 as a five-week pilot activity in the jurisdictions of Port-au-Prince, Petit-Goave, St. Marc, and Jacmal. It was designed to fill a need for training in basic judging skills that are essential to a judge's daily work and was grounded in the belief that developing a mentoring ethic in the judiciary was an important step in strengthening the justice system in Haiti. In order to foster eventual Haitian ownership of the program and provide sitting judges with a safe structure in which they could feel comfortable asking for advice, the program was designed so that the mentoring would be conducted on site by respected Haitian jurists. Because judges would not have to leave their appointed work stations, mentoring activities would not disrupt the daily administration of justice.

4.2 Outputs and Accomplishments

Based on the success of the pilot activity and in cooperation with the Ministry of Justice's Department of Judicial Affairs, the mentoring program was established in 23 justice of the peace courts in three of the four pilot jurisdictions (Annex IV). On-site, one-on-one mentoring was provided on such topics as judicial independence, judicial comportment and decorum, problem solving and decision-making, the fact finding process, evaluation of contrary evidence, judicial ethics, trial management, and human rights issues. The mentors also organized regional seminars for justices of the peace on specialized topics such as drug cases and land conflicts and counseled the judiciary in Jacmal and St. Marc on proper procedures for conducting jury trials. They also worked with new judges participating in internships organized by the Judicial Training School.

Mentors directly assisted judges by distributing copies of laws and legal documents they needed to carry out their judicial responsibilities, including copies of Haiti's criminal, civil, commercial, and criminal procedures codes to all 23 courts participating in the mentoring program. Mentoring was provided on unfamiliar legal concepts in these laws.

At the request of, and in cooperation with, the Ministry of Justice, the mentors drafted internal regulations (Rules of Practice) for the justice of the peace courts, the juvenile court, and the Port-au-Prince first instance court. Among the areas covered by the rules for the justice of the peace courts are court hours, court calendars, court fees, default judgments, courtroom practices, judges' rotation schedules, prison visits, pre-trial detention, and sanctions for non-observance. The rules are seen as a means not only of improving the efficiency and transparency of judicial

proceedings but also of reducing opportunities for corruption within the judicial system. The mentors provided training in these rules to 120 judges participating in the Judicial Training School's continuing education program as well as to their own mentees.

☑ The arrest warrant form (*formule d'avertissement*) used by the justices of the peace was re-designed to conform to the provisions of the Universal Declaration of Human Rights and Section 8 of the *Convention des Droits de l'Homme*.

☑ The Office to Control Pre-Trial Detention (BUCODEP) was established at the National Penitentiary in a collaborative effort by the Department of Judicial Affairs, prison management, and Checchi's Case Tracking and Judicial Mentoring programs. The BUCODEP procedure was developed to (i) support the justices in fulfilling their obligations to make monthly prison visits and (ii) facilitate the review and adjudication of prison cases. It resulted in a substantial reduction of the backlog of pre-trial detention cases at the National Penitentiary under the jurisdiction of justice of the peace courts in Port-au-Prince.

☑ The first stage of a prisoner inventory and record-keeping system was developed and installed at the National Penitentiary. There are plans to computerize this system with assistance from the U.S. Department of Justice. The system is designed not only to assist prison authorities to better account for the prison population, but also to inform justices of the peace, prosecutors, legal aid providers, and human rights workers of each prisoner's detention and/or sentencing status.

4.2 Lessons Learned and Recommendations

□ Strengthening the judicial system in Haiti is fraught with challenges. No single effort, including the mentoring program, can cure the ills that have resulted from generations of neglect and state control. While improvement in the performance of mentored judges has been noted in every survey of judges, lawyers, and local NGOs conducted in the past two years, the Checchi mentors often acknowledged the frustrations of working with poorly compensated justice sector officials dealing with heavy caseloads in a highly politicized environment. Nevertheless, the mentoring program was a critical first step in "breaking the glacier of isolation" that exists for the justices of the peace in secondary towns and rural areas of Haiti, giving them tools they need to do their jobs, and helping them to better understand their role, functions, and jurisdictions. The commitment of these magistrates to the mentoring program was seen in their willingness to attend seminars at their personal expense even during strikes and when it involved long-distance travel and lodging costs.

□ In addition to the substantive material presented in the mentoring sessions, the presence of mentors in the courtroom gave sitting judges the reinforcement they needed to make judicious decisions in the face of social and political pressures. The age and professional stature of the Haitian mentors allowed them to establish relationships of respect and trust throughout the judicial system and to use those positive relationships to facilitate and coordinate the work of all sector participants. If, in the future, the mentoring program is replicated in other justice of the peace courts, it will be important to recruit mentors of equivalent professional stature who are free of political affiliations that might compromise their neutrality.

- Due to budgetary constraints, the mentoring program could not be expanded to all seven pilot jurisdictions covered by the case tracking and legal assistance components of the Administration of Justice Project, as had been planned. In the end, this handicapped the project's institution-building strategy, which was to put as many resources as possible into the same justice of the peace courts. In the event that a mentoring program is re-established, it is recommended that this be done with the goal of eventually transforming the program into a sustainable continuing legal education (CLE) system linked to the law schools and the Judicial Training School. All CLE courses should include cross-training among various actors in the justice sector to break down communication barriers.
- Another way of transferring knowledge and skills within the judicial system would be to pair experienced judges with less experienced ones, as is done in some parts of the U.S. and Canada. In this way, the necessary transfer can take place within the judges' normal working hours at no additional cost. A pilot program could be developed to test the feasibility of this concept for creating a self-sustaining mentoring system for Haiti's justice of the peace courts that would complement the more formal CLE programs.
- The public prosecutors rarely if ever visit the JP courts in their respective jurisdictions, which they are required to do by law. This, coupled with the lack of an effective judicial inspection function, is one reason for the unacceptably high rates of absenteeism and neglect of duty found among the justices of the peace.
- Consideration should be given to establishing the BUCODEP program at other major prisons throughout Haiti as a temporary means of reducing pre-trial detention backlogs. This activity should begin with an assessment of the need and appropriate structure for such a facility in each prison, and the ability of the Ministry to Justice to commit the necessary staff and material resources. However, BUCODEP is not seen as a permanent solution to the pre-trial detention problem in Haiti since the law clearly states that justices of the peace cannot detain a citizen for more than 48 hours without adjudicating the case or referring it to the public prosecutor, who must also act within specified time limits.

5 1 Program Background and Objectives

As discussed in the introductory section of this report, Checchi's efforts were periodically re-directed due to changes in leadership and priorities at the Ministry of Justice and USAID, and the assumption of responsibility for assisting certain institutions of the justice sector by other donors or USAID partners. In addition to the initiatives summarized in the preceding sections (most of which were launched, and in some cases completed, in the first two years), in the early part of the contract Checchi had a role in several other activities to strengthen the judiciary and build capacity for sector reform.

5 2 Outputs and Accomplishments

☑ Checchi supported the development of the Judicial Training School in several important respects, both directly and through its subcontractor, Ronco Consulting Corporation. This support produced a comprehensive organizational development plan covering such matters as the school's legal, institutional, and financial structure, staffing and recruitment, training, and budget, a draft organic law, and extensive physical improvements, including renovations, upgrading, and repairs to six of seven buildings on the school grounds. In addition, Ronco provided the school with full administrative and logistical support, including payment of faculty, staff and all other operating costs, for one year (September 1995 through September 1996). This enabled the school to begin training and, for the first time, to bring justices of the peace and public prosecutors from around the country together to participate in a two-week training course.

☑ As part of its mandate to strengthen judicial administration, Checchi assisted the Ministry of Justice with the initial steps in setting up a computerized personnel and payroll system. The principal component of this assistance was the construction of an annex facility (Computer Center) to house the Ministry's management and judicial information systems including case management data collected from the field, automated personnel records and other human resources management data, and automated budget and financial management information. Checchi also financed the training of ten Ministry personnel in data organization, and initiated the installation of standardized payroll systems.

☑ Checchi completed a comprehensive, nationwide survey of the operations of every court in the Haitian justice system, inclusive of five courts of appeals, 15 courts of first instance, 182 justice of the peace courts, 181 civil registries, and several specialized courts. The survey was designed to provide the Ministry of Justice with precise court profile data for use in developing budgets and salary structures and redeploying judicial personnel. Information on the location and physical condition of each court, caseload activity, shipment and consumption of commodities and consumables, and operating costs and revenues was entered into an automated database for the Ministry to utilize in future budget planning. In addition, various scenarios for proposed sal-

ary adjustments within the Haitian judiciary were developed for the Ministry's review, along with a plan to assist the Ministry in obtaining better control over the revenue generated by the courts and civil registries

5 3 Lessons Learned and Recommendations

- The national court survey generated a wealth of data and recommendations for addressing problems of judicial administration, eliminating waste and fraud from the MOJ budget, and rationalizing salary structures and personnel assignments. The response of the Ministry was welcoming and appreciative but until now, more than two years later, there has been no policy reform. While judicial inspectors were included on the survey team with the concurrence of the MOJ, it would have been preferable to involve high level Ministry officials directly in the survey planning and execution phases to ensure "buy-in" and set the stage for replicating the survey at periodic intervals.

- The annex to the Ministry of Justice built with contract resources to serve as a computer center is not being used for that purpose. In the future, it would be advisable for USAID to enter into a memorandum of understanding with the GOH about the intended use of a new facility before construction begins.

ANNEX I

CASE TRACKING AND COURT MANAGEMENT PROGRAM

83 JUSTICES OF THE PEACE COURTS

1.- JURISDICTION OF PORT-AU-PRINCE (18)

Anse-a Galets	Cite Soleil	Fonds Verretes	Section Nord
Arcahaie	Cornillon	Ganthier	Section Sud
Cabaret	Croix-des-Bouquet	Gressier	Thomazeau
Carrefour	Croix-des-Missions	Kenscoff	
Cazale	Delmas	Petion-Ville	

2.- JURISDICTION OF PETIT-GOAVE (5)

Grand-Goâve	Petit-Goâve	Violet
Leogane	Trouin	

3.- JURISDICTION OF LA VALLEE DE JACMEL (12)

Anse a Pitre	Cayes-Jacmel	La Vallee de Jacmel
Bainet	Côtes de Fer	Mapou
Banane	Grand Gosier	Marigot
Belle Anse	Jacmel	Thiotte

4.- JURISDICTION OF LES CAYES (18)

Arniquet	Damassin	Port Salut
Cahouane	Ile a Vache	Rendel
Camp Perrin	Les Anglais	Roche a Bateau
Chantal	Les Cayes	St Jean du Sud
Chardonnières	Maniche	Tiburon
Côteaux	Port a Piment	Torbeck

5.- JURISDICTION OF SAINT-MARC (11)

Desarmes	La Chapelle	St Marc
Desdunes	Liancourt	Tribunal Terrien
Grande Saline	Montrouis	Verrette
Hatte Cheveau	Petite-Riviere de l'Artibonite	

6.- JURISDICTION OF GONAIVES (13)

Anse Rouge	Gros Morne	Sources Chaudes
Bayonnais	L' Estere	Terre Neuve
Cordon	Marmelade	Tribunal Terrien
Dessalines	Section Nord	
Ennery	Section Sud	

7.- JURISDICTION OF HINCHE (6)

Cerca-la-Source	Hinche	Thomassique
Cerca Carvahal	Maissade	Thomonde

ANNEX II
LEGAL ASSISTANCE AND LEGAL INFORMATION PROGRAM
CUMULATIVE PROGRESS REPORT
FROM JANUARY 1996 THROUGH JULY 1999

Total clientele - legal assistance and legal education programs	78,968	
Total caseload - outreach and prison legal assistance	26,368	
Total cases accepted - outreach and prison legal assistance	21,918	
ACTIVITY LEGAL ASSISTANCE TO PRISONERS		
TOTAL GRANTEES REPORTING 14		
GRANTEES	PRISON:	
1 AFPEC (Grant completed September 30, 1998)	NATIONAL PENITENTIARY	
2 AMICALE DES JURISTES	NATIONAL PENITENTIARY	
3 AMICALES DES ST MARCOIS REUNIS (Grant completed January 31 1999)	ST MARC	
4 BAJ	FT NATIONAL BOYS	
5 BAR ASSOCIATION GONAIVES	GONAIVES	
6 BAR ASSOCIATION JACMEL	JACMEL	
7 BAR ASSOCIATION LES CAYES	LES CAYES	
8 BAR ASSOCIATION ST MARC	ST MARC	
9 CEDD (Grant completed January 31 1999)	PETIT-GOAVE	
10 CHREDHU (Grant completed January 31 1999)	CARREFOUR	
11 COFAL	FT NATIONAL-WOMEN GIRLS	
12 EBEN-EZER (Grant completed January 31 1999)	GONAIVES	
13 IRD (Grant completed January 31 1999)	LES CAYES	
14 STATE LAW SCHOOL P AU P	NATIONAL PENITENTIARY	
summary	percent	number
Total cases (total cases not accepted + total cases accepted)	100%	18 474
Total cases not accepted	19%	3 476
Total cases accepted (total cases open + total cases closed)	81%	14 998
Total accepted cases open	16%	2 989
Total accepted cases closed (clients released + clients guilty)	65%	12 015
<i>Breakdown of cases closed</i>		
Total cases closed client released	92%	11 074
Total cases closed client guilty	8%	941

ACTIVITY LEGAL INFORMATION		
TOTAL GRANTEES REPORTING 13		
GRANTEES	AREA	
1 AMICALES DES ST MARCOIS REUNIS (Grant completed January 31 1999)	LIANCOURT VERRETTES	
2 BAR ASSOCIATION GONAIVES	TOWN OF GONAIVES SAVANE DESOLÉE BAYONNAIS MARMELADE CORIDON ENNERY RABOTEAU PAUL KROSS L ESTÈRE GROS-MORNE ANSE ROUGE	
3 BAR ASSOCIATION JACMEL	TOWN OF JACMEL	
4 BAR ASSOCIATION LES CAYES	TOWN OF LES CAYES CAMP PERRIN TORBECK MANICHE CHANTALE	
5 BAR ASSOCIATION ST MARC	TOWN OF ST MARC LIANCOURT VERRETTES	
6 CEDD (Grant completed January 31 1999)	TOWN OF PETIT GOAVE	
7 CHREDHU (Grant completed January 31 1999)	CARREFOUR	
8 COFAL	FORT NATIONAL	
9 EBEN EZER (Grant completed January 31 1999)	BAYONNAIS MARMELADE CORIDON ENNERY	
10 FUDHA (Grant completed 31 January 1997)	PARC VINCENT GONAIVES	
11 IRD (Grant completed January 31 1999)	CAMP PERRIN CHANTALE TORBECK MANICHE	
12 ODELCA (Grant completed January 31 1999)	RABOTEAU PAUL KROS L ESTERE GROS MORNE ANSE ROUGE	
13 UJDN	DROUILLARD CITE SOLEIL	
summary	percent	number
Total participants	100%	52 600
Total men	57%	29 986
Total women	34%	17 739
Total minors	9%	4 692
Total other participants (judges police etc)		1 953
Total sessions		1 313
Total topics covered (topics can be repeated)		715

ACTIVITY LEGAL ASSISTANCE - OUTREACH

TOTAL GRANTEES REPORTING 11

GRANTEES	AREA
1 AMICALES DES ST MARCOIS REUNIS (Grant completed January 31 1999)	LIANCOURT VERRETTES
2 BAR ASSOCIATION GONAIVES	TOWN OF GONAIVES SAVANE DÉSOLEE BAYONNAIS MARMELADE CORIDON ENNERY RABOTEAU PAUL KROSS L ESTÈRE GROS-MORNE ANSE ROUGE TERRE NEUVE ST MICHEL DE L ATT
3 BAR ASSOCIATION LES CAYES	CAMP PERRIN TORBECK MANICHE CHANTALE
4 BAR ASSOCIATION ST MARC	LIANCOURT VERRETTES ADMINISTRATIVE ZONE ST MARC CARREFOUR OGE ADMINISTRATIVE ZONE ST MARC MONTRUIS HATTE CHEVREAU VILLARD
5 CEDD (Grant completed January 31 1999)	TOWN OF PETIT GOAVE
6 EBEN EZER(Grant completed January 31 1999)	BAYONNAIS MARMELADE CORIDON ENNERY SAVANE DÉSOLEE
7 FUDHA (Grant completed 31 January 1997)	PARC VINCENT GONAIVES
8 IRD (Grant completed January 31 1999)	CAMP PERRIN CHANTALE TORBECK MANICHE
9 M P P	HINCHE CERCAVAJAL
10 ODELCA (Grant completed January 31 1999)	RABOTEAU PAUL KROSS L ESTÈRE GROS MORNE ANSE ROUGE
11 UJDN	DROUILLARD CITE SOLEIL

summary	percent	number
Total cases	100%	7 894
Total cases not accepted	12%	974
Total cases accepted	88%	6 920
Total accepted cases open	16%	1 231
Total accepted cases closed	72%	5 689

**ANNEX III
NETWORK OF GRANTEES**

PORT-AU-PRINCE

AFPEC (Académie de Formation et de Perfectionnement des Cadres 104, Avenue Christophe Port-au-Prince, Haiti Me Henri Dorléans	245-0936
AMICALE DES JURISTES Rue des Miracles, 123 (à l=étage) Port-au-Prince, Haiti Me René Julien	223-9496 / 223-9787
COFAL (Cabinet de Consultation, de Formation et d=Assistance Légale) 24, Lalue Port-au-Prince, Haiti Me Nadine Perrault	223-6235
UJDN (Union des Jeunes pour le Développement National) Rte Nationale #1, Rue Vogue prolongée #210 Me Paul Edias	222-0856 (message) 222-8435 / 223-5920
BAJ (Bureau d=Assistance Juridique) 81, Rue Montalais Port-au-Prince, Haiti Me Joseph Jean	223-9971
CHREDHU (Commission Haitienne pour le Respect des Droits Humains) Cabinet Fouquet Thor 10, rue de la Paix #5 En face du tribunal de paix de Carrefour Me Jacques Belzin	234-0115/257-7532/ 223-8449
FACULTÉ DE DROIT DE PORT-AU-PRINCE Rue Oswald Durand Me Elie Méus	222-0934 / 223-8983

GONAIVES

BARREAU DES GONAIVES

Palais de Justice

Gonaives, Haiti

Me Luc B Pierre (Bâtonnier)

Me Mathurin St-Hilien (Directeur du Projet)

274-0677/2740803/274-1224

274-0190

MEEEG (Mission Évangélique

Eben-Ezer des Gonaives)

P B 91

Gonaives, Haiti

Pasteur Michel Morisset

274-0128/274-0915

ODELCA (Organisme de Défense

des Libertés Civiques de l=Artibonite)

Avenue des Dattes

Gonaives, Haiti

Me Michelet Yvon Joseph

274-0914/274-0246/

274-0350

ÉCOLE DE DROIT DES GONAIVES

Gonaives, Haiti

Me Adelet Jean-Gilles

274-0561/274-0612

SAINT-MARC

BARREAU DE SAINT-MARC

Ave Dessalines, 28

St-Marc, Haiti

Me Jean Supplice

79-1746/79-1383

AMICALE SAINT-MARCOIS RÉUNIS

Pivert, 55

Saint-Marc, Haiti

Me Raymond Desruisseaux

279-1916/279-1746/279-1172

279-1746/279-1615 Me Nicolas

279-1219

ÉCOLE DE DROIT DE SAINT-MARC

Pivert (ex-local du Tribunal Terrien

Me Eddy Clesca

279-1383

CAYES

BARREAU DES CAYES

Près de la Place
Les Cayes, Haiti
Me **Odilon Séde**

286-0521/286-0532/286-0091

École de Droit des Cayes

Avenue des Quatre Chemins
Les Cayes, Haiti
Me **Raymond Morpeau**

286-0727

IRD (Integrated Rural Development)

Sur la route de Camp-Perrin
Les Cayes, Haiti
Pasteur **Adrien Chérisson**

286-0068/286-0462

286-0274(Pasteur Chérisson)

JACMEL

BARREAU DE JACMEL

A côté de la Bibliothèque
(sur la Place)
Jacmel, Haiti
Me **Bonnard Posy**

288-3671/288-2042

PETIT-GOAVE

CEDD (Centre d'Étude
pour le Développement
de la Démocratie)

38, Ave Gaston
Petit-Goâve, Haiti
Bony **DUME**

223-1626 / 245-8521/287-0358

HINCHE

MPP

41, Rue Etienne Vincent
Hinche, Haiti
Me **Élie Oduquesne**

277-0409 / 277-0755/ 277-0219

277-0806 / 277-0826

ANNEX IV
JUDICIAL MENTOR PROGRAM
23 JUSTICE OF THE PEACE COURTS

JUSTICES OF THE PEACE IN PORT-AU-PRINCE (10)

Carrefour Cité Soleil Croix-des-Bouquets Croix-des-Missions Delmas	Kenscoff Petion-Ville Section Est Section Nord Section Sud
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JUSTICES OF THE PEACE IN JACMEL (5)

Cayes-Jacmel Jacmel La Vallée de Jacmel	Marbial Marigot
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JUSTICES OF THE PEACE IN SAINT-MARC (8)

Desarmes Grande Saline Hatte Cheveau La Chapelle	Liancourt Montrouis Saint-Marc Verrettes
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ANNEX V PROJECT REPORTS AND PUBLICATIONS

Progress Reports to USAID and Administrative Manuals

Annual Report, FY 1996

Annual Report, FY 1997

Annual Report, FY 1998

Administrative Training Manual

Financial Training Manual

Manual of Grantee Procedures

Studies and Evaluations

Access to Justice of the Peace Courts and the Administrative Capacity of Justice of the Peace Courts (year-long assessment)

Development Plan for the Magistrates School (August 1996)

Haiti Prisons Study (February 1999)

National Court Survey (1997)

- 1) Basic Guide to Budgets and Activity Based Costing
- 2) Report on the Reconciliation of Judiciary and MOJ Personnel with the Ministry of Finance Payroll System
- 3) Draft Plan to Restructure Revenue Collection
- 4) Summary of Operating Unit Profile
- 5) Summary of Personnel Staffing by Function
- 6) Summary of Annual Personnel Costs
- 7) Detailed Listing of Personnel
- 8) Exhibits

Report and Action Plan for the MOJ's Judicial Inspection Unit (February 1998)

Guidelines and Regulations

Control List for Judicial Inspectors

Draft Law Governing Para-legals

Draft Internal Regulations for Justice of the Peace Courts

Draft Internal Regulations for Juvenile Courts

Draft Internal Regulations for First Instance Court of Port-au-Prince

Training Materials

A Complaint is Brought Before a Justice of the Peace Court

The Establishment of Judicial Institutions

Konesans Lalwa Peyi Dayiti (Lessons on the Laws of Haiti)

Manual for Judicial Mentors

Manual for Use of the Case Register

Manual for Lawyer Trainees

Manual for Para-legals