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REPUBLIC OF COLOMBIA

**Justice Sector
Reform Program
JSRP**

FINAL REPORT

1992 - 1995



USAID



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Justice Sector Reform Program

J S R P

FINAL REPORT

JUSTICE SECTOR REFORM PROGRAM

FES FOUNDATION

AID

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INTRODUCTION

The Justice Program is the result of a bilateral agreement between the Governments of Colombia and the United States for the purpose of improving and restructuring the Justice Sector in Colombia. The second stage of Program is the continuation of the first phase, which lasted from 1986 to 1991.

This report details the development of the Justice Program from 1992 to 1995. Although there are many diverse aspects and results of the Program that merit analysis, it would be beyond the scope of this final report to cover all of them. Thus, an effort has been made to present a summary of the most outstanding aspects of the Program for the period under examination.

The first part of the report is a presentation by the Program's General Coordinator, including a brief historical overview, an account of what has been accomplished during the current period, the participation of entities involved in the Program with a review of each of their different projects, an explanation of developmental strategy as well as achievements and results, ending with some final reflections on the Program as a whole.

What follows is a description of the organization that was set up in order to develop the Program, with specific reference only to the individuals who took part directly. Unfortunately, the complete list of all those involved in one way or another in the different projects would be too long to include here.

The third component of this report is a graphic representation of the organizational structure of the Justice Sector in Colombia, followed by a description of the Program's track record in each of the different institutions, including a brief summary of all of the projects executed under its auspices.

This report was prepared by members of the Program's Coordination Team, with the collaboration of Institutional Coordinators and Project Leaders. We would like to extend our thanks to all of those whose involvement made it possible to make the Justice Program a reality.

Presentation

by the General Coordinator

1992 - 1995

Background

On August 19, 1991, the Governments of Colombia and the United States signed a bilateral agreement to carry out a reform of the Justice Sector in Colombia. Under the auspices of that agreement, the US-AID Representative for Colombia and the Colombian Minister of Justice and Law requested the support of the FES Foundation in the organization of the preparatory activities for the Project as well as in the subsequent management of resources assigned. This set of activities and projects, which was placed under the joint responsibility of FES and AID, was called the Justice Sector Reform Program (JSRP).

The bilateral agreement between the two nations contemplated the evolution of the Program under the direction of an Executive Committee, made up of upper-level dignitaries from the Justice Sector with the authority to coordinate the involvement of Colombian government officials in the Program. To this end, the Executive Committee was formed in 1992. At its first meeting, the Committee defined its tasks and functions, thereby taking the first steps in preparing the projects for the different entities taking part in the Program.

On May 7 of that same year, a cooperation agreement was signed by AID and FES to formalize relations between the two bodies and set up a five-year period for the execution of the Program.

Objective, Scope and Strategy of the Program

The bilateral agreement specified the Program's main goal as "the support of activities to strengthen the administration of justice, particularly the criminal justice system, in three basic ways: bet-

ter organization and planning of the Justice Sector, greater effectiveness of the investigation and presentation of charges in serious crimes, and the strengthening of the administration and independence of the judicial system”.

The Program’s scope can be broken down into four major components:

1. Organization and planning for the Sector.
2. Investigation and charging of serious crimes.
3. Operation and management of the court, tribunal and local administrative justice system.
4. Additional support activities for the Sector.

Almost immediately, the execution of the Program met with a number of difficulties. The first had to do with the new institutional structure imposed on the Sector by the 1991 Constitution. The Supreme Judicial Council, one of the institutions created by the new Constitution, felt that as administrative head of the Judicial Branch, it was responsible for setting policies and priorities. The problem was that the goals and norms set by the Council were not in line with those set for the Justice Sector Reform Program. The four components, each with its own various and sundry sub-components and sub-sub-components, were a very wide area of work. While the very breadth of the scope made it easier to identify an area of action that incorporated the Supreme Judicial Council’s objectives, it also made it all the more difficult to give these goals a more precise focus with a greater potential impact, especially in view of the legitimate but diverse interests of the entities involved in the Executive Committee (i.e., the Ministry of Justice, the Supreme Court, the Office of the National Prosecutor General, the Supreme Judicial Council, the National Police, the Administrative Department of Security—D.A.S., the National Planning Department, the U.S. Embassy, AID and FES). It was also found that there was a possible lack of coordination and duplication of efforts among the different Project Administrators. Initially, this latter group was made up directly of AID, FES and the U.S. International Criminal Investigation Training Assistance Program (ICITAP). Later, AID hired the Office of Professional Development and training (OPDAT), which is also part of the U.S. Justice Department, to carry out a training program for prosecutors and judges as part of the indictment process.

To overcome the aforementioned difficulties, the AID Representative and the Program Coordinator (on the part of FES) agreed jointly to establish a clear consensus as to the purposes, scope and priorities of the Program through two mechanisms: annual working plans and successive amendments to the cooperation agreement between the two countries.

Purpose

The strategic objective and general purpose of the Justice Sector Reform Program (JSRP) is to improve the effectiveness of the administration of justice in Colombia, with special emphasis on criminal justice. This objective will be reached through technical assistance, training, equipment and complementary support. Reaching this goal implies placing a high priority on improving the capacity and efficiency of the Judicial Branch, especially regional prosecutor's offices and selected district prosecutor's offices as well as regional courts and selected circuit courts.

Components

The most recent amendment to the bilateral agreement, which was prepared in the first half of 1994 and signed in September of that same year, redefined the goal and strategy of the Program, setting up five separate components, with the first being executed by ICITAP and the last four falling to FES, as follows:

1. Increasing the competence of preliminary investigations (ICITAP).
2. Improving the effectiveness of the prosecuting phase (FES).
3. Bettering the efficiency of the Justice Branch's operations and administration in the sentencing stage, especially in the area of criminal justice (FES).
4. Increasing access to and impartiality of the judicial system and improving public opinion regarding this area (FES).
5. Strengthening the legal system in the areas of planning by sector, information systems, socio-judicial investigation and other related fields (FES).

Strategy

The strategy was planned as follows:

"The Program's strategy adopted a wide systemic approach to reforming the administration of justice in Colombia. For this reason, the scope of the Program's projects includes institutions that participate directly in the legal system. To guarantee that the impact of the Program is tangible and quantifiable, whenever possible, projects will focus on areas that can produce clear, direct and measurable results..."

This latest amendment also instituted the following impact indicators used to measure the Program's progress in reaching its strategic objective in selected prosecuting units and courts:

1. The number of cases pending for the preliminary investigation, prosecuting and sentencing stages.
2. Percentages of the different types of legal decisions for each stage of the judicial process.
3. Average duration of cases at the different stages.
4. Public opinion of the legal system with respect to accessibility, fairness and effectiveness.

Besides assessing the achievement of strategic objective according to the criteria set through these indicators, the different projects and activities for which FES is responsible will be formally evaluated throughout the Program with respect to success in reaching the following Results:

1. Strengthening administrative functions, follow-up and handling of cases before the regional prosecutors' offices as well as selected district prosecutors' offices.
2. Fortifying the system of handling cases before regional courts and selected criminal circuit courts.
3. Increasing the investigative and sentencing capacity for cases of human rights violations and corruption.
4. Bolstering specific areas, such as systems for collecting and analyzing performance, planning, follow-up and evaluation statistics.

Program Development

In the first few months of the Program, the procedure adopted at the Executive Committee meetings was for different members to present general ideas of projects which they considered to be of great importance for the particular participating entities and which would fit into the scope that had been set for the components and sub-components of the Program. In order to have a better basis for judgement in decision making and detailed design to facilitate the execution of these projects, the Executive Committee decided to establish four Institutional Coordinator's positions in the Ministry of Justice, the Attorney General's Office, the Prosecutor General's Office and the Supreme Judicial Council. These Coordinators were responsible for aiding the entities in the detailed elaboration of projects. Another similar measure was the creation of the Technical Committee, which was to perform technical reviews of the projects presented to the Executive Committee by each of the bodies benefitting from the Program. The Technical Committee was made up of the four Institutional Coordinators, AID Representatives and the Program Coordinator Team. Despite these precautions, the vast majority (with few exceptions) of the projects approved by the Executive Committee between the months of August and December 1992 did not meet the established requirements, especially those set up by the Supreme Judicial Council. In fact, these first projects were aimed more at supporting upper-level management rather than assisting in the administration and handling of legal cases.

Fortunately, a clearer distribution of functions among the Executive Committee, the Technical Committee and FES's Project Coordination was achieved with the 1993 Annual Working Plan, a precise specification of the scope of new projects that also drew parallels between the Program's strategic objective and the goals of its sub-components and components and assigned responsibilities to the Institutional Coordinators and JSRP Coordination for the elaboration, processing and approval of projects.

The guidelines established in the 1993 Annual Working Plan were further detailed and perfected in the Annual Working Plans for 1994 and 1995. At the request of the Ministry of Justice, the 1995 Plan included an exact account of the new projects to be developed and approved over the course of the year in order to ensure that these

were better adapted to the Program's strategic objective and the criteria previously set up by the Executive Committee.

The execution of the Program did not start in earnest until 1992, and then only slowly. Nevertheless, notable progress was made in 1993 and 1994. The 1995 Annual Working Plan ensured that practically all resources would be committed by the end of that year and that the execution of the projects forming part of the Program would be finished during 1996. For this reason, the Program's General Coordinator decided to begin dismantling FES's Coordinating Team earlier than planned, starting at the end of the year, and announced that as part of the same process, he would step down from the position of Coordinator at the same time.

Nevertheless, for a variety of reasons, it was not possible to execute the 1995 Working Plan as planned. AID's Representation in Colombia proposed a general reorientation of the Program in terms of administration and development. In August, the U.S. Embassy in Bogota and AID's Mission to Colombia began their review of the bilateral agreement between the two governments as well as the cooperation agreement between AID and FES. At the time this report was written (December 31), there had not yet been any definite decision on these matters, and AID asked FES to continue coordinating the Program until March 31, 1996.

Though these circumstances did have a negative effect on JSRP operations, for obvious reasons, one benefit was that a mechanism arose for reaching agreements between the entities taking part in the Program, in the form of monthly meetings to review projects. These rendezvous, which have been held since August, have allowed decisions to be made on a consensus basis and have accelerated the execution of projects already underway.

Program Results for the Period from 1992 to 1995

The rest of this report, which is the main body of information, presents the results of the different projects grouped according to the institution(s) benefitting from each one. In this introduction, the projects have been examined in a more global fashion, from the point of view of the different components of the Program and the expected results.

Component 2

Improving Effectiveness of the prosecuting Stage

This component is identified with the functions of the Office of the Prosecutor General of the Nation. The Program was actually linked to that entity even before it began to operate, because AID had dedicated certain resources towards forming a "liaison" between the projects carried out from 1986 to 1991 under the sponsorship of AID and the current Program. It was with these resources that it was possible to carry out activities critical to the institution, which was created by the 1991 Constitution, yet which had no budget or personnel.

These activities consisted primarily in setting up the organizational structure of the Office of the Prosecutor General and its initial personnel or staff.

When the Prosecutor General's Office began operations, it was necessary to train the new prosecutors in the new Criminal Procedural Code, with its markedly indictment-oriented focus as opposed to the prior code, which had been inspired by the inquisitive approach. The JSRP contributed to the funding of this training and also developed a series of workshops for the purpose of promoting an attitude of strategic planning. The significance of the incorporation of this methodology by the Prosecutor General's Office is undeniable, as seen in the fact that the entity held a subsequent strategic planning cycle in 1995, which was funded entirely with in-house resources. In addition, with the support of the JSRP, some of the results of this process became projects that will be continued with the support of funding from the Interamerican Development Bank.

In order to improve the effectiveness of the prosecuting stage, the JSRP financed a pilot project in one of the new prosecuting units in order to test different organizational models and select the one that seemed the most advantageous and effective. This project also provided important raw materials for the physical adaptation of these units, some of which were remodeled and supplied using the Program's resources, due to the urgency of starting up operations.

The Office of the Prosecutor General started functioning at a disadvantage since it had inherited the hundreds of thousands of cases that had accumulated in the entities responsible for prosecuting-related duties prior to the existence of the Prosecutor General's Office: The courts of first instance. This situation resulted in an immediate and extraordinary backlog in the new prosecuting units. In order to do something to help solve this problem, the JSRP—with the approval of the office of the Prosecutor General—designed an experimental project to relieve the accumulation of cases.

Because the Office of the Prosecutor General received extraordinary budget appropriations to support these efforts, that entity assumed direct responsibility for the project, incorporating two important innovations from the JSRP experiment: Productivity measurements of the prosecutors and prosecuting units as well as performance agreements at the level of the prosecutor and unit. Another important mechanism used to reduce the case backlog was conciliation. The JSRP had already been promoting the increased use of this method in a project at the Ministry of Justice, due to the impact it can have in alleviating the accumulation of cases in legal offices as well as its exceptional contribution to the creation of a mindset of civic duty and peaceful coexistence. When faced with the real and legal possibility of using conciliation in certain cases of criminal conduct, the Prosecutor General's Office requested JSRP funding for a broad project for training prosecutors. The result has been an extraordinary enterprise, both because of the low cost of the training as well as the contribution that has been made in the peaceful resolution of conflicts.

At an entity like the Prosecutor General's Office, the two primary critical factors for success are the humanness and technical abilities of its personnel along with the timely availability of adequate information. In order to guarantee these two factors, a new project was launched, which was known as Information System for the Office of the Prosecutor General (IS).

This project has been given top priority by the Prosecutor General's Office, and its first stage—the systematization of the prosecuting units in Bogota and Medellin—should be finished sometime around July 1996. To this end, the Office of the Prosecutor General mobilized hundreds of its officials and prosecutors, who took an active part in the design of the system. In addition, a group of systems engineers

and other professionals was assigned by the JSRP to the design and construction of the IS. The project has placed great emphasis on personnel training, through one of its components called "Cultural Mission", to enable the staff to use this new technological tool effectively. The methodology and the pedagogical products of this mission are being transferred to the Criminal and Criminalistic Investigation School of the Prosecutor General's Office for use in the National Training Plan.

On another front and according to the objectives set for this component, strong support was provided to the regional prosecutors' offices in order to bolster their systems for handling and following up on cases. The regional directors' offices were provided with computer networks to make it easier to control and supervise cases and also to facilitate integration with the Information System for the Prosecutor General's Office.

At the suggestion of the Prosecutor General's Office, the Program opted for a formative project called Awareness of Human Rights, which was designed in different phases. The first phase concentrated on testing and evaluating the methodology designed jointly by the President of the Republic's Advisory Board on Human Rights and the office of the Prosecutor General. Unfortunately, it was not possible to assign the necessary resources to this project to continue with its second phase. This is a project which, after performing a few necessary adjustments that became evident based on the results and evaluation of the first phase, could contribute to promoting respect for people and the preservation of human rights in the everyday work of prosecutors and investigators.

Component 3

Bettering the Efficiency of the Justice Branch's Operations and Administration in the Sentencing Stage, Especially in the Area of Criminal Justice

This is the component of the JSRP in which the least progress was made. In part, this was due to the great amount of work that the Supreme Judicial Council had to face in order to manage the great amount of funding that was put at its disposal by the National Government. Another reason for this was also the difference between the criteria adopted by the Council and JSRP Coordinators regarding which projects were eligible for being financed through

the Program. Nevertheless, the Executive Committee did approve a project dedicated toward the resumption and updating of periodical publications of the upper-level corporations, an important reference material for judges and magistrates that had not been put out since 1988. The Council, in turn, promised to keep these materials up-to-date from that year forward.

The program insisted on the need to develop a statistical system that would allow the Council to honor its Constitutional obligation to inform Congress of the performance of courts and tribunals. This need gave birth to the first phase of a project that was finished with a fair degree of success, but which was left unfinished, with the subsequent phases not followed through on.

In order to contribute to increasing the effectiveness of the sentencing stage, the JSRP agreed with the Rodrigo Lara Bonilla Judicial School on a training program for judges and officials meant to improve the procedures at courthouses. The project was designed in two phases, the first being experimental in nature, covering a smaller number of courts in the city of Bogota. The second stage was to make full use of this experience for coverage on a national scale. Only the first phase was initiated and successfully finished.

Component 4

Increasing Access to and Impartiality of the Judicial System and Improving Public Opinion Regarding this Area

Various of the projects financed by the JSRP were designed to contribute to the objective of this component. Thus, for example, the prosecuting units that were remodeled were chosen, with priority given to those located on the outskirts of the cities of Bogota, Cali and Medellin.

Three projects in particular—Conciliation Promotion, “Houses of Justice” and “Legal Bars”—are dedicated to providing easier access and greater opportunities for using the legal apparatus to the socially and economically neediest sectors of the population. The first project was proposed to develop the use of conciliation through promoting the creation of new conciliation centers, supporting existing centers created by law by providing training and basic supplies and publicizing the scope and mechanisms used in conciliation.

The second project concentrates on the concept and model for "Houses of Justice", which was born in the Technical Committee and was initiated through the direct support of FES's Coordination of the Program. This is an innovative model that takes the justice services of different entities (i.e., police stations, family commissioners, conciliation centers, public defenders, prosecuting units) directly to alienated and densely-populated zones of the larger cities. The JSRP supported the creation of two such "Houses of Justice", one in the Ciudad Bolivar neighborhood of Bogota and the other in the Aguablanca sector of Cali. The establishment of these "Houses" was possible only through the concerted efforts of the Ministry of Justice, the Office of the Mayor of each of the two cities, the Prosecutor General's Office, the Colombian Social Welfare Institute and the Public Defender's Office, among others. Ever since the end of 1994, the Ministry of Justice set a high priority on the "Houses of Justice", assuming their direction as a fundamental strategy in its justice sector development plan for 1994 to 1998, named "Justice for the People".

One constant concern of the JSRP was the disparity between the strong indictment power of the Prosecutor General's Office, with its vigorous system of investigation and hearings, and the relative weakness of the Public Defender's Office, with its few hundred defending lawyers, meant to take care of all of those accused having social or economic difficulties that make it impossible for them to provide their own defense. In order to fortify the Public Defender's Office, the Program approved a project to systematize the entity and financed the hiring of expert jurists for almost two years. These were more often than not university professors who were brought on to coordinate, orient and train groups of public defenders in their work to form the so-called "legal bars".

In order to establish a base line that would allow an analysis of the changes that may have been produced in the public image of the Judicial Sector by the end of the Program, a specialized firm was hired to develop a survey of the different groups associated with the administration of justice and of the general public. The survey shows that there has not been appreciable change in terms of the public's perception of justice per se with respect to the results of other surveys done in the 1980's. Nevertheless, the wealth of information in this survey makes it worthwhile for research groups interested in performing an in-depth analysis of the different aspects that were covered by the study.

Among the objectives also included in this component was to strengthen the Attorney General's Office in terms of preventing and acting on complaints and human rights violations as well as in cases of corruption. The projects approved for the Attorney General's Office covered its fundamental needs for computerization and an adequate handling of information, managerial training in total quality methods, specialized training and technical assistance. The results reported by the Office of the Attorney General in terms of increased efficiency in their fight against corruption and their defense of human rights indicate that if this entity continues to promote these efforts, the strengthening of the Attorney General's Office could well turn out to be one of the JSRP's major achievements.

Component 5 Strengthening the Legal System in Specific Areas

Within this component, it is worth mentioning the support given to the Ministry of Justice and the Supreme Council in preparing legislative projects to permit the regulating of new legal decisions set forth in the 1991 Constitution, the collaboration offered to planning offices of the major entities in the sector and the bases left for the eventual formation of a sector-integrated information system in key institutions (i.e., the Ministry of Justice, the Attorney General's office, the Public Defender's Office and the Prosecutor General's Office). Some of the specific results in which the Program played a part were the approval by the National Congress of the Vienna Convention on the control of narcotics and the fight against illegal drug trade as well as the creation of the Office of the Director of International Affairs within the Ministry of Justice.

Conclusions and Final Thoughts

Over the last four years, the JSRP has invested more than nine thousand million Colombian pesos, committing a total of fourteen thousand million (including monies already spent) to approximately 60 projects and/or activities that were defined through mutual agreement by the major Colombian Governmental Bodies, Representatives of AID-Colombia and FES's Program Coordination. Despite the huge difficulties involved in manag-

ing a Program this complex and which was subject to the legitimate yet not always concurrent interests of the different actors, the projects and activities that were finished and the few that will continue through 1996 were always framed with a strategic goal and specific objectives set up by the bilateral agreement set up between the Governments of the United States and Colombia.

It is possible to state that each of the projects achieved individually—or at least aspired to achieve—important results for improving the administration of justice in this country. Its overall impact is difficult to evaluate at present, because much depends on factors over which the Program has no control, such as the perpetuity of policies in each of the institutions, the rise in organized crime in this country and the future availability of budget appropriations and international cooperation.

The experience of the Program's Coordination seems to indicate that there are certain critical factors for the success of any program proposing social and organizational change, such as the JSRP. Some of these factors were met in this Program, others were not. What follows, then, is an illustrative account of what these factors might be.

Prior to the initiation of any such program, there should be a clear vision of the desired results. This vision should be universally shared by donors and participants.

The Directors of this type of program should naturally include the heads of all of the entities that will benefit from it. In addition, people with prestige, credibility and the capacity to represent the widest interests of the Government and the society should also be included.

These programs should be put forth as on-going and cyclical efforts of careful experimentation, critical evaluation and controlled extension.

In each of the participating entities with public responsibility great importance should be given to developing a mindset that includes setting up observable goals, measurable results and the evaluation of those results as well as the adoption of the necessary modifications.

In order to guarantee that the changes achieved will be long-lasting, it seems crucial to count on the solid interest of the represented civilian society, in this case, of the lawyers groups, non-governmental organizations (NGO's) specialized in justice and the press.

The success of programs of this type requires time, and it is not always a good idea to try to rush certain key processes. Thus, tasks like purchasing and installing equipment or remodeling physical areas can be accelerated, but it is not a good idea to cut the time needed to mature projects, to appropriate new technology. Nor is it advisable to concentrate training into very short periods. This type of approach can cause negative and costly consequences.

Finally, in contrast to the lack of objective bases for demonstrating and evaluating the overall impact of the Program, there does seem to be evidence to claim that the challenges and distress of the justice sector would have been much sharper without the cooperation of the JSRP, especially under the difficult circumstances of violence and institutional change that the country has been forced to go through over the last four years.

Eduardo Aldana Valdés
December 29, 1995

The Program's Working Team

For the design, development, supervision, follow-up and evaluation of the different projects carried out under the auspices of the Program, it was decided to form a Coordinating Team and two Committees, the Executive and the Technical. The Executive Committee, which was made up of the upper-level directors of the institutions participating in the Program, was given the task of deciding what lines of work would be followed to achieve the Program's goals. This Committee met periodically and was the body responsible for ensuring that the projects undertaken by the Program would have a shared overall design, keeping in mind each initiative's own needs as well as those of the sector in general, since the major entities making up the administration of justice were all represented on the Committee.

Once the lines of action and working plans were set up by the Executive Committee, the Technical Committee stepped in to prepare the detailed design of each project, defining methodology, impact indicators, the working schedule and the budget. The Technical Committee was led by the General Coordinator of the Program and counted on the participation of the AID Representative in Colombia, the AID's Monitoring and Evaluation Coordinator, the Institutional Coordinators, the members of the Program's Coordinating Team and those responsible for each particular project under study from the respective institutions.

The Program's Coordinating Team, which fell under the FES Foundation's Social Division in Bogota, was made up of a General Coordinator, consultants in the areas of law, planning and evaluation, training coordination, administration and finances, as well as an administrative support team. In addition to this basic structure, from the very beginning of the program, two other consulting groups were created in specific areas due to the large number of projects in each one and the fact that special technical assistance was needed to design, follow-up on and integrate these different projects. Thus, the area of Work management and Systems Information Consulting were created.

The following figure shows the make-up of the team that was a direct part of the Program throughout its development.

1992-1995
Eugenio L. ...

AID Representative in Colombia:
Lawrence Klassen - 1994-1995
Edward Kadunk 1992 - 1994
James Smith 1992

Social Vicepresident:
Oscar Rojas 1992 - 1995
Social Division Director
Adela Morales
1992-1995

1995
Luis ...

1994 - 1995
Andrés González
1992 - 1994
Fernando Carrillo
1992

General Coordination:
EDUARDO ALDANA VALDES 1992-1995

Evaluation and
Magda ...
Armando ...

Information
Luis ...

1992-1995
Esperanza Velázquez 1994

1992-1995
Carlos Vilalba Bustillo
José Alejandro Bonifante
Pablo Cáceres
Hernando Yepes

1992-1995

1994 - 1995
Luis ...

1994 - 1995
Gustavo de Greff
1992 - 1994

1992-1995
José Antonio Campo
Armando Montenegro

1992-1995

President:
Ricardo Calvete
Manuel Enrique Daza
Pedro Lafont

General Attorney
Orlando Vázquez Velázquez
1994 - 1995
Carlos Gustavo Arrieta
1992-1994

PEOPLE
DEFENDER'S OFFICE
Defender People:
Jaime Córdoba

JUSTICE SECTOR REFORM PROGRAM JSRP

1992-1995
Cristina de ...
1992 - 1994

Organization of the Justice Sector

High courts within the Colombian justice system are organized as follows :

The **Supreme Court of Justice**; Criminal, Labour and Civil Branches constitute the highest appellate courts in each branch.

The **Constitutional Court**, was created as the maximum judicial authority to ensure that the laws and other legal acts are in accordance with the Constitution. Besides this the Constitutional Court revises "Tutela" actions which are brought to protect the individual's fundamental rights with a view to establishing jurisprudence in these matters. This Court replaces the constitutional branch of the Supreme Court.

The **State Council** is the final appellate court for administrative cases which deal with the relations between individuals and the State.

At this same level of the judicial hierarchy the Constitution created the **Supreme Judicial Council**, to undertake the administration of the judicial branch and carry out the disciplinary actions brought against members of the same. The disciplinary chamber and the administrative chamber constitute this court. The National Directorate for Court Administration supports the Council in the execution of the judicial branch's budget.

Twenty-nine **Tribunals** throughout the country constitute the immediate appellate instance for the **district courts** in criminal, civil and labour matters. The **National Tribunal** plays the same role for the regional courts.

The **regional and district courts** in the criminal branch, the administrative tribunals, the district civil courts, with specialized courts for family, labour, commerce, children's and agrarian matters, make up the third level of the judicial branch.

The fourth level of courts are the **municipal courts** which handle civil and criminal cases. The least serious cases

in these areas are decided in police inspections or conciliation centers and similar specialized institutions, such as labour offices.

The **Prosecuting General's Office**, forms part of the judicial branch. This organization undertakes the prosecution of all criminal cases, except those for minor crimes brought before police inspectors, and also has the obligation to attempt to conciliate in certain types of criminal cases. This organization includes the **Technical Investigators Department**. This in turn is one component of the **Judicial Police**.

Outside of the judicial branch there are three institutions which form part of the justice sector. These are the **People's Defender's Office**, the **Attorney General's Office** and the **Ministry of Justice and Law**.

The **Attorney General's Office** is the institution that attempt to ensure compliance with the legal order and to defend the State's interests and for these purposes the Office may take those actions it considers necessary, especially by taking part in legal proceedings. This entity is also responsible for the receiving and investigating charges or complaints made against public servants in the exercise of their duties as such. This is especially relevant for the government's campaign against corruption and human rights violations committed by public servants.

The **Prosecuting Office** receives investigative support from three organizations which carry out the technical aspects of the criminal investigations. On the one hand the **Technical Investigators Department** of the **Prosecuting General's Office** includes the forensic medicine laboratory personnel, the crime scene specialists and detectives who gather other evidence to consolidate the prosecutor's accusations. A second component of the **Judicial Police** is the **Department for National Security, DAS**, which cooperates as requested by the judicial branch in particular cases. The third institution involved in criminal investigations is the investigative branch of the **National Police Force**.

Independent of the **Attorney General's Office**, but united with the same as part of the **Public Ministry**, is the **People's Defender's Office**. This organization plays an important role in the human rights defense strategy by distributing material in the general population regarding human rights issues and defending the public's interest before state instances when their members are suspected of being involved in human rights violations. The individual's fundamental rights are also to be the object of the protection of this institution, including the public defenders program for defendants who cannot afford to pay their own defense lawyer.

The **Ministry of Justice and Law** is the government's spokesman and policy maker in the justice sector. This Ministry is responsible for the prison system, socio-legal research, the drafting of Government initiative bills for the consideration of the Congress and for the development of alternative mechanisms for conflict resolution.

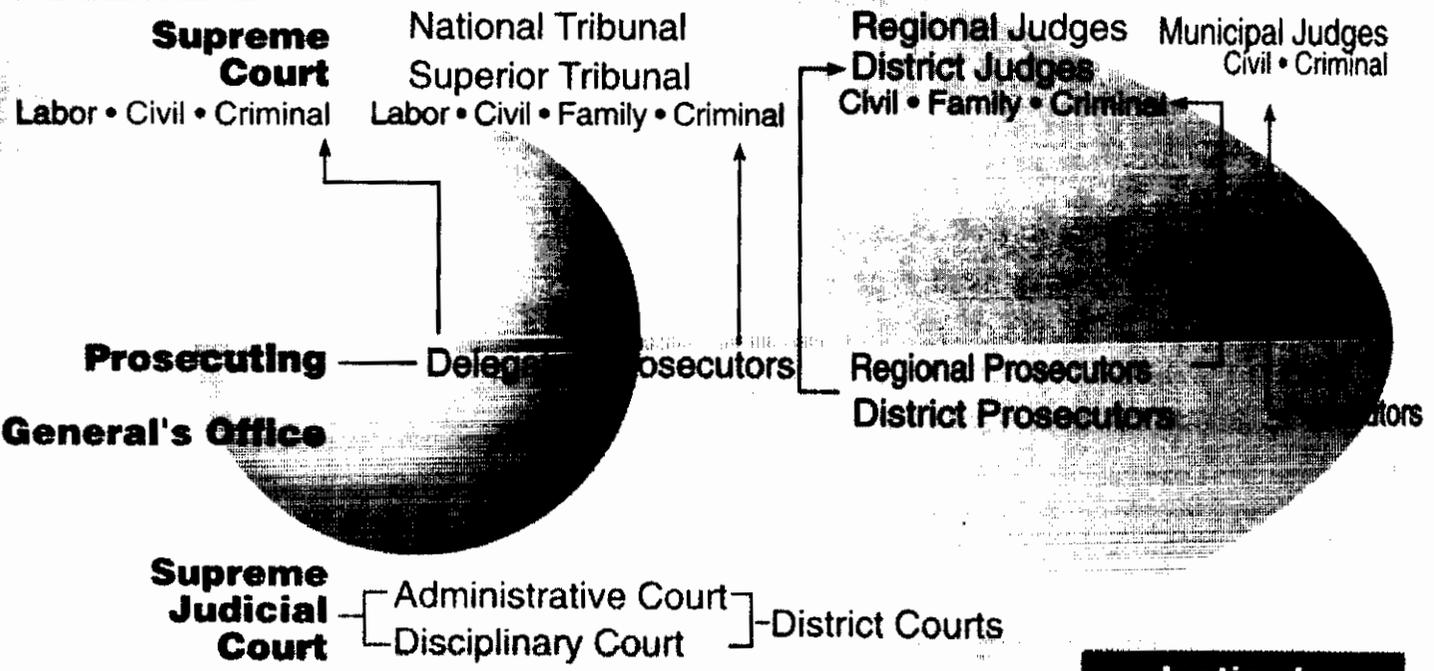
BRANCHES OF PUBLIC POWER

A View
of the justice sector

JUDICIAL

LEGISLATIVE
Congress

Ministry of Justice



CONTROL ORGANIZATIONS

Public Ministry

Attorney General
People Defender's Offices

Controller's Office

Constitutional Court

State Council — **Administrative Tribunal** — **Local Administrative Courts**

- Justice by jurisdiction**
- Ordinary Courts
 - Constitutional Courts
 - Military Courts
 - Administrative Litigation Courts
 - Justice of peace
 - Indigenous Communities

Program Development within Institutions

One of the guiding purposes of the Justice Program since its inception was to strengthen the institutions crucial to the effective administration of justice, such as the Ministry of Justice, the Public Ministry (i.e., the Offices of the Attorney General of the Nation and the People Defender), the Prosecutor General's Office and the Supreme Judicial Council. As a general rule, it was determined that each of the entities benefitting from the Program would study their different needs and priorities in order to present a plan for executing projects designed to meet those requirements, with the help of the Program Coordinating Team and the Technical Committee.

MINISTRY OF JUSTICE AND LAW



BEST AVAILABLE

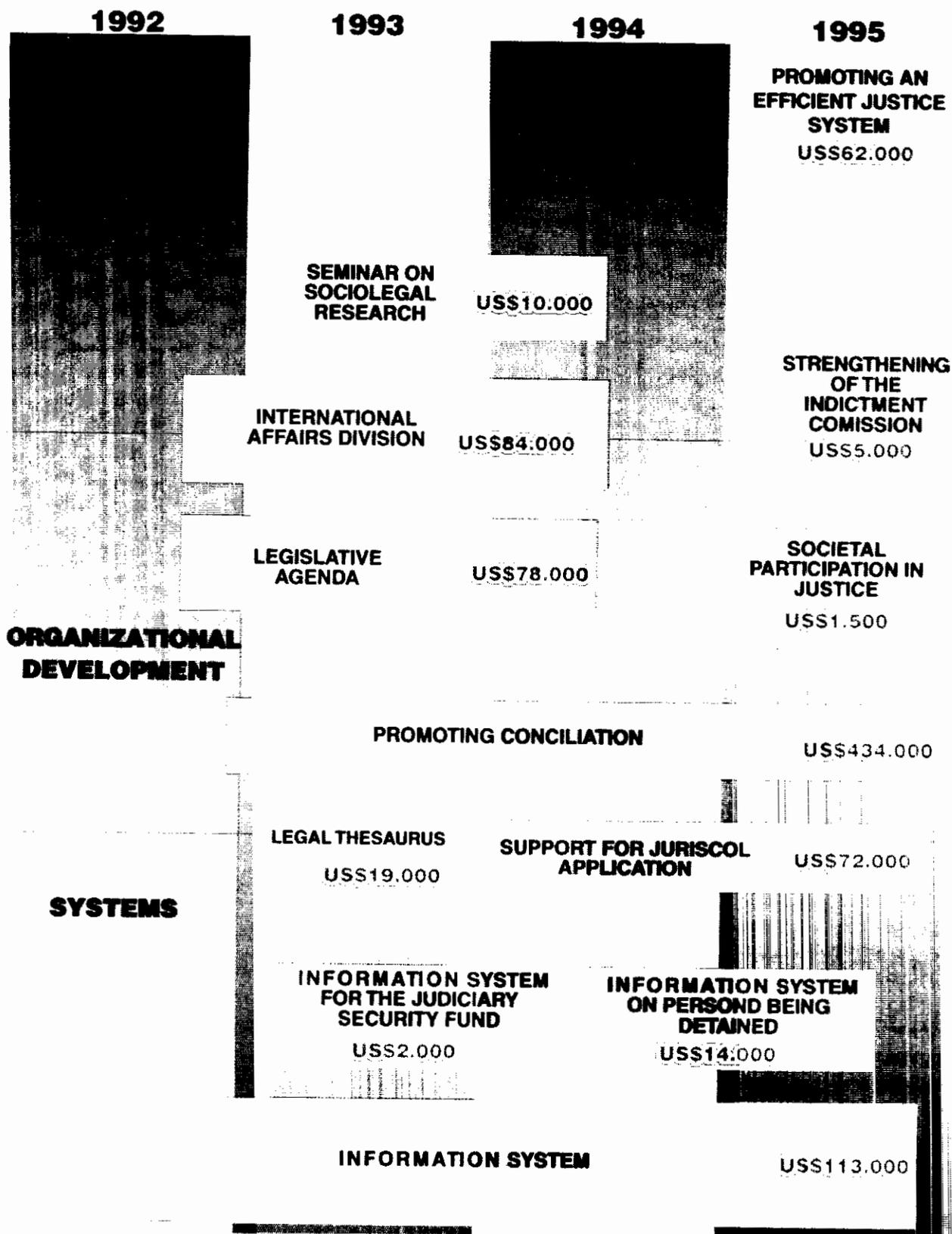
Preparatory Activities

The 1991 Constitution introduced profound changes in the country's institutions, and Justice, in particular, underwent major modifications in various important aspects of its very structure. The National Government presented a complete reform package on justice to the Legislative Assembly in power after the revocation of the Republican Congress' mandate, and which package was later incorporated into the current law. This situation made it necessary to undertake initial activities to put in place the Justice Sector Reform Program, including creating corporate tribunals, conception and implementation of new forms of judicial organization, support for launching the Supreme Judicial Council, publicizing the new reforms using mass media communication, and interdisciplinary training for the Judicial Branch.

In each of the foregoing areas, activities were carried out, some of which later became concrete projects once the Justice Program reached a more advanced stage. Briefly, these activities were:

- Organization and broadcast of closed circuit television conferences on the following topics: constitutional action (injunction) of "tutela", reduction of the backlog in the judicial system, conciliation, and corporate tribunals.
- Organization and development of the first symposium for the judges in the country.
- Support for the initial functioning of the Supreme Judicial Council.
- Design and preliminary studies on the project for the Corporate Tribunals, consisting of some type of administrative organization of the tribunals, which would control and implement its work using common secretaries. In Itagui, a municipality in the state of Antioquia, this corporate organizational system has functioned successfully for more than 5 years.

Projects and executed budget



COUNTERPART TO DECEMBER 1995: \$306'793.662 colombian pesos



Objective

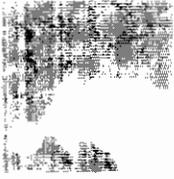


To define the basis for the organization of the International Affairs Division and support the implementation of this division, in order to provide a coherent and unified handling of international relations pertaining to the Justice sector. This had previously been handled in various branches of the Ministry.

Specific Objectives

- Consolidate the definition of the various spheres of responsibility in terms of coordinating international matters together with the sector institutions, in conformity with the Constitution and the Law, and assist in design and implementation of planning systems, follow-up, and evaluation in each of the institutions in terms of various matters relating to that Division activities.
- Set up a development plan for the sector which contains objectives, specific short term goals, and mechanisms for follow-up and evaluation in the area of international activities.
- Identify, analyze and propose solutions to critical problems which affect the functioning of the sector in related areas.
- Develop a permanent system of analytical research in the sector on matters related to international relations.

Approved:	August, 1992
Start:	September, 1992
End:	May, 1995
Approved Budget:	\$84,000 US
Budget spent to date:	\$84,000 US



Background

In 1992, the structure of the Ministry of Justice was modified, and as part of this new structure the General International Affairs Division was conceived as a means of strengthening and structuring international relations in terms of judicial cooperation and legal assistance. This effort was a concrete answer to the need to achieve efficient administration of justice and face the criminal impunity with flexible bilateral and multilateral cooperation, and strive for the unification of legislation among the various states.

The creation of the International Affairs Division was a strategy designed to achieve a restructured presence for the Colombian State abroad, and to provide more protection for its citizens in different parts of the world. At the same time, it supported the formulation of a coherent policy for the sector, since the Executive branch of government must direct and represent the State in terms of its international interests.



Project Development

The project focused its attention on finding new sources and alternatives for international cooperation, both legal, as well as technical and financial. To this end, various studies were set up to define the priorities in this area.

International and Bilateral Judicial Cooperation

In criminal matters, a policy was defined which tended to strengthen cooperation and allow flexible exchange of evidence and information on the investigations and trials.

In terms of repatriation and judicial cooperation, both in the criminal sphere, for example in the specific area of drug trafficking, once the bilateral instruments binding the country were gathered, the negotiation of new instruments was undertaken with countries where no treaty existed on the matter. For example, treaties on handling of convicted persons were signed with Spain, Venezuela, Panama, Ecuador, and Dominican Republic.

In terms of extradition, studies were done on the legal principles governing the area, and a model extradition treaty was designed. At the same time, current extradition projects were studied in terms of their conformity with the 1991 Constitution and Charter, in order to resolve any provisions contrary to the Constitution.

Multilateral Cooperation

This involved following up the advances made and active contributions to the area of fighting against drug trafficking and related crimes, as well as in terms of human rights. The Ministry's participation on this topic in important international arenas was supported.

An evaluation of the differences and similarities of the legal systems of different countries was undertaken and bilateral and multilateral efforts were made which resulted in

agreements being signed with Hispanic countries: including Guatemala, Panama, Argentina, Chile, Uruguay, El Salvador, Dominican Republic, Cuba and Spain.

Cooperation in Anti Drug Trafficking Efforts

One of the main achievements in this area was the approval by the Republican Congress in August, 1993 of the United Nations Convention against Illegal Trafficking in Drugs and Narcotics, subscribed in Vienna on December 20, 1988 and known as the Vienna Convention.

Agreements were signed with the following countries on the control, prevention, and suppression of illegal drug trafficking: United States, Mexico, Nicaragua, Guatemala, Chile, El Salvador, Costa Rica, Ecuador, Great Britain, Northern Ireland, and Panama.

International Technical Cooperation

Once the sources of bilateral and multilateral cooperation were identified, the formulation, presentation and follow-up of specific projects was discussed. An agreement with the Government of Spain was signed to set up a program for technical assistance with the penitentiaries, and similar projects are being discussed with the governments of Canada, Mexico and Argentina. A project on satellite detection of illegal crops was discussed with the European Community, France and Belgium. In addition, the governments of Belgium and Italy have supported a reforestation project in areas affected by the cultivation of poppies, and various proposals were presented to the Dublin Group

concerning minors who are detained for offenses, prevention of drug use, and advice on certain legal aspects.

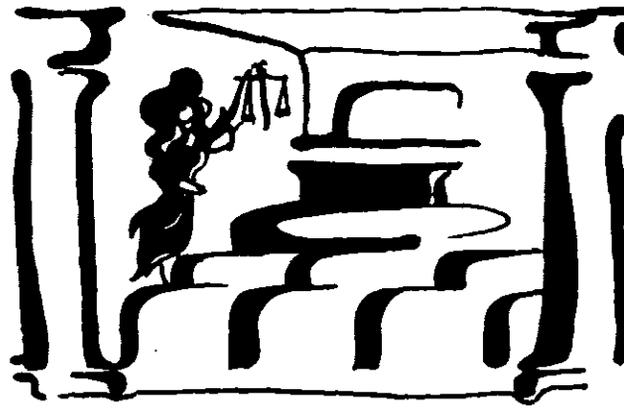


Results

One of the most important results of this project was the boost it gave in terms of the functioning and organization of the International Affairs Division, which put in place the basis for future activities in the area of international cooperation and matters related to the administration of justice and the fight against crime, since these

ave an international character and it is beneficial to unite the efforts of various countries in these matters. The International Affairs Division has received international recognition by national and international groups. As part of its support process, a data base gathered and organized information relating to international affairs from the Ministry of Foreign Affairs, the National Planning Department, accredited diplomatic missions in Colombia, the National Prosecutor General, and the Presidential Council for International Affairs, among others.

During the time of this project, nearly forty nine agreements for international cooperation were signed with various countries, and many of these already have the force of law, although some are still before the National Congress for their approval and ratification.



Objective



To contribute to the proposal of laws which will develop the new constitutional aspects of the Colombian justice system.

Specific Objective

To support the Ministry of Justice and the upper levels of legal groups by attaining legal advice from experts in the various branches of law, and assisting with the writing of proposed laws to implement the new constitutional system for the justice sector.



Background

With the promulgation of the 1991 Constitution, the justice system underwent fundamental changes: a constitutional jurisdiction was created; administrative and financial independence was strengthened with the creation of the Supreme Judicial Council and the criminal system was transformed into an accusatory system, with the establishment of the National Prosecutor General.

Approved:	August, 1992
End:	July, 1994
Approved Budget:	\$78,000 US
Budget spent to date:	\$78,000 US

In order to make the new constitutional principles effective in justice matters and in terms of the proposed new organization, new laws were necessary to implement these new changes. Thus the Ministry of Justice presented this initiative to support the legislative work by the government and the Judicial Branch.



Project Development

- A bill providing exceptions for unconstitutionality, principles of constitutional interpretation, and general legal dispositions. Four expert lawyers in public law were hired to analyze the 1991 Constitutional provisions and to propose a plan which would set up legal principles of interpretation to apply to the legislation in terms of the new Chart.
- A bill giving approval to the Vienna Convention on drug trafficking. The Vienna Convention proposed fundamental tools for the fight against the crimes of production, trafficking and consumption of drugs. The approval of the Convention was very important for the government as it permitted the prosecution of money laundering and facilitated the procedure for exchange of evidence between countries. To this end, an expert in international law was hired to advise the Ministry of Justice in the elaboration of a law to approve the Vienna Convention and to support it in discussions before the Republican Congress. A seminar was also organized to discuss the scope of the Convention. The Vienna Convention was passed into law and ratified by the President.
- Statutory Law on the Administration of Justice. The 1991 Constitution determined that a statutory law on the Administration of Justice should be promulgated to serve as a framework for the organization of the judicial branch into its various jurisdictions (Constitutional, Regular, Administrative and Special), to determine the powers and procedures of each of its organs, and to determine the scope of the judicial functions of groups not directly belonging to the judicial branch, such as the National Congress and others. It was also to determine the principle which should direct the civil service of the judicial branch and other topics relating to the administration of this group. To this end, five advisors were hired to elaborate discussion documents for the justice committee responsible for the statutory law project. The committee was made up of the presidents of the Constitutional Judicial Council, the Supreme Court of Justice, the State Council and the Supreme Court, the Prosecutor General and the Minister of Justice. The bill was passed into law by the National Congress in the first legislative session of 1995.
- Law to reform the Criminal Code of Procedure. With the advent of the new criminal accusatory system, once the National Prosecutor General's office took effect, a Criminal Code of Procedure was issued in 1991. Two years later, the government considered re-

form of this Code indispensable, after having reflected on its initial experiences with the new accusatory system. Certain preliminary steps were taken to reduce the case backlog in the Criminal Courts, establishing deadlines to define the charge, relying on the date of initiation of the criminal procedure, and sentencing alternatives were created for the criminal process, such as conciliation in some cases, special hearing and pre-sentencing.

In order to support the Ministry of Justice, consultants were hired to help with the elaboration of the bill and its discussion before the Republican Congress. As a result, Law 81 of 1993 was promulgated.

- Studies on legislation affecting minors. The analysis of the legal problems of children and youth with regard to infractions and criminal dispositions as related the new constitutional provisions guaranteeing the rights of the minor, was the motivation for the Ministry of Justice to request advice to examine existing legislation and propose changes. A contract was signed with the Externado University of Colombia,

who undertook a legal analysis of legislation on minors and the family. This study has served as a take-off point for discussions with the Technical Reform Commission on the Code relating to Minors, set up by the government in 1995.



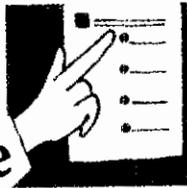
Results

This project supported the establishment of the first legislative measures to place justice matters in conformity with the 1991 Constitution. The creation of a framework for the judiciary in the Statutory Law, with the definition of judicial and administrative powers for each institution contributed to the Justice Program objectives by supporting organization and planning in the sector. The responsibilities of the justice sector were defined and with the creation of the Justice Committee, certain legal mechanisms were established to carry out the development plan.

In the same way, a process of criminal reform was undertaken to strengthen the role of the accusatory criminal system and new powers for the prosecutors were defined, as well as new criminal tools for the fight against drugs, and legislation relating to minors was analyzed. This was all as a result of the modification of legislation as an adjunct to the constitutional process.

Promoting Conciliation

Objective



To strengthen the conciliation mechanism at the national level, as a new way for the community to resolve conflicts, promote the creation of a culture of peaceful coexistence between citizens and contribute to reduction of case backlog in the judicial system.



Specific Objectives

- To design and develop an institutional and community based education program on the topic of conciliation.
- To undertake a publicity campaign to promote the use of this mechanism.
- To strengthen conciliation centers, so they may provide training and explanations on how it works.
- To support the regional conciliation coordinators from the Ministry so they may further develop in terms of providing advice, control and training.

Approved:	December, 1992
End:	Ongoing
Approved Budget:	\$434,000 US
Budget spent to date:	\$264,000 US



Background

The Colombian judicial system has faced various crises which have made society at large lose confidence in this system. One of the main symptoms of the various problems facing the judicial system was the slowness of judicial procedures, which was ever-increasing due to the huge volume of cases coming in daily to the judicial system. Although many studies have been done on this matter, it is important to note the conclusions from one in particular that "...there must be a backlog of 1,574,546 cases, which means to eliminate it would require closing the doors of the courts for more than seven years, and not accepting any new trials."¹

Among the main recommendations which have been proposed at various points in time are, administrative reform of the justice system, "de-jurisdictionalization", organizing the bureaucracy of the justice system, and the implementation of alternative dispute resolution.

In order to follow up on these recommendations, the government began an aggressive policy of implementing mechanisms for alternative dispute resolution, for which dispositions were passed relating to agreements, civil procedures, arbitration, conciliation and friendly agreement. The system was set up so that the services were provided by civil servants, judicial public servants or by individuals in order to provide the widest variety of alternatives to the population.

Alternative dispute resolution mechanisms are legal tools available to society and even

to the State, to resolve conflicts which lend themselves to negotiation, without requiring legal sentencing.

The project to Promote Conciliation was conceived in order to strengthen these tools in terms of their application and to promote their use by society.



Project Development

This project was developed in two phases; in the first step, conciliation centers were set up, training was provided for police inspectors in the five major cities of the country and a pilot project conciliation center began in Bogota. The officers from these centers were trained along with certain others who intervened in the alternative dispute resolution process, a legal module was created to be used as a training tool, a general module was created on conciliation techniques, and a general evaluation of conciliation was carried out. The results of this evaluation constitute the basis for the creation of an information center which will make possible the constant analysis of this mechanism.

A study and analysis was done on the conciliation centers and their functioning, in terms of efficiency, productivity, development, and infrastructure, in order to define a benchmark based on its current situation and make a follow-up on its operations and functioning.

In the second phase, four strategies were laid out to strengthen the conciliation

1. "Toward an efficient justice". Justice System. Bogotá. Chamber of Commerce. SER Institute, 1988

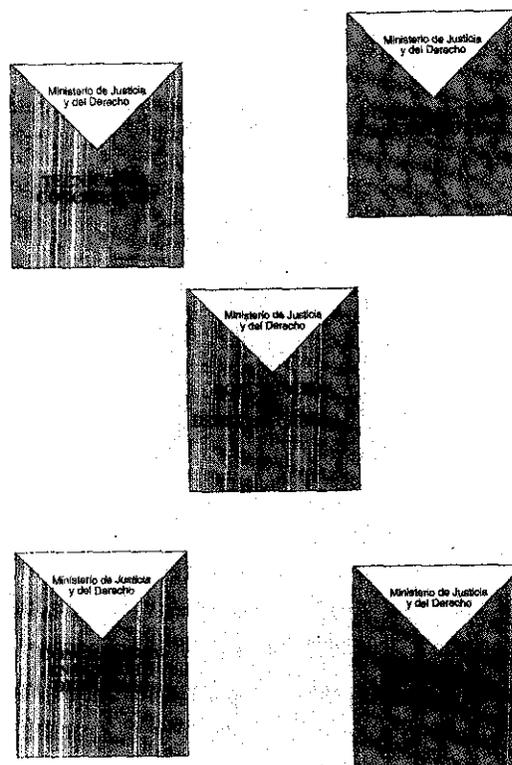
mechanism, corresponding to specific objectives.

As part of the training strategy five teaching modules were developed on the following topics: Conciliation Techniques, Conciliation in Civil Law, Conciliation in Labor Law, Conciliation in Family Law, and Conciliation in Administrative Law. Each of these modules was developed using expert advice; the current legal provisions and jurisprudence was collected; and practical case studies were developed for training workshops. These modules are being printed at the time of this report.

As part of the same strategy, materials on negotiation techniques were developed to use in basic training on this topic.

In order to publicize this work, a closed circuit television conference was set up, with special emphasis on conciliation in family law, and the speakers were civil servants from the Ministry, as well as other experts in the field. In order to prepare the conference, a video was designed to illustrate various practical case studies. This video was copied and delivered to all the conciliation centers and regional coordinators for the Ministry. At the same time, an information package was designed using radio programs which explained the mechanism and gave advice on how to use it and have access to this type of service. Another publicity device was a monthly wall tabloid on the subject.

In order to strengthen the conciliation centers a brochure was designed dealing



with the basic administrative and operative concepts needed to set up a conciliation center and the basic procedures which should be developed in these centers, as well as the governing legislation determining its operation. This material was distributed to all the conciliation centers. The first national meeting on conciliation centers was also set up with the same objective in mind.

In order to strengthen the regional coordinators of the Ministry, computer equipment to provide a basic support system to do follow up on the functioning of the conciliation centers were acquired. To further this institutional support, a course on negotiation techniques was developed for the officers of the Conciliation Division of the Ministry and for the regional coordinators.

Simultaneously, the Ministry developed other activities with the same basic goal, such as the elaboration of an operative

decree for the conciliation centers in order to achieve greater support and institutional control of the centers, and elaboration of a law on efficiency standards and reduction of case backlog, as well as promoting access to the system. In addition, a complementary activity was undertaken with the support of the Inter-American Development Bank (IDB), which was a project to develop and strengthen alternative dispute resolution mechanisms.



Results

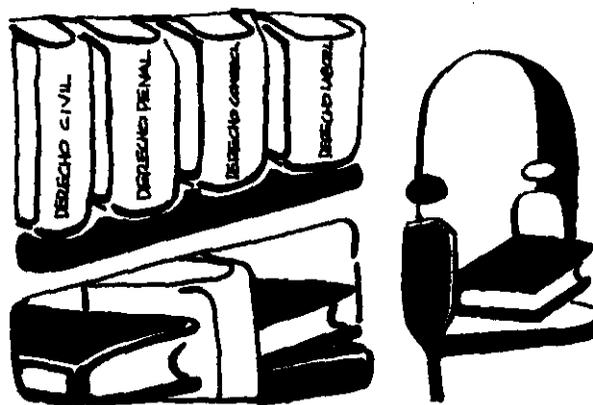
Conciliation has grown through the one hundred and seven conciliation centers that have been approved by the Ministry up until the present. They work in chambers of commerce, cooperative associations, trade associations, foundations, legal offices, associations and lawyers' groups. This structure has been helped to

grow due to the existence of more than five thousand conciliators throughout the country.

A review of the statistics on conciliation since 1991 shows the following:

- Approximately 374,998 cases have been presented to the Judicial Branch, of which 38,139 have resulted in conciliation, meaning ten percent (10%) of all cases.
- In the five major cities in the country, the administrative authorities, such as family commissaries, family law officials, police inspectors, and deputy prosecutors, have conciliated 41,745 cases out of a total of 152,800, which is equal to 27%.
- In the 35 university legal offices and 22 chambers of commerce and trade associations, 15,750 cases out of a total 78,750 have been conciliated, or about 20%.

This program has been accorded a high priority by the government, as may be concluded by looking at the development plan for justice corresponding to the period of 1994 - 1998, in which the resolution of disputes by non-judicial means is defined as one of the main strategies to increase access to justice by the community and assisting in the reduction of case backlog in the judicial system.



Objective



To support the development of the JURISCOL project (a quick and efficient information service on legislation and jurisprudence), which seeks to create a data base of legal information at the national level.

Specific Objective

To review and elaborate a series of legal thesaurus for the various branches of Colombian law, which will in turn constitute the basis for classifying the information to be found in the JURISCOL system, in order to offer legal information to the various users.



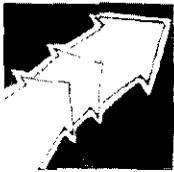
Background

This project was proposed as a support to the JURISCOL project, which was designed in a workshop at which a majority of institutions from the justice sector participated. This meeting was promoted by the AID/FES Program during its first stage, and then the initiative was taken over by the President's advisors, in particular by the Office for Constitutional Development. With the creation of JURISCOL it was hoped to establish a documentary legal information system for the Colombian State. The project first established and collected the information it would use to begin to offer the service. This information consisted mainly of legislation (laws, decrees, resolutions, etc.), jurisprudence from upper level tribunals, and doctrine (books, articles and essays on legislation and jurisprudence). As a next step, legal classifications had to be made in order to offer consultations. For this second part, legal thesaurus were required dealing with the branches of Colombian law.

Approved:	December, 1992
Start:	June, 1993
End:	December, 1993
Approved budget:	\$19,000 US
Budget to be spent:	\$19,000 US

Consultation of the system could be done by topic, using key words within the text or key words from outside the text, however in order to do this, uniform terminology had to be used with help text for the user, known as a thesaurus. Some of these have already been developed and only need to be reviewed, but in other cases they have yet to be started.

The Ministry of Justice proposed the project so that the Program would support the review and elaboration of these thesaurus in order to continue with the development of the JURISCOL project and provide prompt service.

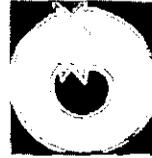


Project Development

The thesaurus to be reviewed are those relating to the following areas of Law: Civil, Criminal, Commercial, Labor, and Constitutional. The administrative law dictionary remains to be developed. The foregoing areas deal with the greatest number of consultations, since they are the most traditional and most developed legal areas.

Several experts were hired to review and elaborate the thesaurus. They had to work on the basis of descriptive words, which in turn referred to legal concepts. In this way, the limits of the data base were established, and then a general thematic organizational structure was set up, using the main concepts

and their divisions as its basis and the structure continued from its branches, using a tree format. Lastly, certain specialized dictionaries were developed which consisted of a detailed analysis of each of the identified concepts or themes.

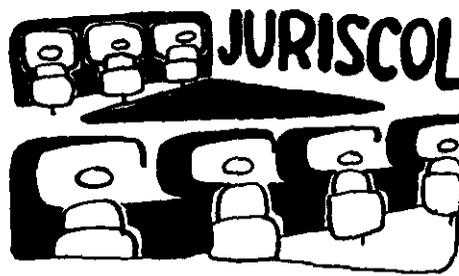


Results

Thesaurus for civil law, criminal, labor, commercial, administrative, and constitutional law were developed. This helps to strengthen the JURISCOL project, which will provide access to users, both in the public as well as the private sector, to up-to-date information on legislation, jurisprudence and doctrine.

The JURISCOL project still has a few steps remaining for a query service to function with constant updating of the information. Thus, another project was set up to review the texts corresponding to laws, decrees and jurisprudence to compare them with the original official texts.

Since this project consists of a specific contribution to a project with a wide scope, the results may be more clearly appreciated once the users have the query service available. Only then, can one evaluate its use and effectiveness, but for now, it may be concluded that the work done on this part of the project, was done within the legal and technical parameters specified and that the thesaurus are of the required quality.



Specific Objectives

- Provide support with regard to organizing the information to be contained in the JURISCOL data base, using legal organization and classification of the information.
- Review the laws from 1963 to 1993, jurisprudence from the State Council from 1988 to 1993, and decrees from 1985 to 1993.

Objective



To put JURISCOL in working order, which consists of a quick and efficient consultation service on legislation and jurisprudence, and which can improve the decision making process for the various participants in the administration of justice in the country.

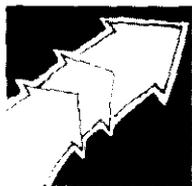
Background:



This project was presented as a means of supporting the application of a system of documentary legal information, and is going forward as an initiative of the President and with contributions from the Canadian government. The Bank of the Republic and Luis Angel Arango library are providing the administration of the project. JURISCOL contains legal norms, jurisprudence, and judicial decisions from upper level tribunals.

The Justice Program supported the application of JURISCOL with a preliminary project, which was the setting up of the saurus for the various legal disciplines, and upon terminating this project, the need for continued support to set up Juriscol was apparent to permit consultation of the system. Thus, this project was proposed as a way of setting up some of the activities required for the application and functioning of this system.

Approved:	December, 1993
End:	Ongoing
Approved Budget:	\$111,000 US
Budget spent to date:	\$52,000 US



Project Development

In order to achieve the project's objective, certain university law faculties were contacted to carry out the review of the relevant legal texts. The JURISCOL office already had the texts available in magnetic media form, after having put them through a scanner or digitization process.

Rosario University handled the review of laws from 1963 to 1993. Santo Tomás University handled the review of decrees from 1985 to 1993. The work on this contract was somewhat delayed since the President's office did not have all the information computerized and thus additional efforts had to be made to complete this part. The Externado University reviewed the texts of jurisprudence from the State Council.

In terms of the technology acquired by the JURISCOL office to enable offering of consultation services, it was found to be obsolete due to the system's characteristics and magnitude. Thus, JURISCOL had to acquire new equipment and begin designing a new software application. Due to these factors, the application of the JURISCOL project has been delayed by more than a year.

In order to strengthen the project, the Justice Program worked hard to establish agreements between the upper tribunals

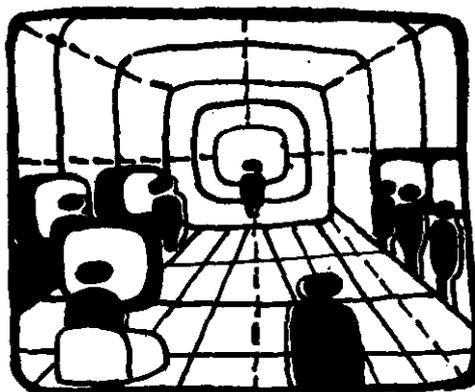
to be able to receive directly the original information in magnetic media format, and thus, avoid the task of scanning each document and reviewing it. It would also be helpful to have similar agreements with each of the courts to accomplish the same task.



Results

The Justice Program supported the JURISCOL system by working on the legal thesaurus and the review of the texts of laws, decrees and jurisprudence. In addition, the Program promoted agreements with various justice sector institutions to be able to receive information from them on a regular basis, in magnetic media format. However, in order that the efforts made by the Justice Program in the two previous projects and other projects, carried out as part of the general JURISCOL project, have the desired results, it is necessary to obtain a commitment from JURISCOL that they will continue with this initiative, continue to develop the activities already underway and make the service available to the users as a useful tool in the decision making process of the various groups in the justice sector.

One possible alternative, in terms of consolidating the system and ensuring that JURISCOL responds to the information needs of the sector entities, could be an agreement between the Bank of the Republic and the Ministry of Justice to work together toward this goal.



Objective



To design and implement an integral computer system which would allow the Ministry to analyze and take action with respect to the efficiency of the administration of justice.

Specific Objectives

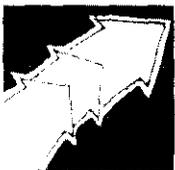
- Provide the Computer Systems Office with the computer infrastructure necessary to implement and put in place a computerized information system which can support the Ministry and the Division of Sociolegal Policy and Legislative Development, in their decision-making processes.
- Allow implementation of the projects being developed by the Division of Sociolegal Policy and Legislative Development, and in particular the General Statistics System, which would provide support for research carried out at the Ministry in such matters as: criminal behavior, crime prevention, extra-judicial dispute resolution, the impact of the Code of Criminal Procedure, reduction of case backlog in the judicial system, and sentencing against Colombia State.

Approved:	August, 1992
End:	Ongoing
Approved Budget:	\$106,000 US
Budget spent to date:	\$113,000 US



Background

In Colombia, statistics have traditionally been gathered from various sectors of the society, including the justice sector. For years, the National Department of Statistics (DANE), the National Police Force, the Ministry of Justice, the National Attorney-General, and more recently, the National Prosecutor General, have all kept records and data processing files of various types. Nonetheless, these records were not kept in a systematic way which would allow them to serve as a tool in the decision-making process. Given the above, the Ministry of Justice and Law and specifically, the Division of Sociolegal Policy and Legislative Development, identified the need to immediately restructure the data base, both its infrastructure in terms of hardware and software, but also the human resources aspect, and the definition of job functions, establishing functional standards, etc.



Project Development

The project was developed in the following phases: 1) Analysis and definition of the information needs. 2) Definition of a general systems plan. 3) Definition of the functional requirements in order to go ahead with the system, in terms of equipment, software, and training. 4) Analysis of the management control mechanisms within the Ministry.

An external firm was contracted to develop the strategic information system plan, in which the initiatives to support the ad-

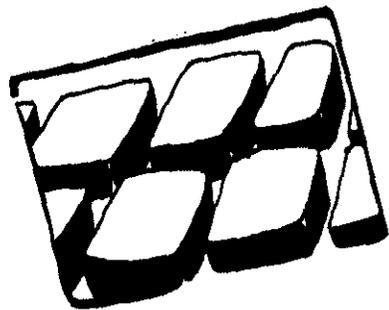
ministrative and financial systems were identified. Benchmarks were also identified in this study to measure the functioning of various branches within the Ministry and the application, impact, and development of judicial policy. The required training was provided for each of these components.



Results

This computerized base helped in the decentralization process of certain Divisions in the Ministry in terms of information handling and processing. Once this capability was installed, it further made it possible to define and undertake projects in different areas. One of these areas is human resources, which includes payroll, training plans, social security, administrative training, and the pre-selection and hiring of personnel. This system also has the capacity to handle information on persons requesting reintegration to the country. In addition, the system can handle budgetary and financial matters, accounts payable and accounting. One of the most interesting areas is the support that can be provided for the research and studies carried out in the various branches of the Ministry, and within this area is included the handling of statistical information.

In terms of the definition and use of the benchmarks, there is still more work to be done as they are not yet being applied in the Ministry, and thus more effort is needed to incorporate evaluation and management control mechanisms.



Background

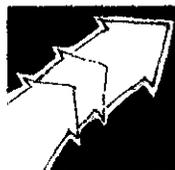
The Judiciary Security and Public Ministry Fund is part of a national entity under the aegis of the Ministry of Justice, the objective of which is to meet the security needs of the Judiciary and the Public Ministry. To this end, it defines security plans and programs, and acquires and distributes the elements required, as well as developing security training programs.

Objective



To design an information system for the Judiciary Security Fund, which would facilitate the operative and administrative processes carried out by the entity, in order to provide better service to its users: the members of the Judiciary.

Project Development



In order to develop this project, a project consultant was hired and together with the support of the entity's staff, carried out a series of activities aimed at providing a detailed definition of an information system which could support the Fund's functions and operations.

Information was gathered and analyzed, and based on this a detailed model data base was designed, together with its components.

Results



The design of the information system, and all other information gathered in this process was delivered to the entity. A plan to develop and implement the necessary software and hardware was proposed. This study represents the basis on which to begin implementation of an information system for the Judiciary Security Fund, and thus a modernization process can begin.

Approved:	October, 1993
Start:	February, 1994
End:	April, 1994
Approved Budget:	\$4,000 US
Budget spent to date:	\$2,000 US



Objective



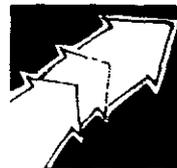
To develop an information system for the prison system which would be a reliable and quick way to handle information on detainees and convicted prisoners in the prison system, as a means of extending the control over the criminal process and complying with the protective function and re-integration into society of those who violate the criminal law.

Background



Several studies were undertaken as part of the Information Systems project under the Ministry of Justice, which sought to strengthen some aspects of management control and policy definition by the Ministry in terms of the management of the prison institutions and the National Penitentiary Authority (INPEC), which is the administrative head.

Project Development



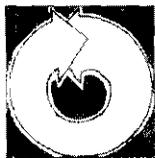
In the first stage of the project, a consultant was hired to undertake a study which would lead to the eventual design of a system to handle information on detainees and prisoners in the prison system. First, the information requirements were defined, as well as the current state of technology at the National Penitentiary Authority (INPEC) and in the other different centers and the priority problems and needs in terms of information.

Approval:	July, 1994
Start:	December, 1994
End:	August, 1995
Approved Budget:	\$14,000 US
Budget spent to date:	\$14,000 US

The system was designed in such a way that it could deal with handling information on the prison population, whether convicted or merely charged, with basic records, trial history, location, status, related documents, data relating to the detention, previous convictions, reduction of sentence for various reasons, and in general, all information related to the detainee's legal situation. Once this design was finalized, it was presented to the National Penitentiary Authority (INPEC) to define the plan of action for its development and implementation.

As an additional component to this project, an initiative was proposed, dealing with a study on information management by entities involved in the penal process. This study dealt with identification of legal, administrative, operative and technical procedures by the various entities which had some part to play in the various stages of the penal process. It also included a technological and administrative analysis on the status of the various branches.

The entities included in this study were: the Legal Medicine Institute, the National Penitentiary Authority (INPEC), the National Civil Registry, the Public Defender's Office, and the National Department of Statistics (DANE).



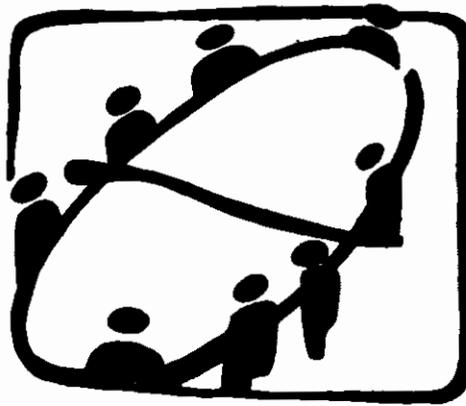
Results

This project resulted in a design for an information management system for

those who have been processed into the prison system, identified the information needs, the current state of technology at the National Penitentiary Authority (INPEC) and of the other prison centers, and identified the priority needs and problems in terms of information management. Using the idea of developing a pilot project in the Model Prison in Bogota, a work plan was executed, a budget determined, and the technical and operational needs identified to put the system in place. The Ministry of Justice and the National Penitentiary Authority (INPEC) will continue the project.

As part of the analysis made regarding the administrative procedures and operation of the prison centers, certain aspects were identified which relate to problems of functionality, duplication of tasks and control, all of which may be corrected even before having the information system in place.

The study carried out on information management in the various entities which are involved in the penal process constitute the basis for the future development of an integrated information system able to cover all the sector entities, facilitate many procedures and the exchange of information and communication, and which will ultimately provide an improved criminal process.



Objective



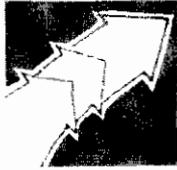
To promote research in the sociolegal area, by means of the various entities in the justice sector, such as students, academics, and sociologists who are studying in the area.



Background

There is relatively little sociolegal research going on in the country, and it is spread out and has not generally been used in practice. In addition, the conclusions and recommendations which have resulted from these few studies have not been acted upon, nor taken any further. Given the scarcity of research in this area, the Ministry of Justice, "Colciencias", (Colombian Institute for Science) and the Justice Program have stated the necessity of carrying out a study on the current state of research in this field, to produce some recommendations to serve as the basis to define research topics and outline policy in this area.

Approved:	August, 1993
Start:	October, 1993
End:	November, 1995
Approved Budget:	\$12,000 US
Budget spent to date:	\$9,000 US



Project Development

The project began with the hiring of some sociological and legal researchers to review the current status of research in the sociolegal field and they made the first contacts with the entities who were carrying any kind of studies in this area. Regular meetings were organized on the topic and an inter-institutional committee was set up to orient development of a national project for sociolegal researchers. The Ministry of Justice, the Justice Program, the Prosecutor General and Colciencias were all to participate in this project.

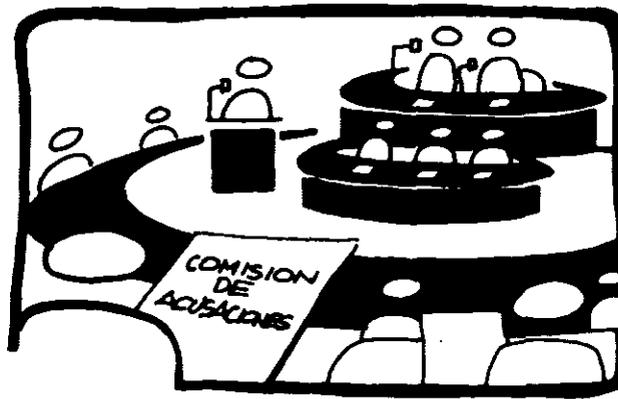
As a final activity, and to solicit opinions from diverse groups and organizations, a national seminar was organized with the participation of people from Bogota, Medellin, Cali, Popayan, Barranquilla and

Cartagena. The objective of the seminar was to produce a national research plan on sociolegal studies which would unite the entities with research underway in this area and determine priorities to concentrate research projects in those areas.

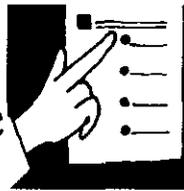


Results

As a result of the studies, the National System for Science and Technology was organized with a research sub-program on sociolegal studies, linked to the national Program on Social Sciences and Humanities. At the same time, the National Plan on Sociolegal Research was produced, which was approved by the National Program on Social Sciences and Humanities in 1994. Colciencias set aside fifty million Colombian pesos as a donation to assist in the organization of a group of sociolegal research projects, as a first step within the defined plan.



Objective



To support the House of Representatives Indictment and Investigation Commission, with the goal of assisting it to comply with the functions assigned to it by law.

Specific Objectives

- To train the 35 members of the House of Representatives Indictment and Investigation Commission in criminal matters.
- To provide advice to the Commission in terms of the presentation and processing of the Bill by which the organization and set-up of the Commission will be modified, and on the procedure applicable to investigations on which it is proceeding.



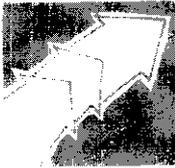
Background

The Congress of the Republic is made up of the Senate and the House of Representatives, which make up the legislative branch of power. However, according to constitutional mandate, they must also fulfill the judicial function of investigating and passing judgment on certain upper level government officials. The Law defines the House of Representatives as having the special attribution of being able to indict the following upper level officials before the Senate (which is in charge of the judicial decision):

Approved:	May, 1995
End:	November, 1995
Approved Budget:	\$13,000 US
Budget spent to date:	\$ 4,000 US

- President of the Republic
- Constitutional Court Magistrates
- Supreme Court Magistrates
- Supreme Judicial Council Members
- State Council Magistrates
- National Prosecutor General

In order to carry out these functions, the House of Representatives has a special group, the Indictment Commission, which requires a high degree of specialization and experience related to matters dealing with the administration of justice, interpretation and application of the law.



Project Development

In order to aid the Commission in its work, a training plan has been designed and developed which includes the following aspects: sensitization to change, a system to discipline, investigate, and judge upper level government officials, principles of criminal procedure, logic and correctness of judicial measures, evidentiary law, and crimes against the public administration. This process was organized by the Rodrigo Lara Bonilla Judicial School, which is part of the Ministry of Justice, lasted for six months, with the thirty five Commission members participating.

A criminal law expert was hired to elaborate the Bill and to provide advice on the implementation of procedures, and the formation of the Commission's new structure.



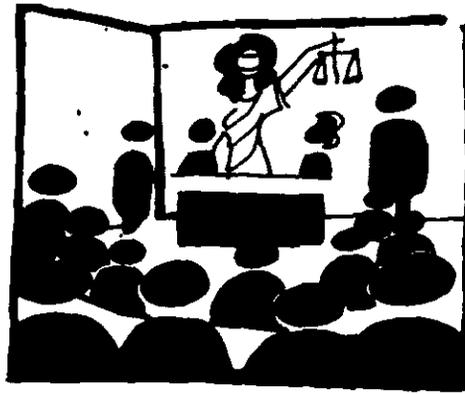
Results

The Bill was studied and supported by a favorable vote in the Congress, and thereafter approved and the reorganization of the House of Representatives Indictment Commission was begun.

According to a survey done after the training process, it was found to be appropriate, timely and of highly useful in terms of carrying out the functions of the Commission. In the responses received, the following was noted: expectations derived from the information at the beginning of the training process were surpassed in more than 50% of cases.

- The training process was useful in terms of acquiring better information for the work being done and improving the capacity to carry it out.
- The topics were relevant to what was being done.
- The time invested in training was well spent.

It may be noted that despite a high level of interest in the project at its commencement by the members of the Indictment and Investigation Commission, certain situations intervened, of a national and political nature, that focused the whole country's attention on the Commission and thus, some interest was lost when the members turned their attention to other pressing matters.



Objective



To stimulate and support non-governmental foundations and organizations which promote societal participation in the justice process and to establish a basis for a governmental policy which foster citizen participation in strengthening the justice system.

Background



One of the changes brought about by the 1991 Constitution was the recognition of the fact that society functions through management by the State, working according to a participatory democracy. Thus, the Ministry of Justice has been working out a series of actions designed to unite non-governmental foundations, corporations and organizations that foster societal participation to strengthen the justice process, since it is only with the control and participation of society that social development can be legitimate and efficient and produce the maximum benefit for all.

Approved:	February, 1995
End:	April, 1995
Approved Budget:	\$1,500 US
Budget spent to date:	\$1,500 US



Project Development

In order to comply with the project's objective, an international expert was invited to the country, the Executive Director of the Council for Court Excellence, from Washington, D.C. He organized meetings with more than sixty leaders and members from non-governmental organizations in this country that worked in the area of justice. At these meetings the current situation was analyzed and specific actions defined which would foster action in the existing organizations to promote the creation of new ones.



Results

Due to the expert's visit, and to the meetings and dialogues promoted between these organizations, certain strategic alternatives were suggested to promote action by citizens with respect to justice, and to help promote more understanding and support for justice. These strategies consisted, briefly, of the following; involving school students in studying law, have academics, lawyers' groups, and private associations develop model for the administration of justice, and finally, try to foster more interaction between the private and public sectors in the justice sector using non-governmental organizations.



Objective



To develop the management skills in judicial sector employees and officers that are required to ensure quality service to the public, using the formation of small groups of trainers and the training of members from selected court systems.

Specific Objectives

- To develop a pilot project for training and development in the Bogota and Cundinamarca judicial districts, which can serve as a model at the national level.
- To set up a group of head trainers who can be in charge of the processes of change and organize pilot projects in other judicial districts, within the parameters of efficiency and modernization of the State.

Approval:	April, 1995
End:	October, 1995
Approved Budget:	\$62,000 US
Budget spent to date:	\$62,000 US

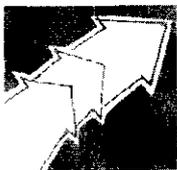


Background

Providing justice services entails administrative problems which have generally caused low operating capacity, due to the lack of planning and control mechanisms and the inadequate management of human resources.

Among the main causes which can explain the failures in the provision of services by the justice sector, are: the absence of adequate training, negative human interaction among the people working in various parts of the system, and anachronistic technological and legal materials.

Given this situation, it is necessary to develop programs which supply tools to the officers and that are useful to them as administrators and providers of justice, and thus, fill the vacuums that the law faculties have left in many cases, in terms of matters such as management, administration, and management of human resources. At the same time, a constant preoccupation has been the performance of the various court systems, given the lack of control, evaluation and promotion mechanisms.



Project Development

The project was structured in two parts. The first involved setting up a group of head trainers in the judicial districts of Bogota and Cundinamarca, in order to generate a process of change to grow toward a

more effective justice system. The second consisted of providing training in the area of continuous improvement for some pilot court systems in the Bogota judicial district, and seeking to improve the effectiveness of the service being offered.

To this end, twenty-five head trainers from the Bogota and Cundinamarca judicial districts were selected and fifteen municipal criminal court systems from the Bogota judicial district. Courses and workshops were developed on total quality, continuous improvement and leadership. Simultaneously, an analysis of the problems in the court systems was being done, both for the judicial districts of the head trainers, as well as for the districts of the pilot project. The analysis used two opinions: the first was a "self-diagnosis" done by the members of the court system, and the second was done by an outside firm. The evaluation was oriented toward organizational aspects, management functionality, organizational climate, and the image of the court system. This latter aspect grew stronger after completing the study to evaluate the user's perception of the court system, which was done by an outside firm.

The analysis of the results shows that the self-diagnosis and external evaluation agree in most cases. There are some important differences in terms of management, in which an almost total lack of knowledge in terms of strategic planning has been observed, yet the self-diagnosis rates it very generously.

The group of head trainers dealt with the topic of performance indicators during

the seminars, and after various attempts at analysis, were able to define indicators which are considered representative and applicable to the evaluation of the management of court systems. These indicators were defined with the aim of establishing benchmarks, and providing tools which would make it possible to carry out self-evaluation and the setting of long term goals, as well as developing a common language which would facilitate analysis and planning in the sector. In general terms, these indicators are: level of backlog, level of productivity, management and handling of new cases, age of cases in the system, and speed of processing the cases.



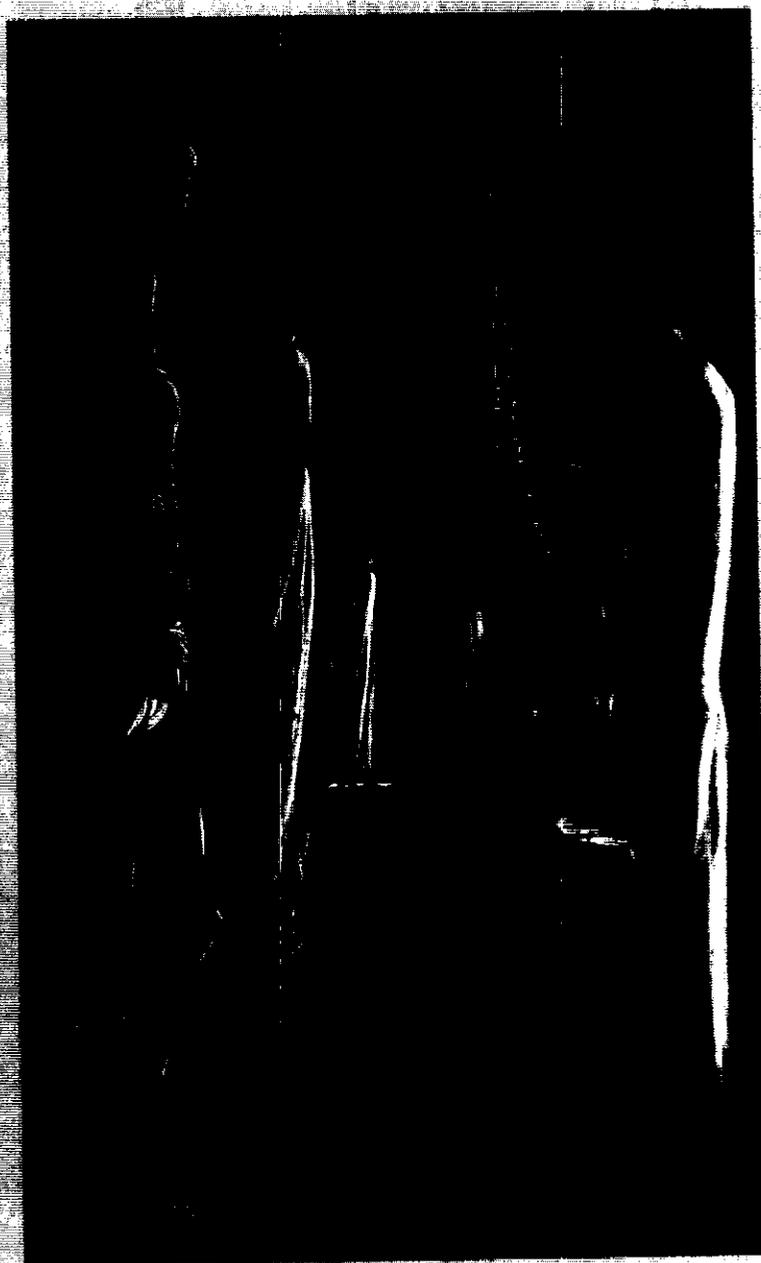
Results

The feedback obtained by the head trainers and in the pilot group of court systems was positive in terms of the motivation and participation in this whole

process, which was a new experience for the sector and gave way to fundamental changes that place a new focus on public service and the administration of justice. In terms of the project development, it should be noted that the role played by the Rodrigo Lara Bonilla Judicial School in terms of leadership and coordination of the whole process, was a very important contribution, if one takes into account the fact that the School can incorporate the results of this pilot project into the strategy and methodology that is normally taught at the school, as it is a branch of the Ministry of Justice in charge of training employees in the justice sector.

The advance achieved in terms of defining and applying the performance indicators is a first step, but an important one, in the journey which must be made to incorporate evaluation and follow-up mechanisms in the court systems, a sector which has advanced very little in this area.

PROSECUTOR GENERAL'S OFFICE



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59

The initiation of the Justice Program coincided with the creation and organization of the Prosecutor General's Office, an entity which began operating the first of July 1992. Due to this situation, the initial projects were directed at getting the institution off the ground through studies on the administrative structure and personnel, and the development of manuals on procedures and operations, in order to aid the transition from the previous structure which was made up of the Criminal Procedures Department, the judges and the judicial police.

From the first Executive Committee meetings, the main problems facing the Prosecutor's Office as a recently created institution, were identified. At first, there was a problem due to the lack of coordination between the various levels of the organization, since most of the people came from different work backgrounds, differing not only in terms of the concept of how to carry out investigative work, but also in terms of the degree of interaction with the others working in the area. On the other hand, the public had high expectations regarding the entity and expected good results within a short period of time and this, combined with the heavy criminal caseload which was growing rapidly due to high crime statistics and the entity's structural and procedural problems, prevented quick disposition of the cases. There was also a large backlog of work at high executive levels, together with the lack of a mechanism to assign priorities and distribute work. The absence of a human resources department to be in charge of the workers' welfare meant it was impossible to organize training and promotion programs. Centralization of financial control and, in general, decision making and lack of general policies on organizational development were other negative factors. Last, but not least, the lack of rapid and reliable information regarding the cases under investigation by the entity meant it was impossible to measure exactly the workload and distribution of cases, and thus, to carry out adequate planning.

Preparatory Activities

Support for Setting Up the Prosecutor General's Office

One of the ways to support the organization of the entity was advice from consultants in order to ensure that the Prosecutor General's Office would begin operating on the date planned, with a basic structure in place which would allow it to start functioning.

This study covered the following aspects

- An organizational and human resources program: in this area, the detailed development of the organization in accordance with the Prosecuting Attorney's Organic Chart was set out, specifying the internal administrative distribution in each of the areas and using the criteria of achieving a rational distribution of the workload and clear assignment of responsibilities. At the same time, appropriate work descriptions were developed for the positions which were defined and some operational manuals were developed.
- Personnel: The personnel needed to start operations was defined, taking into account the organic structure that had been defined and the fact that according to the framework imposed by the Constitution, all personnel belonging to the Criminal Procedures Department, the judges and the criminal attorneys assigned to the Attorney General's Office (superior courts, customs tribunals, criminal circuit courts and public order tribunals), as well as other officers should be absorbed by the new entity. Under this heading, an inventory of human resources was made in order to prepare the process of incorporating officers into the entity, and the information relating to all persons belonging to the entities to be incorporated within the Prosecutor General's Office was gathered, organized on magnetic tapes, and processed.

Using the data bases on the personnel from these entities, from the profiles defined and the organic structure of the entity, the incorpo-

ration process was determined for the nearly 9000 people who would constitute the Prosecutor General's Office.

- **Training Program:** The basic outline of a training program for the Prosecutor General's Office was established, since it was considered to be a key component of the plan, requiring the involvement of various entities and which needed to be undertaken immediately due to the changes involved with the new organization, both in work style as well as in the concepts underlying its development.
- **Other areas:** Preliminary basic studies were carried out on staff work benefits, salary, and social security, as well as on the management program that would define the central elements of each aspect of these.
- **Offices:** A study was carried out on the main offices to be used by the various branches and levels of the Prosecutor General's Office, making an analysis of the space and resources used by the entities that would be incorporated. This was an aspect that required immediate attention in order to provide adequate facilities for the entity to function. At the same time, a plan for necessary physical resources for the normal operations for the entity was set up, which designed a model for each of the head offices at each territorial level.
- **Information management:** The basic support system for information management for the entity was identified, and an inventory of existing technical resources in each of the different entities to be incorporated was made. The basic requirements for information management were also identified.
- **National Legal Medical and Forensic Science Authority:** An analysis of this institute, which was to become part of the Prosecutor General's Office, was carried out. A review of the operative areas and organization of the management program was done, and this review was carried out jointly by the employees and executive staff of the institute. Since the institute was a fully operative entity at the time it was to be taken over by the Prosecutor General's Office, with its own organization and structure, it was only necessary to consolidate the institute within its new operating framework.

For each of the aspects dealt with under this study, various recommendations and priorities for the entity to be fully operational were presented.

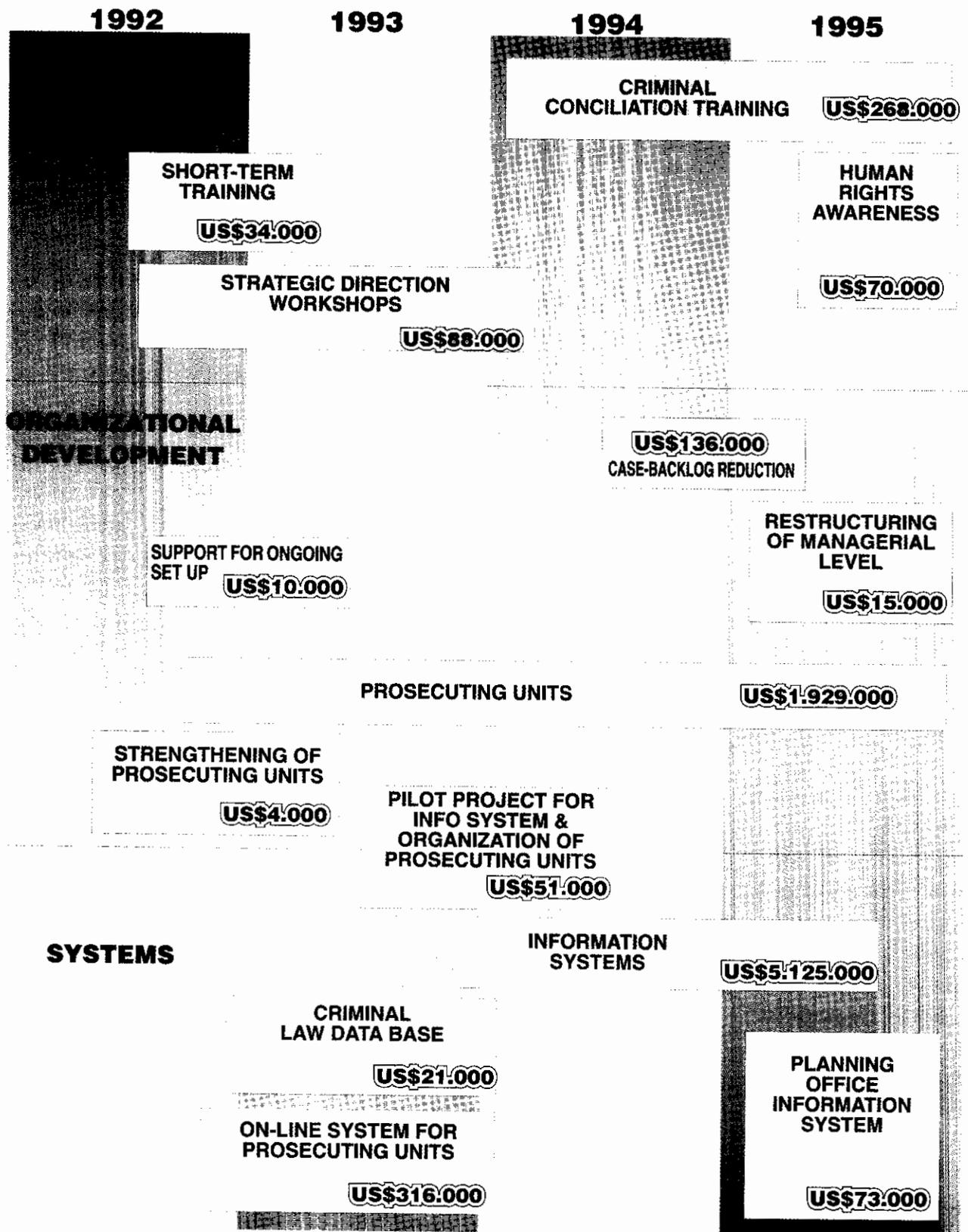
Security for the Prosecutor General and Deputy Prosecutor General's Offices

On July, 1993, a proposal was presented for the Technical Committee's review which dealt with making the necessary changes to improve security in the Prosecutor General and Deputy Prosecutor General's offices. The Prosecutor General's Office, as a new element in the country, needed to instill a feeling confidence and credibility in the administration of justice in the citizens, however, in the area of its mission oriented toward the reduction of criminal activities and the reduction of high crime and violence statistics, its high level executive members faced threatening and dangerous conditions.

Due to the difficult security conditions at this time, this project was undertaken which was to be complimentary to the other projects under development in the Prosecutor General's Office.

After studying the conditions which could be improved by developing security measures appropriate to the work being carried out by the officers, it was decided to undertake window protection and armoring of the relevant offices and installation of alarms.

Projects and executed budget



COUNTERPART TO DECEMBER 1995: \$4.926'921.156 Colombian pesos

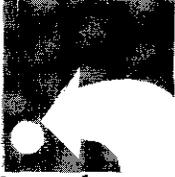


Objective



To offer the officers from the National Prosecutor General's Office some awareness of the new institution's mission and that of its branches, as well as knowledge of the accusatory system and to provide some of the basics and fundamentals of the new Criminal Procedure Code.

Approval:	August 1992
Ending:	March 1993
Approved Budget:	\$36,000US
Budget spent to date:	\$34,000US



Background

Once the Prosecutor General's Office was created, it was necessary to carry out a rapid training process for the officers, since a majority of them had come from the previous Criminal Procedures Department, in order to make them aware of the principles of the accusatory and sentencing system, and the structure and functions of the National Prosecutor General's Office and the new Criminal Procedure Code.

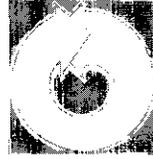
The Prosecutor General presented the training project to the executive committee. It included the designing of audiovisual materials to be distributed to the Prosecutor General's Office - Regional and District Prosecution Offices - and to the Technical Investigation Team.



Project Development

Thirteen video cassettes were made relating to the general policies of the National Prosecutor General, its organic structure, the Prosecuting Units, the provisions pertaining to the judicial police, the provisions pertaining to the disciplinary, administrative and budgetary aspects of the Prosecutor General, and the Criminal Procedural Code.

As a complement to the above, thirty three televisions and thirty three video cassette players were acquired. The equipment and material was distributed to the Regional and District Prosecution Offices.

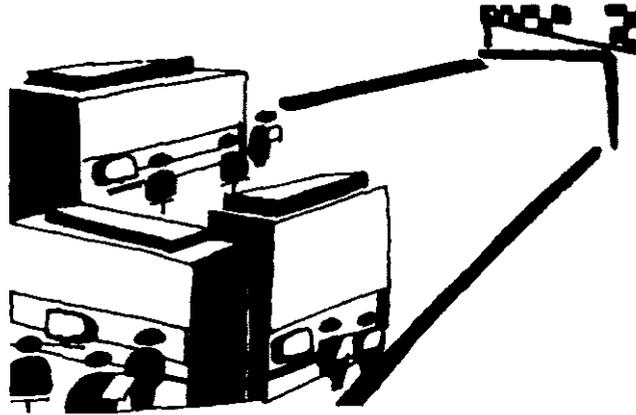


Results

When any institution is being created, it is very important that its members know and incorporate into their work, the entity's fundamental aspects and philosophy.

In the case of the Prosecutor General's Office, this was a vital necessity, given that the change brought about by the new accusatory system meant a change in the investigative work, and in addition, that many of the officers came from a background of working under the previous system.

Thus, under this project, the first step was to distribute material explaining the new organization and the new criminal accusatory provisions. This helped the officers to understand the scope of the new institution to which they belonged and also helped them to identify with it. Approval: August 1992



Objective:



To develop a corporate spirit, identify the mission, and clarify the vision for the future, in terms of values and planning for the Prosecutor General's Office in three main areas: Prosecuting Divisions, Administrative and Finance Departments, and the Technical Investigation Team, with the goal of creating the conditions necessary for change relating to the organization and personal development of staff.

Specific objectives:

- Stimulate the leadership of the executive level to spread the mission, fundamental values, vision, principles and policies of the Prosecutor General's Office.
- Clarify the functions of all staff members in the institution, within a framework of cooperation, with regard to the changes in the operations of the Office.
- Establish and share the principles and policies underlying the basic personnel training in the Prosecutor General's Office.

Starting:	September 1992
Ending:	October 1994
Approved budget:	\$129,000US
Budget spent to date:	\$88,000US



Background:

The personnel who were to form part of the new judicial organ came from traditional judicial organs, there was no corporate unity among its members at that time to identify and work towards the new entity's objectives.

It was thus necessary for the members of this new judicial organ to become aware of the great challenge facing them and of the commitment they had taken on, together with the new institution. This required a training process which would include planning methods, improvement in management, leadership techniques, and especially, training for group work.



Project Development

In order to develop the project, various workshops were organized with staff from different backgrounds and areas within the Prosecutor General's Office. A brief description of these follows.

Workshop on Ideas and Work - directed at the upper executives of the Prosecutor General's Office

The purpose of this workshop consisted in cooperatively developing both the vision of the institutions involved in the criminal justice, as well as the fundamental values underlying the Prosecutor General's mission. 25 participants attended.

Training Workshops on a national level

Sixteen training workshops were carried out on a national level. The workshops were composed of two phases: the design area, which addressed a group of selected teachers, who would be trained to reproduce the institutional experience; and the ideas and work area, directed toward the participants, who were made up of staff from the three areas of the Prosecutor General's Office.

Seminar - Workshop for District and Regional Directors from the Prosecutor General's Office

This consisted of a meeting of ideas and working, attended by one hundred and twenty. The strengths, opportunities and weaknesses of the institution were analyzed for every Division. These groups undertook to redesign the organizational processes in order to achieve continuous improvements, and use to the greatest advantage the human, physical, economic, and intellectual resources at the disposition of the institution.

Strategic Planning Workshop

Directed at the upper executive of the Prosecutor General's Office, this workshop took place after the upper executive positions of the Prosecutor General's Office had changed hands. The following problems and challenges were identified: lack of organization and internal management, lack of planning, lack of training and formation of human resources, and lack of criminal policy. The following recommendations were presented: (1) Review the internal structure of the Prosecutor General's Office. (2) Orientation of professional training through the Colombian Institute to Promote Post-secondary Education (ICFES), and strengthening of the Criminal Investigation Educational Institute.

(3) Planning to set up courses which would stimulate a general culture of honesty and commitment to the institution. (4) Strengthening of internal controls. (5) Creation of an ethics committee.



Results:

As a result of the workshops held, and the new culture embracing planning and awareness about the mission and commitment to the entity, the following was achieved:

- A network of teachers was created, according to regions, together with coordination of the teachers from the Prosecutors' Criminal Investigation Educational Institute.
- Various teachers who attended this process are currently advising the Prosecutor General's Office on other training processes, and particularly on the training project for criminal conciliation.
- At the national level, a training process was undertaken under the heading of strategic planning culture, directly led by the Planning Office of the Prosecutor General's Office. Between November 1994 and September 1995, seventy two workshops at national level had been carried out.

Comments on the Workshops

After each workshop, participants' comments were gathered, and some of these are reproduced below.

Participants' Comments

The workshop totally answered all my questions, planted some doubts, and was a constant source of positive energy. It drove away my fear and prepared me to face coming challenges.

(Rionegro Workshop, Antioquia, Sept. 6, 7 and 8, 1993).

I acquired greater knowledge of the institution and understood the value and importance of working together in a group in order to contribute to achieving a proposed goal.
(Cúcuta Workshop, Oct. 9-11, 1993).

Teachers' Comments

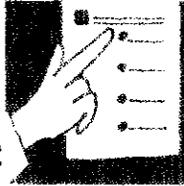
Selections from a letter received from the Delegate Prosecuting Attorney to the Popayan Superior Court. (January 10, 1995):

I was sent to increase judicial awareness under the Justice Sector Reform Program and traveled to Bogota at various points in time to prepare myself for the selection of local Prosecuting Office staff, as well as to study the conciliation techniques that they must apply. I have applied the network of teachers technique that you taught to us, and at the same time was able to awaken an interest in the Prosecutor's functions, knowledge of our role, improvement of the ability to adapt to change, and foster enthusiasm, and a desire to succeed combined with legal knowledge.

Selections of a letter signed by four teachers from Cali, three Prosecutors and the Administrative and Finance Director from the Cali District Unit. (Nov. 4, 1994).

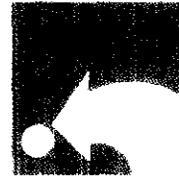
The process which has been begun using us as teachers, is extremely important for the Prosecutor General's Office. We are pledged to reduce criminality and impunity, to restore credibility in the administration of justice and social values, in order to achieve social peace. ... We know that through the Ideas and Work Workshops we may all be able to work using the same basis of values and principles.

Objective



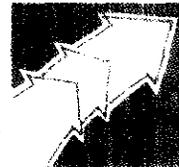
To provide the National Prosecutor General's Office with a flexible consulting tool to use on criminal legal sources, which would lead to the officers making better decisions.

Background



The prosecutors, as judicial officers, must have access to formal sources of law: Legislation, Doctrine and Jurisprudence. The Prosecutor General's Office, wished to provide its officers with a documentary information tool which would allow them to have access to up-to-date criminal legislation and jurisprudence, to support their decisions.

Project Development



In order to make the consultation tool and data base on legal information viable, a company was contracted that developed the consultation tool and data base to the Prosecutor General's Office.

The data base covered the following areas:

- Extracts of jurisprudence from the Supreme Court of Justice, Criminal Chambers, from 1984 to the first quarter of 1992.

Approval:	August 1992
Ending:	July 1993
Approved Budget:	\$21,000US
Budget spent to date:	\$21,000US

- The main judicial decisions by the Supreme Court of Justice from 1974 to 1984.
- Extracts of appeal decisions from the National Prosecutor General up to the second quarter of 1992.
- Criminal Procedural Codes from 1971, 1987, and 1991 and the Criminal Code of 1980.
- National Narcotics Act
- Criminal Norms in force as of December, 1992.

Once the data base was ready, the process of installing it and training was begun in the various regional and district Prosecution Offices in the country.

At the end of 1994, the criminal law data base called "DERSIS", was installed in nearly four hundred computer terminals in the prosecutors' offices in twenty six cities around the country.

Training on use of the package was given to District and Regional Prosecutors in twenty nine cities and to a group of prosecutors from the five region offices in the country, as well as to some systems analysts, in order that these might further share their training and provide support and advice to the prosecutors who had not yet been trained .



Results

A Criminal Law data base was provided to the Prosecutor General's Office, in each

District and Regional Prosecution Office, for the use of the officers.

All tools which can be incorporated into the daily life of the prosecutors to provide them with a better basis for their decisions, contribute to better results for the Office as a whole. Thus, even if we do not have specific information regarding the use of these instruments, we can conclude that they improve the investigative operations of the Prosecutor General's Office.

Testimonials

Based on a study carried out to evaluate the use being made of the criminal law data base, DERSIS, comments were gathered, some of which follow.

... in the Valledupar District Unit, the criminal law consulting program on legislation, jurisprudence and doctrine has been installed in nine computers and according to the poll carried out recently, the prosecutors are using this program and benefiting from it

Martin Jesús Isoda, Administrative Technician

The DERSIS package has been installed on 16 computers in this District Unit, and its use had allowed us to quickly manage related topics, despite the lack of current information in certain areas.

Orlando Bacca P., Systems Unit.

Meta and Llano District Prosecution Offices.

... the DERSIS package has been installed on five computers in the District Prosecuting Units. In terms of usefulness, it has been more or less helpful, but it would be better if each prosecutors had his or her own computer and certain constantly changing legislative topics were brought up to date...

Ana Ligia Camacho.

Head of the Prosecutors' District Office, San Gil.

...At first, the prosecutors were very excited about the program because they thought it would be a very good tool to help them in their work, but once they used the program, they realized the information there is not up to date, so that at the present time, no prosecutor is using the DER-SIS package...

*Joanna Lucumi, University
Professional, Prosecutors' District Office, Buga, Valle*

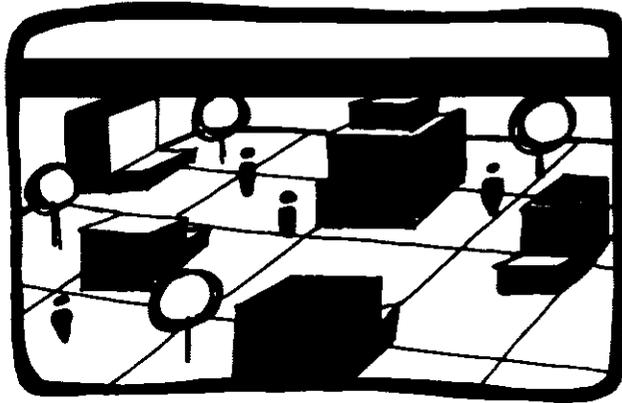


Final Points

The work done by the prosecutors requires constant reference to information on norms, judicial decisions, and in general, consultation of relevant legal documents. The quantity of information is enormous in the area of criminal law, and comes from different courts and levels of tribunals. In general, the prosecutors gain access to current information by each one seeking out the documents at the moment it is required. However, this way of getting information has many disadvantages, such as time lost, repetition of efforts, and incomplete information, compared to a computerized consultation system. The situation is even worse in regions far away from the capital, where getting information becomes a difficult task, indeed.

The fact of providing the prosecutors with tools which allow them efficient access to information on criminal law, represents a great time savings and permits a more complete and better analysis on which to base decision making. However, in order for the consulting mechanism to be truly useful, it must satisfy two conditions. The first, is that the appropriate technology and equipment is required to operate a mechanism of this type, and in sufficient numbers so that each prosecuting attorney may have quick access to the information. The second, and absolutely fundamental, is that the information be maintained up to date and have a wide coverage, since a mechanism that provides partial information is not a good solution and constitutes a demotivating factor in terms of using the system.

In conclusion, it is obvious that either the Prosecutor General's Office or some other entity should establish a mechanism to constantly update the information and provide the appropriate consulting materials.



Objective



To remodel and physically renovate certain prosecuting units in order to improve their output and efficiency, and adjust them to the new organic and functional structure of the new criminal justice system.

Specific Objectives

- Strengthen the Prosecutor General, in his struggle against various criminal elements, and add dignity to the image of Colombian justice by increasing the credibility of the judicial apparatus before the international and national community.
- Provide the Prosecuting Divisions with a system which can increasingly coordinate the administration of criminal judicial procedures and optimize the delivery of the service.
- Modify the traditional work organization model in the District and Regional Prosecution Offices, and incorporate basic principles of business administration into the administration of justice.

	First Phase	Second Phase	
Approval:	August 1992	Approval: Sept 1994	April 1994
	Start:		
End:	May 1994	End:	Underway
	Approved Budget:	\$1,929,000US	
	Budget spent to date:	\$1,615,000US	



Background

The legislative developments which followed the issuing of the new Constitution designed a framework for criminal procedure, which is based on the activities of the so-called "Prosecuting Units", and which, using the assistance of investigating officers, has the duty to investigate the processes and to gather all the basic evidentiary material relating to charging and sentencing.

This system of Prosecuting Units, with a head or coordinating prosecutor and a common secretary, facilitates the gathering, recording, and distribution of the information required to support the development of investigations under the Prosecutor General.

When this type of corporate planning was proposed, it was thought that it would end the anachronistic practice of case files in the judicial system which led to enormous back logs and excessive procedures, as well as difficulties for service of documents, stagnation of proceedings, disorganization of files, and in general, delays in proceedings.

The Prosecuting Units were established to make the investigating process more effective and efficient, based on two fundamental premises: distribution of labor and speed of information flow.

Against this background of setting up and organizing the Prosecutor General's Office, and its operating units, was born an initia-

tive which sought to physically reorganize the Prosecuting Units from the main District and Regional Prosecution Offices in the country, carrying out whatever building reforms were necessary and installing modular work stations in an open office system, which would lead to greater speed and efficiency in the operations carried out there.



Project Development

The project was developed in two phases, and in the first phase, which took place in June of 1993 - 1994, 22 units located in Bogota, Medellin, Cali and Barranquilla were remodeled. From September 1994 to December 1995, modular divisions and furniture was installed in the Regional Units in Cali, Barranquilla, Cucuta, and the Ibague District Office. In Medellin, construction work was carried out on the Regional Prosecution Offices. In Bogota, at the time of this report, the construction and office divisions are in the final stages for four immediate response units.

The first phase to initiate the project consisted of defining the sites for the various prosecuting units, while always maintaining the objective of decentralization of the administration of justice.

Within the prosecuting units, support was manifested for the process of implementing a new organization of work for criminal procedures and processes. This new organization implied a logical distribution of the work and the development of activities jointly with other unit members, and

thus, new work relations. One example of change in the model is that of a common secretary, where the paperwork done previously by a legal technician or by a secretary assigned to a prosecutor's case load, was subsequently done by a group of people assigned to a group of prosecutors, who jointly formed one unit.

Along with the transformation process, the remodeling of the units in accordance with the new structure played an important part, in that it provided the appropriate space to carry out the functions and made the transition to the new system easier.

In order to design the offices, the position and function performed by each unit member was taken into consideration, as well as security of the information, availability of the cases for quick consulting, easy movements between offices, privacy and relations with the public, and other conditions which could facilitate the flow of information and carrying out the investigation.

At each stage, the appropriate space was selected and located, as well as the design,

previous land studies, and architectural and electric plans. Using these designs, various tenders were received, followed by contracting the work and doing follow-up and inventory for each one of the work sites. Once each unit was completed, it was delivered to the Prosecutor General and began to operate.

In the first phase, 22 Prosecuting Units were completed, which prepared 579 work stations in various cities. Due to the great needs of the National Prosecutor General's Office in this area, the second phase of the project was begun, which prepared 437 work stations.

The physical renovation and installation of divisions and work stations for the Immediate Response Units, URI, was done in phase two of the project, both as support for the decentralization of the Prosecutor General's Office, and as a way of providing a quick and timely response to the population at large.

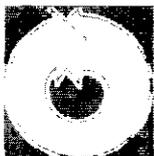
Here is a summary of the work carried out in each city.

Phase 1:

Unit	Construction job, work station
Bogota	
Unit for tribunals and special crimes	156 stations and support rooms
Units 5 and 6 - Estates and successions	79 work stations
Units 2 and 3 - Estates and successions	construction, ceilings and carpets, 20 work stations for prosecutors and helpers, and 20 work stations for common secretaries. Does not include office divisions.
Soacha Office (Cundinamarca)	
Prosecuting Unit for Soacha	A new building was put up and the existing part was renovated. 40 work stations.
Barranquilla	
Old Colpatría Bank Headquarters 6 prosecuting units and the Life unit	Office divisions for prosecutors. 30 work stations for common secretaries, for a total of 112 stations.
Cali	
Siloe Unit	6 work stations
Fray Damian Unit	construction work to build a prosecutor's case file area and a place for his helper
Technical Investigation Team Unit Bellavista	6 work stations
Department of Security Administration Unit	Construction work for one work station
Permanent Courthouse Prosecuting Unit	Divisions installed for 23 work stations
Medellin	
Permanent downtown Unit	renovations for 20 work stations
Permanent El Bosque Unit	installation of 13 work stations
Automobile anti-theft Unit - El Bosque	installation of 30 work stations, plus one meeting room
Homicide Unit - El Bosque	installation of 31 work stations

Phase II

Unit	Construction job, work station
Medellin	
La Alpujarra Central Administrative Courthouse - 20th floor	construction work, renovation of 24 offices for regional prosecutors, meeting rooms, access zones and public service area.
Barranquilla, Cali, Cucuta regions and Ibagué section	Office divisions and work stations for the common secretaries
Barranquilla	62 work stations
Cali	52 work stations
Cucuta	32 work stations
Ibagué	126 work stations
Bogota: Immediate Response Units	(these sites include space for personnel from the Judicial Police, Traffic police and Forensic Medicine)
Paloquemao	41 work stations and 3 meeting rooms
Delicias (Kennedy area)	23 work stations
La Granja (Engativa area)	24 work stations
Servita (Usaquén area)	13 work stations
Antioquia:	
Itagüí Corporate Courthouse Building	Renovation of 64 work stations, 6 interrogation rooms and 3 meeting rooms



Results

- Once the remodeling of the prosecuting units was completed, this had a positive impact on the officers and the general public, which has been shown through the time gained in the trials and the acceptance of the changes which have taken place, both by the public and officers.
- In terms of security, more control and protection of the files has been gained thanks to the new filing system.
- Better distribution of functions for work organization and better communication flow between the various levels of the prosecuting units has been achieved, and thus the importance of adequate work space for the officers has been shown, as well as the pleasure the officers feel in accomplishing their tasks when they have been provided with the necessary tools.
- The remodeling of the prosecuting units is linked to other changes in the model and the work environment being done by the Prosecutor General's Office to modernize and rationalize its operations.
- The process of decentralization of the Prosecutor General's Office's work has been strengthened through the project in the main cities of the country.

Comments

Before, there were no criteria: some prosecutors had case files in the judicial office while others didn't and there were not clear criteria concerning the organization of case files and administrative documents. The offices were spread over various floors and the information was also spread out, so that the client was sent from office to office and did not know where to find the document he needed nor was it clear who should give him the information.

*Bayardo Bohorquez, Administrative Assistant,
Unit Five - Estates and Succession - Records.*

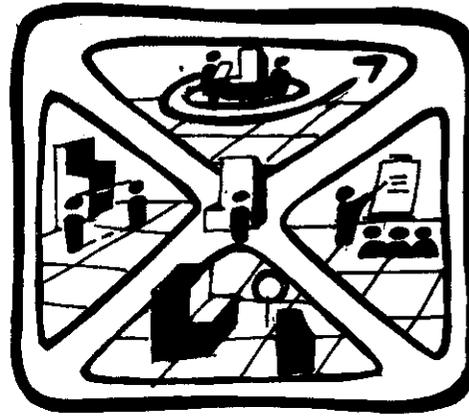
Previously, since there were no divisions and no cubicles, the public was confused and could take out a case file ... now, each of the employees has privacy and can concentrate better. Before, the person who came here looking for help sometimes didn't know who to ask and would ask anyone at all, which confused everyone, and distracted the officer and made him waste time. The cubicles allow us to concentrate and do our work in an orderly fashion.

Modesto Aguilera, head of the Common Secretaries in Barranquilla.

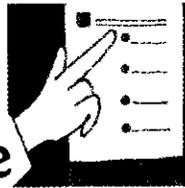
Now, with the remodeling, the case files are all in a filing cabinet, and as I mentioned before, it is more organized because we know that the case files which are not in the judicial office are in a fixed location, which is safer. In addition, one person is in charge of handling these case files and only the case files which are to be resolved at that moment are found in the judicial office. In the secretarial office, are found files which need secretarial attention.

*Lucy Navarro, Prosecutor
Unit - Estates and Successions - Barranquilla.*

Strengthening of prosecuting units



Objective



To provide advice to the Bogota and Cundinamarca District Prosecution Offices in terms of improving an administrative model for Prosecuting Units, which could thereafter be used for the units throughout the country.

Approval:	August 1992
End:	February 1993
Approved Budget:	\$4,000US
Budget spent to date:	\$4,000US



Background

The prosecuting units, made up of a professional group of officers and investigators, was put in charge of investigating the cases, gathering the evidentiary material on which was based the ruling, and laying charges.

A total of three hundred and fifty prosecuting units were created throughout the country, as part of the organizational structure of the National Prosecutor General's Office, and they started operating as of July 1, 1992. The Prosecutor General considered it necessary to analyze an organizational model for the unit and common secretaries for prosecuting units in Regional and District Prosecution Offices.



Project Development

A process was undertaken to define the terms of reference, and selection and contracting of the consultant for the development of the administrative model. As part of this advice, workshops were carried out

in two selected units, which were Units 5 and 6 - Estates and Successions - from the Bogota District Prosecuting Units.

Four areas were identified where work could be done to develop a pilot project for organizing the prosecuting units:

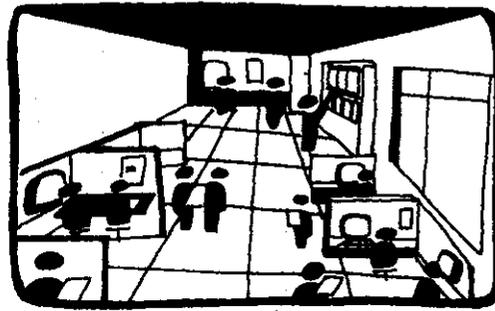
- Case back log reduction and trial delays
- Inadequate physical infrastructure
- Lack of organization among the common secretaries
- Need for training



Results

The diagnosis and study done by the consultant served as a basis for the formulation of a new project which sought to set up a pilot project to intervene through an administrative and organizational model in the four identified problem areas. The project was approved and named the Pilot Project on Computerization and Organization of the Prosecuting Units.

Pilot project on computerization and reorganization of the prosecuting units



Objectives

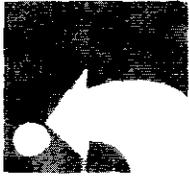


To develop a pilot project which could be used as a model for the Justice Reform Programs under the Prosecutor General's Office in order to create a participatory model for operation of the Prosecuting Units, and one which would assist in an administrative reorganization and definition of the infrastructure necessary to achieve ongoing improvement of the performance indicators and the quality of service.

Specific Objectives

- Foster working in a group.
- Stimulate the prosecutors' and employees' sense of belonging to the organization.
- Cooperate with the case back log reduction in the Prosecutor General's Office.
- Set up an administrative structure for the common secretary which would improve current performance.
- Define the material requirements for adequate operation of the prosecuting units, provide the elements necessary for this and establish maintenance systems to adequately preserve it.
- Set up ongoing improvement programs and self-evaluations to improve service.

Approval:	April 1993
End:	July 1994
Approved Budget:	\$205,000US
Budget spent to date:	\$51,000US

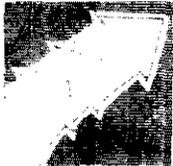


Background

In July 1992, the Prosecuting units began operating throughout the country, and were provided with a new structure which it was hoped, would radically transform the investigative procedures and legal procedures in the Colombian judicial system. However, there were no recent precedents regarding the operation of an accusatory system, which could have served to indicate the technical and logistical requirements necessary for its operation.

Based on recent experiences in Colombia, like the operation of public order tribunals and the creation of corporate tribunals in Itagui, several recommendations were prepared for the administration of the Prosecuting Units' work within this new style of judicial organization.

The advice given to the Project to Strengthen the Prosecuting Units helped the Prosecutor General's Office to try out a pilot project on the organizational aspects.



Project Development

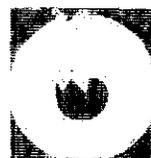
Units 5 and 6 - Estates and Successions - Under the Bogota District Prosecution Office were selected for a pilot project. Officers from both units were integrated to actively participate in the development of the project. They worked closely with the heads of these two units, as well as with the rest of the personnel who were members of these units.

First, an evaluation and follow-up process was carried out daily on the way the tasks were developed by the different areas which made up the prosecuting units, and this led defining new work methods, new procedures and more efficient ways of distributing the duties and tasks.

An information center was set up which had current information on the status of each trial and the tasks remaining to carry out. This center was useful not only for the prosecutors, but also for the general public.

A new way of organizing the case files was recommended so that the prosecutor would only have in the office those which he or she was studying in order to come to a decision. The rest of the case files which were awaiting some action or some decision by an external body, would be kept in a site especially designed for this. This would not only lighten the psychological burden on the prosecutors, but also allow a better organization of the physical case files, and make access to them easier, whether for purposes of consulting the files or to file in them additional documentation.

To motivate staff and provide the necessary organizational knowledge, training modules were to be developed.



Results

- An organizational system was developed based on the joint common secretary scheme, which was used subse-

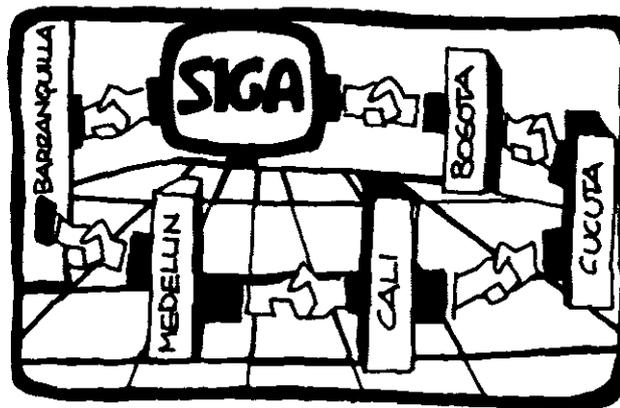
quently by the Prosecutor General as a model to set up the operating guide for the local prosecuting units.

- Various mechanisms to measure management by the prosecutors were established in order to create awareness of their importance in the institution in terms of the evaluation process and improvement and performance by the entity.
- A first attempt was made to set up performance standards, both at an individual as well as at a group level, with respect to management.
- Legal and administrative specializations were clearly identified within the units and depending upon these, the tasks and responsibilities were redefined.
- Physical remodeling was carried out on the prosecutors' offices, and those of

the common secretaries, using modular facilities in accordance with the administrative structure chosen, and resulting in an agreeable workplace for the officers and the public.

- A mechanism was created to control the location of case files, which would make it possible to provide the requested information as soon as it was needed by the user, meaning by user, the prosecutors, external users, or public.
- As a result of this experience, other projects with similar objectives were suggested to study the prosecuting units. Thus the results served as data for the projects on reduction of back log in the Prosecutors' case load, remodeling of the prosecuting units, and information systems for the Prosecutor General's Office.

Information System Network for the Regional Prosecuting Units



Objective

To speed up the processing of case files in the Regional Prosecution Offices, in order to provide a quick administration of justice and have current information on the status of the various procedures underway.

Specific Objectives

- To computerize the processing of case files from the common secretariat under the Regional Prosecutor General's Divisions.
- To obtain more and better information on the case files which are being handled at a Regional level.
- To obtain the information in a more timely and efficient way.
- To improve service of the common secretary, making judicial system more effective.

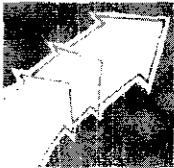
Approval:	November 1992
End:	February 1994
Approved Budget:	\$327,000US
Budget spent to date:	\$316,000US



Background

In the phase preceding the Justice Sector Reform Program, the development of software with applications to manage the procedures involved in the so-called Public Order Jurisdiction, was supported. This tool was called SIGA, System of Information and Administrative Management.

With the creation of the Prosecutor General's Office and the transformation of the Public Order Jurisdiction into Regional Prosecutor General's Offices, Regional Tribunals and the National Tribunal, the Prosecutor General requested support from the Justice Programs to acquire equipment and local networks to be used in the five main offices of the Regional Prosecutor Generals in the country.



Project Development

The process of defining the technical characteristics of the technological base required in the regional offices of the prosecutors was undertaken, and the terms of reference were set out, as well as bid and tender selection process.

The computer equipment was purchased, as well as the other elements necessary to set up a computer network reaching each of the common secretaries of the five Regional Offices and the elements necessary to install the SIGA package.

The equipment and software was supplied and installed in Bogota, Medellin, Cali, Cucuta,

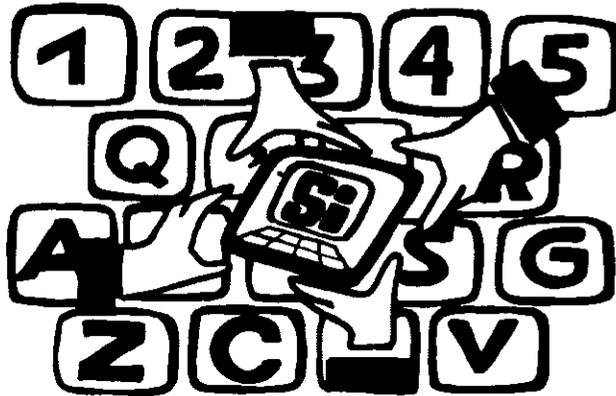
and Barranquilla, and operations began in these cities.

Although the SIGA application was tried out for some time, the Prosecutor General determined that it was not exactly adapted to the new requirements of the organization, since it had been developed under the previous structure of administration of justice. However, the equipment and elements acquired to set up the network was able to be used as the technological basis for the new system and constituted an important contribution in the process of speeding up information processing and consequently, criminal trials themselves.



Results

With the installation of computer networks, the common secretaries of the Regional Prosecution Offices were able to obtain information more quickly regarding the status of their legal proceedings and were able to speed up their administrative tasks of supporting and processing the latter. The SIGA system is currently functioning in the common secretariats of the five Regional Divisions and although it does not fully satisfy the growing necessities for information, it has been useful as a technological and computer base upon which to install what will one day be the general information system of the Prosecutor General's Office, subject of another Justice Reform Program project.



Objective



To modernize the activities of the Prosecutor General and the Technical Investigation Team by designing and implementing a nation-wide information system.

Specific Objectives

- To assist in setting up an organization whose operations are based on handling information, thus strengthening its investigative activities.
- To establish a global strategy in which effective access to information using adequate technology constitutes a key factor in the success of the investigative process.
- To promote and foster an organizational change which incorporates technological opportunities to set up the Prosecutor General's Office in accordance with the needs of the country.

Approval:	September 1993
End:	Underway
Approved Budget:	\$5,125,000US
Budget spent to date:	\$2,948,000US



Background

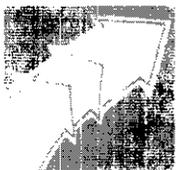
The process of administration of justice is characterized by a group of activities oriented to recording and analyzing information, with the basic proposition of providing the prosecutors and judges in Colombia with elements on which to base their

decisions at various stages in the criminal process.

The recording and analysis of the information must be carried out within a framework defined by the Constitution and the law, and following a systematic methodology which ensures the timeliness, trustworthiness, and quality of the information. In this way, the information contributes to the efficient and effective administration of justice, while reducing as much as possible, the uncertainty inherent in any decision making process.

These characteristics may only be achieved using an information system which functionally meets the requirements of the various stages of the process. In particular, the system must strengthen the prosecutor's work, and assist him or her in a quick and complete orientation and administration of criminal trials, as well as strengthening the investigative process, which is a primordial task of the institution.

In the same way, an adequate flow of information must be guaranteed between the various branches of the Prosecutor General's Office and the other State organisms which participate in one way or another in the development of the criminal process.



Project Development

The project is still being developed at the time of writing this report, since it is a project with a broad scope which has as its goal setting up an information system which can support the various functions under the National Prosecutor General and assist this organ in complying with its mission in the areas of the Prosecutors and the Technical Investigation Team.

When the project activities began, in order to have continual control over its development, an Executive Committee was set up, and made up of upper level executives from the institution and by members of the coordinating committee of the Justice Program.

To develop this project, an organizational structure was set up composed of a director and two work commissions: the Information System Mission, which was in charge of the analysis of information needs, system design, the set up and validation of the prototype, definition of the technological base in terms of hardware and software, definition of security requirements, the development standards, plan for entering data, documentation required, testing plan and organizational design required for the system to function, as well as the bid and tender process, and contracting and supervision of the development of the software and acquisition of the elements and equipment.

The Cultural Mission is that in charge of designing and applying the learning process required so that the investigation may develop in an effective way using the information system as a means to that end.

This work plan is made up of various advisors contracted by the Justice Program and by an interdisciplinary group of officers from the institution, who have been especially delegated for this purpose.

The project covers setting up and implementing the information system in Bogota and Medellin, including in all the prosecuting units of the Regional and District Prosecution Offices and in the Technical Investigation Team.

Up to now, the stages which have progressed are: that of the analysis of the organization, the identification of the information requirements, review of procedures, including investigative and criminal procedures, the design of the information system, and the setting up and implementation of a prototype. In order to develop the software and install the system, a careful international bid and tender process was undertaken, and the firm with the best offer was selected. The selected firm is currently developing the relevant software and in the process of importing the necessary equipment and elements.

During the analysis and design stages, nearly three hundred officers of the organization were involved, not only from the two cities covered by the system at its initial stage, but also from other cities since the system is to apply nationally. Thus, in the validation stage of the prototype, nearly one thousand five hundred officers participated.

As a result of gathering information and analyzing procedures, the following themes were identified to be system modules:

- Coordination of the investigation
- Trial intervention
- Investigative activity
- Criminology services
- Administration of persons and goods
- Formulation of criminal law policy

The cultural mission has been developing a transformation process which seeks to have the entity control the system and its proper use in order to improve the func-

tions in each area and level of the Prosecutor General's Office, using the human being as the center of every transformation process, and of this system implementation, in particular. The cultural mission uses a plan which involves all those who will interact in one way or another with the information system.

Various means have been used to this end, for example, meetings, workshops, diagnoses and analyses of different areas, and six newsletters called "Indicio" have been published to inform personnel on the project's development and to encourage participation of the members of the Prosecutor General's Office. In addition, three posters have been put up which promote greater awareness on the topics which are considered key for the project's success, and a booklet made up of three editions called "Pedal Collection" which sets out the methodology for teamwork on the information system is available.

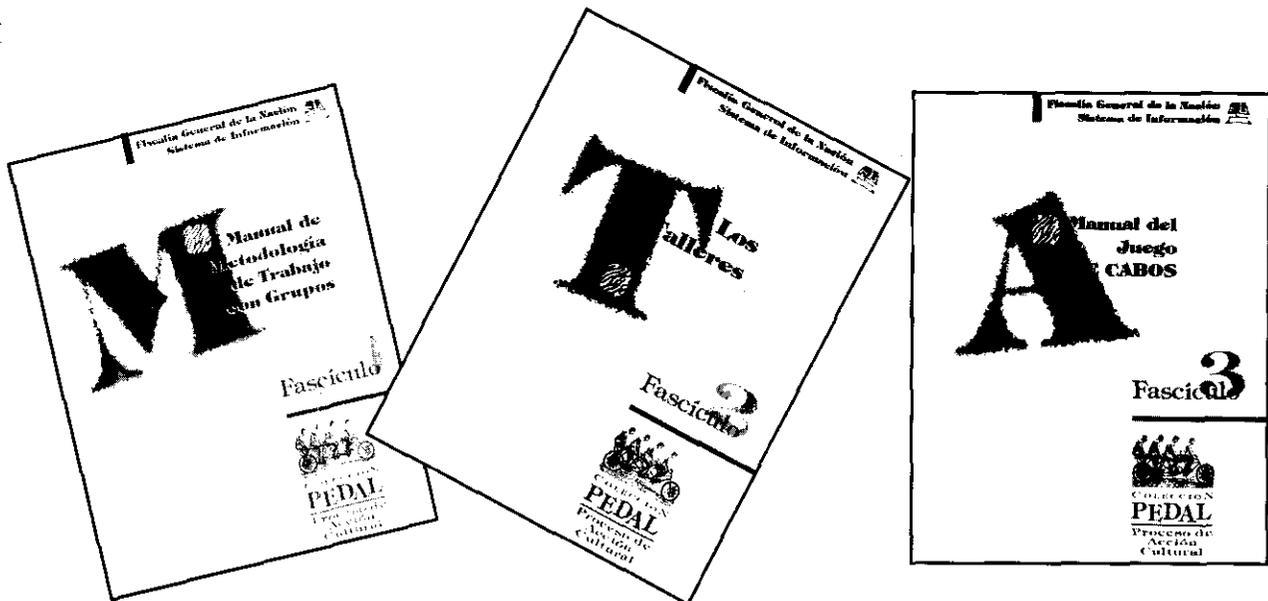


In the workshops, an analysis of polarities was developed which sought to establish the organizational environment of the prosecuting units, as well as workshops on the nucleus of a criminal investigation, and meetings were advertised which had as their goal the greater awareness of employees and seeking out new ways of working which were more participatory and involved teamwork. A game, called "Tie up the Ends" was designed to develop investigative capabilities and aptitudes, and support groups were set up to help people facing difficult situations in the development of their functions. Finally, a brainstorming exercise was held which helped to elaborate an organizational analysis.

During these processes, nearly two thousand four hundred officers from the institution participated.

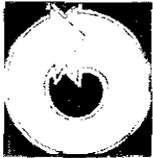
While developing the Prosecutor General's appropriation process regarding the project, and as a mechanism to achieve certain progress on the remaining activities, the following main areas of work were defined and the relevant groups shall be set up to deal with them:

- Institutionalization: This is an attempt to incorporate the information system into the entity so that it becomes merely another work tool to assist in the development of an investigation.
- Structuring: This is the definition and implementation of the necessary organizational structure, in order to achieve normal operations and maintenance of the system.
- Training: This involves integrating the people who must interact with the information system using a technical training process on the use of the system, and an organizational training to deal with the new processes and style of work involved.
- Data plan: Establish and implement mechanisms to load information into the system, to ensure that when it begins operating it will have the data base required for its normal and full operation.
- System control: Do the necessary follow-up to ensure that the system is



being developed according to the standards and parameters established, such as regarding compliance with technical standards for the equipment and other elements.

- **Installation:** Coordinate and support going on-line with the system, ensuring that the installation is correct and that all components are functioning correctly.



Results

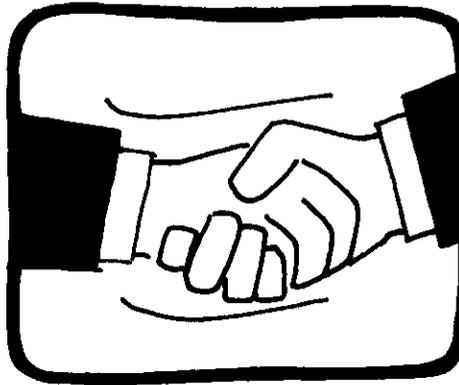
Although one could say that the results of this project are only observable after the information system is fully operational and has been approved by the Prosecutor General's Office, there are some interesting results from the process up until now, which can be observed.

This project was not simply conceived as the acquisition of a few technical instruments which would aid the execution of certain tasks, as has been the case until now. The idea was to begin a process involving change in order to acquire a joint vision on how investigative work should be carried out, and it is for this reason that the process has turned on the cultural development of the

organization. It seeks to create the elements necessary for decision-making in investigations which is based upon a planned and scientific process of information gathering, analysis, relating and classifying the information.

Workshops and studies were done which led to a process of collective construction and rationalization of the way investigations move ahead, which gave way to new ideas on how to lead them. According to these new ideas, information is considered to be the basic raw material and the way of leading investigations must include new ways of inter-relating between the people participating in this process, with a key element being teamwork and cooperative work.

Based on the above ideas for orienting investigations, a great advance has been gained in the move toward an effective Prosecutor General who is able to respond to society's needs. Against this background, the most important results may be obtained from the concept itself of the investigative process by those who are intervening in its development and the information system will become an instrument to ease and assist this investigative task.



Objective



To train the prosecutors to be able to adequately use the conciliation mechanism to achieve agreements between the parties and, indirectly, to reduce the case backlog in the judicial system.

Specific Objectives

- To promote the use of conciliation in trials where the law provides this possibility, thus speeding up the trial and providing a more effective response to the parties.
- To reduce the case backlog in the judicial system.

Approval:	February 1994
Start:	April 1994
End:	Project in final stages
Approved Budget:	\$268,000US
Budget spent to date:	\$227,000US



Background

The recent development of legislation establishing conciliation for criminal offenses (delicts) as opposed to misdemeanors, means the Prosecutor General has a new means available to speed the progress of criminal proceedings, to banish extreme formality and legalism, and reduce the heavy back log of cases in the judicial system.

Since we are dealing with a recent legislative development, it was necessary to provide adequate training for the prosecutors so they could develop the abilities and aptitudes necessary to promote the use of this form of resolving conflicts in a way which would be *more flexible, more satisfactory* for the parties involved, and in addition, more economical since it uses fewer resources from the judicial system by not carrying out the formal proceedings to their end.

The project was proposed as a way of training the prosecutors at a national level, not only in terms of the legal and theoretical aspects of conciliation, but also on the utilization of the mechanism through practical courses.



Project Development

The project was directed and coordinated by the Secretary General, with the participation of other areas of the institution.

Initially, a consultant was hired to develop a training process to form a specialized

group of appeal prosecutors with the necessary abilities to efficiently manage the process of selection and training of local prosecutors.

The methodology for the development of the training cycles was planned to cover as many prosecutors as possible, by creating a group of teachers from within the institution's officers, made up of lawyers and psychologists, who were to cover two aspects of the training process, the legal and procedural aspect and the psychological aspect of persons involved in conciliation processes.

Once the teaching group was trained, seminars and workshops were developed nationally. Thirty six seminars in various cities of the country took place, and nearly three thousand officers were trained at these.

Other seminars were organized in order to repeat the training in other prosecutors' offices, and one of these was directed at training one officer from each of the twenty nine District Prosecution Offices in the country.

As support material for the training, a brochure was developed on conciliation and negotiation of criminal procedures. Some videos and additional teaching materials were also developed to use in the workshops.

In the last stage of the workshops, certain practice exercises were taped which simulated conciliation hearings and where each participant played a specific role. This technique was extremely useful as a means of evaluation and getting the group to focus on

the positive and negative aspects of each simulated case. The tapings also constitute a pedagogical tool which can be used in the future to develop new training cycles.

The following table shows the schedule of workshops and the number of people trained in each city.

City	Number of Seminars	Investigators	Judges	Prosecutors	Others	Total
Armenia	1	5	0	35	34	74
Barranquilla	1	0	0	72	8	80
Bogotá	6	0	0	478	0	478
Bucaramanga	1	0	0	69	5	74
Cali	2	7	0	136	83	226
Cartagena	1	0	0	77	7	84
Cúcuta	1	11	0	35	14	60
Florencia	1	0	0	16	19	35
Girardot	1	0	0	40	6	46
Ibague	2	3	0	128	27	158
Leticia	1	3	9	5	27	44
Manizales	2	10	0	80	19	109
Medellín	3	6	0	354	79	439
Moniquira	1	0	0	39	10	49
Montería	1	0	0	27	1	28
Pasto	2	0	7	89	34	130
Pereira	1	0	0	39	0	39
Popayán	1	0	0	146	36	182
Quibdo	1	3	12	22	26	63
Riohacha	1	0	0	18	7	25
Santa Marta	1	7	0	80	21	108
Santa Rosa de Viterbo	1	0	0	35	11	46
Sincelejo	1	5	0	39	33	77
Tulua	1	0	0	74	7	81
Valledupar	1	0	0	36	15	51
Villavicencio	1	0	0	53	4	57
Total	37	60	28	2222	533	2843



Results

The main result was the training and awareness of the officers with respect to the application of conciliation as an appropriate instrument for prompt and efficient administration of justice.

The foregoing brought as a further result an increase in the number of trials where a conciliation hearing was held. The following table shows the number of conciliations that took place in 1994 and in the period of January to June 1995, in various cities by the local Prosecutors.

City	Number of Conciliations	
	1994	Jan-jun 1995
Bogotá	820	1369
Ibague	225	281
Montería	74	148
Antioquia	407	697
Medellín	340	1258
Cúcuta	70	113
Tunja	100	88
Villavicencio	25	35
Santa Marta	63	39
Cartagena	64	265
San Gil	75	139
Valledupar	51	47
Florencia	25	28
Pereira	115	49
Barranquilla	80	98
Quibdo	16	56
Manizales	138	171
Buga	128	179
Cali	265	529
Bucarmanga	422	581
Cundinamarca	465	404
Neiva	49	253
Armenia	84	148
Riohacha	34	41
Pasto	70	57
Santa Rosa de Viterbo	90	130
Sincelejo	94	72
Total	6.383	7.275

From the above it can be concluded that there has been an increase in the number of conciliations that took place in most cities, and in general it can be observed that the total number of conciliations in one year has already been surpassed by those in one sole quarter of 1995.

It may be concluded that the participation of prosecutors from different cities in training workshops on conciliation has motivated the use of this mechanism and has helped resolve a growing number of conflicts.

The analysis done regarding the types of felonies where conciliation has been applied with more frequency shows the following, in order of frequency: alimentary pension claims, personal injury suits, theft, injury, and defamation.

The process of conciliation has turned out to be a peaceful means of conflict resolution between individuals, and has resulted in the victim of a punishable act, and the perpetrator, sitting down together at the same table where each party explains his point of view, and with the help of the prosecutor, an agreement is sought between the parties at trial; at the same time this instrument has turned out to be a powerful tool for clearing the backlog.

Besides the foregoing, training processes have been developed in the Prosecutor General's Office on certain important topics for the institution, such as aware-

ness workshops, and on a feeling of belonging and institutional commitment, which seek to change the officers' attitudes. One of these is a training program called "Identity and belonging as a means of ongoing improvement in the National Prosecutor General's Office", which hopes to train three thousand two hundred officers in its first year. This is reinforced by the fact that the teachers for this program are officers of the institution who support the development of new training programs.

The criminal conciliation training process has also facilitated integration with government entities at the local level and various types of agreements have been established which benefit the institution.



Final Points

A large part of the claims presented before the National Prosecutor General relate to minor felonies, cases in which, the more time spent on their resolution, the greater importance they take on. They constitute a problem due to their high volume and mean backlogs for the administration of justice.

Conciliation is a speedy means to deal with these cases. Its generalized application will lead to a reduction in the backlog in the judicial system, lowered costs for the State, and a greater number of peaceful resolutions of conflicts, in turn leading to a better quality of life for the citizens.

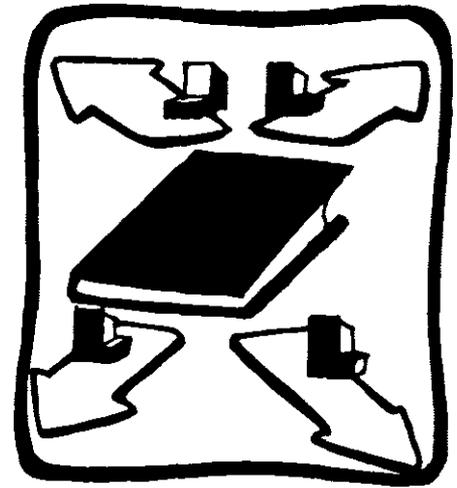
Reduction of case load backlog

Objective



To improve the effectiveness of management in the Prosecutor General's Office, by supporting the investigative work of the prosecuting units and carrying out a process of follow-up and evaluation.

Approval:	June 1994
End:	February 1995
Approved Budget:	\$407,000US
Budget spent to date:	\$136,000US



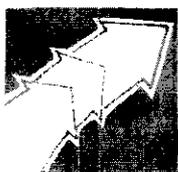
Background

When the Prosecutor General's Office began in July 1992, there were a great many cases which had accumulated in the criminal courts and other organisms became part of this Office. Therefore, the Prosecutor General's Office decided to face the challenge of carrying out an internal reorganization, while at the same time, dealing with a growing number of new indictments and dealing with the matters which were already underway in the criminal justice system.

The backlog was not new to the judicial system and at various points in time, measures had been taken to deal with it and bring the system up to date. However, in most cases, these measures had been directed at two areas: first, to assign more people to the cases, in other words, increasing institutional staff; and second, to issue laws and regulations which imposed new deadlines for rulings and other similar measures to speed up the disposition of cases.

These ways of dealing with the backlog problem became temporary solutions, which, although produced some positive results, were stop-gap measures and did not last. This was due to the fact that they were largely partial solutions which did not take into account the main causes of the backlog problem, for example, the way investigations were handled, the way various key people and institutional levels of the investigation related to each other, and the elements available to them to carry out the investigation.

This project came about as a way to deal with the backlog problem from a new perspective, by doing field work which would enable one to identify the true working conditions and different situations being faced by the prosecuting units in their daily investigative work. The Justice Program was linked to this initiative, which combined with other ongoing projects in the Prosecutor General's Office, could have impact on the real causes of the problem and solve it from its basis.



Project Development

One of the first working conditions noted in the prosecuting units was the tendency for many officers to behave as if they were under the old system, that is, they did not

incorporate the new philosophy of the indictment system (teamwork, direction and orientation of the investigation by the Prosecutor General, working together with the judicial police, and other concepts which formed part of the changes in the criminal justice system) and the existence of the Prosecutor General into their work.

This project attempted to incorporate evaluation mechanisms and follow-up of the investigative process, petitions and accountability using performance standards which set up specific goals for improvement based on previously defined performance indicators.

When the project was undertaken, a method of work was defined which consisted in matching up selected consultants with Prosecutor General's Divisions, in order to develop a joint operating process for the prosecuting units and define for each case and in each situation the actions required to be most effective in the investigation.

The process began in the Bogota Regional Prosecution Division, and in the District Prosecution Offices of Bogota, Ibague, Medellin, and Cali. In each of these offices, a plan of action was implemented, with the common objective of increasing improvement of conditions, establishing new ways of working, and a new organization style based on the implementation of quick and effective investigative mechanisms. In this way, it was hoped to face the backlog problem without it growing even more due to the daily increment in new trials.

The actions taken in each of the five Divisions of the Prosecutor General's Office

where the project was implemented are described below.

Bogota Regional Prosecution Office

The focus here was on management, analysis and improvement of the organizational climate, fostering teamwork, evaluation and follow-up. An analysis of the current situation and the barriers to adequate performance was undertaken. This analysis was done by the institution's own staff members. During the workshop where this analysis took place, the lines of action which should guide the improvement process were identified, and the participants committed themselves to following these lines of action.

A Management Committee was set up to deal with follow-up and evaluation. This committee was made up of the Regional Prosecutors' Director, the head of the prosecuting units and the head of the secretariat. Through this committee, it was possible to achieve continuity in the actions taken and unification of criteria and procedures in the development of the administrative legal functions, as well as redefining and strengthening the Unit Heads' role. The definition of procedures in order to evaluate performance was another area worked on.

This Regional Division was also able to deal with another very important activity - making an inventory of all investigations and cases, which was carried out by members of the Prosecuting Division. This activity was essential due to the lack of ap-

propriate systems to handle the information. As a result of this activity, the exact number, status and characteristics of the cases were made available, as well as the work load of each prosecutor, the investigations and cases underway in the various investigative units, and other information necessary to carry out adequate planning and evaluation of the work.

It was decided to work on certain topics such as: creating a rule for assigning trials, reorganization of the common secretary in specialized sections in each of the prosecuting units, identifying training needs, improving internal channels of communication, strengthening teamwork, and recognizing the importance of quality work and continual improvement.

Bogota District Prosecution Office

In this group, work was done mainly on the decentralization process, the distribution of work load, consolidation of the actions needed to reduce the backlog, implementation of management controls, and strengthening the theme of continual improvement and reorganization of the Bogota District Prosecution Office.

The proposal for decentralization and strengthening of investigative activities was studied and evaluated, and out of this came the Immediate Response Units (URI), which consisted of organizing the city into different zones and assigning them to permanent prosecuting units, made up of prosecutors and judicial police. The URI were developed with the goal of overcoming investigative difficul-

ties and conceived with the basic standards of working both in an operational context, as well as in a legal context. This would presumably lead to positive results in the fight against delinquency. The job of the Immediate Response Units was seen as a dynamic gesture which could provide the client with a quick response when it was required by the circumstances. The aim was to improve the investigative function in these three areas: bring the administration of justice closer to the citizens by improving the latter's access to it and getting him to cooperate with the judicial system by providing information on criminal and felonious activities. Second, to improve evidence available in an investigation by dividing the city into zones, so that the authorities could arrive more quickly at the scene of the crime, and have to cover a smaller radius. Third, to work jointly with the judicial police, with the prosecutor in charge as the director of the investigation.

In order to implement the Immediate Response Units, an operational and functional model was designed and the operational and logistical requirements identified, such as training and community awareness.

The other Prosecuting Units in the Bogota District Prosecution Office, called specialized units, undertook to gather information on their operations to design a base line and arrive at a real approximation of their needs in accordance with existing procedures and available human resources.

Within the improvement program, a strate-

gy was undertaken to strengthen the head of the prosecuting unit, by designing on a unit by unit basis, a strategy to redistribute and balance the work load and, finally, to formulate plans for the coordination of initiatives to attack the backlog and put controls on management, evaluation, and follow-up.

Medellin District Prosecution Office

In this city's Regional Prosecution Office, a base line for procedures and investigations was worked up for each unit, by defining management performance indicators, analyzing the main problem areas, and identifying training needs. A methodology to undertake an improvement process was also laid out and all the entity's staff members participated in this.

After identifying management performance indicators, a program was developed which allowed each unit to undertake and analyze its own management, as well as strengthening the decision making process. The main barriers which make normal functioning difficult are: lack of coordination between the prosecutors and judicial police, inefficient structure in the area of the common secretary, lack of case lawyers to represent the accused in some aspects of his case where he has no legal representation, lack of work tools. After this analysis, a work plan was defined to resolve these difficulties.

Workshops were designed to make the institutional officers aware of a sense of belonging and commitment in their work and to recognize the importance of evaluation and follow-up.

Cali District Prosecution Office

In this Division, emphasis was placed on developing participatory planning to effect a change in the organizational climate. To this end, control mechanisms were developed within the Cali District Prosecution Office and in each unit by the unit heads, and performance agreements were concluded in all the units as a means of doing follow-up on their management and control. Activities took place such as, defining work plans and control plans and their respective schedules, control of d

ignating human resources and their performance, and inventory of the prosecutors' work load.

Ibague District Prosecution Office

One of the first steps and one of the things which strengthened the work done in this division were sensitivity and awareness workshops directed at the officers. After this, other activities followed, such as analysis and modification of the monthly statistical form on trials and investigative activities, incorporating into this, the calculation of performance indicators in a systematic way and thus, strengthening monthly statistical follow-up done by the unit heads. An exhaustive study was done on the different parameters which could be considered in the analysis of follow-up and evaluation.

Another analysis was undertaken, in which a representative number of officers from

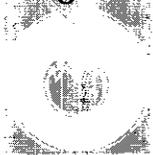
the various areas participated, and this, together with the early results on the classification of case files by initial date to determine the exact work load by unit and by prosecutor, served as a basis to establish the performance standards.

The study carried out in this Division is reproduced in a document entitled, Management Manual for the Judicial System, in which a proposal is made regarding a method to control the management of the judicial system, complemented by instruments to handle statistics, indicators and other parameters which are useful in terms of follow-up.



The backlog problem of the Prosecutor General's Office, which was shortly going to be much worse due to the arrival of approximately 500,000 cases from the municipal criminal courts, was assigned a work group by the Prosecutor General. The work group was made up by officers from the Division and named a large number of new prosecutors, each with the respective administrative support needed to deal with the backlog. Upper executive levels of the Prosecutor General's Office determined

that this effort would take care of the activities that were to have been proposed under this project, and the latter were thus canceled. As a final activity, a seminar was organized to present a proposal which gathered the experience of each of the divisions and set out a methodology for the control, evaluation, and follow-up of the management of the prosecuting units.



Results

One of the first results of this project was to define the management performance indicators and thereafter, to modify the information gathering forms applying to the various areas in the Prosecutor General's Office. However, beyond the information gathering process, the main contribution was the awareness that was brought about regarding measurement and evaluation of performance, and the initiation of procedures to implant ongoing follow-up and evaluation mechanisms, as well as setting improvement goals and verifying compliance with these, developing management models and establishing performance standards, all factors which had been relatively undeveloped in the judicial system.

The experiences gathered by the five Prosecution Offices, together with their later analysis, were presented in the form of a proposal of methodology regarding mech-

anisms for improving management and for evaluation and follow-up.

One of the basic concepts which was maintained during this experience and which may be presented as a conclusion is that all improvement processes have as their starting point and central point, the human element, which is the motor directing all changes.

One of the most important conclusions that came out of this experience, and which was proposed as the premise for approaching the project, is that any meaningful measures meant to relieve case backlog must be oriented towards setting up formulas for lasting improvements that come out effective case handling in order to avoid the "snowball" effect of backed-up cases before it happens. If the only measures taken are immediate stop-gaps aimed simply at evacuating cases that have already filed up, the resulting improvement will be temporary at best, with the exact same levels of congestion often found in the short term.

Although not specific and identical methodology was followed in all the divisions where the project was carried out, one may conclude that it is possible to obtain good results if the process takes into account certain basic aspects, such as the identification of objectives, constant evaluation and

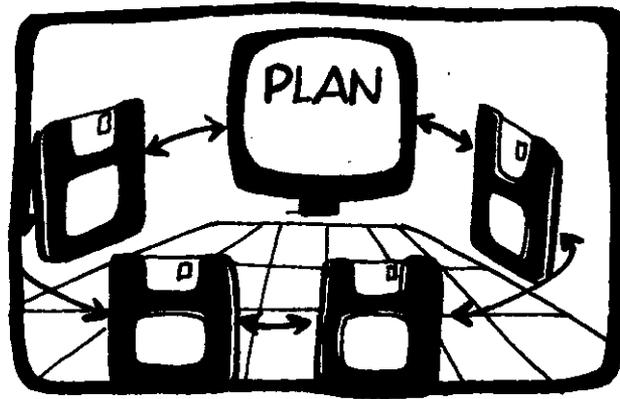
measurement of their achievement, time based fixed goals, proper control, close follow-up which can allow one to identify corrective action to change in different situations, and lastly, working closely and jointly with the people who are carrying out the different functions.

Although this process was canceled, the Bogota District Prosecution Office was able to provide continuity and certain important results have been obtained, both in terms of the control and improvement of management, as well as in reduction of backlog.

This can be observed in the following summary, which shows the handling of the cases received by the Prosecutor Bogotá District Office from the criminal hearing courts.

Specialty	No. of Units	Cases of march/95	Cases Already Concluded				Cases Concluded	Total Cases of Dec. 95
			Preclusion	Investigation Competence	Indictments	preclusion		
Life & Sexual Freedom	4	3394	539	1381	535	301	2756	638
Holdings and Finances	9	6837	866	1367	806	320	3359	3478
Public Administration	3	2751	237	508	217	618	1580	1171
Anti-kidnapping & Public Safety	3	1683	191	626	86	204	1107	576
Totals		14.665	1.642	3.256	1.558	1.239	8.802	5.863

Planning Office Information System

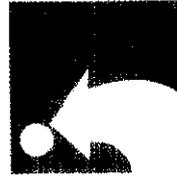


Objective



To improve and strengthen the Prosecutor General's planning systems through better and more in-depth knowledge of management and results.

Background



In 1993, a proposal was put before the Technical Committee to carry out a project which would support the four year Development Plan for the Prosecutor General's Office. This plan would cover 1995 - 1998 and was finally developed by the own institution using a consulting mechanism to communicate with every stage. This year, the initial 1995 proposal was brought back to deal with various aspects supporting the development plan which are oriented to obtaining a real analysis of the organizational, budgetary, and administrative situation of the entity in its entirety, and to seek an effective solution for the problems encountered.

The Development Plan contemplates "establishing through various technical mechanisms, systems to measure criminal activity which can provide some basis for making timely decisions, and are directed at reducing this phenomenon and reorganizing efforts made against it.

Approval:	June 1995
Start:	September 1995
End:	Ongoing
Approved Budget:	\$73,000US
Budget spent to date:	\$28,000US

In order to achieve this, mechanisms which constantly report on the current situation are required, such as the Prosecutor General's Geographic Information System, documentation centers, and a statistical analytical system for the sector, to name a few."

Following the passing of the Development Plan, and due to the ever increasing lack of a qualitative and quantitative evaluation and management system, which made it difficult to set up an adequate planning system, a process of institutional transformation occurred, which set out the following needs and recommendations with regard to the planning system:

- To analyze the current state of statistics both inside and outside the Prosecutor General's Office.
- To design an evaluation system which used criteria and performance indicators and institutional results to measure the performance of the Prosecutor General's Office.
- To strengthen the Planning Office in terms of gathering statistics and systematically organizing of them.

The Information Systems project for the Planning Office came about as a proposal which would not only support the purpose of the development plan, but also comply with the above recommendations.



Project Development

The basic problem to resolve in this project was the fact that there were no reliable, regular statistics and indicators dealing with the management of the Prosecutor General's Office, in terms of investigation of felonies and charging the presumed transgressors, nor in terms of use of the entity's resources. The statistics were incomplete and unreliable. This situation prevented the entity from consolidating its data and generating performance indicators on the scope of the justice system, work load of its prosecutors, development of investigations, and generally speaking, on the assignment and use of the various resources.

The project dealt with the following activities: identification of the various information sources both internal and external; information gathering for the period 1992 - 1995 on the development of criminal trials at the national level; development of a tool to handle information which would be generated by the indicators and regular reports for the institution's planning needs. The computerization of the information at the district and regional levels for 1992 - June 1995 was also included, and in terms of the prosecutors, from July, 1995, and generating the first reports on the basis of this information.

It was determined that the information to be gathered and processed on a regular basis by the Planning Office was the following:

- Monthly data on the trials handled by each prosecuting unit at the national level.
- Monthly data on the trials handled by each Prosecutor General at the national level.
- The officers assigned to each Prosecuting Unit.

In order to develop the activities, a consulting firm was hired. The firm started by identifying the sites where the information was located, including the data handled by the National Prosecutor General's Division and each one of the Regional and District Prosecution Offices. At this point, it was noted that there was no uniformity in the information gathering for the period, both in terms of the forms used and in the medium used. Nonetheless, a process of consolidation of the different forms was carried out in order to establish a minimum information base to produce statistics and data capturing programs were designed for the data which did not exist on magnetic media.

At the same time, the information system was designed and set up, consisting of two modules: one to handle statistics, including information from the National Prosecutor General's Division, the Technical Investigation Team, and the administrative

area. The second is a record of control and follow-up of activities related to strategic planning for the institution.

Results

Since the project is still under development, it is not yet possible to verify the desired results, however, the process which has taken place with respect to gathering and uniformization of the information has created the basis for a more valid type of information to be used on the Prosecutor General's operations. This has helped improve the decision making process and planning capability in the Prosecutor General's Office.

With this and other projects, such as reduction of backlog, important steps have been taken to unify procedures for information gathering in the various Prosecutor General's branch offices at a national level, and it is hoped that a true analysis of the entity's operations in each area and as a whole may be done, and that duplication of information gathering tasks may be avoided in the future. Currently, duplication frequently occurs throughout the entity since reliable information has not been available, and information is given on a case by case basis in response to queries by various organs.



Objective



To improve the effectiveness of the National Prosecutor General through a correct application of ethics, values, justice, and respect for people and human rights, and seeking that the workings of justice in society be ever more respected, revered and supported by society.

Background



In 1994, three workshops dealing with the issue of human rights were organized by the Presidential Council on Human Rights and the National Prosecutor General. These workshops were directed at the staff of the National Prosecutor General's Office and had as their objective the initiation of a process of awareness and reflection on the topic, which would result in better management of the work, more in line with the new constitutional theory and practice.

The workshops helped to detect certain problems, such as ignorance of the issue of violation of human rights, a high level of insensitivity to the topic, and ignorance of the responsibility of civil servants with regard to human rights, and especially as pertains to the criminal law. Against this background situation, a project was proposed which would heighten staff awareness regarding this area in order that they put their knowledge into practice during their investigative work.

Approval:	March 1995
Start:	April 1995
End:	Ongoing
Approved Budget:	\$70,000US
Budget spent to date:	\$64,000US



Project Development

The project was first set up as a pilot program to appraise the Prosecutor General's observance and protection of human rights, respect for people, ethics, and justice, with the goal of designing a teaching program to foster and promote these values, and carrying out testing and evaluation on this with a limited number of staff members.

The pilot project was developed under the aegis of the Presidential Council for Human Rights (Office of the President of the Republic) and was based upon the information and experience garnered through thirty workshops held in Bogota (nine), Barranquilla (seven), Cali (seven) and Medellin (seven).

An initial training program was set up to train a work group of twenty five teachers, so they could develop workshops in the other cities. A planning workshop was also held with this group to design a methodology to develop workshops. The total number of staff members who attended the workshops for the Prosecutor General in Bogota was 226, 136 in Cali, 184 in Medellin, and 161 in Barranquilla.

At the end of the training cycle, an evaluation was done and a teaching proposal was presented by the Presidential Council. With these results and proposal, a forum was organized, to which were invited personnel from the Justice Ministry, the Public Defender's Office, the Superior Court of Justice, the Attorney General's Office, the Prosecutor General's Office, and the Presidential Advisory Council, so that they could discuss the results of the workshops

and provide continuity to the process for the Prosecutor General's Office.



Results

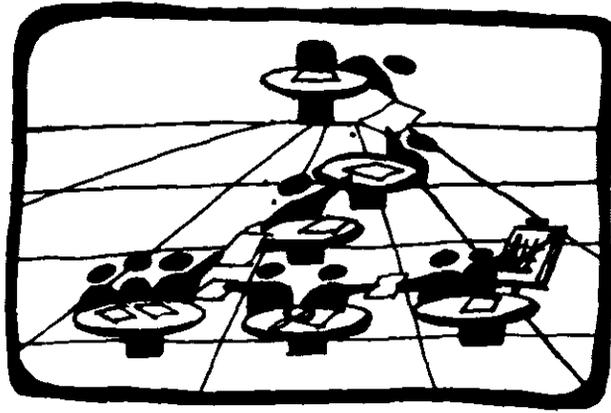
The Prosecutor General's Office was interested in extending the process to the entire institution, under the theory that awareness of human rights would create better working conditions and lead to better results in the administration of justice. Thus, the pilot project as a first experience, contributed to providing certain methodological elements which were useful in carrying out the process and testing the teaching strategy employed.

Based on these workshops, it was possible to establish the most frequent ways in which human rights could be violated in the exercise of administration of justice, as dispensed by the Prosecutor General's Office. These ways were classified according to the nature of the employee's position, the right violated and geographic region. The rights considered to be most vulnerable are: liberty, due process, arbitrary imprisonment, violation of rights due to abuse of power, right to dignity and honor, and right to privacy.

Another result from the project is the support that was given by the Presidential Council on Human Rights to the recently created national prosecuting unit, in the area of human rights. This support consisted of an agreement to assist in the training of staff, especially with regard to international humanitarian law and other human rights topics.

The development of the pilot project created an environment full of interest and expectation, and eagerness to learn about human rights, and has begun a process of reflection on the commitment to ethics and justice in Colombia and on the relationship of civil servants at the individual and institutional level with society at large.

Restructuring of the executive level of the Prosecutor General's Office

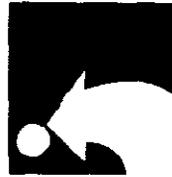


Objective



To obtain a proposal that would enable the identification of the problem areas in terms of optimal performance in the Prosecutor General's Office, as well as find ways to solve these and establish a basis for a more flexible and effective organization.

Background



The upper level executive of the National Prosecutor General's Office is made up of the Prosecutor General, the Deputy Prosecutor General, the General Secretary, and three national directors, one for the National Prosecutor General's Office, the second for the Technical Investigation Team, and the third for the Administrative and Financial. The Prosecutor General's Office is one of the largest State enterprises, and is made up of more than twenty thousand employees and manages a budget of more than three hundred and forty thousand million pesos.

It was deemed urgent to modify this structure, which could be considered rigid, and the Prosecutor General carried out a study of the management level, in particular, with the goal of creating a more flexible structure that could be adapted to real working conditions facing the Prosecutor General's Office and at the same time, provide better support for the decision making process.

Approval:	March 1995
End:	July 1995
Approved Budget:	\$15,000US
Budget spent to date:	\$15,000US

The Prosecutor General has put in place various actions directed at strengthening its internal structure, such as the reformation of the functions of the National Administrative and Financial Department with regard to the handling of human resources, the creation of Immediate Response Units, the creation of the national unit on human rights, and the reformation of the prosecuting units and the unit heads' function.

At the same time of these actions, the Inter American Development Bank (IDB) approved a mission for the Prosecutor General's Office, with the plan to hire a consultant to make a detailed analysis of the institution and then design projects to improve management.

As a result of this activity, an analysis of the main barriers to developing activities in the different areas of the institution was presented, accompanied by a series of action plans. The restructuring project for the executive level was proposed as a way to continue with the second stage of this process, which consisted in making the actions identified in the first stage, work. A third stage, which would be financed by the IDB and would be carried out in 1996, consists of effecting a general reorganization of the Prosecutor General's Office using reengineering processes to do so.



Project Development

The scope of this stage of the project consisted of support for the development and implementation of 16 sub-projects which were identified in the first stage as being a priority for improving management of the organization. Some of these projects were only partially implemented, but the Prosecutor General will continue them. The project was oriented to the executive level of the Prosecutor General's Office, and thus the sub-projects were addressing the restructuring of this area in order to make it more efficient.

The referenced projects are the following:

1. Proposal to restructure the executive level.
2. Processes to incorporate, select and evaluate personnel.
3. Definition of the mission, vision, and values, and development of a campaign to publicize them.
4. Reviewing and explaining the functions of the judicial police to the whole institution.
5. Development of a campaign to fight corruption.
6. Restructuring of the Prosecutor General's office and determination which critical processes need to be re-designed.
7. Development of a system for evaluating management and institutional results.

8. Design and follow-up on a plan with the universities to train prosecutors.
9. Redefinition of the regulations and procedures for the acquisition and disposition of goods.
10. Compiling, organizing and publicizing the statistics on delinquency and the existing jurisprudence on criminal policy in the country.
11. Developing a publicity campaign to increase the sense of belonging by the institution's employees.
12. Redesigning the common secretaries.
13. Identifying and removing the administrative processes which need to be redesigned.
14. Evaluating the unit heads' management.
15. Identifying and solving inequitable salary differentials.
16. Producing a resolution which regulates the assignment of trials by lottery.

The development of the project was assisted by a consulting firm, which was also in charge of the first stage of the general project financed by the IDB.



Results

As a result of this project, advances were made in various processes, and were also institutionalized, since they received attention by the management of the institution and by the designation of an employee responsible for each one.

This project also helped provide continuity to an improvement process started by the Prosecutor General, which applies re engineering methods to increase effectiveness of the functions.

ATTORNEY GENERAL



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Office of the Attorney General

Among the responsibilities of the Office of the Attorney General of the Nation are defending the public's interests; guarding and promoting the execution of laws, legal decisions and administrative orders; supervising the public employees' official conduct, carrying out the corresponding investigations and imposing the respective sanctions; promoting legal action against behavior that endangers the social order; and intervening in all acts that pose a threat to the due fulfillment of the duties of the Office of the Attorney General.

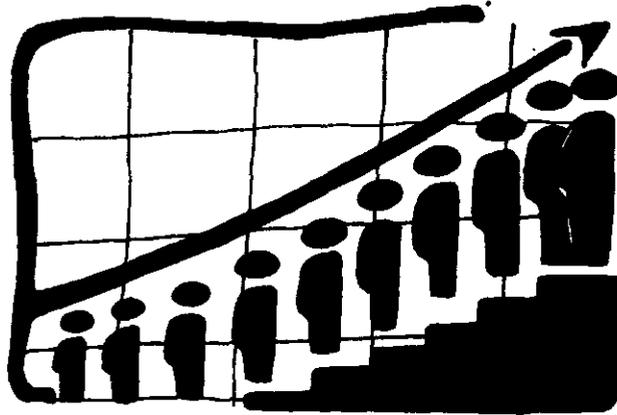
The support that the Justice Program gave the Attorney General's Office was meant to improve that entity's performance capacity, through the provision of resources for information handling, training and a public administration modernization campaign to reform the Attorney General's Office and provide it with better means of preventing and tracking crimes committed by public officials, including those of the Legal Branch. Finally, the Program's support was offered in order to protect and promote human rights through the actions of the Municipal Representatives ("Personeros"). To these ends, projects were presented for fighting corruption, promoting human rights and strengthening the Public Defender's Office.

In addition to the projects financed by the Justice Program for the Public Ministry, there has been an important and dynamic shift towards change and improvement, both in the Office of the Attorney General as well as in the Public Defender's Office.

Projects and executed budget

1992	1993	1994	1995
ORGANIZATIONAL DEVELOPMENT		TRAINING IN THE PUBLIC MINISTRY	US\$65.000
		ONGOING IMPROVEMENT	US\$38.000
			CONTROL AND PERFORMANCE MINDSET FOR PUBLIC SERVICE
			US\$8.000
		MUNICIPAL REPRESENTATIVES	US\$99.000
			MUNICIPAL REPRESENTATIVES AND HUMAN RIGHTS
			US\$83.000
		PUBLIC MINISTRY AGENTS	US\$223.000
			PILOT UNITS FOR PUBLIC DEFENDERS
			US\$317.000
SYSTEMS	STRENGTHENING THE SPECIAL INVESTIGATIONS OFFICE	US\$89.000	
			INFORMATION SYSTEM FOR THE PEOPLE DEFENDER'S OFFICE
			US\$408.000
	INFORMATION SYSTEM DEVELOPMENT		US\$379.000

COUNTERPART TO DECEMBER 1995: \$905'136.972 Colombian pesos



Objective



The main Objective proposed consisted of achieving greater administrative efficiency through dynamic organizational processes that would make it possible to give an appropriate and timely answer to society's demands on the Office of the National Attorney General. Another important goal was to guarantee that the effects of this Program would be long-lasting.

Specific Objectives

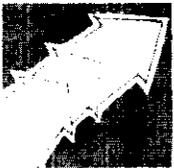
- Make the Attorney General's Office an organization that can serve as an example to other Colombian governmental entities in terms of the productivity and effectiveness of its performance.
- Ensure the personal and collective commitment of all employees to the Objectives and responsibilities of the Office of the Attorney General.
- Relieve the back-log problem in the Delegate Attorney General's Offices through the implementation of efficient management strategies and by cutting the time needed for processing cases handled through these Offices.
- Implement efficient methods for handling case files.
- Use time more efficiently and improve quality of work.
- Form groups of officials who will receive special training and then become multipliers for the restructuring project, so that they can be the means of expanding the process from the pilot area to the whole organization.
- Strengthen interpersonal relations to promote creativity, involvement in the decision-making process and teamwork.

Approved:	August 1992
End:	April 1993
Approved Budget:	\$38,000US
Budget Spent to Date:	\$38,000US



Background

One of the first projects proposed and developed by the Attorney General's Office was an ongoing improvement process directed at all levels of the entity with the purpose of helping it modernize its administrative, operational, performance and organizational activities. This project, in particular, was meant to help the Attorney General's Office exercise diligent supervision over the justice administration services. These efforts were supposed to change the Attorney General's Office into an entity that could serve as an example for other Government bodies in terms of the productivity and effectiveness of its performance. To this end, a change of attitude was sought within the organization so that leaders could be created who would be interested in the processes and Results at every level of the Attorney General's Office. It was also important to promote an individual and collective commitment on the part of all employees with the Objectives and responsibilities of the entity.



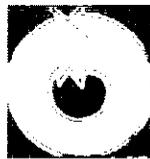
Project Development

In order to carry out this project, a pilot group was selected that was made up of the Office of the Delegate Attorney General for Budget Affairs, the Cundinamarca Departmental Attorney General's Office and the Bogota Provincial Attorney General's Office. This group performed a diagnosis of the situations that could have a positive influence on performance, indicating those that should be given the highest priority for improvement.

A first sub-project was started in the area of improvement with the application of a methodology for selecting complaints, as well as a second sub-project based on the develop-

ment of a methodology for carrying out disciplinary investigation trials. Later, another sub-project was launched to promote a process for improving working conditions by eliminating demotivating factors arising from inadequacies. At the same time, the ideal cultural environment of the different Attorney General's Offices was identified through a sub-project entitled "Tracing the Attitudinal Map". This endeavor sought to set up essential values, principles and everyday practices with respect to major managerial processes as well as to identify and design action plans for improving the least adequate administrative processes in order to come closer and closer to the attitudinal framework containing the already-identified most desirable values and principles.

The aforementioned process was carried out through an educational program that trained 60 facilitators, who received instruction in the areas of quality, leadership, training and teamwork. In addition, some of these officials were trained so that they could reproduce or replicate the pilot experience in the rest of the organization.



Results

Throughout this process, it was discovered that the officials always had a highly dynamic and positive attitude towards the improvement process. Their interest and dedication were positive elements for extending this process over the rest of the organization.

Once the project had been finished, the Direction of the Improvement Process was taken on by the Attorney General's Planning Office, with the continuing support of upper-level management.



Objective



The main purpose of this initiative was to develop a doctrine of personal responsibility or fault for public servants in order to discourage them from engaging in actions that could endanger the State's equity, through the promotion of legal action of repetition, summons of guaranty, and conciliation for administrative litigation. In addition, a further goal was to establish general guidelines for the intercession of Agents from the Attorney General's Office before the Administrative Litigation Courts in order to defend the Nation's interests.

Specific Objectives

- Apply the rule contained in sub-section 2 of Article 90 of the National Constitution, which states that, "In the event that the State is found guilty of patrimonial compensation for any such damages caused through the fraudulent or seriously culpable conduct of one of its agents, the former should bring legal action of repetition against the latter.
- Recover, as set forth by the State Council, those moneys owed by officials by virtue of their own personal use.
- Promote conciliation for matters of administrative litigation.

Approved:	November 1992
End:	December 1995
Approved Budget:	\$225,000US
Budget Spent to Date:	\$223,000US



Background

On a number of occasions, the Colombian Government has been obligated to respond institutionally for damages caused to individuals by certain of its officials. The problem is not only the large number of such processes, but also the fact that they often last between four (4) and nine (9) years and that in most cases the result of these trials is a sentence against the State.

Before 1991, agents defending the legality of these trials against the State had no direct connection to the Attorney General's Office. Instead, they were prosecutors named by the President and who did not act in conjunction, but operated autonomously, making it impossible to unify theses and arguments and offering limited possibility of controlling their performance.

In 1992, to comply with the Constitutional Mandate, the Office of the Attorney General launched a Project designed to create a team to coordinate fifty-two Delegate Attorney Generals to the Administrative Litigation Courts and ten Delegate Attorney Generals to the State Council. In addition, this team was responsible for developing conciliation, summons of guaranty and legal action of repetition, concepts which were unprecedented in our country. Furthermore, it was also necessary to streamline trial processes, stem corruption and broaden the guarantees of those deciding to turn to Litigation Courts to resolve their conflicts.

Summons of guaranty is a mechanism used during the development of a trial against the State, in the State itself calls an official to answer for his or her action or omission which has given rise to the legal action.

Legal action of repetition is presented after those cases in which the State has been found guilty. Under this approach, the State brings a new trial against the official who brought about the guilty verdict against the State, so that he or she can answer economically to the governmental body that was forced to pay compensation or damages to an individual through the officials serious blame or fraud.



Project Development

This initiative was oriented toward the prevention and repression of corruption and irresponsibility on the part of public officials through the development of certain legal procedural forms which, though they existed under law, had not yet been developed in practice. The purpose, then, was to make use of certain mechanisms to impose monetary sanctions against negligent or corrupt public officials.

The project was carried out in three stages, as follows: The first stage began in November 1992 and ended in November 1993, the second stage started in November 1993 and wound up in December 1994, and the third and final stage was approved in the month of March 1995 and was finished in the month of December 1995.

In order to carry out this project, a team of advisors was formed whose first responsibility was that of initiating an investigation of the sentences handed down by the First and Third Administrative Litigation Courts of the State Council, mainly to gain a better understanding of the legal situation surrounding those cases in which the State had

been declared responsible. At the same time, study was carried out of the legislation and jurisprudence relevant to this theme to prepare Attorney General directives on the participation of Public Ministry Agents in these cases. Finally, explanatory handbooks on the new legal norms were prepared, criteria were defined and strategies were plotted for putting the discretionary powers into practice for the purpose of supervision and intervention on the part of the Attorney General's Office in trials against judicial or administrative authorities, as well as for the practical development of legal action of repetition and summons of guaranty.

The Advisory Group began dedicating itself to the task of counseling, coordinating and training Public Ministry Agents as well as that of reviewing the cases then underway in before different State entities in order to define which might be subject to resolution through conciliation and to determine the best way to reach a good agreement. In a similar fashion, advice was given as to which cases could be subject to legal action of repetition.

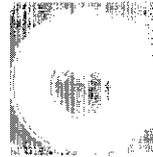
Through the consulting efforts of the project team to the Agents of the Public Ministry who were acting before the administrative litigation courts, there were entailments of different public officials with respect to these trials on the national, departmental (i.e., state or provincial) and municipal levels. Most of these cases had to do with human rights violations, such as the right to life, or with physical integrity and disputes related to contractual statutes.

As part of this project, three nationwide seminars were held between 1993 and 1995, bringing together Public Ministry Agents from all over the country. At these fora,

the legal criteria with respect to this topic were established as well as the lines along which they should be applied.

In addition to these national events, various regional seminars and training workshops were given with the participation of different State entities to promote the development of these legal procedures.

It has been possible to see the positive Results of these efforts to publicize the topic, even after the first seminar, in the 120 applications for summons in guaranty that were presented thereafter.



Results

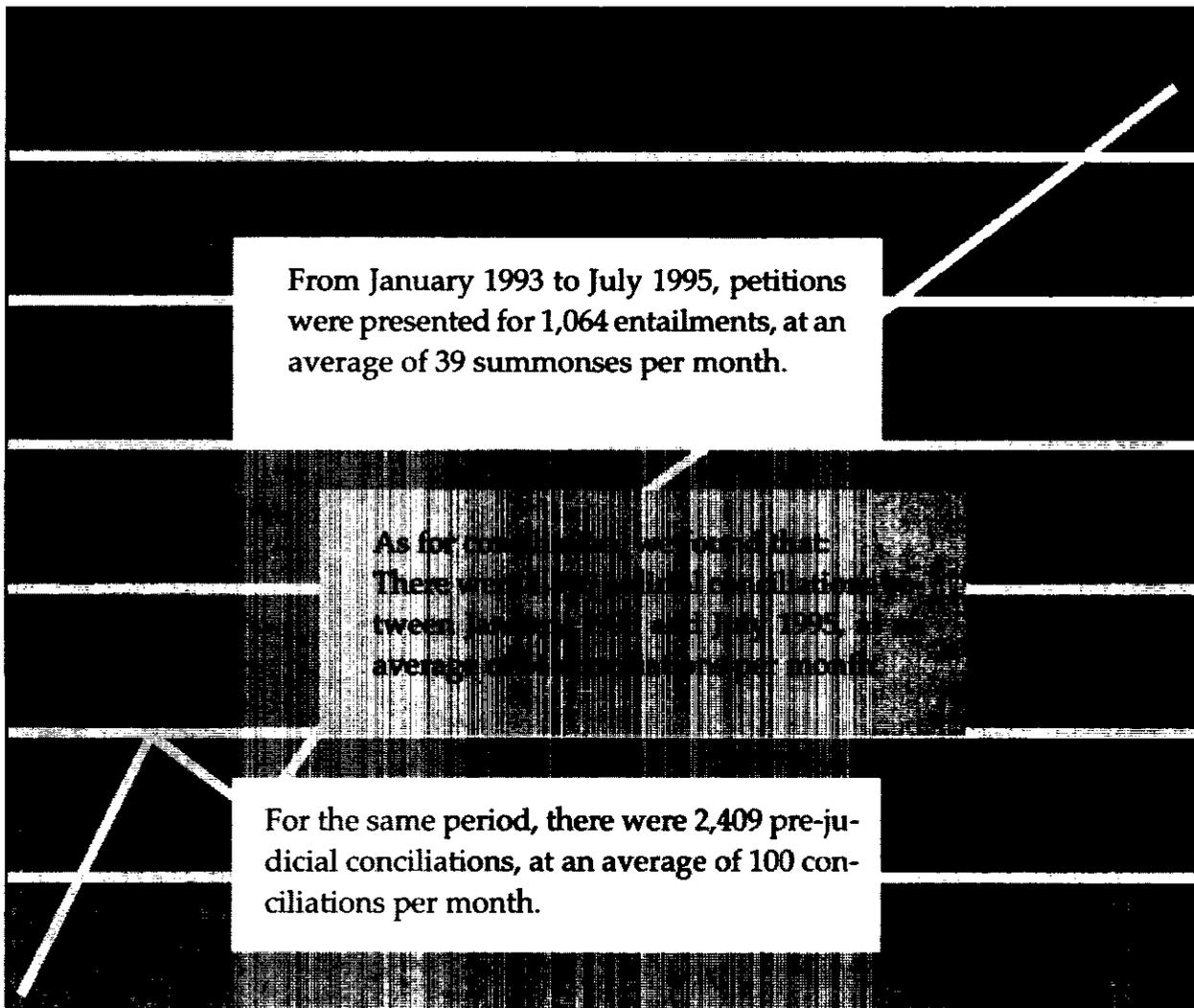
This project has produced very important results that are also very easily observable. In the first place, it was possible to arrive at a coordinated manner for Delegate Attorney Generals to present legal action before the State Council and Administrative Litigation Courts, eliminating the former strategy used by these agents, who operated in isolation, with no unified criteria for applying these constitutional tools. The Advisory Group developed uniform policies and criteria for action as part of this project. This was further strengthened by another action that was also a direct result of this project, the creation of the position of First Delegate Attorney General to the State Council, responsible for the functions of coordination, policy definition and supervision of the work of the Delegate Attorney Generals to the State Council and the Administrative Litigation Courts.

In addition, a Presidential Mandate was issued and ratified by the current administration, in which the conciliatory phase was set up as an obligatory step for all administrative litigation trials. It is important to note the great monetary savings that the State has enjoyed through administrative conciliation as well as the contribution this mechanism has made in reducing case backlogs in judicial offices. It should also be mentioned that some of the State entities that received advice from the project team on administrative litigation decided to create special offices to take care of these matters.

Though these actions have had important economic consequences, their contribution

in terms of coercing implicated officials and discouraging other officials from engaging in these practices has been even more significant.

Among the entities that received advice in this area were the Ministry of Public Works, the National Tax and Customs Department—DIAN, the Colombian Social Welfare Institute—ICBF, the Ministry of Transportation, the Office of the Mayor of Greater Bogota, the Lawyers Collective, the Ministry of Defense, the Ministry of Justice and Law. Furthermore, contact was maintained with approximately 35 national entities.



There were other observable results as well:

- In the last year alone (from September 1994 to September 1995), the State has saved close to nineteen million Colombian pesos due to administrative conciliations, a sum that can now be dedicated to much more productive ends instead of paying judicial penalties.
 - There has been a significant lessening of the case backlog in administrative litigation courts.
 - It has been possible to provide quick and beneficial trials through conciliation to those citizens affected .
 - Conciliation to resolve administrative litigation cases has contributed to the efficiency and legitimization of the State.
 - Presidential Mandate No. 04 of November 15, 1994, ordered all government entities to adopt pre-judicial and judicial conciliation as well as legal action of repetition obligatorily.
 - On March 15, 1994, the Attorney General issued a directive through which the Attorney General's Office was incorporated as part of the Public Ministry and the position of First Delegate Attorney General to the State Council was created. This directive also regulated the actions of these agents.
 - Various public bodies have created divisions for legal action of repetition, which are dedicated to following trials against public servants implicated in cases brought against the State.
 - To date, six government officials have been found guilty of having acted with severe blame or fraud in actions against the State in which the government was forced to pay fines for damages.
- With each passing day, there is more clarity on the importance of these two procedural forms in administrative litigation courts and the State Council.
 - Legal action of repetition has acted like a dam, effectively stemming and deterring the actions of corrupt officials.

Testimonials

The following opinions were collected in the final stage of the project, and deal with its effects and contributions:

"The support of the Advisory Group was fundamental in unifying and developing constitutional mandates and legal decrees as well as in overcoming obstacles in conciliatory processes and summons of guaranty. In 1992, a groundbreaking seminar was held that was attended by all delegate attorney generals for Administrative Litigation Courts. It was there that we unified criteria for these two means of legal action.

"Legal action of repetition is another legal means promoted by the Advisory Group. These efforts have been undertaken with the utmost responsibility, with the analysis of all cases admitted before the courts. Serious scrutiny is given to the level of responsibility of the entity being tried as well as that of the public official with possible links to the actions under suit. Where there is support in the form of evidence, it is analyzed carefully. Only after all of this has been done are petitions been presented for summons of guaranty. As for my own experience, the courts have not rejected any of my petitions to date."

Urias Torres, 11th Delegate Attorney General to the Administrative Litigation Court of Cundinamarca.

"The overall merit of the Project has been that public institutions have become more flexible in their view of legal conflicts, yielding a more realistic interpretation of the law. This has led to a greater awareness of the public

interest, which in turn serves to legitimize the State.”
Jesús Emilio Gómez. 12th Delegate Attorney General to the
Administrative Litigation Court of Cundinamarca.



Final Comments

The Project for Public Ministry Agents has made significant contributions to implementing summons of guaranty and conciliation in administrative litigation, both of which are fundamental in creating a sense of responsibility on the part of public officials and entities, especially with respect to the society at large, as well as in defending and promoting human rights, since most of the cases analyzed were against the Defense Ministry brought forward for errors committed by law-and-order authorities.

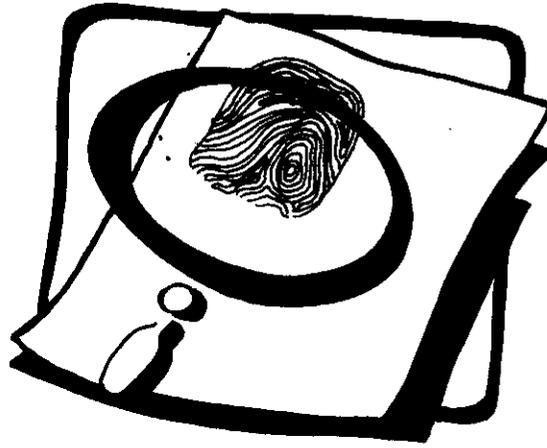
With the promotion of these two means of legal action, much is done to curb corruption and the like in government entities and to foster a greater sense of social responsibility, since each official must respond for damages caused with his or her own funds.

This, then, is a coercive element that raises the level of awareness of everyday actions on the part of public servants.

Despite the positive results obtained to date, further progress and the continuation of these processes depends on the support offered by the Office of the Attorney General, as well as on the acquiescence of government entities in adopting practices leading to public responsibility and the rehabilitation of the State. The Results show that there is a great deal of willingness to continue along the trail that has been blazed, because the benefits for the State and the general public are undeniable.

Recently, it has been possible to determine that if there is a trial going on in which a government official has been linked, at the same time as a conciliation effort, even if the latter should prosper, the trial against the official must run its natural course. This means that they are assumed to be different processes, because while conciliation is basically aimed at not wasting time and money in the settlement process, legal action of repetition and summons of guaranty are meant to ensure that officials take responsibility for their faults.

Strengthening the Special Investigations Office



Objective



The purpose of this project was to fortify the Special Investigations Office and support its reorganization through training of personnel as well as basic computer support to incorporate systems technology for automation of processes.

Specific Objectives

- Supply the Special Investigations Office with the necessary hardware and software to modernize its investigative processes.
- Implement an automatization process in the Special Investigations Office through a network of microcomputers.

Approved:	April 1993
Start:	May 1993
End:	August 1994
Approved Budget:	\$89,000US
Budget Spent to Date:	\$89,000US



Background

The Special Investigations Office, which is a sub-division of the Office of the Attorney General, initiates and carries out investigations. Specifically, it occupies itself with those investigations assigned to it directly by the Attorney General, those decided on by the Office Head, those requested by Public Ministry Officials as per their area of competence, as well as those court-appointed investigations required due to events related to the morality of civil service. In summary, it is the office responsible for investigating serious acts that threaten proper public administration on behalf of the Public Ministry and other State entities, as required, as well as for giving advice on such matters.

In order to fulfill its mission, the Special Investigations Office must collect information, verify that the events actually occurred, determine the violation of applicable laws and identify the transgressor in order to give an interim ruling on the respective actions.

In this context, the Special Investigations Office is not only a technical and scientific support for specialized disciplinary investigations, but also constitutes the backbone of trials regarding unjust enrichment, the morals of public service and human rights. This is because, in addition to acting in the administrative and disciplinary arenas, its sphere of influence also includes promoting criminal action in each and every one of the areas mentioned.

Since 1991, the U.S. International Criminal Investigation Training Assistance Program (ICITAP) has collaborated with the Office on different fronts. First and foremost, ICITAP

gave an intense technical training program to professionals working in the Special Investigations Office, concentrating on the areas of unjust enrichment and human rights.



Project Development

The project supported the development of improvement and total quality processes in the Special Investigations Office, efforts which began in 1991 to better the quality of investigations into unjust enrichment, corruption and human rights violations. The Special Investigations Office is made up of approximately 150 people.

With the aid of ICITAP, an invitation was extended to an international expert in systems management for investigational support. The consulting assistance of this expert made it possible to specify certain characteristics that the information system should have in order to provide better support for the investigations carried out by the Office.

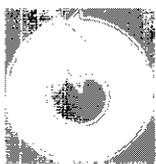
In addition, another international consultant was invited to help prepare a document entitled, "Manual of Administrative and Investigative Policies and Procedures", which was the subject of various discussions and underwent a series of revisions. This Manual was finally implemented as a standard within the Office.

It was then, that the need to carry out a three-stage process to strengthen the Special Investigations Office was identified. The first indispensable step was that of training to help officials internalize the

Office's new working conditions and approaches. Second, it was urgent that the procedures identified in the Manual be implemented and that many of those procedures be automated. This was the overriding reason that it was deemed necessary to systematize the Office, as support for both trial and investigative efforts. The third phase was to supply researchers with those tools that would allow them to carry out the procedures that had been implemented to put into practice the knowledge they had acquired in order to do their work better.

The project consisted of two major components: The training component (which was carried out through workshops and consulting) and the systematization component (which consisted of the acquisition of the hardware as well as the operational and office-automation software needed to provide basic support for data processing). The project was complemented with the technical training efforts carried out by ICITAP.

As a part of this initiative, a computer network was purchased and installed, with the necessary civil works for the logical and electrical wiring. In addition, computers and printers were acquired, along with the necessary operational and office automation software. Finally, the associated training was given.



Results

Perhaps the most easily observable result of this project is the technological leap tak-

en by the Office. Prior to this initiative, all information was processed manually, which was not only time-consuming but also resulted in unnecessary errors.

It was also possible to notice that the installed technical capacity was being used one-hundred percent, and that the needs had already been identified for growth and extension of this computing capacity.

It is possible to conclude, based on the testimonials given by some of the people working at the Special Investigations Office, that the time needed to process trials has gone down, since a major part of those efforts is now done with the appropriate technological support. Such is true of cases of unjust enrichment, which represent the bulk of the Office's case load. In just ten months, since this system began operating, 40% of the cases have been evacuated.

The working tools acquired through this project have been adopted by all of the Office's employees as a normal support of their everyday activities.

While it is true that the technological platform acquired has turned out to be extremely beneficial for supporting some of the tasks carried out in the Special Investigations Office, there is already a growing need to extend the system's coverage in order to handle other applications that are directly related to the trials themselves, such as the systematized control of case files, data collection and management as accumulated through the investigative process, among others.

Testimonials

Ten months after the System for the Special Investigations Office began operating, the opinions of some of those working there were collected, some of which are reproduced here:

"This has undoubtedly been a great step forward, in our opinion, because it has improved the quality of the reports, communications, writs, etc., produced by this Office, to say nothing of making the whole production process a lot faster."

*Diana Isabel Rincón, Nelly Zambrano Ruiz, Elvia Norcy Junjano.
Employees of the Unjust Enrichment Unit of the
Special Investigations Office.*

"The systematization of the Office has been a great help in that I able to finish the work I do in this Division much faster, and it has also helped me store crucial information that I need later to prepare reports and legal opinions."

Patricia Cabezas Yarce, Criminatistic Technician.

"The systematization has produced the most optimal and efficient Results for different types of technical consultations, due to the use of fundamental programs, like electronic balance sheets, data bases, word processors, etc. ..."

Miguel Angel Soto, University Professional.

"Without a doubt, the use of computerized systems has made a notable contribution in increased efficiency, effectiveness and economy in carrying out the work of this Division."

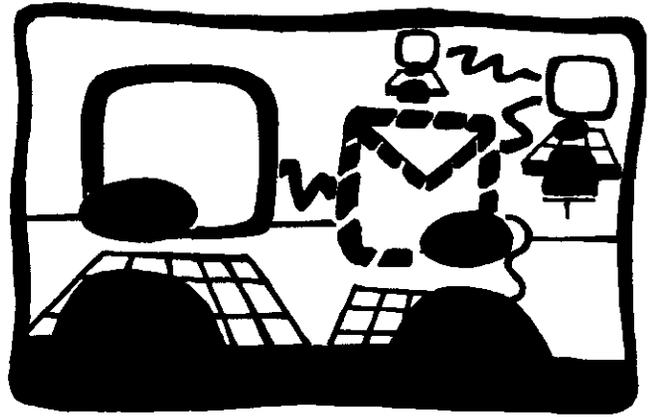
*Cesar Augusto Nieto.
Administrative Morality Division.*

"...the Office used to carry out its investigative work using the mechanical written methods available to it, which really wasted time and resources unnecessarily, which lessened the reliability and value of the results obtained in the tasks assigned. There was also a lot of unforeseen waste in terms of materials and supplies, as well as the production of huge files that were inconvenient both for the amount of time needed to consult them as well as the equipment and space needed to house them (i.e., furniture, office area, etc.), among another whole series of circumstances. The end result was that employees were uncomfortable in their working situations, and even with the work they had to do..."

*Luis Carlos Velandia.
Human Resource Division Coordinator.*

"We have been able to increase efficiency because while before we had to do all our work manually, resulting in detrimental delays, now we have more control over the statistics in the case files handled by this Division. ...the benefits have been limitless for my work."

*Marisol Rodriguez Caro.
Secretary for the Division
of Administrative Morality.*



Objective



The main goal is to improve the efficiency and operations of the Attorney General's Office while strengthening its control capacity through the use of a tool that will allow the adequate handling of information.

Specific Objectives

- Make internal administrative operational processes, such as accounting, personnel management, payroll, budget, etc., in the Office of the Secretary General more efficient and immediate.
- Strengthen other internal administrative processes, such as the review of bid or contracting processes, along with the execution of these processes.
- Speed up the issue of certifications of disciplinary Background records through the decentralization of their execution.
- Reduce the backlog at the different attorney general's offices with disciplinary competence.
- Increase the accessibility of all information relevant to internal matters in the Office of the Attorney General as well as of data related to all State officials under investigation.
- Reduce instances of statute of limitation lapses and facilitate the imposition of disciplinary sanctions as the processing time of investigations is cut down.

Approved:	August 1992
Start:	November 1992
End:	Currently winding down
Approved Budget:	\$379,000US
Budget Spent to Date:	\$379,000US



Background

The Office of the Attorney General of the Nation did not have the necessary technical support to perform its duties as assigned under the National Constitution. This was in no way the fault of having been poorly conceived from the outset, but rather due to the fact that working requirements that had arisen over time had also gone through periods of variation, because of the increasing specialization of available human resources, which required the establishment of information-management parameters more and more sophisticated each day.

The task of managing, using and filing information took up most of people's time, taking them away from their real duties. In view of this, it was seen that a good part of this task could be taken care of by providing employees with adequate technical resources to carry out their information-processing functions more efficiently.

Three basic components can be identified for the area of data processing, according to the functions carried out by the Attorney General's Office.

- In the first place, the tasks related to internal administration of the management of the entity, personnel management, general services, budget, accounting, purchases and contracting as well as all of the other matters involved with administration and handling.
- Secondly, there is the professional work done in all divisions of the Office of the

Attorney General of the Nation. Each separate branch, called Delegate Attorney general's Office, has different specific responsibilities, and the professionals who have to perform them need to have all of the information possible at their disposal on the cases trusted to them so that they can process them adequately

- Finally, there are the Departmental and Provincial Attorney General's Offices operating all over the country, which carry out the selfsame duties as the National Attorney General's Office for the area over which they have jurisdiction. Information coming from the Departmental and Provincial Attorney General's Offices must necessarily be available to both the Office of the Attorney General of the Nation as well as to themselves. There is a real need for transmitting data adequately and efficiently from each center to the outlying areas and vice versa.

Thus, systematization is a matter of national importance for the Attorney General's Office, especially since the actions and functions of this entity are carried out all over the country.

Within the general Objective of improving the administration, operations and effectiveness of the Colombian justice system, by diminishing impunity with a steady rise in the number of sentences as compared to the number of punishable acts while reducing the number of criminal trials pending, the need for an adequate mechanism permitting the timely, efficient and correct use of data is even more evident.



Project Development

This project formed part of a process of information systems development that the Attorney General's Office was pursuing for which it had developed the design of an information systems plan prior to the initiation of this project. That plan shed light on the different systems that needed to be developed as well as their relative priorities.

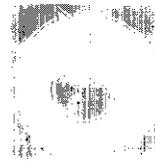
As part of this project, the set up of a data network for the central workings of the Attorney General's Office was defined, and the equipment and operational software needed for the operation of this network were acquired. In addition, software for office automation and electronic mail were also purchased. Finally, the operational platform for the development and installation of the information system was decided on as well.

The resulting system consists of three major components: the disciplinary performance system, the administrative-financial information system and the statistical system. In terms of the applications themselves, the project supported the development of the administrative-financial component.

The administrative-financial system is broken down into the following modules: Accounting, Treasury, Budget, Correspondence, Human Resources, Warehousing and Storage, Transportation, Maintenance, Security, Legal, Purchasing and Planning.

The Office of the Attorney General went ahead with the formation of working teams to ensure the development of an information plan, creating groups for systems development, service to users and administration of hardware. The Planning Office and the Systems Division created a dictionary of conducts that formed the functional basis of the system of disciplinary investigations.

At the date this report was prepared, the project has been nearly completely finished. The only thing pending is the final delivery of some of the specific applications by the firm that was hired for that purpose.



Results

This project has contributed significantly to improving the operations of the National Attorney General's Office and has supported its administrative and organizational restructuring process. Given the importance of the entity in the justice sector, the achievement of this goal is an indispensable step in the Nation's quest for a justice system that truly responds to the needs of society. Moreover, with the installed computer infrastructure, the necessary bases have been set for the Attorney General's Office to be able to maintain communication with the other entities related to its operations, thereby allowing them to share information as needed for the development of the investigations it carries out.

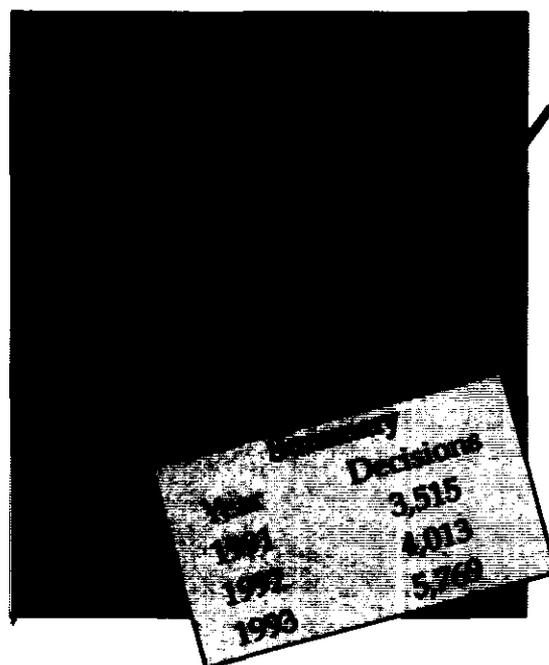
Some Statistics

- The issue of certificates of disciplinary Background records in Bogota is now done the same day as the receipt of the application, as opposed to the former waiting period of up to five days.
- The average duration of the 9,538 cases opened in 1994 that are currently on file was 197 days (i.e., six and a half months). To date, there are 21,000 cases that were opened in 1994 and which have not yet been closed and filed.
- There are currently approximately 120 users of the network, though it must be kept in mind that the administrative-financial system is not yet up to one hundred percent production.

The following are a few data on the Attorney General's Office's operations in different areas that have been extracted from reports presented by that entity for the periods 1993-1994 and 1994-1995.

1991 to 1993 Period

Cases Opened	115,366
Cases Closed	75,687 (65.6%)
Human Rights Violations	
Cases Closed	2,998



Decisions handed down in the area of administrative corruption

Actions against public morality & efficiency	6,780
Undue use of public powers / duties	5,000
Actions counter to the position's dignity and decorum	1,372
Actions against the administration of justice	140

September 1994 to June 1995

**First Delegate Attorney General's Office
for Administrative Supervision**

Cases Opened	1,809
Not-Guilty Decisions	377
Decisions Bearing Sanctions	357
Other Decisions	1,075

**Second Delegate
Attorney General's Office
for Administrative Supervision (Public Services)**

Complaints Received	926
Complaints Resolved	803
Complaints Still Pending	123

**Third Delegate Attorney General's Office
for Administrative Supervision**

Matters Decided On	1,220
Matters Still Pending	639

**First Delegate Attorney General's Office
to the State Council**

Conciliation:

Pre-Judicial Conciliations	392
Judicial Conciliations	330

Monthly Averages:

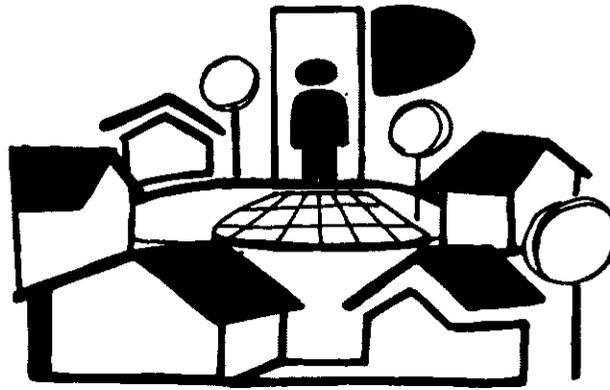
Judicial Conciliations	55
Pre-Judicial Conciliations	65

**Summons of Guaranty and
Legal Action for Unjust Enrichment**

Between January 1993 and August 1994, there have been petitions for the entailment of 1,205 public servants, 620 of which have been accepted. There have been 23 lower court judgements.

**Office of the National Director
of Special Investigations**

Prelim. Invest.	Unjust Enrichment	Administrative Corruption	Human Rights & Law and Order
Processed	211	38	34
Underway	142	15	11



Objective

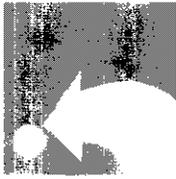


The main Objective is to carry out the necessary high-priority actions with a greater deal of coverage in order to strengthen the performance by Municipal Representatives ("Personeros") and the Attorney General's Office of the defense and promotion of human rights.

Specific Objectives

- Perform a diagnosis of the legal and sociopolitical situation of municipal representatives ("personeros") in the country.
- Gather and organize all norms regulating the actions of municipal representatives ("personeros") and produce a legal guide for them.
- Prepare strategies for improving and fortifying the functions of municipal representatives ("personeros").

Approved:	November 1992
Start:	January 1993
End:	April 1995
Approved Budget:	\$99,000US
Budget Spent to Date:	\$99,000US



Background

The Colombian National Plan for Strengthening Municipal Representatives ("Personeros") was born out of the Attorney General's desire to fortify the role that municipal representatives ("personeros") should play as Representatives of the Public Ministry at the local level.

It is important to explain who these municipal representatives ("personeros") are, since this concept does not exist in the United States nor in many other countries. These representatives are local authorities assigned according to Colombia's political divisions, in 32 Departments (i.e., Provinces or States) in 1,028 municipalities. These representatives ("personeros") have to act as Agents of the Public Ministry, defending human rights, protecting the public's interests and supervising public servants.

For as long as they have existed, these municipal representatives ("personeros") have been considered as "capable of doing it all". Perhaps this is why they were assigned by law and decree a great number of diverse functions. Thus, one of the first tasks that fell to this project was the organization of all of the existing legislation in this regard and the unification of the criteria for regulating the duties of these municipal representatives ("personeros"), creating—if at all possible—a division within the Public Ministry to coordinate and direct their actions.

The history of these municipal representatives ("personeros") began in the Americas

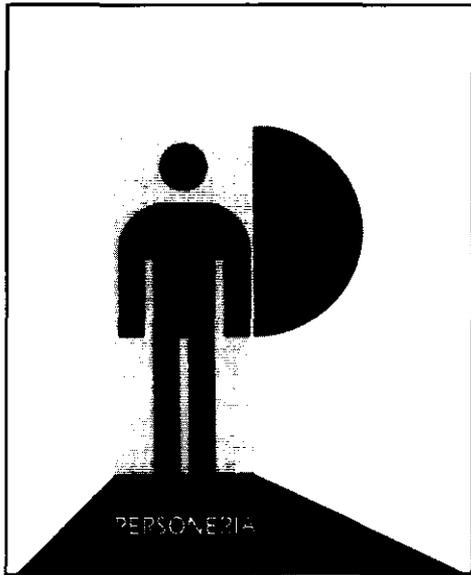
as defenders of the residents of small towns as well as indigenous communities. They later evolved into the role of municipal contractors representing the interests of the State. Finally, through the 1991 National Constitution, they were once more given their initial duties of defending citizen's rights.

Municipal representatives ("personeros") play a very important role within the democratic process of participation that the State is committed to in terms of their responsibility to organize the public at large for the control, planning and execution of local policies as Public Ministry representatives in support of the citizens and the community.



Project Development

One of the first activities undertaken was a legal study on all of the legal regulations existing at present that apply to Offices of Municipal Representation ("Personerías"). To this end, all relevant legislation was gathered, whether it related directly to these municipal representatives ("personeros") or was only indirectly connected to them (through delegation), as well as everything connected to their duties with the Public Ministry, as defenders of the public's interests, as inspectors, as well as any other legal norms that could apply to their jobs. Once all of the information had been collected, it was organized in the form of a document entitled, "Legal Guide for Municipal Representatives ('Personeros')", in the hope of making this a fundamental tool for this country's municipal representatives ("personeros"), as a reference and constant orientation for the correct performance of their duties.



The approach chosen for carrying out a qualitative and quantitative study of the current situation of municipal representatives ("personeros") was a series of surveys of a sampling of different municipal representatives ("personeros"). Unfortunately, this approach was not really valid, given the great diversity of the different municipalities in the country. In view of this experience, a national census of municipal representatives ("personeros") was designed to obtain more reliable data. The census changed many of the misconceptions that had been widely accepted up to then regarding municipal representatives ("personeros"), such as the mistaken belief that most municipal representatives ("personeros") were not college-educated professionals, much less that there were lawyers among their numbers. The census showed that a hefty 68% of the group are attorneys. In addition, it was found that the physical conditions under which these people are forced to work are bad and that they lack the necessary instruments to be able to do their jobs correctly.

To complement the aforementioned census, six regional workshops were held for the purpose of performing a qualitative analysis of municipal representatives ("personeros"). Thanks to the participation of approximately 160 municipal representatives ("personeros") from around the country, the major problems affecting this group were identified.

These two studies provided the bases for proposing adequate recommendations and developing an action plan for municipal representatives ("personeros") throughout Colombia.



Results

With the studies that were carried out, it was possible to form a vision and gain a closer knowledge of the situation of most municipal representatives ("personeros"). Up to now, these local authorities have been isolated from each other and have had to do their jobs on their own, with no coordinating body on the part of the State to give them the support they need to fulfill their mission as promoters and defenders of citizens' rights.

One of the first conclusions to come out of the studies was that with the proper policy definition, adequate financing and a coherent working plan as well as with the indispensable element of good human resources, it would be possible to solve the majority of the problems affecting this institution.

Another important conclusion had to do with the crucial role that the Office of Municipal Representatives ("Personería") could play in giving life to and promoting

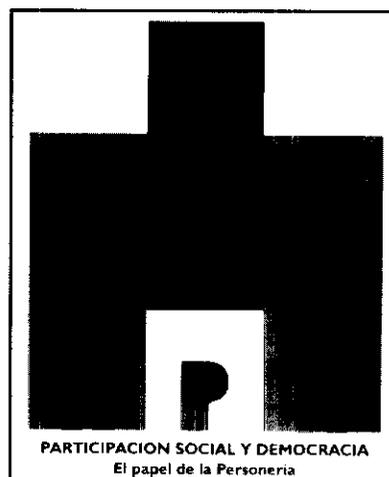
certain fundamental principles set forth in the Constitution. This institution is the most appropriate for putting participation, democracy, decentralization, the correct administration of justice and the effectiveness of fundamental rights into practice. Similarly, municipal representatives ("personeros") can form the essential link between the citizens and the State because it is the body that is closest to the common man or woman, the most accessible resort when they feel their rights have been violated.

Another result of this project was the creation of the National Plan for Strengthening Offices of Municipal Representatives ("personerías") under the auspices of the Office of the Attorney General of the Nation, which was formalized through Law 201 of 1995, with the functions of coordinating the activities of the different offices of municipal representation or "personería" offices, promoting and protecting the human rights entrusted to their care and designing policies to promote civic participation. At the same time, this Law modified the legal regime applicable to "personería" offices and, along with the modernization law and

the organization of municipalities, the "personería" office was an institution of municipal control, autonomous and independent of the other authorities on the municipal level.

Other educational processes were carried out and publications edited to create the Basic Library of the Office of Municipal Representation or "Personería" Office as part of the project activities. In this way, municipal representatives or "personeros" were supplied with the legal, academic and practical tools that would allow them to carry out their duties in the most effective way. The Basic Library for the "Personería" Office contained the following documents:

- Legal Guide for the Office of Municipal Representation or "Personería" Office.
- Social Participation and Democracy - The Role of the Office of Municipal Representation or "Personería" Office.
- The Municipal Representative or "Personero" and Public Services.



- International Humanitarian Law.

These publications have been so widely accepted and their importance so recognized that various entities and organizations have requested their reprinting.

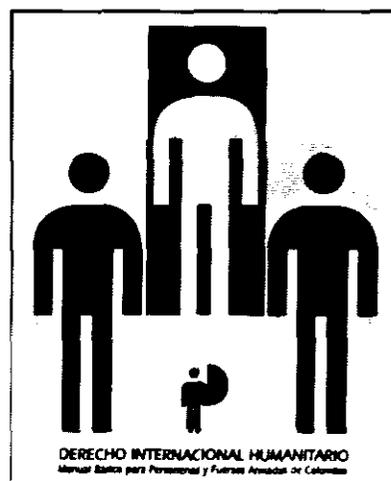
From the different diagnostic workshops that were carried out and the national census, it was possible to determine that the "personeros" felt that the most important social problem affecting their municipalities was unemployment, followed by difficulties with public services, health education, housing and factors resulting from violence. Within this context, the "personeros" were able to direct their efforts towards the solution of these problems within the jurisdiction that corresponds to them, which most of them consider to be dangerous due to the proliferation of violent acts in these areas generated by the presence of guerrilla groups, paramilitary organizations, vigilante bands and narco-trafficking operations.

Various laws and decrees were promoted during the development of this project, which were aimed at organizing the duties of the "personería" offices legally and

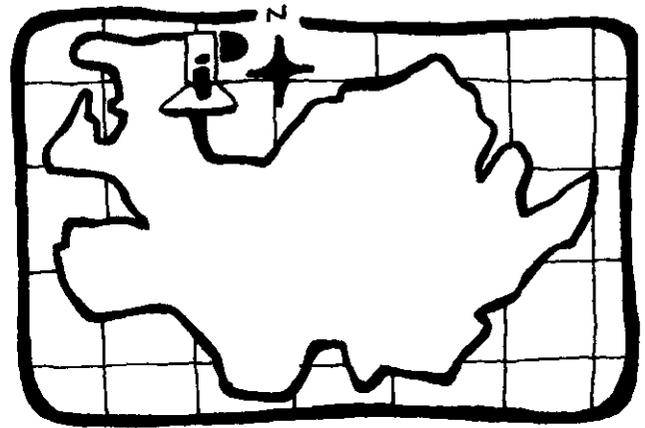
administratively, as well as to support these entities and perform a better distribution of the resources assigned to them. Similarly, the Attorney General's Office formalized its intentions of updating the national census of "personería" offices by repeating the process every three years.

The Public Ministry currently has one thousand forty-three "personeros", all of whom have clear functions of defending human rights, protecting the public's interests and supervising the conduct of municipal public servants and have been provided with the legal and practical tools to carry out these duties, thanks to the legislative progress that has been made. Finally, they all have an office that coordinates and supports their efforts continuously.

With the results of the diagnostic workshops and the other studies that were part of this project, the possibility of testing a pilot strategy in a particular spot was proposed. This is how the next project, which is entitled "Municipal Representatives or "Personeros" and Human Rights" came into being.



Municipal Representatives (Personeros) and Human Rights - Pilot Program



Objective

This pilot program aims to set up the possibility of intervening to protect and promote human rights by working closely with municipal representatives (henceforth "personeros"), offering training and consulting.

Specific Objectives

- Implement an experimental process at five offices of municipal representation (henceforth "personería" offices) with respect to administrative, legal and social operations, and observe if this institution is indeed able to perform its duties of guarding, promoting and protecting human rights effectively .
- Train "personeros" in handling topics relevant to promoting and guarding human rights as well as protecting the public's interests.
- Involve those entities enabled by law in the solution of problems identified with respect to human rights violations.
- Promote civilian and community participation through the "personería" offices.
- Implement a system for classifying and prioritizing complaints and consultations.

Approved:	March 1994
End:	June 1995
Approved Budget:	\$83,000US
Budget Spent to Date:	\$83,000US

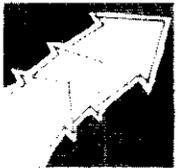


Background

Human rights is an area in which all citizens are responsible, including judges, prosecutors, police officers and many other public servants.

Nevertheless, each of these groups perceives the topic from its own particular point of view, and there is no integrated shared conception. This is where the "personero" takes on added importance, because as municipal representative, he or she is in a position to play an important role in promoting and publicizing these rights to ensure their recognition and protection.

Based on the experiences gained through the preceding project and in the hope of finding a practical way of putting the conclusions gained into practice a proposal was made for testing a strategy in a particular place, working directly with the "personero" to get to know the specific needs and working conditions with which he or she has to perform.



Project Development

For this pilot project, the Sinifana River Basin ("Cuenca del Sinifaná") in the Department (i.e., Province or State) of Antioquia was chosen because it is an area with a history of serious problems of violation of the human rights of coal miners, especially for those workers who are minors.

In order to start the project, a process for identifying the human rights violations that most affected the corresponding communities was performed. The five "personeros" participating in the project were trained, and up-to-date topical material was distributed. Community-participation crusades were held to encourage civilian involvement in identifying and solving the most serious problems, they were informed of their constitutional rights with respect to their job in coal exploration, as well as of the entities competent for solving the different problems faced. Public and private entities were called on to contribute to resolving these difficulties as well.

A large number of minors who worked as miners in the region were informed of viable alternatives to this situation as well as of programs defined by a committee that had been formed for that purpose in the region, with the active participation of Ministries, decentralized institutes, administrative divisions, and non-governmental organizations (NGO's), including the Ministry of Labor, the Ministry of Mines and Energy, the Ministry of the Environment, the Colombian Social Welfare Institute, the National Planning Department and ECO-CARBON.

Aside from these efforts, forms were designed for recording and following up on user complaints and consultations, and these forms were put into use. In this way, it was possible to perform a more effective follow-up of the services requested by the community. Giving the most effective answer and initiating joint actions.

This pilot program reaped a high level of participation and motivation, not only through the direct involvement of the "personeros", but also from the community itself. The ten all-day campaigns were attended by approximately 400 miners from the zone. It was possible to achieve miner involvement in the solution of violations through coal exploration and production. Some miners were contacted institutionally, which was the first time that any of them had never been taken into account as the target group of a program. It was possible to involve the municipal administration, the Departmental and Provincial Attorney General's Offices and, of course, the Delegate Attorney General's Office for "Personería" Offices, which had already been created.



Results

Of the results of the pilot program, the following are perhaps the most noteworthy:

- A methodology for diagnosing human rights violations as well as the mechanisms for their protection by "personeros".
- The identification of an adequate "personero" profile as well as the identification of the limitations of the "personería" offices.
- One of the major conclusions of the pilot program is the confirmation of a need shared by society and the Colombian State: that of launching a pedagogical effort directed towards government entities and their employees as

well as towards different special groups from the civilian population to educate them on the concepts and forms of participation upon which democracy is based as well as the new order established by the 1991 Constitution.

Final Comments

It was observed that a formative and pedagogical program for a groups of government officials can help achieve the practical application of their work objectives. Many practical limitations were discovered for "personeros", in terms of the human and physical resources available to them. This is combined with the fact that their labors are isolated, without general operating criteria, which makes it much more difficult to achieve results. Furthermore, "personeros" seem to be predisposed towards dedicating their time and energy to functioning as an organism of control through disciplinary trials, with not much of an orientation of carrying out the functions of the Public Ministry to establish mechanisms and procedures for protecting human rights and lowering the number of violations in this area.

The State and society must offer an integral, ongoing and deep pedagogical effort in the area of human rights, stressing the most frequently encountered violations in order to prevent them. These efforts must reach all of the country's entities.

Another conclusion for the profile of those working as "personeros" that came out of the project is that leaders are needed to stimulate and encourage all civilian participation processes and to make it easier to call on all of the public and private bodies.

Objective



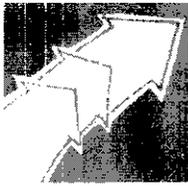
This project is meant to strengthen the effectiveness of the Attorney General's Office's disciplinary control efforts, especially with respect to public servants involved in administering justice, through the development of a training scheme for its employees.



Background

This project was proposed as a way of supporting and improving the labors of the Attorney General's Office through a fortification of the disciplinary control powers conferred on the Public Ministry as well as through the internal control of public institutions. This strengthening will be achieved through training those in charge of controlling public performance, both in terms of disciplinary law as well as in administration and the other topics required for functioning as per the needs of each situation.

Approved:	December 1993
Start:	January 1994
End:	December 1995
Approved Budget:	\$94,000US
Budget Spent to Date:	\$65,000US



Project Development

This project's first activity was the elaboration of a five-year training plan in which policies and guidelines for the institution's instruction program were defined, and the human and logistical requirements for carrying out the program were identified. Another important element of the training plan that was recognized at this point was the production of handbooks and didactic materials that would serve to spread the concepts covered to all employees.

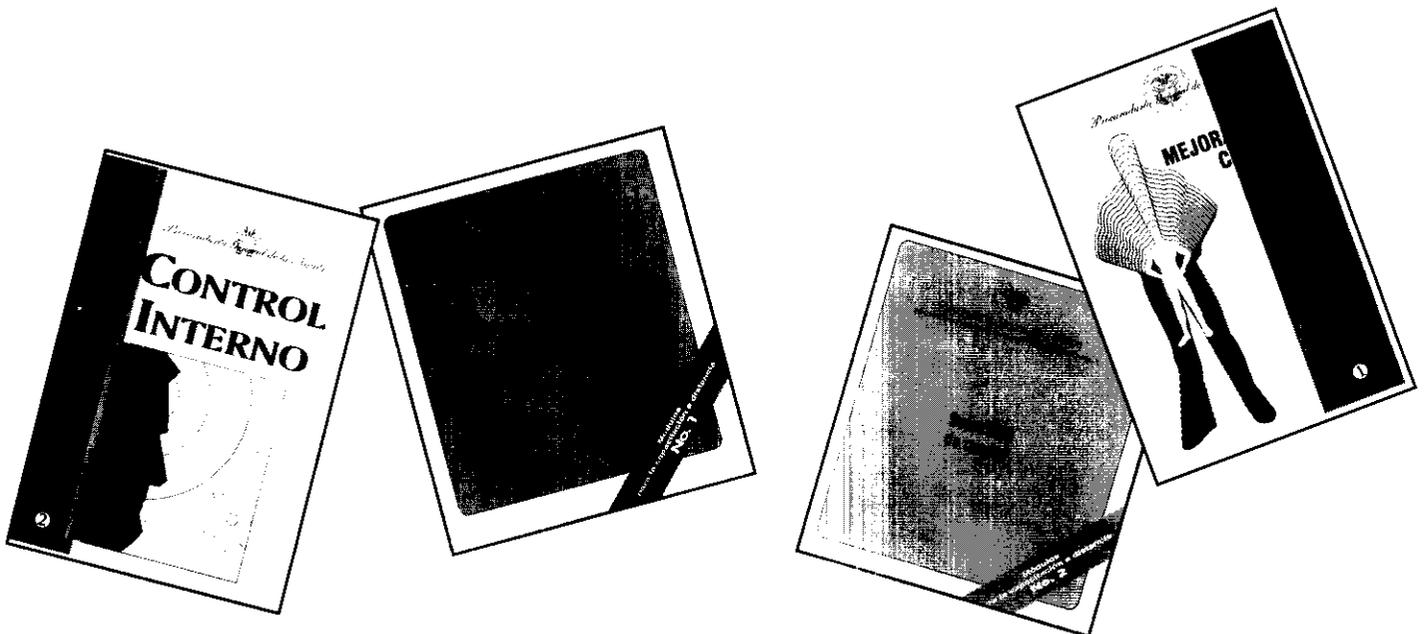
A consulting firm was hired to develop the training plan along with some officials from the Office of the Attorney General, achieving the following: They designed the structure needed for the Attorney General's Office to carry out the training plan; they did a survey of the officials to identify training needs; prepared a five-year training plan along with the methodology and economic analysis for carrying it out.

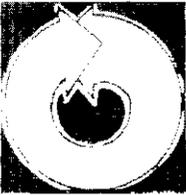
After the presentation of the proposed plan, actual training was begun with instruction in which thirty-three seminars were given to members of the Attorney General's Office from different regions and positions.

To complement the training plan and unify certain generally applicable criteria, the following publications were issued and distributed to those who needed the information to carry out their jobs:

- Disciplinary Trial Methodology
- Complaint Selection
- Internal Control
- Quality and Ongoing Improvement of Human Talent

The Office of the Attorney General took on the development of the training activities through the creation of an internal division dedicated exclusively to these matters.





Results

One of the results of this project was the creation of the Studies Institute of the Public Ministry within the organizational structure of the Attorney General's Office. This is a key element in providing continuity to the activities started through this project

in terms of the constantly up-dated definition of training needs and priorities, always carried out with an evaluation and adjustment phase.

Eight hundred fifty people took part in the seminars offered, of whom approximately 100 were trained to be multipliers.

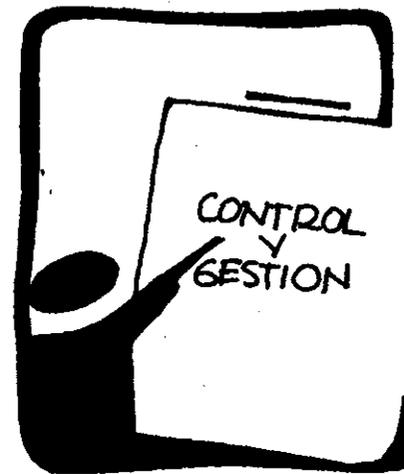
Basic didactic material was prepared and evaluated through surveys of officials, confirming their usefulness and acceptance.

Control and Performance Model for Public Service Pilot Plan for Judicial Supervision

Objective



This pilot program aims to develop a prototype for controlling performance from within the Attorney General's Office and, in turn, to provide a model for the other State organizations, through an experiment with the Delegate Attorney General's Offices for Judicial Supervision.



Specific Objectives

- Carry out a training process at the two Delegate Attorney General's Offices selected in order to create the appropriate environment for developing a model for controlling public service.
- Change the attitudes of officials from the two Delegate Attorney General's Offices to be more oriented towards a mindset in favor of performance of controlling and managing public service.
- Set up performance agreements based on productivity indicators measured at the outset of the project and do the necessary follow-up to evaluate the effects of the actions carried out.

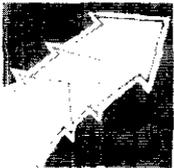
Approved:	June 1995
Start:	September 1995
End:	December 1995
Approved Budget:	\$17,000US
Budget Spent to Date:	\$ 8,000US



Background

This project was proposed as a pilot for developing a model of internal control in the Delegate Attorney General's Offices for Judicial Supervision, as one of various projects and initiatives promoted by the Attorney General's Office to exercise better and more effective control. It is hoped that this experiment can be repeated throughout the organization as well as in other State entities.

The control and performance model would be a determining factor for the effectiveness of the development plan for the whole entity, serving as a focal point for the evolution of a preventive Attorney General's Office, along with the tools for management, follow-up and evaluation as well as investigation strategies and more agile response with respect to the results.



Project Development

The project was made up of two components, a training element and an evaluation and follow-up segment in which performance agreements would be signed and the necessary accompaniment would be ensured to observe the development of the indexes defined.

The training component was realized through workshops and seminars covering three fundamental areas:

- Awareness of change, covering the topics of public service, teamwork, participatory leadership in the development of a corporate mission, individual growth as part of institutional maturity, and other topics related to motivation and management.
- Methodological matter, which covered the themes of logic, argumentation and discourse structure, traditional rationalization of formal logic, legal assessments, analytical philosophy, the structure of written legal arguments and some aspects of legal decisions.
- Legal topics, covering the new norms that affect the Attorney General's Offices's work, such as disciplinary procedure, the structure of the new Public Ministry, the Sole Disciplinary Code, the Anti-Corruption Statute, the Statutory Law of Justice, the structure of the Prosecutor General's Office, regional and ordinary justice, penal military jurisdiction, etc.

After finishing the training stage, and in order to go on to the second and final part of the project, meetings were held for all officials attached to the Delegate and Provincial Attorney General's Offices for Judicial Supervision, where the SWOT Matrix (i.e., Strengths, Weaknesses, Opportunities and Threats), among other topics, was worked on. This approach permitted the identification of the true situation of each of these divisions, and, more importantly, helped achieve a shared vision of the situation, which in turn led to joint actions that should be undertaken to improve effectiveness and quality in terms of performance.

Certain basic indicators of the level of case-backlog relief and performance for the different Attorney General's Offices were defined, including the following: monthly evaluation of case files per division, number of cases evacuated per month per office, and finally a proceedings index. The first two indicators sought to measure the efficiency and agility of proceedings as part of the natural course of the cases, both at the level of the area as well as the individual level. What was looked for with the third indicator was a way of measuring the time passed between one proceeding and the next within a single case.

In order to reach performance agreements, indicator measurements were taken before the initiation of the training stage, setting specific six-month goals for improvement.



Results

In terms of the training, since this was the first time that legal elements were combined with aspects of awareness and methodology, very good results were obtained from the point of view of participation and motivation, which was verified through the active involvement of all of the participants and through surveys at the end of each seminar or workshop.

One of the most important results of this project is that it was the very first time that performance agreements were established for the Attorney General's Office. These agreements were signed by 57 employees from the two pilot divisions, which represented a great stride forward, not so much because of the actual goals set, but due to the commitment gained on the part of officials and because this implied an ongoing process of follow-up and evaluation to determine whether the established goals are being met or not.

Follow-up and evaluation of the agreements was assumed directly by one Attorney General Office employee, but this task was begun at the end of 1995. For this reason, there are no specific results for a representative period (which should have been a minimum of six months).



Objective



This project is meant to improve quality and coverage of proceedings executed by the Public Defenders, by seeking a balance between the parties intervening in criminal cases before the Accusatory system of administration of justice.

Specific Objectives

- Improve the quality of defense cases out on by public defenders.
- Modify certain criteria for the administration of justice that can no longer apply under the new Constitution and which, if applied, have a substantially adverse effect on exercising the Right to Defense or have a detrimental effect on the interest of those being tried.
- Evaluate and try to modify relations between defenders, prosecutors and judges in order to achieve a more dynamic and objective engagement for a better administration of justice.

Approved:	June 1993
End:	Currently winding down
Approved Budget:	\$317,000US
Budget Spent to Date:	\$198,000US



Background

The Public Ministry (The Office of the Public Defender) inherited the judicial form of public defenders from the Ministry of Justice, where the way of satisfying the demand for defense services was to hire people to go to the jails and take on up to 40 cases of those who did not have money to hire their own defense attorneys. Under that framework, the only control exercised by the Ministry was to ensure that each defender actually complete 40 cases, with no attention whatsoever to the development or orientation of the defense. The creation of the Office of the People Defender under the new Constitution conferred the functions of public defense on the new entity.

Law 24 of 1992, which sets up the organization and operations of the Public Defender's Office, reads, "The Office of the Public Defender will defend the rights of those people who prove that they are not in economic or social conditions to acquire their own defense, assuming legal or extra-legal representation of these individuals in order to guarantee full or equal access to justice or to the decisions of any public authority..."

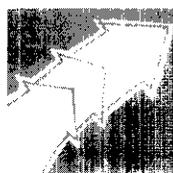
In order to comply with this mandate, the Public Defender's Office hired a total of 263 public defenders in 1994, who took care of a total of 5,825 criminal trials for people under custody who were deprived of their right to freedom.

In view of the lack of coordination and control of the duties carried out by public de-

fenders, this initiative was established to improve the quality and coverage of public defense and to reach a quick and opportune resolution of cases taken on for the defense and promotion of individual and collective rights by public defenders.

The academic coordination program consisted of the grouping of public defenders in "Lawyers' Bars", directed and oriented by academic coordinators, who designed defense strategies with the defenders and provided them with better technical and scientific legal support, to better prepare them to take on their duties as defenders. The academic coordinators had to stand out for their talents and experience in the legal profession as well as in the areas of teaching and serving as judges.

The legal form of Academic Coordinator arose as a development of the Public Defense Policy of the Public Defender's Office, in which technical defense is offered and importance and attention are given to each particular case.



Project Development

This project was developed in two phases, the first beginning in December 1993, and the second beginning in March 1995. For the first part of the project, ten lawyers bars were formed in the cities of Cali, Barranquilla, Bucaramanga, Medellin, Pasto and Bogota.

During the project's second phase, eleven lawyers bars were operating in Bogota, Cali, Barranquilla, Bucaramanga, Medellin and Cucuta. Each of these bars had a larger number of public defenders as members than did those of the first stage of the project.

The Academic Coordinators were selected from candidates presented by different universities, with special attention to the particular requirements for this post.

The bars met once a week to discuss legal problems that were substantive and trial related, so that a technical defense could be provided and to review the most interesting cases that could contribute tools and concepts to all of the members of the bar for use in their own cases. Minutes were drawn up of each meeting to favor follow-up activities for the different cases, both by the Academic Coordinator as well as the group of defenders.

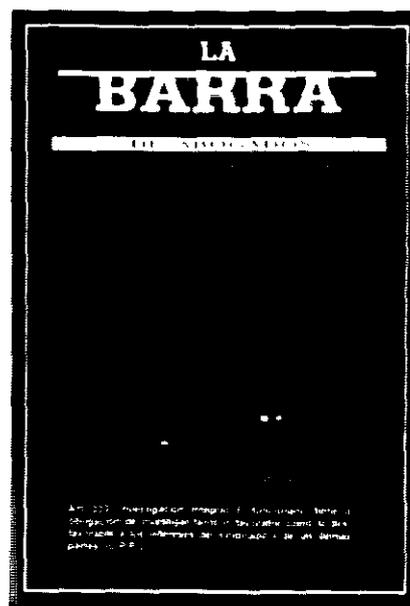
To complement this project, a publication called "The Bar" ("*La Barra*") was put out to publicize aspects of interest related to public defense and to support the project's objective. Five editions of this bulletin were published.

Two seminars, one in each phase of the project, were held for Academic Coordinators from different cities to give them the chance to share their experiences and to set parameters for improving results and giving better advice to public defenders.

In addition, the development of didactic material was proposed for those people in custody who were deprived of their right

to freedom. The materials, which are currently being prepared, consist of a manual and a series of videos to show fundamental rights in the context of a criminal trial as well as to demonstrate how to gain access to available legal resources. The materials should be ready by the end of the first quarter of 1996.

Similarly, due to the extensive use of preventive detention and its various consequences, a study was proposed to analyze the different social aspects and characteristics surrounding the use of this measure. The final purpose is to give a national seminar on the topic and issue a publication with the major findings of the study and the conclusions of the seminar.





Results

The first phase covered the period from December 1993 to December 1994. The second phase covered the year 1995. The breakdown of the legal bars for these two periods was as follows:

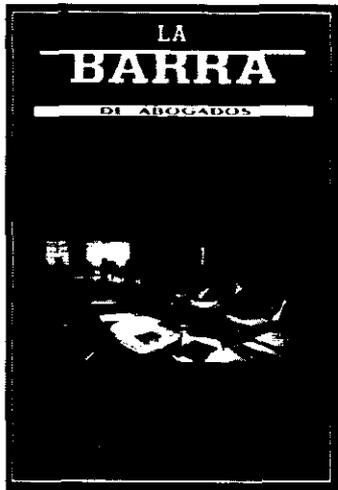
City	PHASE I			PHASE II		
	No. of Bars	No. of Defenders	No. of Cases Taken Care of	No. of Bars	No. of Defenders	No. of Cases Taken Care of
Barranquilla	1	13	190	1	19	220
Bucaramanga	1	9	100	1	17	215
Cali	2	25	460	2	24	480
Cúcuta				1	13	192
Medellín	2	28	490	2	26	750
Pasto	1	7	141			
Bogotá	3	39	952	4	73	1.168
Totals	10	121	2.333	10	172	3.025

Total Number of Public Defenders in the Country in 1995: 320

The consulting activities offered by the Academic Coordinators and the periodic meetings offered the opportunity for discussion and analysis for public defenders, thereby allowing them to identify criteria applicable to their own cases and to receive aid with legal and operational difficulties that they had to face. Similarly, a consciousness was created of the importance of teamwork, a great change for officials who had before only accepted an individualized and isolated approach to their work, with no coordination or cooperation.

In view of the positive results of this experience, and as a way of providing continu-

ity, the Office of the People Defender has promoted the organization of lawyers' bars in cities where there are a number of public defenders. Positive responses have come in from nine cities, where Academic Coordinators have been named. The difference in this case is that the Coordinators will continue to act as public defenders, with a reduced case load. In this way, this approach will be extended and will continue to operate, without the support of the project. At the end of 1995, Lawyers' bars directed by public defenders were operating in the cities of Ibaguè, Armenia, Riohacha and Pasto.



The publication of the bulletin "The Bar" has been useful for spreading information on topics of interest to improve the performance of the Public Defenders. Furthermore, it has been used as a way of attacking unethical practices and human rights violations commonly suffered by those held in custody, in denial of their right to freedom.

In order to ensure the availability of the basic information needed to orient the actions of public defense and thereby offer better services, certain data were collected on the average term of imprisonment and the duration of cases assigned to the public defenders in Bogota and which finished in 1995.

Of the 68 cases that fit into this category, the average time in custody was 198 days, and the average duration of trials was 274 days.



Final Comments

This project has proven to be invaluable in terms of training public defenders, raising their level of technical knowledge, giving

them the bases for judging and correcting incorrect proposals in their defenses as well as for orienting their selection of the appropriate use of tactics.

The Academic Coordinator Program has definitely raised the quality of defenses offered, making them more specialized, especially since each public defender shares the difficulties he or she encounters during the course of each trial, allowing for group analysis of the possibilities and alternatives. Teamwork, the experiences of the members of each bar, and the knowledge of the Academic Coordinator all come together to provide resources that would be unavailable otherwise.

It has also been observed that in developing this program, each particular case is given its due importance, with the corresponding dedication and time of not only the defender assigned to it, but also of the whole team. In this way, better services are offered by the Office of the People Defender, to the benefit of society.



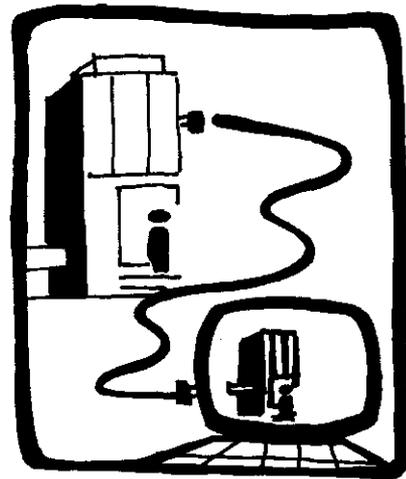
Information System for the People Defender's Office

Objective



The objective of this project was to strengthen the actions of public defenders through the implementation of an information system that allows them to supervise their performance and follow-up the cases they are in charge of.

Approved:	June 1994
Start:	August 1994
End:	Currently winding down
Approved Budget:	\$408,000US
Budget Spent to Date:	\$332,000US



Background

In February 1993, the Office of People Defender began a process of administrative and functional organization, making up its human resource team and organizing the functional groups defined by Law. That same year, the entity's Systems Office was created in order to set policy for data management, which evolved into a strategic systems plan.

The plan consisted of the following four phases:

- Performance information system for the headquarters.
- Performance information system for regional and city offices.
- National communications network.
- Legal information.

The project was approved and received support for the first phase, in view of the fact that the other phases would be the responsibility of the People Defender's Office directly. The scope of the first stage consisted of acquiring hardware and software to support administrative and functional tasks of the

Bogota Regional Office and the central structure of the People Defender's Office (i.e., the Office of the National Director of Public Defense, the Office of the National Director of Attention to and Processing of Complaints, the Office of the National Director of Resources and Judicial Action, the Secretary General and the Systems Office of the People Defender's Office).

Among the duties of the People Defender's Office is the promotion, publicizing and defense of human rights. In this framework, the project was meant to exercise control over the actions carried out by defenders on behalf of their defendants, to support the control and follow-up of actions carried out for the defense of human rights and the complaints presented by the community on human rights violations.



Project Development

As an initial step, information was collected that was needed to define the characteristics and perform the detailed design of the information system. The Public Bid process for acquiring the equipment and other necessary elements for the start up of the system was initiated and the supplier was selected.

This firm began developing the software and acquiring hardware while it carried out training on the different components of the system. Sixty-five officials were trained in office automation tools and the technical area, which was concentrated mostly on members of the Systems Office.

In addition, the necessary logical and electrical wiring was installed so that the system could be hooked up as a network, with optical-fiber connections between buildings.

The software consisted of the following modules:

- Attention to and processing of complaints
- Legal resource and action
- Public defense



Results

The impact and results of the project can only be verified after the system has gone live and is fully operational and a sufficient period of time has passed to allow the evaluation of the effects in terms of controlling the performance of public defenders, following up on cases managed by the Office of the National Director of Attention to and Processing of Complaints and supporting the functioning of the Office of the National Director of Information Sharing and Delegate Public Defender's Offices.

Meanwhile, the project is on schedule, and it is hoped that by the end of the first quarter of 1996 it will be operating. Up to now, there have been high expectations with respect to the positive effects that the system could have on improving the entity's performance. Proof of this is that the project has benefitted from the active and ongoing involvement of many of the entity's employees.

SUPREME JUDICIAL COUNCIL



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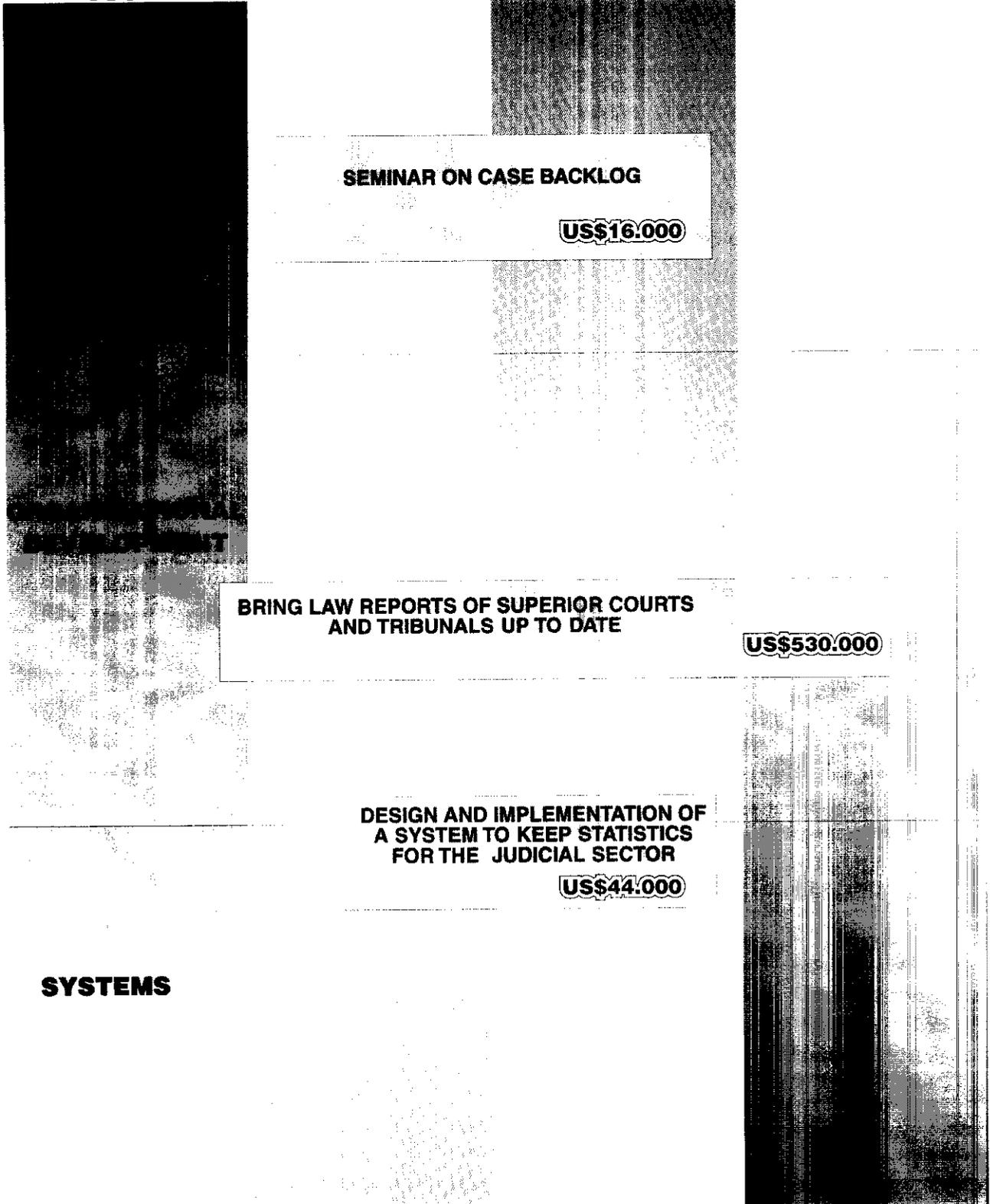
Projects and executed budget

1992

1993

1994

1995



COUNTERPART TO DECEMBER 1995: \$7'138.876 Colombian pesos

Bringing Law Reports of Superior Courts Up to Date

Objective



To support the legal work of judges and prosecutors by making available the jurisprudence and law reports from the Constitutional Court, State Council, and Supreme Court by publishing this material.



Background

Knowledge of the superior courts' jurisprudence, together with knowledge of the law, constitute the most important sources to support the legal arguments of the jurist.

Given the publication delay in the jurisprudence of the three highest level tribunals, the Supreme Judicial Council proposed a project which sought to publish the reports from 1988 until 1992. This project was approved and a commitment given, in that the Supreme Judicial Council would continue publishing the annals for the State Council, and the Constitutional Court Law Gazette, for 1992 onward.

Approved:	November, 1992
End:	November, 1995
Approved Budget	\$547,000 US
Budget spent to date:	\$530,000 US



Project Development

The first step was to establish the budget for the project, since the Executive Committee had not assigned it when the project was approved. Then, the Supreme Judicial Council identified the material that should be published and determined the number of copies for each.

The following material was chosen for publication: from the Constitutional Court, from the Constitutional, Labor, Criminal, and Civil Divisions of the Supreme Court, jurisprudence from the State Council, and the constitutional actions ("tutela") from the Supreme Court and from the State Council.

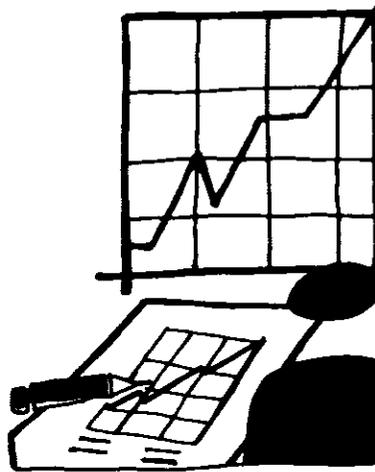
The Supreme Judicial Council took on the task of distributing the material to the various jurists and prosecutors in the country.



Results

One hundred and one thousand (101,000) copies were published of fifty five (55) volumes made up by the Constitutional Court Gazette, the State Council Annals, and the Supreme Court Judicial Gazette.

The publications produced constitute an important reference source for the work carried out by judges and prosecutors, and the availability of this information will ultimately result in better documented and well founded decisions.



Objective

To formulate and design a unified information system for the judicial sector which would allow to make a timely and constant check on the effectiveness and efficiency of the various parts of the sector, in order to better control the budget by the Supreme Judicial Council, to coordinate and supervise functions by the District Councils, and to evaluate the management of criminal cases by the Prosecutor General and give feedback to the judicial system.

Specific Objectives

- To determine the structure for a management control system for all the courts and the whole judicial system.
- To define the basic performance indicators for the judicial system.
- To identify the information sources and user of the system.

Approved:	June, 1993
End:	December, 1994
Approved Budget:	\$151,000 US
Budget spent to date:	\$44,000 US



Background

In order for the Supreme Judicial Council to carry out completely its functions, particularly the management control and support of the judicial system, control of the performance of the courts and judicial system, elaboration of its budget, and external control of the management of the Prosecutor General's Office, it was necessary to have available timely and up to date information on the performance and functioning of the courts and tribunals. This information was not available and gathering it proved to be difficult given the magnitude of the infrastructure involved in the administration of justice and the diversity of the various mechanisms for handling and processing the information in each institution.

This project was proposed as a solution to this problem. It was hoped to provide a real basis of information that would allow full knowledge and follow-up both of management of the judicial system, and of each operating unit that was involved either directly or indirectly in the administration of justice.



Project Development

A consultant was hired to do a study on the main components need for the information system. The system was conceived as a means of obtaining data on the functioning of the various operating units in the judicial system and once processed, to return this information in usable form to these same units, in order to create a feed-

back process and permit continuous control by the various functional levels involved in the process.

As a result of this study, a plan and specifications for the system were devised, using four components. The first component was that of continual statistics with basic monthly information on the functioning of the courts, in terms of productivity, compliance, activity, acceptance, judgments and performance. The second component consisted of an annual representative sample of opinions regarding the court's functioning. The third was an annual inventory of the procedures and resources in each court. Lastly, a component was needed to provide support for the special research which was being carried out on the functioning of the judicial system.

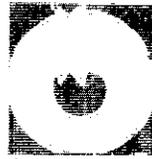
As part of the component on special research projects, a study was done on the duration of cases in the regional courts, and an opinion poll of the criminal judges was done researching their vision regarding the cases sent to them by the Prosecutor General, the resources available to carry out their duties, and judicial capabilities under the new criminal justice structure. The study on the duration of cases in the regional courts shows the results at the national level, in accordance with the time lapse between the various stages of the trial, and classifies them according to the result in the case, and according to the five cities where regional courts are located.

An inventory of cases in the regional courts for the period June, 1993 to May, 1994 was also done, as well as an inventory of cases in the Bogota criminal courts for the peri-

od June, 1993 to May, 1994. These inventories not only included the numerical data on the trials, but also gathered information classified under various headings, such as the result in the case, whether first instance or appeal, whether actions such habeas corpus or the constitutional action (""tutela"") were involved, and also information on the quality of trial in the judges' opinion, for example, legal reasoning, evidentiary support, and time involved in processing.

The analyses made from the results of these studies demonstrate where the main defects lie in terms of the effectiveness of the judicial system. These are mainly due to the human factor, in some cases, to technology, and only lastly, to legal matters. In terms of the human factor, a need for training was identified, as well as certain bad habit created by the old ways of working and organization under the previous judicial system. In terms of technology problems, a lack of adequate technical support was noted; this also applies to the judicial police organs. The legal matters refer to the transformation to an accusatory system, which had not yet been totally and completely assimilated.

This project was ultimately canceled by the Supreme Judicial Council, since a project was underway to create an automated general information system for the judicial system, which it was hoped would provide statistical data and management information that would have been produced by this system.



Results

The studies carried out as part of this project constitute the first efforts by the Supreme Judicial Council with the intention of examining the reality in the various courts, tribunals and operating units of the judicial system. This represents an important turning point and the experience gained is useful for later attempts to improve management of the judicial system, and contribute to improvement in the quality, timeliness, and efficiency in the sector.

The analytical elements collected in this project constitute a basis upon which can be built the actions needed to incorporate evaluation mechanisms and better management mechanisms.

In general, when dealing with projects which attempt to improve management of the entities, one first thinks of the present state of evaluation and management in order to set goals for their improvement. Within this process, it is very important to take into account that the person producing the information may ultimately be the receptor of it, thus the necessity to undertake a process of self-evaluation and improvement. One must take into account the true actors in the various tasks being performed within the entity. Thus, the main value of the management information is that it be understandable and can be analyzed by those who produce it, since it is their own actions that will have the greatest impact in terms of the entity's management.

Seminar on Case Backlog

Objective



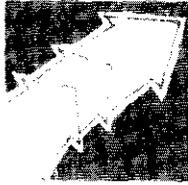
To bring together the judicial and administrative authorities so that they can bring their experience and viewpoints to analyze and propose various policies and strategies for dealing with the main problems facing the State in terms of administration of justice, and in particular, those related to the long delays in the processing of cases.

Background



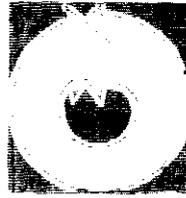
The Supreme Judicial Council, with the intention of finding the causes and possible solutions to the heavy case backlog in the judicial system, proposed holding a seminar which would invite judicial and administrative authorities and other groups to examine the problems facing the user in the justice system from their own experience and different viewpoints, given that the time between a justiciable dispute and its final disposition was extremely high, taking into consideration the needs and expectations of the parties.

Approved:	February, 1994
End:	March, 1994
Approved Budget:	\$17,000 US
Budget spent to date:	\$16,000 US



Project Development

Day long workshops were organized to deal with case backlog, at which participated academics, researchers, representatives from the various levels of courts, as well as from the Judicial and Executive branches of the justice sector, international agencies and non-governmental organizations. During these workshops, studies and opinions were presented by the various organizations and different alternatives proposed as solutions to the problem of case backlog. The seminar was undertaken as part of the activities which the Supreme Judicial Council had been developing under the process of elaborating the first Development Plan for the Judicial Sector.



Results

Given the complexity and nature of social relations, the nature of the administration of justice tends to be variable, multifaceted, continually changing, and very dynamic in terms of the social, political and legal ramifications. Despite this, the workshops on case backlog revealed some points in common in terms where the main thrust for change should take place in order to achieve quick and efficient justice: rational utilization of the judicial labor, instead of indiscriminate use of justice; a judicial "map" to ensure a rational distribution of the justice services offered by the State, in accordance with the need for justice within the community; training the human resources; and an adequate infrastructure for the judicial apparatus, in terms of organization, administration, communication and information.

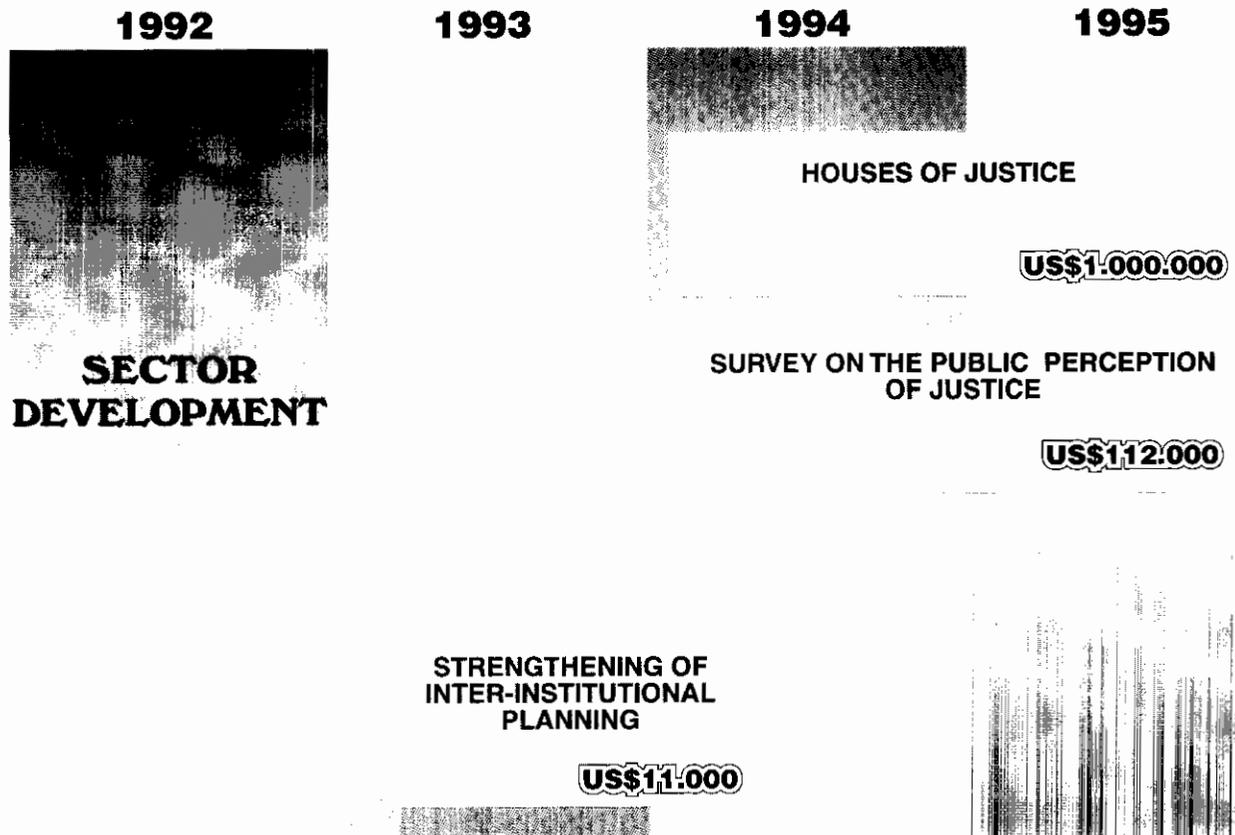
INTER-INSTITUTIONAL PROJECTS



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Projects and executed budget



COUNTERPART TO DECEMBER 1995: \$118.755.000 Colombian pesos



Objective



To facilitate access by citizens to the administration of justice by decentralizing services in the large cities, bringing it closer to the areas most in need, and thus, providing more timely and effective service.

Specific Objectives

- To decentralize the administration of justice offices in order to make it easier for the persons using these services.
- Link the Houses of Justice to other institutions in the area in order for justice to make a contribution to the development of the local communities.
- Foster conciliation between parties in cases where the law allows it, to promote peaceful dispute resolution and citizen participation.
- Try to create a dialogue with local communities from within the Houses of Justice, in order to better understand their social and legal reality, which will result in a better administration of justice.
- Set up a pilot project, consisting of two Houses of Justice, one in Ciudad Bolívar, Bogotá, and one in Aguablanca, Cali. This experience will help define the other projects later on in other areas of the country.

Approved:	July, 1994
End:	Ongoing
Approved Budget:	\$1,000,000 US
Budget spent to date:	\$424,000 US



Background

Given the high rates of crime and violence in society and the generally centralized form in which the administration of justice had traditionally functioned, the coordinating team of the Justice Sector Reform Program, together with certain high level officials of institutions participating in the Program and the mayors of Bogota and Cali, began an inter-institutional project called Houses of Justice, which was to respond to various objectives in the Justice Sector Reform Program.

The Houses of Justice proposed a new relationship between justice and the community, and sought to incorporate a variety of services in one central location to offer a local solution to the most common problems among the population. In addition, it constituted a new way of delivering these services to the most populated neighborhoods in the large cities.

The Houses of Justice were conceived with a flexible design so that they could be adapted to the characteristics of each area. However, certain principles were defined to be universally applied to all: decentralization of justice within the city; participation by the local communities; promotion of conciliation as a means of peaceful co-existence; and lastly, the integration of various justice services.



Project Development

The project consists of setting up the framework for the two initial Houses of Justice that will operate in Bogota and Cali, in such a way that the experience will serve as a pilot project to develop and test the mechanisms needed for the administration and operation of these new organizational forms of providing administration of justice services.

In general, the services found in the Houses of Justice are those provided by the mayor's office, the judicial branch, the Colombian Institute of Social Security, the Public Ministry, and other individuals whose operations have been approved by the Ministry of Justice and Law, such as legal aid offices out of the universities or other conciliation centers. The Houses of Justice have a central receiving and orientation area which is in charge of directing users to the relevant service, depending on their needs, and in addition, controls the cases which will be dealt with by the various entities in order to provide up to date information to the users on the development of their cases.

Before putting in place each House of Justice, introductory and training workshops were organized by the officials who would be working at the location. Once the House of Justice was operating, strategic planning workshops were held and concepts such as the mission, policy and values of the House of Justice were defined with the participation of all members of the new enti-

ty. In addition, workshops and conferences have been organized on the topics of conciliation and human rights.

The Ciudad Bolivar House of Justice in Bogota

To start operations in the House, a historical home, La Casona, was renovated. Two hundred and fifty six (256) square meters were remodeled, with the installation of office divisions and work stations.

In June, 1995, the House of Justice was inaugurated. It provides the following services: a reception and information center; an Immediate Response Unit of the Prosecutor General's Office, a Conciliation Unit made up of a police inspector, a family commissary, and a social worker; a legal aid office; and a conciliation center run by a University (Universidad Libre). Approximately ninety staff members work in the House, and of these, some work in shifts to cover the 24 hour workday.

The Aguablanca House of Justicia in Cali

Renovations were made on five hundred and sixty (560) square meters of available space in the house, with the installation of office divisions and work stations. In July, the House of Justice was opened to the community. The House contains an information and reception center, an Immediate Response Unit of the Prosecutor General's Office, a conciliation center run by Santiago University in Cali, a legal aid office run by a University (Universidad Libre) in Cali, a family commis-

sary, a human rights office, and three types of police offices: the Superior office which handles collective community problems, the Community Development office, which handles individual problems, and the Permanent Office, which receives charges and deals with other disputes. Approximately fifty staff members work at this location.

A second stage has been planned for both of these Houses of Justice. In Bogota, the construction of a 750 square meters large building is planned in a lot adjacent to La Casona, and will be delivered by the Capital District Popular Housing Savings Society (Caja de Vivienda Popular del Distrito Capital). The Mayor's office will contribute \$200 million pesos from the 1996 budget to this project. In Cali, a more moderate addition has been planned in which a public notary will be housed. The adaptation of a warehouse next to the House of Justice will be used for this, and action is being taken to move ahead on this project.

Management

In each of the Houses, a coordinator has been named and given appropriate administrative assistance to organize and move ahead with various activities requiring joint action by the entities in the House, as well as managing the House in an organized fashion, both in terms of its administration, as well as in terms of the services being offered. In order to consolidate an inter-institutional group, a Coordination Committee was set up for each House, the members of which are representatives from the entities working out of the House.

Information Systems

In order to support follow-up on the services offered in the Houses of Justice, so that the work may be evaluated and the necessary corrective measures taken, it was decided that an information system was necessary.

Certain steps were taking, such as gathering information, determining the needs, the design of the system, and the development and implementation of the system. While these tasks were going ahead, a manual information system was organized using forms and procedures, which permitted a certain control over the various types of cases dealt with in the House, and generated statistics on the services offered in the Houses of Justice. The software application needed for the information system is currently being developed, and the equipment and other necessary elements are being acquired. The fully developed application could be used in the other Houses of Justice that the Ministry will develop in the future.

Basic Criteria

Under the new model of administration of justice which included the concept of the House of Justice, certain criteria or basic principles were defined which oriented the development of the Houses. These criteria are: promotion of conciliation as a peaceful means of dispute resolution; defense and promotion of human rights; and bringing the services to the community to provide better access and

so the entities can develop their operations with a better understanding of the characteristics and conditions of the various social groups. Another goal was the promotion of local development by supporting various community initiatives and working together with different organizations in the sector, such as the community action groups, parish organizations, schools, and non-governmental organizations.

Progress has been made in all of these areas through individual actions. In terms of publicizing information, some material have been published, such as information or teaching leaflets on the services offered in the House and how to gain access to them. Various meetings and workshops have been held with different community organizations, local authorities, schools, associations, and other organizations from the surrounding area.

The active participation of the community has been sought for the creation and development of the programs run out of the Houses of Justice, and those programs are based on the identification of certain problems affecting these areas, and finding the solution together. In the case of Bogota, the topic of gangs and youth violence was discussed.

The concept of promoting permanent sociolegal research out of the Houses of Justice came about so that the participating entities could consider their performance in terms of the social function of the law, and in accordance with this, evaluate and orient their administration.

Certain activities have been developed in the Houses of Justice which attempt to conquer the lack of confidence and traditional distance the communities have felt toward the entities that administer justice, and this has been done by organizing recreational activities and informal meetings.

Finally, a program promoting human rights has been organized in the two Houses of Justice, which has received the support of the Public Defender's Office, the Presidential Council on Human Rights, and the Permanent Office on Human Rights.



Results

The monthly statistics from the two Houses, although only preliminary data, show certain tendencies. In the Ciudad Bolivar House, the number of cases received has grown from 720 in the month of June to 1044 cases in the month of November. In the Aguablanca House, during the month of July 418 cases were received, while in November this number rose to 1547.

The work statistics from the Family Defender and the Police Inspector, who also promote resolution through conciliation, show that these offices are receiving a growing number of cases daily. Once the hearing takes place, there is a high degree of successful conciliations, but the loss of cases in the intermediate stage requires an evaluation to determine what corrective measures should be taken.

It can be noted that in Ciudad Bolivar, during the month of June, from the total cases received, 80% were received by the Prosecutor General. In November, the Prosecutor General received 58% of the total.

In Aguablanca, the university Conciliation Center managed to conclude an agreement between the parties in approximately 30% of the cases received, and the Local Prosecuting Attorneys have also had positive experiences with regard to conciliation in criminal cases, so that conciliation hearings may be held in more than 50% of the total cases for the month. It is important to note that in this case, the Prosecutor General verifies compliance after the fact and thus, upholds the serious nature of the commitment.

In Bogota, the statistics indicate the high number of investigations in which the Immediate Response Unit of the Prosecutor General's Office managed to identify the persons implicated in criminal events; between the months of July and November, the average was between 38 and 70% positive.

Cases received in Ciudad Bolivar between June and December, 1995

Month	Total Cases	Remitted Externally	Prosecutor General	P.I.	F.D.	R.I.C.	H.R.	S.W.	L.A.
JUNE	720	47	612	24	30	7	NA	NA	NA
JULY	842	63	641	44	92	2	NA	NA	NA
AUG.	662	78	430	72	79	3	NA	NA	NA
SEPT.	742	81	488	117	46	6	4	NA	NA
OCT.	1232	156	636*	357	ND	8	15	51	9
NOV.	1044	77	559*	231	120	ND	21	33	3
DEC.	ND	51	ND	140	47	ND	9	31	7

Cases received in Aguablanca between July and November, 1995

Month	Total Cases	Remitted Externally	Prosecutor General	P.S.	F.C.	H.R.	C.C.L.A.	C.J.
JULY**	418	26	18	96**	234	1	43	NA
AUG.	1389	89	29	847	288	6	130	NA
SEPT.	1457	129	62	900	216	4	117	29
OCT.	1549	122	73	130	165	2	130	27
NOV.	1547	185	103	970	152	8	129	NA

Key:

P.I. Police Inspector

R.I.C. Reception and Information Center

F.D. Family Defender

H.R. Human Rights

F.C. Family Commissary

S.W. Social Worker

L.A. Legal Aid Office

ND No Data available

C.C. Conciliation Center

C.J. Criminal Judge

NA. Not Applicable

* Unconfirmed number

** Partial number



Final Thoughts

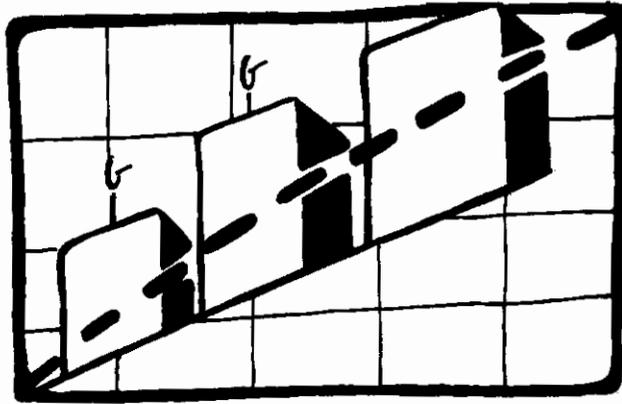
The foregoing results and the first steps in the formation of this new justice organization has been made possible by the participation and commitment of a great many people. This participation goes further than merely fulfilling formal work duties these people have tried to open a new way for peaceful dispute resolution so that justice can fulfill its social function.

This project is a long process of formation which seeks to promote the participation of all citizens and a change in attitude by the public officials, in order to deal with

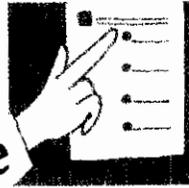
disputes in more efficient ways which will ultimately be faster and less costly, both for the judicial system, as well as for those involved in these disputes.

One of the basic requirements for this new organization to function and obtain the desired results, is the institutional commitment of all the entities which are now part of, or may eventually participate in the Houses of Justice. If these entities are not open to new ways of working, communicating, and relating to others, then instead of creating a common space for dialogue at the service of the community, one will only have a group of organizations working individually under a common roof.

Strengthening of Inter-Institutional Planning

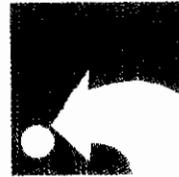


Objective



To organize the development plans for the Ministry of Justice, the Supreme Judicial Council, the Attorney General's Office, and the Prosecutor General's Office, to form a general sector development plan.

Background



The Executive Committee and the Technical Committee of the Justice Program have created an inter-institutional space in which problems of coordination between the sector entities can be easily identified. A project arose in this space which seeks to identify the mechanisms and priorities of sector planning, and to organize the activities of the various entities and direct them to achieving common goals.

Approved:	May, 1993
Start:	July, 1993
End:	February, 1994
Approved Budget:	\$25,000 US
Budget spent to date:	\$11,000 US



Project Development

As an initial step in the project, two consultants were hired to undertake an analysis of each of the entities, in terms of its organization, functions and responsibilities, make-up, and organization of the respective planning offices, existence and use of statistical data in the development of its work, and in the elaboration of regular development plans.

In order to carry out this analysis, and the other project activities, a Transitional Committee was set up, made up of the heads of the planning offices from the Supreme Judicial Council, the Ministry of Justice, and the

Prosecutor General's Office, the Attorney General's Office and also included the Head of the Justice Unit of the National Planning Department. This Committee met regularly, studied the topics covered in the analysis, and identified common areas and aspects which should be taken into account in the planning for each of the entities.



Results

The effort made to study the plan and characteristics of each one of the institutions involved and to try to organize these plans jointly served as a basis for the formulation of a development plan for the justice sector for 1995 - 1998, which was required, according to the Constitution. In addition, once the Transitional Committee was formed, a basis existed for ongoing communication between the planning offices of groups in the justice sector.

Public Perception Survey



Objective



To carry out an analysis by means of a survey, on the public perception of the conscientiousness, accessibility, and effectiveness of justice in Colombia, particularly criminal justice, and use this as a point of reference to evaluate the impact of the Justice Sector Reform Program.

Background



One of the indicators of the impact of the Justice Program which was defined from the start, was public opinion on the conscientiousness, effectiveness and accessibility of the administration of justice. In order to measure this indicator and establish a baseline upon which the posterior effects of the Program could be measured, as well as the effect of other activities in the field, it was decided to make a survey of public perception of the judicial system.

Approved:	July, 1994
Start:	September, 1994
End:	September, 1995
Approved Budget:	\$112,000 US
Budget spent to date:	\$112,000 US



Project Development

The survey methodology consisted of three phases, one survey directed at key witnesses, or experts in the administration of justice, another directed at users of the justice system, and the last directed at the general public.

As part of the first phase, an in-depth interview was conducted with fifteen experts in the judicial field, and from this group five people were selected to form a review committee for the survey on public opinion, in order to better define the questions and make additions to the forms which would be used in the following two phases.

In the second phase, the survey information from the general public's survey was collected and processed. The focus group in this case was made up from the general civil population from the following cities: Bogota, Cali, Medellin, Barranquilla, Cucuta, Bucaramanga, and Ibague. This survey canvassed 6250 homes, which included 6183 persons, and of these, 4898 answered the survey.

The third phase of the survey was directed at users of the justice system, in other

words, those of the public who have had contact with justice services within the last six months. This survey was done in the municipal criminal courts and circuit courts, and in the Prosecutor General's Offices of three cities: Bogota, Medellin and Cali.

As a last project activity, three meetings with experts were organized in three different cities, and at these meetings the qualitative and quantitative analysis was discussed. The participants sought out solutions and conclusions with regard to the main problems raised, and were able to complement their observations with the survey results.



Results

The data obtained in this survey on public perception constitutes a departure point for later studies and analyses. The possibility of carrying out regular surveys of this type would give many of the sector's institutions tools to define policy, strategy, and action plans, and to evaluate the impact of their projects and activities in the field.

SUPREME COURT OF JUSTICE



BEST AVAILABLE

*A*lthough this body did not sponsor any large projects, the Supreme Court of Justice did take an active part on the Executive Committee, and did therefore contribute in setting the priorities and projects carried out by the Justice Program.

Activities in the Supreme Court were oriented towards providing support for the following three specific areas:

In the first place, and as a way to support the Court's security systems, some of the security measures were broadened, particularly closed circuit television monitoring. This was done through the acquisition of additional equipment to complement the system that had already been acquired under the first phase of the Justice program.

The second activity was meant to support the Supreme Court's efforts to publicize achievements in the Judicial Branch, equipment was purchased to set up the Press office. In this way, the Court's ventures to spread information were centralized, thereby eliminating the need of the press corps to approach individual Magistrates for news. This Press Office is responsible for establishing contact between the Court and members of the Press and the mass media.

Finally, some training sessions were held on the new Criminal Procedural Code, which was directed toward the higher courts and the National Tribunal. Seminars were given in the cities of Cali, Cartagena and Bogota, with the participation of 180 different judges from all over the country.

Justice Program Contribution to these Activities: US\$64.000
Counterpart to december: Col\$12.772.525