
NICARAGUA INSTITUTIONAL STRENGTHENING PROGRAM (1999-2005)

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FINAL REPORT

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EXECUTIVE SUMMARY

EXECUTIVE SUMMARY

Checchi and Company Consulting, Inc. was the prime contractor for the USAID-funded Nicaragua Institutional Strengthening Project (ISP or Project). The contract between Checchi and USAID was signed on March 18, 1999 and specified a term of five years. The contract was amended in 2004 to extend the contract termination date to January 10, 2005. Management Sciences for Development (MSD) served as a subcontractor to Checchi in the implementation of the Project from May 1999 to January 2002.

The original Statement of Work included two ambitious and specific goals: (1) the contractor would help to establish and strengthen a nationwide public defense system to provide each citizen with the right to counsel, thereby promoting greater equity in the justice system; and (2) assist in the strengthening of the Attorney General's Office to ensure more effective criminal investigations and prosecutions, thereby improving the efficiency of the justice system.

The ISP was implemented in coordination with the USAID-funded Code Modernization Project. The Code Modernization Project provided assistance in drafting such reforms as the new Criminal Procedure Code, Criminal Code, Organic Law of the Public Ministry, and the Organic Law of the Supreme Court that authorized establishment of Nicaragua's first national Public Defender's Office. The ISP and the Code Modernization Project coordinated their work due to the importance of reform legislation in promoting institutional development and strengthening.

At various times during the implementation of the contract, Project assistance to counterpart institutions was suspended by USAID for political reasons. From July 2001 until October 2002, assistance to the Public Defender's Office was suspended. From December 2003 until April 2004, assistance to all justice sector institutions was suspended through a Partial Stop Work Order; during this period Checchi worked exclusively with the civil society to promote reform. When the Partial Stop Work Order was lifted in April 2004, Project assistance was restored to the justice sector institutions, with the exception of the Supreme Court.

A. STRENGTHENING THE PUBLIC DEFENSE SYSTEM

One of the principal accomplishments of the ISP was the establishment of a nationwide public defense system. Prior to the initiation of the ISP, the Government of Nicaragua provided virtually no public defense services. Defense services for indigent persons were provided principally by inexperienced students or court-appointed volunteer attorneys. A national Public Defender's Office (PDO) was essential for the effective implementation of Nicaragua's reformed Criminal Procedure Code (CPC). The Project first established the PDO as a Pilot Office in Managua, and then planned and executed its expansion to the national level. Working closely with a divided and highly politicized Supreme Court, the ISP, with USAID's support, persuaded the Court to provide resources to fund 13 public defenders in the Pilot Office, and subsequently 33 new public defenders in 23 offices at the national level. In 2004, as a direct result of the ISP's offer of a training and equipment package to the Supreme Court for each new public defender position, the Court created 25 new public defender positions, bringing the total number to 72 nationwide.

The Project's PDO Coordinator worked closely with the newly appointed PDO Director to devise a transparent, merit based selection process for public defenders. The system was approved by the Supreme Court, and became a model for other institutions such as the Public Ministry. The Director and the newly selected defenders participated in observational tours to Costa Rica and Miami, where they witnessed fully functioning public defense systems, including automated case tracking systems and strategic planning activities. A formal accord with the Costa Rican Public Defender's Office provided long-term mentoring and in-service training for the new Nicaraguan defenders.

Checchi assisted in the design and implementation of an automated case tracking system that was compatible with the new CPC. The system was introduced into the Pilot Office in Managua where it generated statistics for planning and budget purposes and provided instant access to individual case information. A strategic planning process was also initiated that focused on securing adequate annual appropriations for the PDO.

Checchi assisted with design and execution of plans to expand the coverage of the PDO to the national level. This included the opening of 23 new offices (at least one in each department), the appointment of over 80 new defenders and defender substitutes (*suplentes*), as well as the creation of a pool of over 125 public defender candidates. With the opening of each new PDO office, Checchi provided extensive support in the form of basic equipment, intensive training for the defenders, and public outreach to secure support for the new institution. Discussion was encouraged among all of the justice sector actors, as well as civil society representatives and private attorneys, to facilitate full acceptance of the PDO and its role under the new CPC.

Various ISP publications assisted the PDO in terms of training and internal management. A Manual of Posts and Functions was created to become the framework for the new PDO internal regulation or procedures. Materials were produced for various public education campaigns to inform citizens about the new institution

B. STRENGTHENING THE PROSECUTORIAL FUNCTION

The strengthening of the prosecutorial function was an essential component of the ISP in its effort to prepare the justice sector for the implementation of the new CPC. Checchi provided extensive technical assistance and training to the institutions that were responsible for prosecution of crime.

At the inception of the Project, the Attorney General was the chief prosecutor and responsible for all prosecutorial actions. There was no effective prosecutorial entity. Prosecutors from the Attorney General's Office (AGO) were passive, did not coordinate internally or with the police, and participated only minimally in criminal investigations. Little, if any, technical proof was presented to the investigating criminal judges by AGO prosecutors. Checchi assisted in the drafting of the Organic Law of the Public Ministry that was approved by the National Assembly in 1999. In May 2000, a new prosecutorial agency, the Public Ministry (PM) was constituted, dividing the prosecutorial functions between the PM and the AGO, now known as the *Procuraduría General de la República*.

Since the PM was a new institution, Checchi assisted in helping the PM incorporate basic planning and training capacity. As part of the institutional strengthening process, Checchi assisted in the design and establishment of a Training and Planning Unit (TPU). In coordination with the TPU, the ISP supported a strategic planning process through workshops that developed an institutional mission, vision and strategic framework. In order to prepare the PM for its role under the new CPC, Checchi also assisted in establishing the Department of Technical-Legal Assistance (DTLA), a unit that serves as a legal and technical support center for prosecutors in carrying out their functions.

As with the PDO, Checchi concentrated on the design of transparent, merit-based procedures for the selection of prosecutors. A recruitment and selection system evolved that resulted in the selection of new prosecutors, most of whom were chosen through the agreed-upon process. The reformed selection procedures included written examinations, as well as psychological and aptitude tests. As a result of this exercise, the number of prosecutors and the effective coverage of the PM were significantly increased. With Checchi assistance, over 200 prosecutors were selected during the course of the ISP.

The Project was responsible for helping to develop internal regulations that govern discipline and other human resource issues in the PM. In connection with this effort, Checchi also provided assistance in the drafting of a Prosecutor Career Law that would regulate the entry, promotion and dismissal of prosecutors. It also protects prosecutors from arbitrary political decisions and pressure regarding their service in the PM. Particular emphasis was placed on improving the coordination between the PM and the National Police, particularly in the area of criminal investigations. A formal agreement was signed between the two that institutionalizes such cooperation. A Criminal Investigator's Manual was published and issued to 900 police investigators who were trained under the ISP.

A series of national workshops at the regional and national levels were sponsored by the Project to develop and reach consensus among prosecutors on prosecutorial and organizational policies. Crime prosecution policies were drafted and adopted that focused on crimes such as homicide, drug trafficking and domestic violence. The workshops not only assisted in standardizing procedures for such functions as plea bargaining and sentencing, but they also strengthened PM teamwork and internal communications. Public outreach was a priority to inform the public about the PM's Organic Law and enhance general understanding of the role of the institution.

The AGO was reorganized to take on corruption and other crimes against the state. Strengthening the AGO's anti-corruption capacities became a priority for the ISP, although this component was incorporated into Checchi's contract only in the extension period that began in April 2004. Therefore, for the most part Project assistance to the AGO was handled as a corollary to the assistance provided to the PM. Checchi's primary contribution to the AGO was the design and development of an Anti-Corruption Unit (AC Unit) that focused exclusively on investigating and prosecuting corruption cases. The Project conducted a comprehensive assessment of the AGO. Strategic planning exercises, including workshops to define institutional policies covering mechanisms of supervision and case processing procedures, were held with the AGO's prosecutors. As with the PM and the PDO, the Project utilized workshops and formal training sessions to prepare prosecutors for implementation of the new CPC.

C. TRAINING

Checchi adopted various strategies in the design, execution and monitoring of its training activities. Training comprised a major part of the assistance provided by the Project, and the ISP devised methodologies to meet the needs of individual institutions and the justice actors within them. As part of the training process, Checchi developed profiles of ideal defenders and prosecutors to establish training needs and plans. After much research, the Project developed the “learn by doing” methodology that involved the development of practical skills through case studies, hypothetical exercises and simulations. “Accompaniment,” or in-service training, became a major component of the training programs in both the PM and the PDO.

Induction courses were designed for new entrants that concentrated on orientation to the institutions, the CPC, and the organic laws of the respective institutions. Administrative and supervisory procedures were treated in these courses as well. Classroom training provided a significant opportunity for inter-institutional training and coordination. A core course in the curriculum included prosecutors from the PM and AGO, as well as public defenders and police investigators. This course involved theory in basic criminal law and procedure, investigations, and preparation of charging instruments. Oral trial skills were also emphasized in preparation for the new CPC.

A number of training manuals and other materials were developed by the Project to complement training activities. All public defenders and prosecutors have received materials that are utilized as permanent resources. Basic libraries were provided to each participating institution.

D. CIVIL SOCIETY

Extensive work was done with civil society organizations throughout the term of the ISP. Initially, civil society groups were utilized to disseminate information regarding the newly created institutions of the PDO and the PM, and to do some limited training. Subsequently, these groups took on greater responsibilities and roles in the reform process.

After the Partial Stop Work Order was issued by USAID in December 2003, the Project worked exclusively with civil society. The Project conducted a series of trainings in the CPC with participation by private attorneys, members of NGOs, bar associations and law students. These trainings were carried out intensively in 17 different departments with over 1,500 participants. The Project also worked to familiarize members of the media with the reforms taking place in the criminal justice system.

Section I

STRENGTHENING THE PUBLIC DEFENSE SYSTEM

I. STRENGTHENING THE PUBLIC DEFENSE SYSTEM

A. PRINCIPAL ACHIEVEMENTS, ACTIVITIES AND METHODOLOGIES

Establishing and strengthening a Public Defender's Office (PDO) in order to secure the right to counsel for all Nicaraguans, regardless of their capacity to pay for the services of an attorney, was an important priority of the ISP from its inception. Prior to the initiation of the ISP, the Government of Nicaragua, notwithstanding its constitutional obligation to do so, provided virtually no free defense services to persons unable to pay for an attorney. Defense services were provided to some indigent defendants by "*defensores de oficio*" or private attorneys appointed by the judges to undertake individual cases on an *ad honoram* basis, or by law students in their fourth year of law school. Some *defensores de oficio* attempted to charge their clients, and if such clients could not pay, their cases were often abandoned. Neither the law students nor the private attorneys had sufficient training or institutional support to effectively represent criminal defendants. Neither the Supreme Court nor the Government had control over the performance of the students or private lawyers, and the system was totally deficient in representing poor Nicaraguans in criminal cases.

With the passage of the Organic Law of the Judicial Branch in 1999, the Supreme Court of Nicaragua was authorized and obligated to establish a national public defense system. Thereafter and throughout the course of the ISP, Checchi provided extensive assistance in establishing and strengthening the PDO. This assistance took two principal forms: (1) institutional strengthening and (2) training.

1. Institutional Strengthening

In 1999, Checchi worked closely with the Supreme Court to launch a planning exercise for the design of the new Public Defender's Office (PDO). The assistance began with a survey of judges at the national level to determine current criminal case workloads and the state of defense services and needs. Checchi engaged a team of public defense specialists, including the Chief Public Defender of Costa Rica, to work alongside the Supreme Court appointed PDO Director, Deputy Director and the ISP PDO Coordinator, to define initial selection procedures for the public defenders and to establish basic institutional procedures and policies. A transparent, merit-based selection process was designed and proposed to the Supreme Court. In a historic decision of major impact, the Supreme Court approved the transparent merit-based selection system, which eventually became a model for the Public Ministry as well as other institutions in Nicaragua.

Thirteen public defenders (out of 170 applicants) were selected to serve in the pilot Managua office as an integral part of establishing the national PDO. In addition to assisting with the screening and administrative processes in establishing the office, the ISP donated furniture, equipment and computers to the new PDO for its start-up.

Early in the Contract term, the ISP sponsored a series of study-observation trips to San Jose to expose the new public defenders to the administration and operations of the Costa Rican PDO. The trips gave the defenders important perspectives on an efficiently functioning public defense system and a broader context within which to develop their own technical skills and institutional

procedures. Subsequently a study tour was organized to the Dade County Florida Public Defender's Office where selected Nicaraguan public defenders and institutional leaders observed basic design elements of an automated case tracking system, as well as the need for strategic planning and the development of coherent internal regulations. They also learned about basic management and supervisory principles, and the need for strong internal communication systems. Perhaps most valuable was the exposure of the new public defenders to modern trial practice in an accusatorial setting in the U.S. federal court system. Following the study tour, a seminar was held by the PDO to indoctrinate the new defenders in theory and skills related to the basic aspects of their work.

An internal regulation was drafted for the PDO and circulated for comment among the PDO. The regulation was presented to the Supreme Court, and although it was never formally approved, it nonetheless served as a framework for institutional development during the start up and initial stages of the Managua pilot PDO office.

An automated case tracking system with subsidiary administrative systems, based on the previous, inquisitive criminal procedure code then in effect and the law regarding juvenile delinquents, was designed and implemented in the Managua PDO. The system was designed to generate statistics for planning and budget purposes, provide instant access to individual case information, and track locations and other matters regarding the status of criminal defendants. The functioning of the Managua pilot office was evaluated after one year during a workshop widely attended by public defenders and others. The evaluation was very positive.

At the inception of the ISP, a series of training needs detection activities were carried out for the PDO and training plans were formulated. Throughout the ISP, training seminars, workshops and extensive on-site training through accompaniment was conducted for the public defenders. See Section V below for a detailed description of the ISP's training programs. A formal relationship with the Costa Rican Public Defender's Office allowed experienced Costa Rican public defenders to provide mentoring and in-service training on a permanent basis in Nicaragua.

A strategic planning process was supported in the PDO that emphasized the creation of a comprehensive but realistic Project budget. This budget would be submitted to the Congress to secure annual appropriations of funds for the PDO through the Supreme Court. Short-term local planning experts were engaged to assist the PDO in drafting a strategic plan, action plans and an initial budget. A procedural manual was designed and drafted that addressed office organization, including filing systems and procedures and case tracking mechanisms.

In the field of human resources, strong support for a transparent, merit-based selection process was a constant ISP priority. As described above, the process to select the original 13 public defenders was designed and its execution supported by Checchi. The process was based upon a public solicitation of applications followed by a technical exam, personal interviews and psychological testing of interested applicants. All of the first 13 public defenders were selected pursuant to this process, one of the first times in Nicaragua that public officials were selected in this manner. For time and budgetary reasons, however, the second round selection of 33 public defenders

was not based on a transparent, merit-based process.¹ With Checchi support, subsequent selections of public defenders and substitutes (*suplentes*), however, followed the initial merit-based process, including the selection and training of 25 alternative public defenders in 2003 and of a pool of 150 potential defenders in 2004. Twenty-five public defenders were selected out of this pool and trained to fill positions created by the Supreme Court to begin work in January 2005. As the PDO continues to expand, new defenders can be hired from the pool of remaining candidates.

The expansion of the PDO to the national level was an important contractual and strategic priority for the ISP. In 2001, once the Managua Pilot Office had been established and relatively consolidated, it became evident that there were political and other problems within the Supreme Court regarding the dedication of sufficient resources to expand the PDO to the national level. Given the political environment and the Court's unwillingness to provide sufficient resources to the PDO, a decision was made to suspend assistance to the Court and the PDO until the Supreme Court demonstrated the political will to expand the PDO beyond the pilot stage. This opportunity came in late 2002 as part of the preparations to implement the new CPC.²

In a series of high-level meetings with the Supreme Court magistrates, the ISP team emphasized the importance of a strengthened, national level, State-sponsored PDO as a necessary precondition to the effective implementation of the CPC. Through an historic gesture by the first woman President of the Supreme Court, Dr. Alba Luz Ramírez, the Supreme Court took the decision to expand the PDO to the national level, agreeing to create 33 new public defender positions and open 23 new PDO offices. At least one public defender (and in some cases two) would be positioned in each of the District Criminal Courts where the CPC would initially be implemented. An important strategic factor in the creation of the new public defender positions and the opening of the new offices, was extensive assistance by the ISP in the training of the new public defenders. The Project also furnished basic computer equipment and office furniture for each new office opened. See Annex 1 for a list of the new offices opened and the number of public defenders contracted.

In addition to training and equipment, Checchi provided extensive technical assistance to the PDO in achieving its successful expansion to the national level. An ISP consultant visited each of the new offices with the Director of the PDO, and the political conditions were created for the effective functioning of the PDO in its new locations. Dialogue was encouraged with the other justice sector actors (criminal judges, judicial branch administrators, prosecutors, etc.) as well as civil society representatives and private attorneys, to facilitate institutional acceptance and respect, inter-institutional coordination and outreach among the communities. The internal operational regulations of the PDO were adapted to meet the new national scope of the institution. Assistance was provided to the PDO Director in preparing and disseminating internal memos on administrative issues as well as important technical themes such as the use of plea-bargaining, mediation, and the handling of appeals.

¹ For this second selection process, principally for budgetary purposes, most of the nominees for the PDO were judicial branch employees who were later contracted through the Service Commission of the Court to serve as public defenders.

² The CPC was to enter into force on December 24, 2002 for serious crimes, i.e., those within the jurisdiction of the District Criminal Courts.

With Checchi support, the Supreme Court, reflecting the increased need of the institution for technical supervision, created a permanent position for a supervisor within the PDO. Checchi provided extensive direct technical assistance to the new supervisor in designing systems to effectively monitor and supervise the work of the public defenders in Managua and the regional offices. One of these was a system designed for the implementation of monthly reports regarding technical activity on active cases by the public defenders that facilitated supervision of the work product of the public defenders at the national level, especially in the regional offices where the supervisor was only able to make periodic visits. Finally, a series of three national public defender meetings, attended by most of the public defenders, was held to build teamwork, disseminate national policies, encourage standardization of procedures and identify and try to resolve administrative and operational problems.

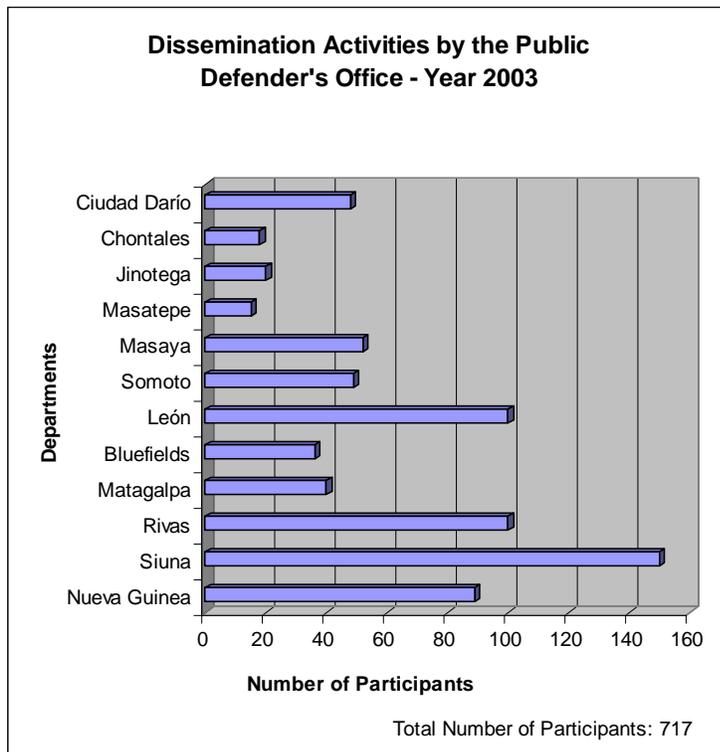
Once the PDO was expanded to the national level, extensive assistance was also provided to the Director and Deputy Director of the PDO in strategic planning, in improving management skills and in administrative restructuring. A Manual of Posts and Functions, which details the newly proposed administrative structure of the PDO and the functions of each institutional actor, was developed through a series of participative work sessions and seminars. The Manual of Posts and Functions will serve in the future as the framework for the reform of the internal PDO Regulation and for a detailed request to the Supreme Court for the creation of additional personnel, including an investigators' unit and a training department. A series of visits to all newly created departmental offices with the Director of the PDO was promoted and supported by Checchi.

Constant communication and coordination was emphasized with the Supreme Court in an attempt to secure adequate institutional support and sufficient budget allocations for an effective PDO. Although, as would be expected, there was some initial resistance by certain Magistrates to the idea of allocating scarce judicial branch resources to the PDO, with ISP intervention, most Magistrates eventually agreed to the allocations. Consequently, the PDO (along with the Forensic Medicine Division) became a showcase of success within the Supreme Court and one of the most respected institutions among the population at large. This is confirmed by indicators on the public defense contained in the Seligson Report of 2004 that found that 57% of the population had confidence in the PDO (compared with 43% in the Courts and 43% in the PM and Police).

As an important component of adapting the PDO to its role as a national institution as well as with the implementation of the new CPC, an automated case tracking system that was based on the new criminal procedure code, was designed, programmed, piloted and then partially expanded to the national level. The system is SQL Server-based, and unlike its predecessor, can efficiently operate in a multi-office setting (such as currently exists in the PDO). Although the final product was considerably delayed, the software was developed pursuant to a highly participatory process in close coordination with the Information Department of the Supreme Court to ensure complete acceptance by the institution and greater likelihood of long-term sustainability. The design of the information fields and the codification of crimes and other important standardized elements were undertaken in coordination with the Public Ministry's Information Department to facilitate future exchange of information. With the exception of the 25 most recently appointed public defenders, all professional staff has received training in the use of the system, and the system has been installed in all PDO computers at the national level.

During the last year of the ISP, Checchi provided assistance and orientation to the PDO in preparing for the implementation of the CPC at the municipal level.³ This assistance included conducting a thorough study regarding the institutional and budgetary needs of the PDO in order to provide effective coverage in all municipalities. According to the PDO Expansion Plan, which was produced as a result of the study, it was estimated that to secure such effective coverage, it would be necessary to add 201 new public defenders and 48 new PDO offices (many which would cover numerous municipalities). This would entail a 64 million *córdobas* budget increase for the PDO. The figures cited in the Expansion Plan were incorporated into the Supreme Court's 2005 budget request, although the National Assembly did not grant the proposed budget in full.

As an important part of Checchi's assistance to the PDO in 2004, technical assistance, training and an equipment package was offered to the Supreme Court for each new public defender position created in order to provide public defense services in the local criminal courts. As a direct result of this offered assistance, the Supreme Court created 25 new public defender positions, bringing the total number of public defenders to 72, an increase of approximately 500% over the original number of public defenders in the Managua pilot office. As described above, these public defenders were selected according to a transparent, merit-based selection process supported by Checchi and approved by the Court.



Given the fact that the PDO was a newly created institution, both internal and external dissemination of information about the functions of and services offered by the PDO was a contractual as well as strategic priority of Checchi throughout the ISP. Although a national level information campaign was contemplated in the contract as one of the initial Project activities, it was decided to postpone the campaign, given the PDOs minimal capacity during the pilot stage to respond to high levels of demand. In 2003, once the PDO had offices at the national level, numerous dissemination activities were carried out to inform the public about the services and functions of the PDO and how to access them. Published materials

were distributed regarding the functions and services of the PDO and the rights of accused individuals. In addition, public information and orientation sessions, entitled "The Public Defender's Office in My Community," were held for over 700 participants in Nueva Guinea, Siuna,

³ The CPC entered in effect for all the local courts for misdemeanor cases and cases with a maximum penalty of up to 3 years in prison, on December 24, 2005.

Rivas, Matagalpa, Bluefields, León, Somoto, Masaya, Masatepe, Jinotega, Chontales, and Ciudad Dario, in coordination with the *Comisiones de Justicia y Paz (Comisiones)* and the *Universidad Centroamericana (UCA)*. Again in 2004, extensive public information campaigns, including several national level media campaigns utilizing radio as the principal medium, were carried out, again in coordination with the *Comisiones* and the UCA. These efforts were aimed at increasing the public's understanding of and access to the services of the PDO. An important strategy of the 2003 and 2004 dissemination activities was insisting upon the involvement of local public defenders to encourage the formation of strategic alliances with the public, local NGOs and the press.

Finally, the ISP supported the following observational trips to facilitate institutional strengthening of the PDO:

- All of the initial 13 public defenders and the Director and Deputy Director undertook a month of observational travel in Costa Rica during the year 2000, observing, among other things, the administrative and operational functioning of the Costa Rican PDO. Six more spent a week in Costa Rica in 2004 on a similar observational study tour;
- A delegation of 5 defenders (from the PDO and UCA) was sent to the First Inter-American Congress of Public Defenders in Costa Rica in 2002 and one was sent to the Second Congress in Brazil in 2003; and
- A group of 3 members of the PDO, including the Director, the chief Administrator and one public defender, went to Texas and New Mexico in 2001 to observe the functioning of the accusatory trial-based criminal justice system.

2. Training

During the course of the ISP, Checchi provided extensive assistance in the training of public defenders and other personnel of the PDO. This training consisted of a vast number of substantive themes and methodologies, all of which will be described in more detail in Section IV. In summary, however, the following trainings were designed and/or carried out to benefit the PDO:

- 3 induction courses for new public defenders;
- 5 Basic Formation Courses involving Criminal Procedure, Criminal Law, Orality, and Investigations in coordination with the PM;
- 3 Basic Formation Courses exclusively for new public defenders or substitutes;
- Accompaniment training of public defenders in all PDO offices at the national level;
- Design and support for execution of post-graduate training of trainers course;
- A training of trainers course in coordination with the *Universidad de Valle* for 12 public defenders in 2004; and
- Numerous specialized courses throughout the ISP.

Of particular importance to the PDO in the field of training was the design, publication, distribution and use of a Public Defenders' Manual. The Manual, of which each public defender and substitute has a copy for his or her personal use, is comprehensive, covering all stages of the accusatory criminal process. It details the skills required and suggests strategies to be utilized in the effective representation of criminal defendants. The Manual has proven to be a very useful tool

in training new and on-going public defenders as well as standardizing important technical practices and skills.

B. SHORTCOMINGS

In general terms, Checchi complied with all contractual obligations with regard to the establishment and expansion of the PDO to the national level. Although for political and other reasons the Supreme Court never formally approved the PDO Regulation, it nevertheless has served as a logical framework to carry out the institutional strengthening work within the institution. Although the Organic Law of the Judicial Branch and the PDO Regulation provide that the PDO should enjoy functional autonomy, the PDO remains administratively and financially an appendage to the Supreme Court. Such dependency limits the PDO's scope of authority as well as its capacity to advocate directly for its own budgetary resources.

C. LESSONS LEARNED

Several lessons were learned with regard to Checchi's work with the PDO:

- Encouraging extensive participation and involvement in Project activities was key to the Project's success in the PDO. Even the most technically sound proposals could not have been successfully implemented had the leadership of the PDO not been involved in the design, planning, implementation and monitoring of the activities, including the selection of the consultants.
- The strategic selection of consultants and requirement that they spend significant time in Nicaragua to become acquainted with the applicable laws, functioning and personnel within the PDO proved to be crucial to the success of the ISP in the strengthening of the PDO. Consultants were selected carefully, taking into account their litigation or management experience and their ability to express themselves. They were also selected for their knowledge of the principles, values and skills required under an accusatory criminal justice system.
- The suspension of assistance in projects such as the ISP to encourage institutional decisions and change is of questionable effectiveness and was not successful in Nicaragua. When assistance was suspended to the PDO in 2001, in part due to the failure of the Supreme Court to provide sufficient resources to expand the PDO, the result was institutional inertia. When assistance was reinstated in 2002, Checchi was able to engage the Court and achieve the goal of expanding the PDO. This could not have been achieved without the renewed assistance and ISP's continued promotion of the expansion.
- The suspension of assistance at the critical time from December 2003 until April 2004 delayed and made more difficult the institution's preparation for or the implementation the CPC in the local courts. Much momentum was lost, the institution regressed, and it later required greater resources and effort to reestablish the foundations necessary for performance under the CPC.

- The providing of economic and technical assistance to the resource poor Supreme Court proved to be an extraordinarily successful tool in leveraging institutional reform as well as permanently increasing budgetary allocations to the PDO. This strategic assistance resulted in a more than 500% increase in overall PDO staffing as well as the creation of 234 new, sustainable offices that were fully integrated into the PDO.

D. CURRENT STATUS OF THE INSTITUTION AND RECOMMENDATIONS FOR FUTURE PROGRAMS

Although the PDO has been substantially strengthened with Project assistance, there remains a substantial amount of work to be done. The PDO currently only covers between 15 and 20% of the national, criminal system defense caseload. Its coverage should be substantially higher, particularly because such a large percentage of the population in Nicaragua is indigent. Many poor individuals, who in other countries would receive free public defense services from a state-sponsored PDO, are receiving inferior services from *defensores de oficio*, for which they often have to pay, or from insufficiently trained and inexperienced students.

The continued expansion and national coverage of the institution should be encouraged and supported in future programs. Additionally, the law schools, including their clinical programs, should be strengthened to increase the capacity of law students to render adequate legal services in certain cases such as misdemeanors, as well as to be better lawyers in the future.. Training and close coordination should be encouraged with the private bar and civil society groups to increase capacity for providing criminal defense services until the PDO can effectively assume a significantly larger percentage of cases.

All public defenders appointed prior to December 2004 have received substantial technical assistance in the form of training and accompaniment that has improved their performance in the large majority of cases. The newest group of 25 defenders has received only minimal orientation and training and should be supported in future programs.

The PDO has only one full-time supervisor, and this is insufficient in the light of the new institutional reality. As the institution grows, the need for supervision will increase dramatically. Resources for the supervisory functions are miserably low and must be augmented, including provision for per diems and transportation costs so that supervisors can monitor defenders and their cases in all parts of the country.

The dependency of the PDO on the Supreme Court (mandated by the Organic Law of the Judicial Branch) not only practically limits the scope of the PDO's authority, but also affects personnel decisions, including the establishment of new positions and the recruitment process. It affects other management functions such as discipline, as well. These constraints have limited the effectiveness of the Director of the PDO. In future programs, the functional autonomy of the PDO should be encouraged, and should include a provision for separate budget allocations controlled by the PDO's management; functional independence should also result in an increase in management's role in selection, evaluation, and disciplinary actions related to defenders as well as other internal management authority.

STRENGTHENING THE PROSECUTORIAL FUNCTION

II. STRENGTHENING THE PROSECUTORIAL FUNCTION

A. PRINCIPAL ACHIEVEMENTS, ACTIVITIES AND METHODOLOGIES

The Public Ministry, by design, is the motor of the accusatory criminal procedure code and must be strong to be able to adequately investigate and prosecute criminal cases. Without a strong prosecutorial function, the accusatory criminal justice system simply cannot function effectively. This has been particularly important since the entrance into effect of the new accusatory Criminal Procedure Code in 2002 pursuant to which the judge no longer directs the investigation or initiates the criminal charges as under the inquisitive systems. These functions are now legally mandated to the Public Ministry. Most of the activities of Checchi during the ISP with respect to the PM were directed at strengthening the institution's capacity to effectively investigate and prosecute crimes. Institutional strengthening, training and improving the coordination with the National Police were the three principal focuses of Checchi's efforts during the ISP.

1. Institutional Strengthening

Prior to the initiation of the ISP, an independent Public Ministry did not exist in Nicaragua. The prosecutorial function was carried out by prosecutors of the Attorney General's Office (AGO), the institution charged with representing the State. AGO prosecutors were for the most part unqualified and ineffective. They were not selected on merit, did not take an active role in criminal investigations, and did not coordinate among themselves or with the police. As a result, little if any technical proof was presented to the investigating judges during the criminal process. With Checchi technical assistance, an Organic Law of the Public Ministry was drafted and approved by the National Assembly in 1999, and a special Commission for the Creation of Public Ministry (the Commission) was created and supported. In May 2000, the Public Ministry was officially created, being specifically (although not exclusively⁴) charged with carrying out the prosecutorial function. The Commission continued functioning until 2001. A permanent Chief Prosecutor and Deputy Chief Prosecutor were not, however, officially appointed until December of 2001.

Checchi's Prosecution Specialist, who spent most of his working time in the PM during the formative stage, promptly became a valuable resource for that office. In support of the Organic Law, the Specialist worked closely with FIU, the contractor in charge of legislative reform, and gave advice and recommendations on the draft law to satisfy Checchi's specific concerns over such areas as police-prosecutor coordination and the handling of misdemeanors. Checchi also assisted in the presentation of the draft Organic Law to key groups, such as the media, police, prosecutors, law professors and the public at large. Town meetings and workshops were organized under the Project to inform citizens and groups about the Organic Law and its significance for strengthening the Nicaraguan justice system.

At the same time as the ISP was supporting the Organic Law's approval process, preparations were being made to enhance the planning capacity of the PM. A short-term expert in planning and budget matters carried out an initial assessment of the PM, and his report became a useful

⁴ As will be described in more detail below, in cases involving the State, such as public corruption, the AGO still maintains certain prosecutorial functions as well.

guide to future actions to strengthen the capacity of the institution to assume broader responsibilities and roles within the criminal justice system.

As an important part of the institutional strengthening process and ensuring the sustainability of the training and planning activities undertaken by Checchi, the PM was provided with assistance in the design and establishing of a Training and Planning Unit (TPU). Created by the PM's Organic Law and becoming functional in 1999, the TPU is charged with the functions of coordinating long-term planning and budget processes, as well as training within the institution. Most of the training activities during the ISP were closely coordinated with the TPU. Strategic planning was seen as an important tool for strengthening the PM as well as sustaining achieved reforms. With this in mind, Checchi supported an extensive strategic planning process through a series of workshops, in coordination with the TPU, which included a detailed SWOT analysis and the development of an institutional mission, vision and strategic framework.

In a similar manner, in 2002 as part of a series of activities to prepare the PM for the entrance into effect of the new CPC, Checchi assisted with the creation and strengthening of the Department of Technical-Legal Assistance (DTLA). The DTLA was organized pursuant to a decree by the Chief Prosecutor and was designed as a legal and technical support center for prosecutors in carrying out their technical functions. Among other things, the DTLA coordinated discussions and trainings for the prosecutors. It also established a type of hot line so that the PM could respond rapidly and efficiently to the many queries of the prosecutors as they developed skills as well as challenges with the implementation of the accusatory CPC.

In the area of human resources, Checchi assisted with the design of the initial selection process for prosecutors, most of whom came directly from the ranks of AGO prosecutors. Once the initial prosecutors were selected, Checchi provided assistance in designing and carrying out an induction course covering the Organic Law of the PM, concepts of basic criminal and criminal procedure law, and the development of basic skills required to correctly handle the prosecution function under a modern, accusatory criminal procedure system.

Checchi devoted particular attention to the design and execution of transparent, merit-based selection processes throughout the entire period of the ISP. A total of three different processes were carried out to select a total of 200 new prosecutors. The first process to select 61 prosecutors was carried out in 2002. Another to select 40 prosecutors was carried out in 2003 and a final process was supported in 2004 to select 99 prosecutors. These processes represented the chief mechanism for professional recruitment and few, if any, prosecutors were appointed without undergoing the selection process. The selection process involved the following steps:

- Solicitation of candidates resumes
- Review and evaluation of resumes and initial selection
- Taking of written examinations to ascertain technical skills and theoretical knowledge
- Scoring of written examinations and ranking of candidates
- Application of psychological and aptitude tests
- Final selection of eligible prosecutor candidates
- Appointment of prosecutors

As a result of these processes, the number of prosecutors, and therefore the effective coverage of the PM, was significantly increased during the period of the ISP. From an initial group of 61 prosecutors, the PM increased its professional staff by over 300% as of the end of the ISP in 2005. The PM currently has 200 prosecutors (See Annex 2).

Legislative and regulatory reform formed an important part of Checchi's package of assistance to the PM, particularly in the human resources field. In late 2001, Checchi provided technical assistance to the PM in the drafting of regulations regarding the human resources aspects of the institution, including detailed rules regarding the disciplinary regime. The regulations were formally approved by the Prosecutor General and the Ministry of Labor in October 2002 and published and widely distributed to all prosecutors during 2003. Finally, and most importantly, Checchi provided extensive assistance to the PM during 2004 in the drafting of and seeking consensus on a draft Prosecutor Career Law. The draft Prosecutor Career Law regulates the entry, promotion and dismissal of prosecutors and, among other things, provides important protections to prosecutors from politically motivated human resource decisions. Having been presented to the Legislative Assembly, it is expected that the Prosecutor Career Law will be approved and enter into full effect in the very near future.

Year	New Prosecutors
2002	61
2003	40
2004	99
Total:	200

Throughout the ISP, Checchi placed considerable emphasis on strengthening PM teamwork and organizational cohesiveness, in part to overcome the institutional isolation that existed due to the lack of mechanisms for communication. Toward this end, two National Prosecutors Meetings were held (one in 2002 and one in 2004) which involved the carrying out of training, discussions and other exercises to encourage more effective teamwork and standardization of institutional policies and practices.

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A series of workshops was held in 2003 and 2004 to help the PM prioritize the limited financial and human resources dedicated to the prosecutorial function in Nicaragua, as well as the need to address the standardization of procedures in exercising prosecutorial discretion. The workshops were conducted at the regional and national levels in an effort to develop and reach consensus on crime prosecution and organizational policies. Problems were identified with the first set of crime prosecution policies when put into practice, so they were revised during 2004, taking into consideration the experience with the implementation of the first set of policies. These revised crime prosecution policies focused, in particular, on the crimes of homicide, drug trafficking, domestic violence, and crimes against property. The policies also dealt with establishing institutional standards for offering and negotiating plea-bargain agreements. They were presented to the Prosecutor General and are expected to be approved in the near future.

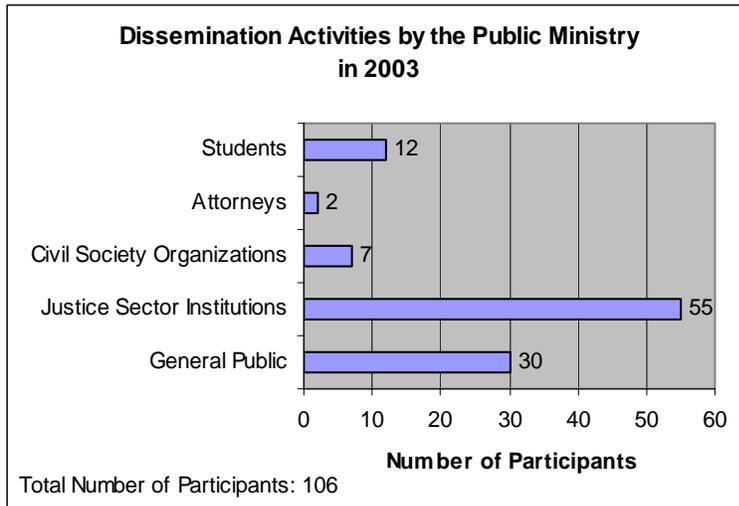
Strengthening the operational and administrative functioning of the prosecutors and the prosecutors' offices at the national and local levels were also important priorities of the ISP. Several activities were carried out to diagnose and make recommendations for improvements:

- Three meetings for criminal and appellate level judges, police officers and prosecutors to encourage the institutionalization of the PM;
- A workshop (*jornada de reflexión*) to diagnose the institutional situation and make recommendations;
- Seven workshops in 2003 to develop and reach consensus on operational guides (*módulos de gestión*) to increase decision making capacity;
- Numerous work sessions to plan operationally for the December 24, 2002 entrance into effect of the new accusatory CPC;
- Numerous trainings and follow up to administrative staff in the administration of public funds and government procurements;
- Design, drafting, and publication of model forms, including forms for preparing criminal charges, and petitions for use during the investigation and trial phases of the proceedings. These forms were published and distributed to all the prosecutors at the national level and are still being used;
- The undertaking of a complete financial and administrative analysis of the needs of the PM in meeting its obligations under the CPC at the municipal level (the relevant parts of the CPC entered into effect on December 24, 2004) and the preparation of the PM Expansion Plan. In order to achieve effective national coverage of the PM by 2005, the Expansion Plan projects the need in 2005 for the addition of 122 new prosecutors, the opening of 65 new offices and an 86 million *córdobas* budget increase. This information was crucial in providing a foundation for the PM's successful 2005 budget request (which resulted in the creation of 99 new prosecutor positions); and
- Numerous observational trips to Costa Rica, Honduras and Puerto Rico were organized for both senior- and mid-level managers as well as prosecutors to observe the functioning of prosecutors' offices in these countries as well as to encourage adoption by the PM of improved operational and administrative practices. The following observational trips were organized and supported by the ISP:
 - Seven trips for 45 prosecutors and supervisors were organized to Costa Rica throughout the period covered by the ISP with the purpose of observing administrative and operational procedures of the PM, including the functioning of the prosecutor career law in Costa Rica and oral trial procedure in the criminal courts;
 - 2 trips for a total of 8 high level officials were organized to Honduras in 2002 to observe administrative structures related to accusatory CPC implementation;
 - 2 trips for a total of 17 prosecutors and supervisors were organized to Puerto Rico (June and April 2003) to observe mechanisms related to effectively implementing the oral-based accusatory criminal justice system;

- Three delegates were sent to the 11th Inter-American Congress of Public Ministries in Antigua, Guatemala, in June 2002;
- One representative was sent to the First Ibero-American Orality Conference in Mexico City; and
- One representative was sent to Guatemala (in November 2001) and one to Uruguay (in June 2002) to study planning for internal training programs.

As a result of these trips, several improvements were adopted and/or implemented, including the establishment of the DFTA, the adoption of mechanisms for improving implementation of the new CPC, (including the use of model forms and case intake procedures), and the draft of a Prosecutor Career Law. Sustainable training programs and the development of crime prosecution policies were also by-products of the trips.

In order to improve the statistics gathering and analysis capacity of the PM, as well as to strengthen the supervision and control functions within the institution, Checchi provided assistance in the design, programming and piloting of an automated case tracking system in Managua, using an Oracle and SQL Server based platform. To facilitate future integration and sharing of information, the development of the coding systems as well as the definition of the fields utilized by the PM's case tracking system were coordinated with the PDO, which at the time was also designing its automated case tracking system with an Oracle/SQL Server based platform. The Japanese Aid Agency, with which Checchi coordinated in the design of the case tracking system, donated much of the computer hardware to facilitate the implementation of the system at the national level.



Given the fact that the PM was a newly created institution, both internal and external dissemination of information about the legal framework and functions of the PM was also considered a priority of Checchi throughout the ISP. In coordination with the Commission, extensive information was disseminated to future prosecutors, private attorneys and civil society organizations regarding the PM's Organic Law in 2000. In addition to distributing published materials

regarding the Organic Law, public information sessions were held in communities in Carazo, Chontales, Granada, Boaco, Chinandega, Rivas, Estelí, Madriz, Nueva Segovia, León, and Managua. Again in 2003 and 2004, extensive public information campaigns, including several national campaigns utilizing radio as the principal medium, were carried out in coordination with the *Universidad Centroamericana (UCA)*.

The dissemination efforts were aimed at increasing the public's understanding of the institution and how to access the services of the PM. Important strategies of the 2003 and 2004 campaigns were to involve local prosecutors in the dissemination activities to encourage the formation of strategic alliances with the public and with local NGOs, and to include local press representatives in the process to encourage more positive and accurate reporting regarding the activities of the PM.

As an integral part of Checchi's assistance to the PM in preparing for the entrance into effect at the municipal level of the new CPC in December 2004, a national case purging system to reduce large case backlogs in various jurisdictions (Matagalpa, Managua, Masaya, Puerto Cabezas, Siuna, Jinotega, San Carlos, and El Rama) was designed and carried out during 2004. Temporary attorneys were hired with Project funds, and trained in skills needed to undertake the case purging activity. As a result of this activity, and under the supervision of the ISP, a total number of 2,518 case files were examined and processed and a total of 2,241 were purged. The mechanisms for case purging were institutionalized by the PM and will be useful in preventing an unnecessary congestion of case files in the future. Finally, the ISP also provided logistical assistance, in the form of donations of equipment and office furniture.

2. Training

During the course of the ISP, Checchi provided extensive assistance in the training of prosecutors, as well as administrative and managerial personnel of the Public Ministry. This training consisted of a wide range of subject matter and methodologies, all of which will be described in more detail in Section IV. In summary, however, the following trainings and training related activities were designed and carried out in the Public Ministry:

- 3 induction courses;
- 5 Basic Formation of Prosecutors Courses covering criminal procedure, criminal law, orality, investigation techniques, and alternatives to trial;
- Creation of study centers (*Centros de Estudio*) among groups of prosecutors;
- One month accompaniment and on-site trainings in selected jurisdictions;
- Design and support for execution of Post-Graduate Training of Trainers Course for 31 prosecutors; and
- A training of trainers course in coordination with the *Universidad de Valle* for 20 prosecutors in 2004.

3. Improving PM-Police Coordination

The new CPC requires that the police and prosecutors closely coordinate the criminal investigation, with the prosecutors providing legal orientation and supervision during the process. The development of institutional policies and methodologies to integrate the role of the police and prosecutors in the investigation and prosecution of crimes was an important focus of Checchi's efforts in the PM. A plan to integrate and coordinate these roles was developed in 2002. Once a subsequent proposal to improve the coordination of the criminal investigation was agreed upon by both institutions, a formal agreement was executed to institutionalize the close coordination

and collaboration of both institutions in criminal investigations (the “Police-Prosecutor Agreement” was signed on October 17, 2002).

The implementation of the Police-Prosecutor Agreement was closely and constantly monitored with Checchi assistance starting in the second half of 2003. Discussion and evaluation sessions with police investigators and local prosecutors were held in 10 different locations at the national level (Bluefields, Puerto Cabezas, Chinandega, Rivas, Nueva Segovia, Chontales, Matagalpa, León, Masaya, and Managua). During these monitoring sessions, constructive dialogue was encouraged, and information about principal issues and problems during the investigative stage was discussed. This information, along with recommendations for improving the criminal investigation, was provided to the National CPC Implementing Committee. The information gathered also proved to be invaluable to the PM in developing its crime prosecution policies and determining its need for and justifying budget requests. Furthermore, the information was also utilized by the National Police through its Judicial Assistance Department, (*Dirección de Auxilio Judicial*) in drafting instructions to police investigators.

An important part of Checchi’s successful strategy to improve police-prosecutor coordination in criminal investigations was the carrying out of training sessions. These were given in large part by prosecutors to police investigators, and covered the mechanisms for the legal regulation of the criminal investigation process. This joint training encouraged increased coordination and diminished the widespread resistance often manifested by the police during the transformation of the criminal justice system from an inquisitive to an accusatory model. Over 900 police investigators were trained in coordination with the PM. Two trainings in the CPC were offered to National Police Council leaders. Finally, a limited number of police investigators were often invited to the other training events carried on with ISP support (see Section IV below for more details).

Finally, Checchi assisted with the design, creation, production, distribution and training in the use of a Criminal Investigators’ Manual. Given the high demand for the Manual, a second edition was published. Both prosecutors and police investigators in carrying out their investigatory tasks as part of the initial stages of the accusatory criminal process are still using the Manual.

B. SHORTCOMINGS

Checchi complied with all of its contractual obligations with respect to the establishing and strengthening of the PM. This included the approval of the Organic Law, the adoption of internal regulations, the setting up of a training unit and the provision of extensive training in all aspects of the CPC and in modern investigation and prosecutorial functions. Despite this, the institution needs significant additional technical assistance, training and most importantly, internal political will, in order to become a modern, viable public ministry. Functions such as the preparation of charges, investigations and other pre-trial activities, while much improved, should be strengthened through additional training. Much of what is needed relates to a lack of budgetary resources, particularly the institution’s inability to investigate crime adequately.

Although Checchi assisted with the drafting of the Prosecutor Career Law, including building support for the draft within the institution, the draft law has not yet been approved. The failure

to achieve approval of the Prosecutor Career Law (not a contractual obligation) was due to political factors beyond the Project's control. It is expected to be approved in the near future.

C. LESSONS LEARNED

Several lessons were learned with respect to Checchi's work with the PM:

- In the overly politicized climate existing within the PM during the Project, Checchi remained politically neutral in order to work with all of the internal factions. Failing to do this would have resulted in significant, short and long-term problems. It was essential to encourage dialogue and extensive participation of members from both political factions, and to not favor one over the other.
- The participatory and strategic selection of consultants and requiring that they spend significant time in country to become acquainted with the law, the internal functioning and personnel of the PM, was vital to the success of the Project. Consultants were chosen for their prosecutorial and/or managerial abilities, their familiarity with the accusatory, oral system, and their ability to relate to the Nicaraguan development context, including key personnel in the PM.
- The involvement of police investigators in Project activities proved to be crucial to reducing the inevitable friction between the police and the prosecution that occurs when the prosecutors assert their role of directing criminal investigations under the reformed CPC. Including prosecutors as trainers of police investigators proved a highly worthwhile strategy for increasing coordination.
- Encouraging teamwork through periodic meetings of all the prosecutors at the national level proved to be a successful strategy. These gatherings, as well as increased inter-office dialogue, eliminated the previous isolation and lack of communication experienced by the prosecutors.
- As with the PDO, the suspension of technical assistance and training to the PM from December 2003 until April 2004, at a time when the PM was preparing for CPC implementation in the local courts, proved damaging to the institution. It was important for the ISP to constantly provide guidance and support to PM leadership to achieve reform, and any loss of momentum toward reform and institutional strengthening meant a return to former habits and practices. Momentum was regained when assistance was reinitiated, but valuable time was lost.

D. CURRENT STATUS OF THE INSTITUTION AND RECOMMENDATIONS FOR FUTURE PROGRAMS

Notwithstanding the extensive assistance and training provided to the PM throughout the course of the Project, the institution on a national level needs a great deal of support and further development. As with many other institutions in Nicaragua, the PM is highly politicized, and this has

affected personnel decisions as well as other policies. Such influences must be curbed in order for the institution to advance.

Although the PM's selection policies are largely based on transparent, merit-based processes, this has been achieved through significant pressure from the Project and with substantial financial and logistical support. Pressures to evade merit-based processes have long existed within the PM, and without continued assistance and/or a law requiring such processes, it is unlikely that any merit-based system can endure. These transparent policies will only be institutionalized and strengthened through the Prosecutor Career Law, and thus it is essential that any future program fully support the approval and effective implementation of that law. Likewise, disciplinary and removal decisions, still often made on the basis of political factors, should be regulated through the Career Law.

Through Project support, a group of prosecutors and supervisors truly committed to strengthening the PM and making the criminal reforms work, have assumed a more active role in the institution and in the justice system as a whole. These prosecutors and managers are far removed from the former group who had been trained poorly in law schools and who operated in a passive manner, characteristic of the inquisitorial system. This reform minded group can detect problems within the institution and make recommendations to overcome them. The initiative and leadership of these pioneers within the PM must continue in order for the institution to prosper.

Section III

STRENGTHENING THE ANTI-CORRUPTION CAPACITY OF THE AGO

III. STRENGTHENING THE ANTI-CORRUPTION CAPACITY OF THE AGO

A. PRINCIPAL ACHIEVEMENTS, ACTIVITIES AND METHODOLOGIES

Given the obligations set forth in the Contract and the exigencies of Nicaragua as it prepared for the adoption and implementation of the accusatory CPC, the ISP initially focused on the institutional strengthening of the PDO and the PM. As these institutions were strengthened, it became evident that a third player, the AGO (*Procuraduría General de la República*), not only had a legal mandate but substantial potential in meaningfully participating in the criminal justice system, and in particular, in combating the increasingly serious problem of public corruption. A prime opportunity in this regard came about because of the Alemán corruption case, which was initiated by the AGO. The AGO is charged, among other things, with the prosecution of crimes, such as public corruption, in which the State is the victim. Gradually, strengthening the AGO's anti-corruption capacity took on greater importance in the ISP, although it was done as a corollary activity. During the extension period, on the other hand, supporting the institution was contractually incorporated into the ISP. Although the institution as a whole was the beneficiary of several ISP efforts, Checchi's principal counterpart and major partner within the AGO was the Criminal Prosecution Division.

1. Institutional Strengthening

After losing most of its professional staff and a large percentage of its annual budgetary allocation to the newly created Public Ministry, the AGO entered into a period of great institutional uncertainty with regard to its functions and its future. Although charged with prosecuting criminal cases in which the State is a victim, including those involving public corruption, the AGO participated in very few successful prosecutions and had no clear strategy for attacking public corruption. In initiating its assistance to the AGO in 2002, Checchi provided support to the AGO's strategic planning process. The function of decision-making as a strategic process was viewed as critical prior to the AGO's assuming its role in implementation of the new CPC in crimes against the state. A strategy was developed to assist the institution in defining institutional policies and making key political decisions. Two workshops for 20 prosecutors were held in 2002, prior to the entrance into effect of the CPC. The workshops covered strategic areas such as organizational and structural alternatives within the AGO, mechanisms of supervision and control, and adequate distribution and follow-up on cases. Discussions and decisions were also encouraged with regard to establishing case processing procedures and formulating a crime prosecution policy within the institution to determine case selection priorities.

Another important ISP priority was the design and development of an Anti-Corruption Unit (AC Unit) within the AGO. The AC Unit was designed to focus exclusively on investigating and prosecuting corruption cases. After its success in prosecuting the Aleman case, the AC Unit received increased attention and demands for its services. The Unit's design components included a thorough assessment of the AGO and the provision of assistance in defining the administrative structure and procedures of the AC Unit. A detailed profile of the ideal AGO prosecutor, proposed mechanisms for improving criminal prosecutions in corruption cases as well as the overall plan for the establishment of the AC Unit were presented to the Attorney General by the ISP. In

addition to the above activities, Checchi also donated office and other equipment to the AGO to help strengthen its operations.

2. Training

During the course of the ISP, and in particular at the later stages of the Project, Checchi provided extensive assistance in the training of prosecutors within the AGO. While this training was focused on prosecutors working in the Criminal Prosecution Division, training on a more general level was also provided. This training consisted of a number of substantive areas and methodologies, all of which will be described in more detail in Section IV. In summary, however, the following trainings were designed and carried out in the AGO:

- Five Basic Formation of Prosecutors Courses involving Criminal Procedure, Criminal Law, Orality, and Criminal Investigations;
- Courses regarding the General Part of the Criminal Code;
- Two workshops regarding the investigation and operational aspects of prosecuting crimes against the State, and in particular, public corruption;
- Specialized courses (during 2004) in practical aspects of the intervention of prosecutors in the criminal justice system;
- An intensive course (during 2004) in mechanisms of international cooperation in combating and prosecuting crimes of public corruption; and
- Inclusion of 14 prosecutors in the UCA post-graduate CPC Program.

B. SHORTCOMINGS

Checchi complied fully with all of its contractual obligations in the AGO and in fact, carried out more than was contractually required due to high demand for assistance by the institution. Although the Anti-Corruption Unit was not officially approved at the end of the Project, the plan for its creation, prepared with Checchi assistance, was submitted to the Attorney General and is expected to be approved and implemented in the near future.

C. LESSONS LEARNED

The shared competency of the PM and the AGO in the prosecution of certain crimes, in particular crimes involving corruption, proved to be complicated at times due to the overt political nature of some of the prosecutions pursued. Greater coordination of efforts between the AGO and the PM, in addition to the joint training of professional staff, would have been attempted had there been more time.

D. CURRENT STATUS OF THE INSTITUTION AND RECOMMENDATIONS FOR FUTURE PROGRAMS

The AGO is far better equipped to handle prosecutions than before the ISP became involved. However, the intensely political nature of the AGO, and in fact any institution whose mandate includes anti-corruption activities, demands significant resources, time and the dedication of specialized consultants in order to establish the foundations needed to make the institution inde-

pendent and effective. The ISP adopted the AGO as a counterpart in the later stages of the Project and did not have time or resources to provide the kind of strengthening that is necessary for the institution's challenging and controversial mission. Any future program involving the AGO should dedicate sufficient resources, time and expertise to achieving the goals.

TRAINING

IV. TRAINING

A. PRINCIPAL ACHIEVEMENTS, ACTIVITIES AND METHODOLOGIES

The training of justice sector personnel within the counterpart institutions (the PM, the PDO and the AGO) represented a significant portion of the Project's efforts and for this reason, training is treated as a separate component for purposes of this report. Checchi adopted a number of different strategies in the design, execution and monitoring of its training activities in Nicaragua.

At the inception of the Project, Checchi carried out base line studies and developed profiles (based on the then operational inquisitive criminal justice system) to determine training needs and training plans. These plans turned out to be of little use, given the fact that they were based on the inquisitive system which was about to disappear. Thereafter, in order to establish a general training plan that was relevant to the reformed system, ISP consultants carried out an extensive study of case files, attended over twenty trials, and held numerous interviews with prosecutors and, to a lesser extent, public defenders. On the basis of these actions, the Project's principal training "learn by doing" (*Aprender Haciendo*) methodology was adopted. Thereafter, the Project's training methodologies became more practical in emphasis, focusing on case studies, hypothetical exercises and simulations, rather than on the long-standing theoretical approach. Out of this same methodology the Project emphasized accompaniment or in-service training as a major component in the training program.

In both the PM and the PDO, the ISP assisted with the design and implementation of induction courses for new justice actors. These courses, which lasted up to a week, focused on providing an initial orientation to new hires. Themes included the organic laws of the particular institution (Judicial Branch for the PDO, the PM Organic Law for the PM) as well as applicable administrative and other procedures. The training focused on a broad overview of the CPC and the principal elements and skills required for its effective implementation. Motivational activities were also included in various trainings that were aimed at energizing the new recruits. The participation of high-level officials was considered crucial to the success of the orientation trainings. There were five Induction courses carried out in PM and three in the PDO during the course of the ISP.

Classroom training also constituted a significant element of Checchi's training strategy. Initially, most training sessions were carried out in an inter-institutional environment that included prosecutors (from both the PM and the AGO), defenders, and at times, police investigators. This methodology was important during the stages prior to and immediately subsequent to the entrance into effect of the CPC, and helped to facilitate the development of unified criteria regarding the implementation of the CPC. It also served to encourage more inter-institutional coordination and communication in the field. Later in the Project, classroom training became more specialized and oriented to the needs of the specific institutions, although certain courses continued to be executed in an inter-institutional setting.

One of the core courses in the ISP curriculum was entitled the "Basic Formation of Prosecutors," which notwithstanding its name and general design for prosecutors, also included prosecutors from the AGO, public defenders and police investigators. This was a multi-segment course,

which included theory in basic criminal law and procedure, investigation techniques, and formulation of the accusatory or charging instrument. It also included intensive training in oral trial skills that encompassed interviewing clients and witnesses, developing the theory of the case, preparing and practicing of opening and closing arguments and direct and cross examination, and framing legal objections. The trial skills component also included extensive role-playing and a full simulated trial.

Other courses in the curriculum included crime theory, criminal investigation, communication and techniques of argument. Also included were non-conventional crimes, e.g. money-laundering, trafficking in persons, and crimes against the State as well as post-sentencing issues and lodging appeals. Several courses were designed and executed to improve the implementation of the Youth and Adolescents Code. Teaching modules for most of the courses were developed and distributed to the counterpart institutions to ensure sustainability and institutionalization of the training inputs, and members of the institutions themselves executed many of the courses in coordination with or under the supervision of Project consultants. A complete list of all the courses executed with Project assistance, and the number of participants is detailed in Annex 3.

Accompaniment or in-service training was an important part of Checchi's strategy in the training area and in fact, although significantly more costly, proved to be the most successful type of training offered. This was due, in part, to its imminently practical, hands-on focus. The specific objectives of the accompaniment training were to:

- Provide individualized attention to defenders and prosecutors in the handling of their own cases, to reinforce the theoretical as well as the practical elements imparted during the group trainings;
- Encourage the development of effective team work in offices with more than one operator;
- Develop inventories of problems and obstacles with the interpretation and implementation of the CPC, and identify creative solutions that were later shared with operators in other locales;
- Carry out small group discussions and hold conferences regarding themes suggested by the operators themselves; and
- Encourage inter-institutional coordination, particularly between the prosecutors of the PM and the AGO, as well as the police, through workshops and discussions at the local level.

In the PDO, the accompaniment training was provided on an almost permanent basis in the Managua Pilot Office during the first two years of the Project. It was later provided to all of the defenders in the 23 departmental PDO offices on a more limited basis. The focus of the training was the role of the public defender, development of the theory of the case, plea-bargaining, and preparation for trials and hearings. The PDO training also covered post-conviction issues such as controlling the execution of sentences, and formulating appeals.

In the PM, the accompaniment training tended to last one month in locales such as Matagalpa, Ciudad Darío, Jinotega, Estelí, Somoto, and León and was conducted on an almost continual basis in Managua. This specialized *in situ* training was carried out from August 2000 to December 2003. Emphasis was placed on designing investigation plans in relation to the theory of the case, the analysis of elements of proof, the formulation of charging instruments, trial preparation techniques (including the formulation of direct and cross examinations) and appeals. Assistance in responding to questions regarding CPC implementation was provided telephonically during the Project as well. *Centros de Estudio*, or small discussion groups which met on a weekly basis, were formed in 2002 to encourage dialogue regarding the new concepts relating to the CPC.

During the Project, Checchi carried out various workshops in coordination with the FIU Code Modernization Project, to monitor and evaluate progress regarding the implementation of the CPC, focusing on the investigation stages of the criminal process. A large seminar was held at the one-year anniversary of the CPC. Inputs from these monitoring and evaluation workshops and seminars proved invaluable to designing and modifying the training activities of the Project.

In addition to the design and execution of courses and accompaniment training programs, Checchi also dedicated considerable effort toward developing institutional capacity to carry out training programs. Several defenders, PM and AGO prosecutors were invited to provide trainings to other justice sector operators, accompanied and supported by Project consultants in most cases. Logistical and technical support was provided to several public defenders, prosecutors and AGO prosecutors to participate in a post-graduate training of trainers course on the CPC at the UCA in 2002. A course for trainers in oral trial techniques for 14 prosecutors was offered through the *Universidad del Valle* in 2001 as was a course for 20 prosecutors and PM administrators as well as 12 public defenders in basic pedagogical issues in the legal field. To encourage sustainability, most of the courses for prosecutors were coordinated with the Planning and Training Unit within the PM.

Checchi developed an extensive number of training manuals and other materials to complement the Project's training activities and to reinforce, particularly in the field, the application of the skills, principles and techniques that were imparted in the training courses. All public defenders, and prosecutors at the national level have received the relevant training materials, and a basic library was donated to each office of the counterpart institutions. A complete list of the publications produced and distributed by the Project is attached as Annex 4.

All training activities of the Project were evaluated on a course-by-course basis as well as on a yearly basis to monitor their impact. The monitoring and evaluation reports were presented to USAID as they were produced. Changes were made to specific courses based on the results of the monitoring and evaluation exercises.

B. SHORTCOMINGS

Although, as described above, extensive activities were designed and carried out to institutionalize and sustain a strong internal training capacity within both the PM and the PDO, and to a much lesser extent within the AGO, the counterpart institutions at the end of the Project still re-

mained largely dependent on the Project for their training needs. This, in large part, was due to the extreme resource limitations faced by the institutions, resulting in their inability to finance permanent positions for professional trainers or the execution of training courses. Future programs should insist on the creation and/of strengthening of internal training units as well as the allocation of sufficient resources to be able to effectively sustain them. Training of trainer activities as well as close accompaniment of trainers in the carrying out of their functions should be priorities.

C. LESSONS LEARNED

Several important lessons were learned with regard to Checchi's training activities during the course of the Project:

- Judges, who in most countries adopting reformed criminal procedures frequently manifest the strongest opposition to the adoption of the accusatory system, were not included in the vast majority of the training activities. Instead, their training was included under the FIU Code Modernization Project. Not including them in the training activities with the other justice sector operators was a mistake, particularly at the pre- and post-CPC implementation stages. The courses designed for the judges were offered with less frequency and were significantly more limited in scope than those offered by the Project to prosecutors and defenders. Trainers provided the judges' courses with different focuses regarding CPC implementation than those of the ISP trainers, resulting in significant differences in the interpretation and understanding of the reformed system by the judges as compared to those of the rest of the operators. This often led to sharp clashes of opinion in the courtrooms. It would have been more strategic, as well as more cost effective, to train all justice sector operators within the scope of one project and to encourage the necessary interaction between the judges and other operators during the training sessions.
- Extensive training in the fundamentals of the accusatory criminal justice system before the CPC was drafted, approved and implemented was very effective in reducing resistance of the prosecutors and public defenders to the eventual implementation of the CPC.
- Accompaniment or in-service training proved to be as effective, if not more effective, than classroom training in imparting the skills necessary to implement the CPC, and to unify criteria regarding its interpretation.
- In addition to monitoring and evaluating the impact of the training activities, it was important to complement the monitoring and evaluation of training activities with an overall and general monitoring of the progress being made with regard to the implementation of the CPC by the justice sector as a whole. This enabled the Project to make modifications in the training program based on needs and developments evolving out of the CPC in the larger institutional context. .

CIVIL SOCIETY

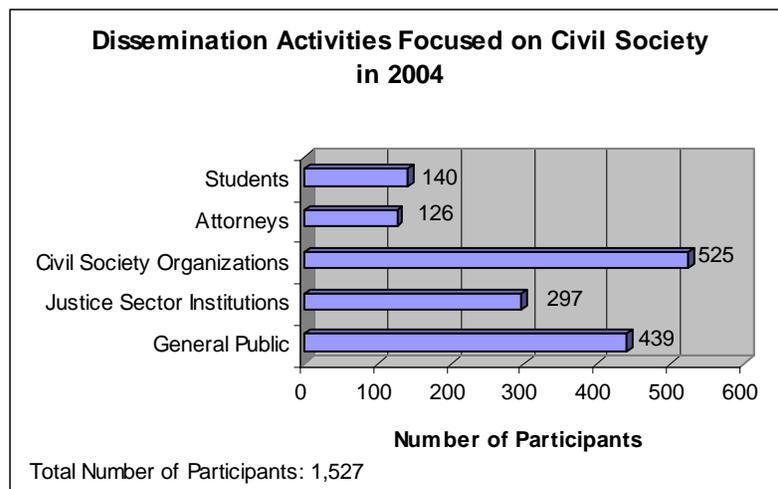
V. CIVIL SOCIETY

A. PRINCIPAL ACHIEVEMENTS, ACTIVITIES AND METHODOLOGIES

Checchi worked with civil society organizations throughout the course of the ISP. The most intensive activity in this area occurred from December 2003, at the time when assistance was suspended to the justice sector institutions, until the close of the Project. At the initial stages of the Project, civil society organizations were involved principally in the dissemination programs regarding the services of the PM and the PDO, and as active participants in certain concrete activities, such as providing training.

In May 2003, collaboration agreements were executed with UCA and the *Comisiones de Justicia y Paz* to support the Project's dissemination activities. Campaigns were designed and executed to disseminate information regarding: (1) the Criminal Procedure Code; (2) the role of and services offered by the PDO, and the PM; (3) the criminal prosecution policies of the PM; and (4) preventive detention and the imposition of measures of security. Radio spots were produced and broadcast at the national level and through local radio stations. With the PDO, a specific campaign entitled "The Public Defender's Office in My Community," was designed and carried out with the participation of local public defenders. Another media campaign included radio spots as well as workshops in several communities during the extension period of the Project.

When technical assistance to the justice sector institutions was suspended and the Partial Stop Work Order was issued in December 2003, Checchi began to work exclusively with the civil society as agreed with USAID. A series of trainings in the Criminal Procedure Code (*Aspectos Básicos del Código Procesal Penal*) with the participation of private attorneys, members of NGOs and other community groups, bar associations and students, was designed and executed in 17 different departments. These activities continued until the end of the Project.



In addition to working with the above-mentioned civil society groups, the Project also prioritized increasing the knowledge and awareness of the press corps regarding criminal justice issues. A course on the CPC, fundamental rights and the right to information was designed and executed in six different locations (Estelí, Somoto, Chinandega, Managua, Matagalpa and León) for local journalists and media organizations. These courses were executed in coordination with the Violeta Barrios de Chamorro Foundation and were warmly received by the recipients. For many of them, this was their first contact with the criminal justice and legal systems. A total of 107 journalists were trained.

B. SHORTCOMINGS

Checchi fully complied with its contractual obligations with regard to the civil society. As a matter of Project design and effective implementation of the criminal justice reforms, however, the civil society should have been involved much earlier in the process. This could have been done through a grants program that would have strengthened civil society organizations and reinforced the important role that the civil society should play in the reform of the justice system (See below).

C. LESSONS LEARNED

Several important lessons were learned during the course of the ISP with regard to the involvement of the civil society:

- Civil society involvement is crucial to the successful implementation of justice reforms. Most civil society groups work on a voluntary, non-profit basis and have significant access to the society at large, particularly poor and marginalized groups. This access allows such organizations to observe the performance of institutions and their impact on marginalized groups in a clear and direct manner. Although Checchi included civil society in the Project activities throughout the course of the ISP, this involvement, until the later stages of the Project, was limited and often involved merely attending events as participants. Civil society should be strengthened to be a major player in the reform of the justice system, and not as a mere observer. A grants program to bolster the formation of a proactive civil society would provide the resources needed to make civil society groups full participants in the reform process. Of equal importance, such resources would assist in sustaining the reform process and developing leadership within local communities. Furthermore, the creation of an organized and functioning network of civil society organizations should be supported to increase pressure to sustain the reform process in a more coherent and forceful way.
- The incorporation of the press in Project activities had demonstrably positive results. When the CPC entered into effect, the press knew very little about the philosophies behind and the advantages of the accusatory criminal justice system. Because of this ignorance, in part, there was substantial negative media coverage regarding the reforms. The press should have been involved at a much earlier stage of the process.
- Working with the civil society and the private bar was very beneficial for the PDO, both to encourage better working relations as well as to increase the number of attorneys that understood the CPC and its principles and could provide more effective representation to indigent defendants. These opportunities to coordinate non-governmental institutions with the institutional strengthening activities should have been emphasized more and at an earlier stage of Project execution.

ANNEXES

EXPANSION OF THE PUBLIC DEFENDER'S OFFICE

Annex 1. Expansion of the Public Defender's Office

Region	Department / Municipality	Number of New Public Defenders
Las Segovias	Estelí	1
	Somoto	1
	Ocotal	1
Occidental	León	3
	Chinandega	1
Managua	Managua	18
	Tipitapa	1
Oriental	Masaya	3
	Jinotepe	1
	Masatepe	1
	Diriamba	1
Sur	Granada	1
	Rivas	1
Central	Juigalpa	1
	Boaco	1
	Acoyapa	1
	Nueva Guinea	1
	El Rama	1
Norte	Matagalpa	2
	Jinotega	1
	Ciudad Darío	1
Atlántico Norte	Puerto Cabezas	1
	Siuna	1
Atlántico Sur	Bluefields	1
Total		46

EXPANSION OF THE PUBLIC MINISTRY

Annex 2. Expansion of the Public Ministry

Department	Number of New Prosecutors
Managua	51
Acoyapa	2
Bluefields	7
Boaco	8
Chinandega	12
El Rama	2
Estela	11
Granada	11
Jinotega	8
Carazo	8
Juigalpa	8
León	10
Masaya	10
Matagalpa	15
Nueva Guinea	2
Ocotal	8
Puerto Cabezas	5
Rivas	8
Río San Juan	6
Siuna	2
Somoto	6
Total	200

TRAINING SEMINARS AND WORKSHOPS, 1999 – 2004

ANNEX 3. TRAINING SEMINARS AND WORKSHOPS, 1999 – 2004

PUBLIC MINISTRY			
SEMINAR / WORKSHOP	PLACE	DATE	PARTICIPANTS
Taller de difusión de la Ley Orgánica del Ministerio Público	Managua	9/3/99	60: prosecutors, judges, private attorneys, police officers, etc.
Visión Constitucional y Acusatoria del Código de la Niñez	Escuela Judicial	2/16-18/00	24 prosecutors
Segunda fase metodológica del perfil del procurador	Hotel King's Palace	7/8/00	29 prosecutors
Encuentros para la institucionalización del Ministerio Público de Nicaragua	Hotel King's Palace	8/15/00	26 prosecutors
		8/16/00	16 prosecutors
Charla informativa sobre el Ministerio Público a sectores vinculados a la justicia	Chinandega	9/7/00	67: judges, procurators, police officers, students, and <i>bufetes populares</i>
	Matagalpa	9/14/00	48: judges, procurators, police officers, students, and <i>bufetes populares</i>
	Jinotega	9/19/00	28: judges, procurators, police officers, students, and professors
	Rivas	9/25/00	29: judges, procurators, police officers, civil society organizations, professors, and <i>bufetes populares</i>
	León	9/29/00	53: judges, procurators, police officers, students, private attorneys, and professors
	Carazo	10/13/00	80: judges, procurators, police officers, students, private attorneys, and professors, civil society organizations, and <i>bufetes populares</i> ,
	Chontales	10/19/00	56: judges, procurators, police officers, private attorneys, and local government officials
	Granada	10/27/00	59: judges, procurators, police officers, public defenders, and private attorneys
	Masaya	11/2/00	67: judges, procurators, police officers, private attorneys, and professors
	Estelí	11/16/00	68: judges, procurators, police officers, private attorneys, <i>bufetes populares</i> , and professors
	Boaco	11/10/00	29: judges, procurators, police officers, and private attorneys
	Madriz	11/23/00	29: judges, procurators, police officers, and private attorneys
	Nueva Segovia	11/30/00	56: judges, procurators, police officers, private attorneys, <i>bufetes populares</i> , and professors

Formación de Instructores de Capacitación	Universidad del Valle	7/23-25/01	15 prosecutors
Curso Comunicación Persuasiva	Universidad del Valle	8/15-17/01	67 prosecutors
		8/22/24/01	
		8/29-31/01	
Instrucción Código Procesal Penal	Oficinas de Checchi	11/7-9/01	28 prosecutors
		11/13-15/01	prosecutors
		11/20-22/01	prosecutors
		11/27-9/01	prosecutors
Validación del Reglamento Disciplinario del MP	Hotel Ticomo	4/4-5/02	26 prosecutors
Validación del Reglamento Disciplinario del MP	Hotel King's Palace	2/28/02	33 prosecutors
Planificación Estratégica del Ministerio Público	Hotel Ticomo	3/16-16/02	35 prosecutors
Diagnóstico Situacional del Ministerio Público	Hotel King's Palace	3/13/02	36 prosecutors
Organización y modelos de gestión del MP	Hotel Princess	5/2,6,8,9,10,13,15/02	119 prosecutors
Capacitación Contrataciones del Estado	Hotel King's Palace	5/2,3/02	20 prosecutors
Técnicas para la efectividad y eficacia ejecutiva y organizacional	Hotel Holiday Inn	6/19-21/02	9 prosecutors
Sesión trabajo sobre políticas generales. de persecución del MP	Centro de Capacitaciones IPADE	7/8-12/02	7 prosecutors
Curso Inducción para nuevos fiscales	Hotel King's Palace	12/9-13/02	38 prosecutors
Pasantía en Honduras	Honduras	11/24-29/02	5 prosecutors
Pasantía a Costa Rica	Costa Rica	10/21-26/02	33 prosecutors
Pasantía a Costa Rica	Costa Rica	11/17-22/02	prosecutors
Pasantía a Costa Rica	Costa Rica	12/1-6/02	prosecutors
Pasantía a Costa Rica	Costa Rica	7/15-17/02	prosecutors
Pasantía a Costa Rica	Costa Rica	7/15-19/02	prosecutors
Postgrado Derecho Procesal Penal / Modalidad Sabatina	UCA	5/18/02; 6/1,8,15,22/02; 7/13/02	14 prosecutors

Planificación y políticas de persecución penal	Hotel Legend´s	2/10-14/03	24: prosecutors and public defenders
		2/24-26/03	29 prosecutors
Técnicas de la oralidad/ Cursos sabatinos	Hotel Legend´s	3/8,15,22/03	20: prosecutors and IXCHEN
Pasantía a Puerto Rico	Puerto Rico	3/9-15/03	17 prosecutors
		6/15-21/03	prosecutors
Primer Encuentro Nacional de Fiscales	Hotel Holiday Inn	12/18/02	150: prosecutors, police officers, public defenders, and CSJ
Formulación y Control de Acusaciones	Managua	9/18,19,20/03	18 prosecutors
Liderazgo e Inteligencia Emocional	Managua	10/3,4/03	27 prosecutors
Pasantías en Costa Rica	Costa Rica	9/22-26/03 11/24-28/03	12 prosecutors
Sesión trabajo para implementación de medidas de los resultados del monitoreo	Hotel King´s Palace Oficinas de Checchi	8/9/03; 9/20/03	30 prosecutors
Motivacional para fiscales preseleccionados	PAEBANIC	11/10-14/03	190 candidates for prosecutors
Teoría del delito. Parte general del Código Penal	Managua	8/6,7/04	35 prosecutors
	Managua	10/1,2/04	33 prosecutors
	Managua	10/29,30/04	37 prosecutors
Destrezas y habilidades para selección de docentes en Ministerio Público	Managua	7/9/04	19 prosecutors
Manejo de casos penales y producción de prueba en juicio	Managua	7/16-17/04	25 prosecutors
	Managua	7/30-31/04	22 prosecutors
	Managua	8/13-4/04	22 prosecutors
	Managua	8/20-21/04	24 prosecutors
	Managua	8/27-28/04	26 prosecutors
Formación básica a nuevos fiscales	Managua	7/20-24/04	39 prosecutors
	Managua	9/6-7/04	29 prosecutors
	Managua	9/20-24/04	30 prosecutors

Actos conclusivos diferentes a la acusación y formulación de la acusación	Managua	9/3-4/04	29 prosecutors
	Managua	9/10-11/04	29 prosecutors
	Managua	10/8-9/04	26 prosecutors
	Managua	10/15-16/04	30 prosecutors
	Managua	10/22-23/04	34 prosecutors
Preservación y procesamiento de la escena del crimen	Managua	10/5/04	16 prosecutors
Técnicas de negociación y toma de decisiones	Managua	11/12-13/04	30 prosecutors
	Managua	11/15-18/04	33 prosecutors
	Managua	11/19-20/04	29 prosecutors
Investigación y aspectos operativos en delitos contra la función pública	Managua	11/26-27/04	40 prosecutors
Taller para fiscales municipales	Managua	11/10-11/04	prosecutors
Curso de formación básica de fiscales	Managua	11/13-16/04	prosecutors
Charla con fiscales	Managua	11/16/04	prosecutors
II Encuentro Nacional de fiscales	Managua	11/17/04	prosecutors

PUBLIC DEFENDER'S OFFICE			
SEMINAR / WORKSHOP	PLACE	DATE	PARTICIPANTS
Primer taller de inducción para defensores públicos	Managua	10/30-9/3/99	13 public defenders
Segunda fase metodológica del perfil del procurador	Defensoría Pública	7/31/00	13 public defenders
Primer Encuentro Nacional de Defensores Públicos	Hotel King's Palace	5/5-6/03	50 public defenders
Segundo Encuentro Nacional de Defensores Públicos	PAEBANIC	9/25-26/03	49 public defenders
Teoría del delito. Parte general del Código Penal	Managua	6/24-26/04	29 public defenders
	Managua	7/1-3/04	30 public defenders
Tercer Encuentro de Defensores Públicos	Managua	8/27/04	55 public defenders
Capacitación Manual del Defensor Público	Managua	8/26-28/04	30 public defenders
	Managua	8/30-31/04	27 public defenders
Técnicas de negociación y toma de decisiones	Managua	11/9-10/04	29 public defenders
	Managua	11/22-23/04	18 public defenders
Capacitación en sistema automatizado de control y seguimiento de causas de Defensoría Pública	Managua	11/11/04	26 public defenders
	Managua	11/24/04	15 public defenders
Formación básica de defensores preseleccionados	Managua	11/6-11/04	140 candidates for public defender
Curso de oralidad para defensores preseleccionados	Managua	11/13-17/04	public defenders
Charla con defensores públicos	Managua	11/14/04	public defenders

PROSECUTOR GENERAL'S OFFICE			
SEMINAR / WORKSHOP	PLACE	DATE	PARTICIPANTS
Teoría del delito. Parte general del Código Penal	Managua	8/12-14/04	27 procurators
	Managua	10/25-27/04	24 procurators
Aspectos básicos del NCPP	Managua	8/16-18/04	36: procurators and MINGOB
	Managua	8/23-25/04	37: procurators and MINGOB
Teoría y práctica de los recursos en el Código Procesal Penal	Managua	8/8-9/04	27 procurators
	Managua	10/29-30/04	27 procurators
Investigación y aspectos operativos en delitos contra la función pública	Managua	11/12-13/04	31 procurators
Instrumentos para combatir la corrupción	Managua		procurators
I Encuentro Nacional de procuradores	Managua	11/16/04	procurators

CIVIL SOCIETY			
SEMINAR / WORKSHOP	PLACE	DATE	PARTICIPANTS
Grupo de estudio del Nuevo Código Procesal Penal	Oficinas de Checchi	2/1,8,15,22/02	17 law students
	Oficinas de Checchi	3/1,8,15,22/02	
	Oficinas de Checchi	4/5,15,19/02	
	Oficinas de Checchi	5/3,10/02	
Estudio y práctica jurídica sobre el NCPP	Auditorio UPOLI	3/7,14,21/02	60 law students
Capacitación a Periodistas	Hotel Barceló Montelimar	11/31-12/1/02	20 journalists
Aspectos Básicos del NCPP-Com. Justicia y Paz	Hotel King's Palace	5/19-23/03	15
	Juigalpa	5/28/03	20
	Matagalpa	6/2/03	33
	León	6/6/03	45
	Estelí	6/12/03	33
Charla de Divulgación a la sociedad civil sobre los servicios de la Defensoría Pública: los derechos y deberes del imputado	Ciudad Darío	7/3/03	48
	Chontales	7/3/03	18
	Jinotega	7/4/03	20
	Masatepe	7/15/03	15
	Bluefields	7/19/03	36
	Somoto	7/22/03	51
	Rivas	7/20/03; 7/23/03	60, 40
	Matagalpa	7/23/03	40
	Masaya	7/25/03	52
	Jinotepe	7/29/03	60
	León	8/7/03	100

	Puerto Cabezas	8/7/03	100
	Nueva Guinea	8/13/03	89
	Siuna	11/26/03	150
Charla de Divulgación a la sociedad civil sobre los servicios del Ministerio Público: los derechos y deberes de la víctima	Granada	11/17/03	33
	Jinotega	11/18/03	28
	Ocotul	11/19/03	45
Charla de Divulgación a la sociedad civil sobre aspectos generales del nuevo Código Procesal Penal	León	2/18/04	73
	Chinandega	2/21/04	47
	Estelí	2/26/04	52
	Matagalpa	2/27/04	50
	Rivas	3/4/04	24
	Masaya	3/10/04	46
	Managua	3/12/04	27
	Granada	3/16/04	110
	Somoto	4/1/04	45
	Sto. Tomás, Chontales	4/19/04	48
	Boaco	5/20/04	33
	Corinto, Chinandega	6/17/04	48
	Nagarote, León	6/24/04	24
	El Viejo, Chinandega	6/30/04	49
	Jalapa	8/5/04	96
	Pantasma	8/18/04	33
	Matiguas	8/19/04	48
	San. José de los Remates - Boaco	8/27/04	20

	Santo Domingo Chontales	9/29/04	61
	Villa Sandino Chontales	9/30/04	53
	Chichigalpa Chinandega	10/6/04	91
	Malpaisillo León	10/8/04	17
	La Trinidad Estelí	10/18/04	40
	Condega-Estelí	10/19/04	50
	Río Blanco Matagalpa	10/26/04	50
	San Marcos	10/28/04	40
	Bluefields	11/22/04	39
	Rivas	11/24/04	133
	Camoapa	11/26/04	55
Aspectos básicos y práctica jurídica del nuevo Código Procesal Penal e independencia judicial FIU-CHECCHI	Juigalpa	2/11-12/04	57
	Estelí	2/16-17/04	50
	León	3/8-9/04	58
	Matagalpa	2/18-19/04	76
	Granada	2/25-26/04	61
	Rivas	2/23-24/04	54
	Chinandega	3/4-5/04	72
	Managua	3/1-2/04	84
Proceso penal, derechos fundamentales y derecho a la información	Estelí	3/11/04	17 journalists
	Somoto	4/1/04	23 journalists
	Chinandega	4/19/04	17 periodistas
	Managua	10/21/04	17 periodistas

	Matagalpa	10/27/04	14 journalists
	León	11/17/04	19 journalists
Aspectos básicos del nuevo Código Procesal Penal. Excepciones e Impugnaciones	Granada	4/15-16/04	37
	Ocotal	4/21-22/04	66
Introducción práctica al proceso penal nicaragüense FIU-Checchi	Managua	4/27-30/04	44 attorneys

INTERINSTITUTIONAL ACTIVITIES			
SEMINAR / WORKSHOP	PLACE	DATE	PARTICIPANTS
Visión Constitucional y Acusatoria del Código de la Niñez	Ciudad Darío	3/29/00	25: procurators, police officers and judges
Encuentros para la institucionalización del Ministerio Público de Nicaragua	Hotel King´s Palace	8/18/00	16: procurators, police officers, judges, public defenders, CSJ, Judicial School, Appellate Court
Teoría del Caso y Prueba en Juicio	Hotel King´s Palace	6/13-15/01	76: prosecutors and public defenders
	Hotel King´s Palace	6/20-22/01	
	Hotel King´s Palace	6/25-27/01	
	Hotel King´s Palace	7/4-6/01	
	Hotel King´s Palace	7/11-13/01	
Investigación Penal y Producción de Prueba en Juicio	Jinotega	10/3-4/01	32: prosecutors, police officers, private attorneys, and judges
	Estelí	10/9-10/01	23: prosecutors, police officers and judges
	Matagalpa	10/17-18/01	25: prosecutors, police officers, private attorneys, students, and judges
	Hotel King´s Palace	11/28-29/01	43: prosecutors, professors, students, and private attorneys
	Granada	11/14-15/01	36: private attorneys
	León	11/20-21/01	31: private attorneys and students
	León - Hotel Suyapa	12/12-13/01	26 students
Formación Básica para Fiscales	Hotel Ticomó	5/13-17/02	128: prosecutors, procurators, public defenders, judges, and police officers
		5/27-31/02	
		6/10-14/02	
		6/24-28/02	
		7/22-26/02	
	Hotel King´s Palace	8/12-16/02	72: prosecutors, procurators, public defenders, judges, and police officers
		8/26-30/02	

	Hotel Legend's	9/2-6/02	200: prosecutors, procurators, public defenders, judges, and police officers
	Hotel Legend's	11/11-15/02	
	Hotel Legend's	11/18-22/02	
	Hotel Legend's	12/2-6/02	
	Hotel Legend's	12/9-13/02	
Postgrado Derecho Procesal Penal	UCA	10/7-11/1/02	17: prosecutors and procurators
Aspectos Básicos del Nuevo Código Procesal Penal	Ocotol - Nueva Segovia	8/21-22/02	47: prosecutors, judges and public defenders
	Chinandega	8/22-23/02	49: prosecutors, judges and public defenders
	Granada	8/26-27/02	41: prosecutors, judges and public defenders
	Juigalpa	9/12-13/02	58: prosecutors, judges and public defenders
	Masaya	9/24-25/02	50: prosecutors, judges and public defenders
	León	9/19-20/02	46: prosecutors, judges and public defenders
	Río San. Juan, San Carlos	10/17-18/02	41: prosecutors, judges and public defenders
	Matagalpa	10/31-11/1/02	72: prosecutors, judges and public defenders
	Acoyapa	11/14-15/02	72: prosecutors, judges and public defenders
	Ciudad El Rama	11/25-26/02	58: prosecutors, judges and public defenders
Habilidades y Destrezas en el NCPP/ FIU-Checchi	Estelí	10/1-2/02	20: prosecutors, judges and public defenders
	León	10/3-4/02	25: prosecutors, judges and public defenders
	Managua	10/7-8/02	33: prosecutors, judges and public defenders
	Masaya	10/10-11/02	21: prosecutors, judges and public defenders
	Asociación Mujeres Juristas de Nicaragua	10/15/02	20 attorneys
	CONADER	10/16/02	30: attorneys and professors
	Asociación Juristas Democráticos	10/17/02	37 attorneys
	Chontales	10/21-22/02	31: prosecutors, judges, attorneys and public defenders

	Matagalpa	10/24-25/02	22: prosecutors, judges, attorneys and public defenders
	Tribunal de Apelaciones	10/24-25/02	27: prosecutors, judges, attorneys and public defenders
	Puerto Cabezas	10/30-31/02	19: prosecutors, judges, attorneys and public defenders
	Bluefields	11/6-7/02	16: prosecutors, judges, attorneys and public defenders
	Granada	11/18/02	22: prosecutors, judges, attorneys and public defenders
	Managua	11/21-22/02	24: prosecutors, judges, attorneys and public defenders
	Circunscripción Sur	11/18-19/02	19: prosecutors, judges, attorneys and public defenders
Inducción nuevos fiscales y defensores - Oralidad	Hotel Legend's	1/13-17/03	38: prosecutors and public defenders
Adecuación de la Ley 285 al Código Procesal Penal	Hotel King's Palace	1/17/03	25: prosecutors and police officers
Análisis del juicio oral - presentación de video	Hotel Princess	1/30/03	20: prosecutors and police officers
Curso de Oralidad	Hotel King's Palace	2/3-7/03	27: prosecutors, police officers, attorneys and representatives from the Department of Immigration
	Matagalpa	2/17-18/03	65: prosecutors, judges, public defenders, and attorneys
	Ocotol - Nueva Segovia	2/20-21/03	60: prosecutors, judges, public defenders, and judges
Comunicación Persuasiva	Hotel King's Palace	3/31-4/4/03	35: prosecutors, public defenders, procurators, and officials from the Crime Lab
Teoría del delito, fundamentación de autos y formulación de impugnaciones	Hotel Legend's	3/3-7/03	150: prosecutors, police officers, public defenders, attorneys, and judges
	Hotel Legend's	3/10-14/03	
	Hotel Legend's	13/17-21/03	
	Hotel Legend's	3/24-28/03	
Abordaje de Delitos no Convencionales	Hotel King's Palace	5/9-10/03	186: prosecutors, police officers, public defenders, procurators and judges f
	Hotel King's Palace	5/23-24/03	
	Hotel King's Palace	6/13-14/03	

	Hotel King's Palace	6/27-28/03	
Aspectos Básicos del Nuevo Código Procesal Penal	Matagalpa	3/17-18/03	53: attorneys and students
	Puerto Cabezas	3/20-21/03	50: police officers, judges, students, and attorneys
	Boaco	6/4-5/03	51: police officers, judges, students, and attorneys
	Nueva Guinea	5/14/03	45: police officers, judges, students, and attorneys
	Siuna	11/5-6/03	80: public defenders, prosecutors, police officers, attorneys, students, civil society organizations
Fundamentación de resoluciones y medios de impugnaciones en el NCPP	Masaya	2/25-26/03	48: attorneys and students
Aspectos Básicos del Nuevo Código Procesal Penal	UCA	5/10-17/03	90: attorneys, students, journalists, civil society organizations, Human Rights Ombudsman
Ciclo de Conferencias sobre NCPP	UCA	5/8,15,22,29/03	259: judges, journalists, students, civil society organizations
Técnicas de la Investigación	Chinandega	8/26-27/03	50: police officers and prosecutors
Técnicas de la Investigación	Carazo	9/30/03	23: judges, police officers and prosecutors
Técnicas de la Investigación	Estelí	10/24/03	39: judges, police officers and prosecutors
Técnicas de la Oralidad	Ocotal	8/19-20/03	35: prosecutors, police officers, attorneys, and students
Formulación y Control de Acusaciones	Managua	10/16-18/03	39: prosecutors, public defenders and police officers
		11/27-29/03	32: prosecutors and procurators
Curso de técnicas y metodología de la enseñanza para capacitadores	UNIVALLE	11/4-5/04	34: prosecutors and public defenders
Técnicas para el abordaje de la investigación penal	Juigalpa	3/4-5/03	33: prosecutors and police officers
	Matagalpa	5/26-27/03	60: prosecutors and police officers

NATIONAL POLICE			
SEMINAR / WORKSHOP	PLACE	DATE	PARTICIPANTS
Teoría del Caso y Prueba en Juicio	Auditorio de Plaza el Sol	8/15-17/01	43 police officers
		8/22-24/01	
Investigación Penal y Producción de Prueba en Juicio	Academia Nacional de Policía Walter Mendoza	1/29-31/02	75 police officers
		2/13-15/02	
Regulación jurídica de la investigación policial en el NCPP	Academia Nacional de Policía Walter Mendoza	3/19-21/02	722 police officers
		4/2-4/02	
		4/16-18/02	
		5/7-9/02	
		5/21-23/02	
		6/4-6/02	
		6/18-20/02	
		7/2-4/02	
		7/9-11/02	
		7/29-31/02	
		8/6-8/02	
		8/20-22/02	
		9/10-12/02	
		9/17-19/02	
		10/1-3/02	
		10/15-17/02	
		11/12-14/02	
		11/19-21/02	

		11/25-27/02	
Regulación jurídica de la investigación policial en el NCPP	Bluefields	7/13/02	27 police officers
Capacitación y Visita Diagnóstico Siuna y Puerto Cabezas	Siuna y Puerto Cabezas	6/3-5/02	40 police officers
Técnicas de la Investigación	Jinotega	8/12-13/03	35 police officers
Técnicas de la Investigación	Masaya	8/28/03	42 police officers

**PUBLICATIONS DEVELOPED BY THE NICARAGUA INSTITUTIONAL
STRENGTHENING PROJECT**

**ANNEX 4. PUBLICATIONS DEVELOPED BY THE NICARAGUA
INSTITUTIONAL STRENGTHENING PROJECT**

PUBLICATIONS DISTRIBUTED TO THE PUBLIC MINISTRY

TITLE	NUMBER
<u>2001</u>	
Fascículo Técnicas de formulación de acusaciones del debate	130
Fascículo Teoría del Caso	127
Fascículo Perfil Institucional del Ministerio Público	127
Manual Teoría del Caso y Técnicas del Debate en el Nuevo Proceso Penal	622
Fascículo Funciones del Ministerio Público	200
Fascículo Técnicas para la Producción de Prueba en Juicio	200
<u>2002</u>	
Fascículo Técnicas de Formulación de Acusaciones del Debate	46
Fascículo Teoría del Caso	46
Fascículo Perfil Institucional del Ministerio Público	26
Manual Teoría del Caso y Técnicas del Debate en el Nuevo Proceso Penal	50
Fascículo Funciones del Ministerio Público	103
Fascículo Técnicas para la Producción de Prueba en Juicio	103
Manual Preparación y Manejo de Casos Penales	50
Manual Criminalística Básica	136
Medicina Legal	25
Cadena de Custodia de la Prueba	25
Alcoholemia	24
Huellas Digitales y Proceso Penal. Estudios Criminalísticos	24
Ensayos de Derecho Penal y Política Criminal	4
Delitos en Contra de la Vida y la Integridad Corporal	4
Tendencias Contemporáneas en la Teoría Jurídica del Delito	4
La Autoría. La Tipicidad. Estudios de Derecho Penal General	1
Derecho Penal. Parte General	2
Manual de Derecho Penal. Parte General	1
Aproximación al Derecho Penal Contemporáneo	1
Teoría General del Delito	1
Autoría Mediata	7
Concurso del Delito	7
El Rol del MP y Protección de las Garantías en la Eficacia de la Investigación del Delito	7
<u>2003</u>	
Lógica Jurídica y Motivación de la Sentencia Penal	37

El Principio de Oportunidad	20
Prueba Ilícita en la Jurisprudencia Constitucional y Penal	3
Código Procesal Penal con Índice, Esquemas y Flujogramas	140
Manual de Procedimientos de Investigación Penal para la Especialidad de Auxilio Judicial de la Policía Nacional	150
Ley Orgánica del MP con sus Reformas y Reglamento	633
Fascículo Funciones del MP	1
Manual Teoría del Caso y Técnicas del Debate en el Nuevo Proceso Penal	1

2004

Actos de Investigación Penal	372
Código Procesal Penal con Índice, Esquemas y Flujogramas	161
Manual Teoría del Caso y Técnicas del Debate en el Nuevo Proceso Penal	25
Manual del Fiscal	204
Manual Preparación y Manejo de Casos Penales	33
Lógica Jurídica y Motivación de la Sentencia Penal	4
Mediación Transformadora. Negociación Colaborativa, un Cambio de Paradigma	2
Ley Orgánica del MP con sus Reformas y Reglamento	61
Manual del Defensor	15

PUBLICATIONS DISTRIBUTED TO THE PUBLIC DEFENDER'S OFFICE

TITLE	NUMBER
<u>1999</u>	
Lineamientos de la Teoría del Delito	4
Abolición del Sistema	1
La Participación	1
El Consentimiento	1
Manual del Proceso Penal	1
Prueba y Testigos	1
Teoría del Delito	1
Invalidez de los Retos Penales	1
La Legítima Defensa	1
De los Delitos y la Vida	1
Huellas Digitales	1
Medicina Legal	1
Biología Forense	1
Temas del Proceso Penal	1
Garantías Constitucionales, Pruebas	1
Proceso Penal y DI	1
Análisis del Discurso	1
Nuevo Proceso Penal	1
Constitución y Proceso	1
<u>2000</u>	
Derecho Penal. Parte General, Parte Especial, Tomo I y II	3
La Prueba en el Proceso Penal	1
<u>2002</u>	
Manual Preparación y Manejo de Casos Penales	55
Manual Criminalística Básica	74
Manual Teoría del Caso y Técnicas del Debate en el Nuevo Proceso Penal	44
<u>2003</u>	
Manual de Procedimientos de Investigación Penal para la Especialidad de Auxilio Judicial de la Policía Nacional	75
Ley Orgánica del MP con sus Reformas y Reglamento	7
Manual Teoría del Caso y Técnicas del Debate en el Nuevo Proceso Penal	9
Lógica Jurídica y Motivación de la Sentencia Penal	26
Código Procesal Penal con Índice, Esquemas y Flujogramas	132
Manual Criminalística Básica	8

Manual Preparación y Manejo de Casos Penales	9
Fascículo Técnicas de Formulación de Acusaciones del Debate	9
Fascículo Teoría del Caso	9
Fascículo Perfil Institucional del Ministerio Público	9
Fascículo Funciones del Ministerio Público	9
Fascículo Técnicas para la Producción de Prueba en Juicio	9

2004

Código Procesal Penal con Índice, Esquemas y Flujogramas	24
Manual del Defensor	199
Actos de Investigación Penal	100
Mediación Transformadora, Negociación Colaborativa, un Cambio de Paradigma	1
Manual del Fiscal	50

PUBLICATIONS DISTRIBUTED TO THE ATTORNEY GENERAL'S OFFICE

TITLE	NUMBER
<u>2002</u>	
Manual Teoría del Caso y Técnicas del Debate en el Nuevo Proceso Penal	3
<u>2003</u>	
Lógica Jurídica y Motivación de la Sentencia Penal	4
Código Procesal Penal con Índice, Esquemas y Flujogramas	26
Manual de Procedimientos de Investigación Penal para la Especialidad de Auxilio Judicial de la Policía Nacional	2
Ley Orgánica del MP con sus Reformas y Reglamento	2
Manual Preparación y Manejo de Casos Penales	1
Fascículo Técnicas de Formulación de Acusaciones del Debate	1
Fascículo Teoría del Caso	1
Fascículo Perfil Institucional del Ministerio Público	1
Fascículo Funciones del Ministerio Público	1
Fascículo Técnicas para la Producción de Prueba en Juicio	1
Manual Teoría del Caso y Técnicas del Debate en el Nuevo Proceso Penal	1
<u>2004</u>	
Ley Orgánica del MP con sus Reformas y Reglamento	1
Manual Preparación y Manejo de Casos Penales	1
Fascículo Técnicas de Formulación de Acusaciones del Debate	1
Fascículo Teoría del Caso	1
Fascículo Perfil Institucional del Ministerio Público	1
Fascículo Funciones del Ministerio Público	1
Fascículo Técnicas para la Producción de Prueba en Juicio	1
Manual Teoría del Caso y Técnicas del Debate en el Nuevo Proceso Penal	1
Código Procesal Penal con Índice, Esquemas y Flujogramas	2
Actos de Investigación Penal	65

PRINCIPAL TECHNICAL EXPERTS

Annex 5. Principal Technical Experts

Long-Term Advisors

Name	Title	Nationality
Timothy Cornish	Chief of Party	United States
Carlos María Jiménez	Public Ministry Coordinator; Chief of Party	Costa Rica
Cecilia Sánchez	Judicial Coordinator; Chief of Party	Costa Rica
Rafaela Herrera	Public Defender's Office Coordinator	United States
Marco Castro	Public Ministry Coordinator	Costa Rica

Short-Term Specialists

Name	Nationality
Public Ministry	
Jorge Araya	Costa Rica
Saul Araya	Costa Rica
Fernando Cruz	Costa Rica
Eduardo Cuadra	Nicaragua
Francisco Montealegre	Costa Rica
Ana Montes	Colombia
Alexander Rodríguez	Costa Rica
Manuel Zamora	Costa Rica
Public Defender's Office	
Alejandro Dávila	Nicaragua
María de los Angeles Londoño	Costa Rica
Oscar Mora	Nicaragua
Luis Ospina	Colombia
Héctor Sanchez	Costa Rica
Maggie Triviz	United States
Noel Vargas	Nicaragua
Mark Williams	United States
Sandra Zuñiga	Costa Rica
Attorney General's Office	
José Pablo Casasola	Costa Rica
Jorge Chavarría	Costa Rica
Alfredo Chirino	Costa Rica
Monitoring and Evaluation	
Perla Mendieta	Nicaragua