



FINAL REPORT

**HAITI CONSTITUENCY BUILDING FOR
JUDICIAL REFORM
ASSOCIATE AGREEMENT
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September 28, 2001 – November 30, 2004**

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LIST OF ACRONYMS

AFPEC	Académie de Formation et Perfectionnement des Cadres [Training and Improvement Center for Professionals]
AHE	Association Haïtienne des Economistes
ANAMAH	Association Nationale des Magistrats Haïtiens [National Association of Haitian Judges]
CAII	Creative Associates International, Inc.
CARLI	Comité des Avocats pour le Respect des Libertés Individuelles [Lawyers' Committee for the Respect of Individual Liberties]
CARICOM	Caribbean Community
Coalition	Coalition Haïtienne pour la Réforme du Droit et de la Justice [Haitian Coalition for the Reform of Laws and Justice]
CSM	Conseil Supérieur de la Magistrature [Supreme Judicial Council]
CSO	Civil Society Organization
CTDH	Centre Toussaint Louverture pour les Droits Humains [Toussaint Louverture Center for Human Rights]
FBH	Fédération des Barreaux Haïtiens [Federation of Haitian Bar Associations]
HRDF	Haitian Resources Development Foundation
ICF	Interim Cooperation Framework
MOJ	Minister of Justice
MINUSTAH	Mission des Nations Unies pour la Stabilité en Haïti [United Nations Mission for Stability in Haïti]
OAS	Organization of American States
NCHR	National Coalition of Human Rights
RESOSDH	Réseau des Organisations Socioprofessionnelles et de Droits Humains [Socio-Professional and Human Rights Organization Network]
RIJDH	Réseau d'Information Justice et Droits Humains [Information Network on Justice and Human Rights]
USAID	United States Agency for International Development

IFES CIVIL SOCIETY CONSTITUENCY BUILDING FOR JUSTICE REFORM PROJECT
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RULE OF LAW AND HUMAN RIGHTS COOPERATIVE AGREEMENT (AEP A-00-99-00017-00)

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EXECUTIVE SUMMARY

BUILDING A COALITION FOR JUDICIAL REFORM ACROSS SECTORS OF CIVIL SOCIETY IN HAITI

Background of the Constituency Building Project: After a decade of lending to the formal justice sector and little if any improvement in the competence, fairness and independence of the justice system, a new, demand-driven approach to justice reform was taken by USAID/Haiti, in partnership with IFES. In 2001, IFES and its Haitian partners embarked on an innovative initiative to strengthen the capacity of Haitian civil society to advocate for and participate in justice reform and to build broad coalitions across society to generate demand for reform. This approach was based on the premise that popular demand for reform and broad-based coalitions in support of reform will go a long way towards promoting sustainable democratic change. This approach also responded to concerns that past investments in top-down justice reform had had little impact in the Haitian context. A congressional ban on funding for work with the government of Haiti created an additional disincentive to undertake a traditional justice reform project. This ban was lifted in the spring of 2004 after the swearing in of the interim government.

At the outset of the project, IFES undertook a participatory planning assessment using a unique survey instrument and methodology designed to (i) conduct functional assessments; (ii) identify priorities and stakeholders; and (iii) highlight consensus and disagreements. The Haiti survey focused on a number of key issues related to justice reform and the independence of the judiciary. The choice of justice reform as the central topic was guided by the large investments already made in this sector and the recognition by most stakeholders that justice reform was essential to Haiti's democratic transition. The results were tabulated and analyzed in graphic and narrative form showing overall, comparative results as well as a breakdown by stakeholder group.

Perhaps for the first time, Haitians from diverse walks of life, including the human rights, legal, business, academic and labor communities, as well as journalists, artists and students, were able to clearly see areas of common interest and concern with respect to constitutional justice and an independent judiciary. The participatory process used by IFES for the assessment, implementation and final phase of the project also gave the Haitians a concrete platform, mechanism and collaborative action plan to work together on a set of prioritized justice reform issues.

Impact of the Constituency Building Project

The overall impact of the Constituency Building Project has been the establishment of a broad-based, motivated Coalition—the Haitian Coalition for the Reform of Laws and Justice—capable of advocating effectively for priority reforms and of engaging in an active partnership with the government and the judiciary for real change within the justice sector.

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Haitian political context: The IFES Civil Society Constituency Building for Justice Reform Project [the “Constituency Building Project”] was implemented successfully between 2001 and 2004 despite a context of increasing political instability. The sustained political crisis started in the aftermath of the May 2000 local and legislative elections when stakeholders, including many political parties and the international community, condemned widespread vote-counting irregularities. The ruling party, FANMI LAVALAS, refused to rerun the election for the disputed seats, thereby leaving the fraudulent results to stand. The subsequent 2002 presidential elections, which resulted in a second five-year term for President ARISTIDE, were largely boycotted by the opposition.

Following several resolutions condemning the 2000 and 2002 election processes and fraudulent results, the Organization of American States (OAS) facilitated negotiations between the government, opposition political parties and the international community. The negotiations were largely incapable of breaking the political stalemate, and the economic and social situation steadily deteriorated. The Caribbean Community (CARICOM) later engaged in negotiations that also failed to bring the protagonists to a political settlement. The inability of FANMI LAVALAS and the opposition to agree on a negotiated solution to the crisis fed the political instability and, in many cases, violent civil unrest.

Political demonstrations were met with violence and intimidation on the part of the government. Insecurity increased, and armed gangs—associated with or sympathetic to the government—roamed the streets around the country perpetrating acts of violence against opponents, journalists, businesspeople and human rights activists. Human rights violations (including arbitrary arrests, beatings and torture) became common.

In late 2003 and early 2004, the political and human rights situation steadily deteriorated, overshadowing the celebrations planned for the bicentennial of the Haitian independence. This contributed to an increased polarization of Haitian society and led the opposition and civil society to refuse a deal brokered by the international community in February that would have kept ARISTIDE in office while establishing a power-sharing structure. Gonaïves fell to armed anti-ARISTIDE groups on February 5, 2004. Throughout the month, fighting between armed groups for and against ARISTIDE escalated, as armed takeovers spread and the government tried to retake lost territory. After the failed power-sharing deal, ARISTIDE departed on February 29, 2004. ARISTIDE claims that he was forced out of office by the United States. CARICOM has called for an independent investigation of this claim.

The departure of President ARISTIDE in February 2004 was widely perceived as an opportunity for democratic change and reform in Haiti. An interim government was sworn in as required by the Constitution in March 2004. In July 2004, the interim government worked closely with the donor community and Haitian civil society to develop an Interim Cooperation Framework (ICF), which was released at a donor pledging conference. The ICF outlines the reform priorities of the interim government

and highlights specifically the need for justice reform. Key aspects of justice reform include strengthening the independence of the judiciary, fighting impunity, promoting respect for human rights and providing access to justice.

Almost eight months after the accession of the interim government, however, nothing appears to have concretely changed. In September 2004, Haiti was hit by a natural catastrophe that left thousands dead and hundreds of thousands in need of emergency aid. Against this backdrop, violence has once again risen sharply, crippling much of the economic and social infrastructures of the capital. Neither the government nor the international community has managed to demonstrate concrete progress towards the changes promised in the spring and summer of 2004. These promises appear more hollow every day.

The objectives of the Constituency Building Project: Activities under the project began in 2001 and were designed to enhance the demand for justice reform through broad-based civil society coalition building and participatory, targeted advocacy strategies. Project activities were also designed to increase the information publicly available about justice, the judiciary and human rights and to provide civil society with the knowledge, skills and tools necessary to advocate for and participate in justice reform. To achieve these objectives, IFES designed a participatory approach to civil society support in Haiti that emphasized priority and strategy setting by local stakeholders.

Objectives of the Constituency Building Project

- 1. Unifying civil society around justice reform;**
- 2. Enhancing the capacity of civil society to analyze justice issues critically and advocate for justice reform; and**
- 3. Providing civil society and the public with the tools and information necessary to understand and advocate for justice reform**

By the end of the project, IFES had met these objectives and empowered civil society partners and local stakeholders who have continuously set the direction of the project. Some of the key outputs of the project are outlined below. More detail on many of these outputs can be found in this report or in the relevant quarterly reports.

1. UNIFYING CIVIL SOCIETY AROUND JUSTICE REFORM

- **A network of sectoral working groups** focused on advocacy and education of the legal, media, human rights and private sectors on issues related to justice, human rights and civil society participation in reform as well as on setting the priorities and strategies pursued under the project;

- **Networks of professional organizations** designed around justice reform, such as the Information Network on Justice and Human Rights (RIJDH) and the Socio-Professional and Human Rights Organization Network (RESOSDH);
- A broad-based **civil society coalition for justice reform** bringing representatives of the legal, media, human rights and private sectors, including the National Association of Haitian Judges (ANAMAH) and the Federation of Haitian Bar Associations (FBH), to advocate for justice reform and work with government counterparts on priority reforms;
- A range of activities in support of an expanded **Diaspora network** that includes the Louisiana State University Law School, Tulane University Law School, and various NGOs in Louisiana and Florida; and
- **Interactions with other donors and donor-supported programs**, notably by broadcasting radio programs through the USAID-sponsored CAII community radio program, sharing human rights materials with the USAID-sponsored IFES Victims of Violence program; and close working relationships with the OAS and the UNDP-sponsored Forum Citoyen.

2. ENHANCING THE CAPACITY OF CIVIL SOCIETY TO ANALYZE JUSTICE ISSUES CRITICALLY AND ADVOCATE FOR JUSTICE REFORM

- Integrated **training program for journalists** to build their capacity to understand, investigate independently, and report objectively on justice issues;
- **Capacity building to enable civil society to advocate** for justice reform both individually and collectively through networks and coalitions;
- The publication and dissemination of numerous **advocacy reports and blueprints for reform** presenting the critical assessments and recommendations of leading Haitian experts on key aspects of justice reform, human rights and the independence of the judiciary;
- Development of **an annual monitoring and reporting tool** to promote an independent judiciary and the implementation of constitutional guarantees regarding the judiciary;
- Applied research to capture the **state of Haitian justice**, culminating in the release of a three-volume report on the state of the judiciary, the state of human rights and the impact of judicial corruption; and
- A **Human Rights Hotline** to document and investigate human rights abuses, maintained by a prominent Haitian NGO, the Lawyers' Committee for the Respect of Individual Liberties (CARLI).

3. PROVIDING CIVIL SOCIETY AND THE PUBLIC WITH THE TOOLS AND INFORMATION NECESSARY TO UNDERSTAND AND ADVOCATE FOR JUSTICE REFORM

- The publication and dissemination of numerous **advocacy reports and blueprints for reform** on key aspects of justice reform, human rights and the independence of the judiciary to raise the understanding and awareness of civil society;
- The adoption and dissemination of **ethical standards for judges and lawyers**;
- The organization of a **series of conferences, workshops and seminars** on targeted justice reform and human rights issues;
- The **creation and dissemination of basic information** on the judiciary and human rights to include various international human rights instruments for the public;
- The broadcasting throughout Haiti of **radio talk shows and spots** on justice reform, judicial independence and human rights.

Additional outputs: In addition to meeting the planned objectives of the project, IFES also undertook miscellaneous activities designed to respond to evolving circumstances in Haiti. For example, in June 2003, IFES supported seminars on conflict resolution in Cité Soleil to address the rapid deterioration of the security situation in that part of Port-au-Prince. IFES also provided commodities (including computers, printers and telephones) to partner CSOs both during the life of the project and at the closing of the office.

Enhancing the demand and support for justice reform through a broad-based Coalition: The overarching goal of the project was to bring Haitian CSOs from diverse sectors of civil society together for the first time to formulate and implement a strategic agenda focused on justice reform. Civil society has found strength in unity after three years of increasing understanding of the stakes and underlying issues involved in judicial reform. One of the most important achievements of this three-year project is the recent establishment of the Haitian Coalition for the Reform of Laws and Justice. It constitutes the culmination of the capacity- and coalition-building strategies of the project.

The Coalition has now been acknowledged by many, including the Haitian interim government, Haitian civil society, and international actors such as UNDP and the EU, as a key player in the justice reform arena. Continued advocacy for justice reform by the Coalition and its participation in future reform efforts will be one of the most important legacies of this project. The Coalition has steadily advocated for making justice reform a higher priority on Haiti's political agenda. By the end of the project in November 2004, the Coalition had (1) built a support network of organizations in the provinces, (2) initiated dialogue with the Ministry of Justice on priority reforms, and (3) organized a workshop on the reform of the Supreme Judicial Council (CSM).

Lessons learned from the project and future prospects for Haiti: Donors have pledged their commitment to long-term aid for democratic and justice reform in Haiti.

Past experience with reform in Haiti teaches us that both sides of the equation—i.e., the formal justice sector and civil society stakeholders—need to be supported and balanced for sustainable change to take root. Given Haiti's turbulent history and its dismal track record on justice reform, failing to build and nurture the civil society support and advocacy for reform would leave reformers vulnerable to the whims of changing governments. The new Haitian government and Haitian civil society organizations strongly endorse and are active participants in this approach to reform.

Given the current uncertainty of the political situation, continued support to civil society is the best guarantee of sustainability in justice reform efforts. In transitional societies such as Haiti, a dual-track approach that combines support to the formal justice sector with support to civil society as advocates and watchdogs of reform is essential for the long-term sustainability of reform.

The attached report highlights many of the activities and outputs of IFES' project. Drawing on the impact and achievements of the project, 10 key lessons learned are presented below:

- 1. Demand-driven, civil society programming for justice reform will help create the enabling environment for reform, especially in countries with volatile political environments.** Justice reform is a long-term endeavor and is therefore vulnerable to government and policy changes. Civil society participation will provide the necessary checks on governmental and political leaders to ensure that justice reform follows through.
- 2. Priority-setting and implementation of reforms should be largely devolved to country stakeholders.** Empowering local stakeholders across sectors, including lawyers, judges, human rights activists and businesses, is essential to building the support necessary for reforms to take root.
- 3. Systematic, annual monitoring and reporting on reforms and their implementation will help keep reforms on track.** Documenting human rights abuses, measuring progress on core indicators of the state of the judiciary, tracking corruption within the judiciary are all elements of a reporting system that supports faster and fairer design and implementation of key reforms.
- 4. The successes of a Coalition require ongoing political and financial support from donors.** Without continued international support, it is unclear whether the Coalition will be able to operate financially or politically. As a nascent body, it still needs to build its capacity to interact with donors and government counterparts. The network also needs to be extended both inside and outside of Haiti.

5. **Reforms will have a greater chance of sustainability and success if they are accompanied by public dialogue and civil society participation.** Haiti's political scene has long been marred by human rights abuses and politically charged violence. A series of community-level, public discussions may help launch a reconciliation dialogue focused on justice and human rights and may help avoid a fight against impunity, which translates into a one-sided witch-hunt. Further, the widespread mistrust of the police and judiciary should be addressed in a holistic manner to help stakeholders and citizens collaborate on reforms and programs for justice and conflict resolution.
6. **Regardless of their priorities and strategies, interim governments only have a limited impact over the long term.** Justice reform and respect for human rights are among the top reform priorities of the Haitian interim government. This is well documented in the ICF. Haiti's interim government is committed to reform, but it is only a transitional government. All its achievements may be overturned when the elected government comes into office. A strong civil society will serve as a watchdog to successive governments.
7. **Increased networking between and amongst civil society, enabling them to coordinate efforts and share experiences, will help increase the impact of reform efforts.** Next steps should be directed both to community-level organizations (including religious groups) and the Diaspora.
8. **Strategic alliances between civil society and the government, including reform-oriented political leaders, will help further the reform agenda.** With the interim government, Haitian civil society is faced with the unique opportunity to engage governmental counterparts on priority reforms. The Minister of Justice has expressed interest in actively collaborating with the Coalition on a set of laws affecting the judiciary.
9. **Access to reliable information and critical assessments allows the design of better reforms.** Information is the best weapon. The project has started a steady process of publishing critical analyses and assessments by Haitian experts on justice issues, which have been widely disseminated and discussed. These Haitian-compiled reports have been the driving force behind some of the reform priorities of government and civil society alike.
10. **Advocacy should not stop with the identification of priority areas for reform but should evolve into monitoring the legislative processes and establishing concrete steps for implementation.**

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1. Introduction: Overview of the Constituency Building Project and its Context

a. Context of the Constituency Building Project

An evolving political situation: IFES' Civil Society Constituency Building for Justice Reform Project [the "Constituency Building Project"] was implemented successfully between 2001 and 2004 despite a context of increasing political instability. The sustained political crisis that has engulfed Haiti in the aftermath of the May 2000 local and legislative elections paralyzed the country. Stakeholders, including many political parties and the international community, condemned the irregularities in the election process.¹ The ruling party, FANMI LAVALAS, refused to rerun the election for the disputed seats, thereby leaving the fraudulent results to stand. The subsequent 2002 presidential elections, which resulted in a second five-year term for President ARISTIDE, were largely boycotted by the opposition.

Following several resolutions condemning the 2000 and 2002 election process and fraudulent results, the Organization of American States (OAS) facilitated negotiations between the government, opposition political parties and the international community. The negotiations were largely incapable of breaking the political stalemate, and the economic and social situation steadily deteriorated. The Caribbean Community (CARICOM) later engaged in negotiations that also failed to bring the protagonists to a political settlement. The inability of FANMI LAVALAS and the opposition to agree on a

* IFES wishes to thank all those who have contributed to the success of the Constituency Building Project. First of all, the IFES-Haiti staff was instrumental in meeting the objectives of the Constituency Building Project, sometimes under extremely difficult circumstances given the political instability and civil unrest: Almami Cyllah, Jean Jacques Descartes, François Jean, Jean Princijs Jean Baptiste, Isabelle Lafleur, Myrtho Manigat, Jimmy Mixy, and Jacques Miguel Sanon. We also wish to thank the Senior Advisors to the Working Groups, Bernard Gousse (Legal), Marc Antoine Noel (Human Rights), Edwige Balutansky (Media), and Guilaine Malebranche (Private Sector) who relentlessly guided civil society partners towards more knowledge and more participation in the challenging process of justice reform in Haiti. IFES also thanks all the consultants and partners who supported our efforts and brought their vision and expertise to Haiti to help civil society become more vocal in support of justice, especially Louis Aucoin, Rudy Brioche, Kertch Conze, Wandra Mitchell, Sue Nelson, Léon Saint Louis, Judge Fred Seraphin, Mary Jo Toussaint LaCroix. Finally, we wish to thank all the IFES-DC staff, past and present, who were involved in a managerial, technical or support capacity of any sort with the project: Violaine Autheman, Patricio Gajardo, Keith Henderson, Carlos Hinojosa, Lisa Kammerud, Scott Lansell, Rebecca Reichert, and Lesley Richards. A very special thanks is also extended to Erin Soto, who oversaw the first year of the Constituency Building Project at USAID/Haiti and helped lay the grounds for its successful completion, as well as to all our counterparts at USAID/Haiti over the life of the project: David Adams, Sharon Bean, Philippe Cantave, Erna Kerst, and William Riley.

¹ While the conduct of elections and the voting process did not raise many concerns, observers and many Haitian stakeholders alleged blatantly fraudulent conduct in the counting of the votes.

negotiated solution to the crisis fed the political instability and, in many cases, violent civil unrest.

The political stalemate slowly deteriorated leading to violent uprisings, killings, kidnappings, and the maiming and bludgeoning of political opponents and innocent citizens, culminating with the departure of President ARISTIDE, under international and domestic pressure, in February 2004. Political demonstrations were met with violence and intimidation on the part of the government. Insecurity increased, and armed gangs—associated with or sympathetic to the government—roamed the streets around the country perpetrating acts of violence against opponents, journalists, businesspeople and human rights activists. Human rights violations (including arbitrary arrests, beatings and torture) became common.

In late 2003 and early 2004, civil liberties and human rights were routinely violated, overshadowing the celebrations planned for the bicentennial of the Haitian independence. This contributed to an increased polarization of Haitian society and led the opposition and civil society to refuse a deal brokered by the international community in February 2004. The deal would have kept President ARISTIDE in office while establishing a power-sharing structure. Gonaïves fell to armed anti-ARISTIDE groups on February 5, 2004. Throughout the month, fighting between armed groups for and against President ARISTIDE escalated, as armed takeovers spread and the government tried to retake lost territory. After the failed power-sharing deal, President ARISTIDE departed on February 29, 2004 amongst claims that he was forced out of office by the United States.²

The departure of President ARISTIDE in February 2004 was widely perceived as an opportunity for democratic change and reform in Haiti. A transitional government came into power with international community backing in the spring of 2004. The perceived political opening led to a rethinking of donor-sponsored strategies and the pledge of \$1.3 billion in development aid in July 2004.

Justice reform in Haiti: Two hundred years after their independence, Haitians have little to celebrate. The Constitution remains largely unimplemented. The Haitian justice sector is outdated, partial, and dependent upon the Executive and the powerful, and inaccessible to the vast majority of the population. During the 1990s, Haitian governments and the international community spent millions to modernize and reform the judiciary. One of the key lessons learned from past justice sector reform efforts in Haiti (as in many other developing countries) is that these efforts have failed to lead to sustainable reform because they were often top-down, piecemeal and not locally-led. There was also little donor and public accountability or incentive to implement reforms and virtually no public buy-in.³ The Constituency Building Project has enabled civil society to mobilize behind

² To this date, there is still disagreement as to what really happened. President ARISTIDE still claims to have been forced out of office by foreign governments, including the USA. CARICOM has called for an independent investigation of this claim.

³ Recent assessments of past judicial reform efforts, especially criminal justice reform in Latin America, all point to the need to avoid the mistakes of the past by (i) combining top-down and bottom-up approaches;

the common objective of judicial independence and justice reform. This methodology, which was implemented between 2001 and 2004, has brought more successes to the reform process in Haiti than the standalone support to the formal justice sector of the 1990s.

Following the political changes after February 2004, the international community, working with Haitian officials and civil society, began reassessing its development assistance in order to use it as an instrument to help Haiti back from institutional collapse and civil unrest. Recognizing that special efforts must be made to focus programs on a participatory process that creates consensus and coalitions around prioritized justice reforms, the interim government developed—in partnership with donors and civil society—an Interim Cooperation Framework⁴ (ICF) to guide reform efforts for the transition period. The ICF covers all sectors of Haitian life, including justice, security and human rights. Calling for genuine collaboration with civil society on justice reform, the ICF outlines as priorities the fight against impunity, judicial independence and access to justice.

Fractured civil society landscape: The old adage “united we stand and divided we fall” truly reflects the experiences of Haitian society. Fierce competition for donor funding and the lack of perceived common interest across sectors translated into cutthroat relationships, suspicion between organizations and resistance to joint efforts. At the outset of the project, IFES found a civil society fragmented and allowing little room for cooperation or collaboration between organizations. In some instances, competition even led to outright sabotage of each other’s programs. At the same time, Haitian civil society was full of committed professionals with a wide range of talents and skills working in groups covering all sectors of life.

Realizing that an active, unified civil society is the best strategy to promote reform, IFES undertook the essential task of building ties among organizations around the common goal of justice reform while letting them define their own priorities within that area of reform. The project started in 2001 with sectoral networks of legal professionals, businesses, journalists and human rights activists, which solidified in a coalition in 2004. The networks and coalition were encouraged and supported in their efforts to energize Haitians to advocate for the independence of the judiciary and justice reform. As concrete evidence of the buy-in of Haitian civil society, civil society organizations (CSOs) and the

(ii) designing and implementing holistic programs rather than piecemeal reforms; (iii) building transparency and accountability mechanisms into programs; and (iv) ensuring public buy-in and understanding of the reforms through outreach and education efforts. See, *inter alia*, Christina Biebesheimer and Mark Payne, *IDB Experience in Justice Reform*, The Inter-American Development Bank: Washington, DC (2001) and Keith Henderson and Violaine Autheman, *Regional Best Practices: A Model Framework for a State of the Judiciary for the Americas*, IFES: Washington, DC (2003).

⁴ The ICF and all relevant background documents are available in English and French on the following website: <http://haiticci.undg.org/>.

interim government have adopted some of the ideas presented in the critical and analytical reports released under the Constituency Building Project.⁵

Recently, civil society organizations have become more vocal and have joined the international community in pointing to indicators of the acute problems of the Haitian justice sector.⁶ One cannot emphasize enough the importance of responding quickly and visibly to the strong sense of injustice and grievance of the Haitian people against their past leaders and their inability to exercise or protect their fundamental rights. Ensuring that justice is no longer just a dream for the Haitian people requires the creation of a justice sector that has the broad support of Haitian government officials and the Haitian people themselves.

Almost eight months after the accession of the interim government, however, nothing appears to have concretely changed. In September 2004, Haiti was hit by a natural catastrophe that left thousands dead and hundreds of thousands in need of emergency aid. Against this backdrop, violence has once again risen sharply, crippling much of the economic and social infrastructures of the capital. Neither the government nor the international community has managed to demonstrate concrete progress towards the changes promised in the spring and summer of 2004. These promises appear more hollow every day.

b. Genesis and Overview of the Constituency Building Project

It is against the bleak background presented above that IFES administered the Constituency Building Project, a program supporting synergies among civil society across sectors to create a broad-based coalition for justice reform. In 2001, IFES and its Haitian partners embarked on an innovative initiative to strengthen the capacity of Haitian civil society to participate in justice reform and to build coalitions across society to generate demand for reform. A newfound strength in collaboration has emerged as—for the first time in Haitian history—disparate groups and individuals who had never worked together are now doing so.

After a decade of lending to the formal justice sector and little if any improvement in the competence, fairness and independence of the justice system, a new, demand-driven approach to justice reform was taken by USAID/Haiti, in partnership with IFES. This focus on civil society rather than the institutions of the justice sector was also partly

⁵ For example, the Forum Citoyen, a coalition of CSOs working on criminal justice reform under the aegis of UNDP, is receiving a million euros to set up a human rights observatory as recommended in the 2004 Blueprint for Justice Reform. Another CSO is working to set up a journalist network that builds upon the RIJDH, which IFES helped create and support.

⁶ This is evidenced, *inter alia*, in reports and studies by international organizations, civil society and the media on a variety of topics related to human rights, violence and the reform of the judiciary. For example, studies critically assessing the level of independence of the judiciary and highlighting the politicization, lack of impartiality and vulnerability to executive interference of the judiciary include IFES' *2002 Study on the Independence of the Judiciary*, the findings of OAS' *Investigation into the Events of December 17, 2001* and IFES' *2002-2003 State of the Judiciary Report*. These documents are available through IFES.

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mandated by a congressional ban on direct assistance to institutional entities in Haiti in response to the mismanagement of the 2000 and 2002 elections. In the end, this new approach has proven highly successful as will be further detailed in this report. This approach should receive more attention in the future, both in Haiti and in other countries where institutions are weak and political will uneven. It could also be adapted to a number of other reforms, such as anticorruption reforms or public accountability and institutional strengthening.

At the outset of the project, IFES undertook a participatory planning assessment using a unique survey instrument and methodology designed to (i) conduct functional assessments; (ii) identify priorities and stakeholders; and (iii) highlight consensus and disagreements. The Haiti survey focused on a number of key issues related to justice reform and the independence of the judiciary. The choice of justice reform as the central topic was guided by the large investments already made in this sector and the recognition by most stakeholders that justice reform was essential to Haiti's democratic transition. The results were tabulated and analyzed in graphic and narrative form showing overall, comparative results as well as a breakdown by stakeholder group.

Perhaps for the first time, Haitians from diverse walks of life, including the human rights, legal, business, academic and labor communities, as well as journalists, artists and students, were able to clearly see areas of common interest and concern with respect to constitutional justice and an independent judiciary. The participatory process used by IFES for the assessment, implementation and final phase of the project also gave the Haitians a concrete platform, mechanism and collaborative action plan to set their own priorities for action and work together advocating for these prioritized justice reforms.

From September 2001 to November 2004, IFES worked with and supported a cross-section of Haitian civil society organizations, representing the business community, the media, human rights organizations and the legal profession. Over the course of the Constituency Building Project, IFES built these organizations' understanding of justice issues and capacity to advocate for judicial independence and reform. It also built a coalition of reform-minded civil society organizations. Some of the project highlights are presented in the box on following page as background for this report.

In August 2004, the Haitian Coalition for the Reform of Laws and Justice (Coalition) was launched following a series of very successful trips to the provinces. Leaders of the Coalition noted that at their local meetings they found a thirst for justice reform and for participation in reform processes that had largely been overlooked in past reform programs. There is now a real opportunity to build on the oral commitment expressed by the international community for long-term support for democratic restructuring and for open, constructive, public participation. A more active partnership between civil society and the government, including the judicial hierarchy and the Minister of Justice (MOJ), should be geared towards the promotion of justice reform and human rights, and the implementation of key laws.

IFES' Constituency Building Project
Highlights of Outputs Under the Three Objectives

- **Unifying civil society around justice reform:** i.e., (i) a network of sectoral working groups; (ii) networks of professional organizations; (iii) a broad-based civil society coalition for justice reform; (iv) an expanded Diaspora network; and (v) interactions with other donors and donor-supported programs;
- **Enhancing the capacity of civil society to analyze justice issues critically and advocate for justice reform:** i.e., (i) an integrated training program for journalists; (ii) capacity building to enable civil society to advocate for reform; (iii) advocacy reports and blueprints for reform; (iv) an annual monitoring and reporting tool to promote justice reform; (v) applied research to capture the state of Haitian justice; and (vi) a Human Rights Hotline; and
- **Providing civil society and the public with the tools and information necessary to understand and advocate for justice reform:** i.e., (i) advocacy reports and blueprints for reform; (ii) adoption of ethical standards for judges and lawyers; (iii) a series of conferences, workshops and seminars on justice issues; (iv) creation and dissemination of basic information on justice and human rights; and (v) radio talk shows and spots on justice issues.

The Constituency Building Project was heralded as a success in many circles, both within the international donor community and within the Haitian leadership.⁷ Its success and achievements are largely due to the sense of ownership and leadership felt by Haitian civil society actors. The seeds of a broad-based public-private dialogue have been sown with the civil society working groups coalescing into a Coalition likely to present itself as a unified, single interlocutor with the government. Haiti finds itself at crossroads that offer an opportunity for citizens to participate in reshaping their institutions. It is now time to build on our previous efforts and engage in the development of the institutions and laws that will guarantee that the Haitian judiciary is strong, credible, respected and independent. Coordinated, informed citizen participation in the process will be essential to the long-term success of reforms.

Following the initial assessment and project design in 2001, IFES officially opened a fully-staffed office in Port-au-Prince on February 1, 2002 and maintained a field presence throughout the life of the project, including in early 2004 during the political crisis and rising civil unrest. The Chief of Party was briefly evacuated in late February/March 2004,

⁷ Evidence of strong local support from the interim government include (i) the systematic participation of government representatives in events sponsored under the Constituency Building Project (such as the launch of the Coalition); (ii) the decision of the MOJ to assign two staff members to work closely with the Coalition on drafting new laws; (iii) the use of IFES-sponsored publications to design strategies for reform (indeed, the ICF builds upon the *2004 Blueprint for Justice Reform* and other IFES-sponsored publications). Similarly, there was systematic international community participation in IFES events.

but local staff remained responsive to the needs of Haitian partners. However, during the civil unrest, IFES-Haiti monitored the human rights and security situation and provided support to CARLI for the Human Rights Hotline program. IFES-DC decided at the time to form a Haiti Task Force to respond to the changing circumstances and develop an action plan to engage the interim government in a collaborative dialogue.

IFES was well positioned to collaborate with the interim government given that several of its members had worked with the project or were members of the Working Groups. IFES and its civil society partners seized this opportunity to engage government members in a public-private partnership for justice reform. For example, the interim MOJ relied on IFES-sponsored publications such as the *2004 Blueprint for Justice Reform*, the *2002-2003 State of the Judiciary* and the *Study on the School of Magistrates* to articulate his strategy and the justice aspects of the ICF.

Challenges of IFES' Constituency Building Project

- (1) How to build synergies across sectors that enable civil society organizations to coalesce around the common objective of judicial reform?
- (2) How to support the development and implementation of advocacy campaigns and strategic plans for judicial reform by civil society organizations?
- (3) How to build the capacity of civil society organizations to participate in judicial reform?

The following three sections take an in-depth look at each of these challenges. A series of annexes complements the information presented in this report.

2. Unifying Haitian Civil Society Around Justice Reform

The Constituency Building Project was implemented in three stages of increased civil society involvement and integration:

- Stage 1: Created sectoral Working Groups that engaged in participatory prioritization of justice reforms and received tailored training to build their understanding of and capacity to advocate for justice reform;
- Stage 2: Brought together the Working Groups into a Coalition to advocate as a unified representative of civil society for judicial reform; and
- Stage 3: Launched a public-private partnership for justice reform between civil society, through the Coalition and the government, through the MOJ and/or the leadership of the judiciary.

a. Sectoral Working Groups

Until the spring of 2004, the political situation in Haiti precluded IFES from working with any counterpart in the government. Therefore, IFES had to work exclusively with civil society organizations. Civil society participation in justice reform will not happen overnight. It arises from a long-term process of progressively increasing advocacy, constructive criticism and engagement in public-private partnerships. In order to bring civil society organizations to work towards the common goal of judicial reform, first within sectors and then across sectors, IFES relied on a logical framework of Working Groups.

Following IFES' planning assessment,⁸ four Working Groups were created and constituted the precursors of the broad-based Coalition discussed later. Each Working Group brought together civil society organizations operating within a given sector of society. Four sectors were identified as particularly relevant for judicial reform in Haiti:

- The legal community (including lawyers' and judges' professional associations, lawyers human rights groups, etc.),
- Human rights defenders,
- The media (including journalists' associations), and
- The private sector (including professional associations).

For each sector, a Senior Advisor with proven leadership and expertise was identified to assist in the selection of the members and serve as facilitator and advisor to the Working Group.⁹ Based on general criteria set by USAID/Haiti, IFES (in collaboration with the four Senior Advisors) conducted a broad consultation process with civil society leaders, legal authorities and media representatives to select future Working Group members and disseminate information to Haitian civil society about the program objectives and philosophy, as well as about the role of participating CSOs.

Each Working Groups was composed of about seven to fifteen organizations that met regularly, shared information and experiences, and developed joint program activities. A list of Working Group member organizations is included in Annex 3. At the creation of the Working Groups, a joint workshop was convened to adopt a framework for collaboration and to develop a draft action plan for future activities. The Working Groups updated their action plans annually.

⁸ See page 17.

⁹ The Senior Advisors were Me Bernard GOUSSE (Legal), Mr. Marc Antoine NOEL (Human Rights), Mrs. Edwige BALUTANSKY (Media), and Mrs. Guilaine MALEBRANCHE (Private Sector).

Highlights of Working Group Activities

Through the life of the project, the Working Groups conducted a number of sectoral and joint activities, including:

- A **comprehensive training module for journalists** (see page 37) under the aegis of the Legal and Media Working Groups (2003-2004);
- The **creation of networks** by the Human Rights and Media Working Groups, respectively the RESOSDH and the RIJDH (see pages 21-22) (2003);
- Strong support on the part of the Human Rights Working Group to CARLI for the launch and implementation of the **Human Rights Hotline** (see page 30) (2003-2004);
- Successful **lobbying of the Legal Working Group** culminating with the withdrawal of the draft laws affecting the judiciary from the package to be voted on by parliament in an extraordinary session—these draft laws failed to meet the standards of judicial independence (see page 34) (2003);
- Discussion of drafts of the **State of the Judiciary Report** in all four Working Groups and distribution to legal professionals and Supreme Court justices in Africa, the Middle East and Latin America for comment (see page 28) (2004); and
- Release of the **Blueprint for Justice Reform** under the aegis of all four Working Groups (see page 35) (2004).

b. Reinforcing Sectoral and Cross-Sectoral Networks

Sectoral organizations: The Constituency Building Project was instrumental in creating and strengthening two professional organizations of the Haitian legal community: the National Association of Haitian Judges (ANAMAH) and the Federation of Haitian Bar Associations (FBH). Officially launched in January 2003, the ANAMAH grew out of the Association of Judges of the Republic, an association of 30 judges created with IFES' support in August 2002. The ANAMAH brings together a broader cross-section of Haitian judges. Largely inactive before receiving IFES' support and capacity building assistance, the FBH was revitalized during the 2002 Law Week (May 2002) and brings together the 15 provincial bar associations of Haiti.

The ANAMAH and the FBH received continuous capacity building assistance from IFES since their inception, including technical and financial support. Support has always been geared towards furthering the justice reform agenda and strengthening the capacity of these organizations to take a leadership role among the legal community and civil society at large. By encouraging advocacy and leadership initiatives, IFES has effectively given

the ANAMAH and the FBH the tools to become leaders of the justice reform campaign. For example, both organizations were instrumental in the creation of the Coalition described later in this report. Other IFES-sponsored activities by both organizations include the adoption and dissemination of ethical and professional standards and the participation in seminars and radio broadcasts on judicial independence and justice reform. The FBH has taken its leadership role to the international stage by becoming a founding member of the Federation of Bar Associations of the Antilles.

The FBH and ANAMAH have also been supporting each other and their members against pressure from the Executive branch. On three occasions in 2003, the FBH and ANAMAH protested Executive interference with the independence of judges, at times calling for general strikes of lawyers and judges. In February 2003, a judge was placed under house arrest after releasing a suspect in a drug case. In April 2003, a judge from Gonaïves had his passport confiscated as he was on his way to Miami for medical treatment. In August 2003, three judges were summarily dismissed and replaced in Cap Haïtien. Similarly, in the Plateau Central, judges supported the President of the Bar Association when he was arrested after refusing to swear in as a lawyer a person with no legal training. In all cases, the joint pressure led to a reversal of the measures.

Networks and linkages: IFES provided technical and financial support to several organizations in the Human Rights and the Legal Working Groups when they decided (in June 2003) to form a network specializing in human rights: the *Réseau des organisations socio-professionnelles et de droits humains* (Socio-professional and Human Rights Organization Network or RESOSDH).¹⁰ The idea for such a network arose after about one year of periodic Working Group meetings and activities during which CSOs had increasingly coalesced into a single entity. Member organizations have committed to working together to promote the protection of human rights and individual liberties, and to advocate for equality.

On the 54th anniversary of the Universal Declaration of Human Rights (December 10, 2002), journalists participating in IFES' Judicial Training Series (see page 37), members of the Media Working Group and other media outlets launched the *Réseau d'information justice et droits humains* (Information Network on Justice and Human Rights or RIJDH). The RIJDH is a nonprofit association that brings together professional journalists and communication specialists. Its objective is to facilitate better circulation of information on justice and human rights issues for improved reporting and sensitization of the public. It has already published articles on the Haitian press agent Web site.

¹⁰ The RESOSDH includes the *Centre Toussaint Louverture pour les Droits Humains* (CTDH), the *Comité des Avocats pour le Respect des Libertés Individuelles* (CARLI), the *Unité de Recherche et d'Action Médico-légale* (URAMEL), the *Académie Nationale de la Plaidoirie* (ACNAP), the *Association Nationale de Promotion des Droits de la Femme et des Enfants* (ANAPFEH) and the *Mobilisation pour la Défense des Droits et Libertés* (MODELS).

Exploring Linkages

Strong linkages with national and international groups were developed throughout the life of the Constituency Building Project. Examples of partners include:

- **Haitian organizations:** the Forum Citoyen (participation in IFES events, discussion with the Coalition on how to strengthen ties), Foundation Heritage Haiti (the Transparency International Haitian chapter—a close partner of the Private Sector Working Group on corruption issues and a founding member of the Coalition);
- **International CSOs:** the Haitian Resources Development Foundation (HRDF, a Haitian-American CSO—co-organized two study tours to the USA, helped build ties with the Diaspora);
- **Donors:** the OAS (offered joint sponsorship for many events), UNDP (invited Coalition representatives to participate in its November 2004 release of the Human Development Report for Haiti); and
- **Regional Organizations:** CARICOM (exchange program during which judges of the Caribbean Court of Justice came to Haiti to meet with judges of the Court of Appeals and Supreme Court to present their jurisprudence).

International exchanges: Three exchange programs were conducted throughout the life of the project: the Dominican Republic (August 2002), Miami, Florida (December 2002), and Louisiana (April 2003).

In August 2002, a two-stage exchange program was organized between the Working Groups and a number of civil society stakeholders in the Dominican Republic. In a first trip, Me Bernard GOUSSE, Senior Advisor to the Legal Working Group, Almami CYLLAH, IFES-Haiti Chief of Party and USAID/Haiti representatives traveled to Santo Domingo for preparatory meetings with the USAID/DR Justice Team and representatives of the CSO *Fundación Institucionalidad y Justicia, Inc.* (FINJUS). With USAID/DR support, FINJUS has been a leading actor advocating for and monitoring justice reform in the Dominican Republic since 1992.

A second trip was organized for an IFES delegation that included the four Senior Advisors to the Working Groups. The delegation met with several CSOs instrumental in justice reform in the Dominican Republic. During the trip, Dominican CSOs shared with the Haitian delegation lessons learned from successful coalition-building efforts and the roadblocks to overcome for effective justice reform. The meetings helped identify specific activities that had helped build the capacity of Dominican CSOs to enhance the effectiveness of their advocacy efforts for judicial independence. The Senior Advisors returned from the trip secure in the belief that building consensus among civil society on priority reforms would be essential to any long-term reform of the judiciary in Haiti.

They also were able to see the importance of working with rather than against key governmental, parliamentary and judicial stakeholders and of stimulating civil society groups' critical analysis of justice issues.

In December 2002, representatives of the Constituency Building Project participated in a seminar on "Judicial Reform and the Teaching of Law in Haiti" organized in Miami, Florida by HRDF. The seminar was held during a visit by a delegation of officials from Louisiana State University Law Center to the University of Miami Law School. Many representatives of the Haitian Diaspora participated in the debates about the challenges and shortcomings of judicial reform, the inadequacy of legal education, the protection of human rights, and other related issues.

Four Topics Raised at the Miami Seminar

- The importance of justice reform for sociopolitical and socioeconomic development;
- The inclusion of justice reform in the law school curriculum in Haiti;
- The fundamentals of teaching law; and
- An action plan on justice reform and teaching law in Haiti.

One of the primary goals of the seminar was to establish a partnership between Haitians and their counterparts in Louisiana and Florida and to encourage the Haitian Diaspora to promote the independence of the judiciary and the teaching of law in Haiti. The seminar culminated with the decision of Diaspora representatives to form a Working Group to promote law school reform and the revision of the Haitian Constitution and laws affecting the judiciary.

A high-level Haitian delegation traveled to Louisiana in April 2003 under the auspices of IFES in partnership with HRDF. The delegation was composed of a cross-section of high-level justice sector stakeholders, including the President of the Supreme Court (the current interim President of the Republic), the President of the FBH, the Dean of the Faculty of Law and Economic Sciences, law professors, journalists and representatives of ANAMAH, the Court of Appeals and USAID/Haiti.

The delegation participated in a conference on justice reform and the role of legal education in Haiti. The conference sought to further the discussion on the four issues highlighted in the Miami December 2002 seminar and to establish a network to improve judicial training in Haiti by creating linkages between the Faculty of Law of Haiti and three Louisianan Universities: Loyola University, Tulane University and Southern University. The delegation also visited the Louisiana Supreme Court and attended a Louisiana State Court trial.

c. The Haitian Coalition for the Reform of Laws and Justice

Launch of the Coalition: In an activity discussed later in this report, Me Bernard GOUSSE, then Senior Advisor to the Legal Working Group and current MOJ, called upon Haitians to build national coalitions to advocate for, report on, and monitor justice reform.¹¹ The launch of the Haitian Coalition for the Reform of Laws and Justice in August 2004 before an audience of several hundred reformers and civil society stakeholders was a response to this call and followed three years of increasing networking within civil society. It constitutes an important step in the creation of synergies across Haitian civil society, which started with the 2001 creation of sectoral Working Groups. The Coalition institutionalizes the accomplishments of the Constituency Building Project as the umbrella network bringing together the four CSO Working Groups. The high profile launch at the Hotel Holiday Inn in Port-au-Prince attracted the attention of all reform-minded individuals and organizations, and the leadership of the country. Several hundred participants were present and thousands followed the ceremony over the radio.¹²

Core Organizations of the Coalition

- The Federation of Haitian Bar Associations (FBH),
- The National Association of Haitian Judges (ANAMAH),
- The Heritage Foundation of Haiti (LFHH),
- The Lawyers' Committee for the Respect of Individual Liberties (CARLI),
- The Toussaint Louverture Center for Human Rights (CTDH),
- The Association of Women Judges (AHFJ),
- The Association of Haitian Industries (ADIH),
- The Faculty of Law of the State University (FDSE), and
- The Civil Society Initiative (ISC).

IFES worked extensively with a group of core organizations to prepare for the launch of the Coalition. These organizations laid out the first provisions of a draft Action Plan for Reform, which incorporates the vision already outlined in the *2002-2003 State of the Judiciary Report* and the *2004 Blueprint for Justice Reform*.¹³ The *State of the Judiciary Report* and this *Blueprint* are now ready for broader public and government discussion and will be used as a starting point for refining the common reform agenda and implementing existing drafts of consensus-based legislation.

¹¹ Me Bernard GOUSSE, *Study on the Independence of the Judiciary in Haiti*, May 2002. For more detail, see pages 40-41.

¹² The core civil society organizations welcomed the participation of the Haitian President, his Excellency Boniface ALEXANDRE; Prime Minister, Gerard LATORTUE; and Minister of Justice and Public Security, Me Bernard GOUSSE. The USAID/Haiti Director David ADAMS, the Ambassador of Taiwan Hsin-Ping HSIEH, and officials of the OAS, MINUSTAH, UNDP and various personalities from the provinces and about 300 other stakeholders from the business, human rights, legal and media communities as well as from the government and political parties also attended the ceremony.

¹³ See, respectively, pages 28 and 34 for more details on these two documents.

Coalition Activities: Starting in May 2004, as Working Group members coalesced into the Coalition, IFES served as facilitator and guided the efforts of the core organizations. IFES provided technical and financial support to the nascent Coalition and its members to help them develop and present a draft action plan for discussion within civil society and with institutional counterparts. With the help of a part-time coordinator, IFES assisted the Coalition in incorporating the recommendations of previous justice sector studies and assessments in its action plan.¹⁴

Visits of the Coalition

Town	Date	Number of Participants (including CSOs)
Cap Haïtien	Aug. 05	32 (12)
Petit Goave	Aug. 12	18 (3)
Les Cayes	Aug. 12	17 (N/A)
Jacmel	Aug. 13	26 (N/A)
Jeremie	Aug. 24	30 (30)
Gonaïves	Sept. 02	N/A
Saint Marc	Sept. 03	N/A

From July through September 2004, representatives of the core organizations traveled to the provinces to share information on their objectives and strategies for justice reform with local civil society representatives. The sessions with local stakeholders were a success. The Coalition received very positive feedback and expressions of interest. Each trip led to the creation of a local Follow-up Committee. These regional consultations have given a voice to many silent demands of civil society and the legal community throughout the country. All have expressed a strong interest in participating in this unique process.

The Coalition launched a number of advocacy efforts between July and November 2004. Several meetings with the Minister of Justice were organized to press for structural reform of the judiciary. Rather than presenting a laundry list of activities as has been the standard practice in the past, the Coalition has been specific on the kind of issues to be tackled and presenting priorities.

In late July 2004, the Coalition met the Prime Minister and the Minister of Finance to ask for an increase in the judicial budget. Me Gervais CHARLES, the General Secretary of the FBH, a founding member of the Coalition, suggested an increase from 1% to 3% of the national budget.

In October 2004, the Coalition started working on its first priority reform project: the draft law on the *Conseil supérieur de la magistrature* (Supreme Judicial Council or

¹⁴ Many reports and studies on the Haitian justice sectors and the challenges of justice reform have been commissioned by donors and successive governments over the past decades. For example, 1998 Report of the Haitian Preparatory Commission on the Reform of Law and Justice; 2000 Report of the General Accounting Office; various UNDP and USAID sponsored reports; etc.

CSM). This law would reform the existing CSM and give the judiciary an independent oversight and management body.

Participatory Process for Advocacy and Law Reform

The Coalition designed a participatory, inclusive process for its advocacy and reform activities. The Coalition believes that once priority reforms have been identified, building consensus on a draft new law through a participatory process will be key to reforming the Haitian judiciary for the long-term. Below are the steps of the process:

- (1) Send a targeted questionnaire to the local Follow-up Committees to obtain input from local stakeholders;
- (2) Compile best practices and model reform programs;
- (3) Present to civil society, government and judicial stakeholders the findings of the questionnaire and best practice compilation;
- (4) Adopt general guidelines for the drafting of a new law;
- (5) In partnership with the MOJ and other relevant governmental and institutional counterparts, draft a new law;
- (6) Provide feedback to the local Follow-up Committees; and
- (7) Advocate for the official adoption of the law and its implementation.

This process was followed for the CSM Law. Questionnaires were distributed to all the local Follow-up Committees. The Coalition gathered information on best practices and experiences around the world and received a number of documents from IFES, including a comparative study written by the IFES-DC Rule of Law team. A workshop to build consensus on this important law and initiate the drafting process was organized for Coalition members, governmental counterparts and the international community in November 2004. In early November 2004, the Coalition met with the MOJ to discuss its upcoming workshop on the CSM Law and to solicit MOJ participation. The MOJ assigned two of his staff members to work with the Coalition on a joint draft law to reform the legal framework applicable to the CSM. The Coalition agreed to disseminate the document around the country for comments and recommendations before the presentation of a final version to the MOJ for adoption as law.

The collaboration between the MOJ and the Coalition on the drafting of the CSM law is a concrete step in the public-private partnership in the move to begin establishing an independent judiciary in Haiti. The Coalition and the MOJ have described in some detail why an independent judiciary is necessary, specifically how it would contribute to the overall democratic reform process.

3. Enhancing the Capacity of Civil Society to Analyze Justice Issues Critically and Advocate for Justice Reform

a. Monitoring Key Aspects of Justice

IFES compiled a three-volume report on the state of justice in Haiti that correlates with the different Working Group activities to monitor, analyze and report on the progresses and shortcomings of justice reform in Haiti. The first volume is the *2002-2003 State of the Judiciary Report* released in June 2004. This report was broadly distributed both throughout Haiti and abroad, including to Supreme Court judges and legal professionals in Africa, Latin America, and the United States. The second and third volumes are the *Study on the Impact of Judicial Corruption* and the *2003-2004 State of Human Rights Report* released in November 2004. These reports provide a critical analysis of key aspects of the Haitian justice sector and a presentation of prioritized recommendations, which, for the first time, was undertaken by Haitians themselves.¹⁵

The *2002-2003 State of the Judiciary Report* was authored by Me Léon SAINT-LOUIS, an eminent Haitian human rights lawyer. It assesses the state of the Haitian judiciary in light of a set of core internationally-recognized principles. It also presents prioritized recommendations for reform, grounded in the studies and proposals of the past decade, such as those of the various UN and OAS missions and of the 1998 governmental preparatory reform commission.

The Report was released in a series of four roundtables organized on June 11 in Les Cayes, June 15 in Port-au-Prince, June 17 in Gonaïves, and July 1, 2004 in Cap Haïtien. These roundtables enabled IFES to disseminate this information collected on the functioning of the Haitian judiciary and to sensitize key stakeholders on the need to remedy the current shortcomings and gaps in the system. Keeping in mind the need to share this information with all Haitians, IFES elected to focus these roundtables on those most closely involved: public authorities, judges, civil society organizations, legal professionals, the media, human rights activists and the international community.

The participants in the four roundtables welcomed the publication of the Report and unanimously recognized the accuracy of Me SAINT LOUIS' diagnosis. Some participants suggested that the Report should be translated in Creole and distributed to all Haitians.¹⁶ Political leaders present at the Port-au-Prince roundtable indicated that justice reform would be part of their political program and noted that it would be an important issue in the upcoming elections.

¹⁵ The first report is available in French, English and Spanish. The second and third reports are available in French only.

¹⁶ Due to lack of time, IFES was not able to act upon this recommendation. A seven-page fact sheet on the Report was, however, translated and shared with civil society partners.

Recommendations of the *State of the Judiciary Report*

The Report presents a series of high-priority short-, medium- and long-term recommendations for reform that will strengthen the independence of the judiciary in Haiti, including:

- Enhance the capacity of the bar association to advocate for reform and protect judges from outside interference and threats;
- Draft, adopt and implement a code of judicial ethics;
- Reform and implement laws related to the selection of judges, judicial career processes and the public's right to legal assistance;
- Enhance the independence of the prosecutor;
- Improve judicial resources, salaries and facilities;
- Support and encourage the ANAMAH;
- Reform the CSM;
- Supporting a judicial education program for judges, prosecutors and the public;
- Update court fees;
- Promote alternative dispute resolution (ADR) mechanisms such as conciliation, negotiation and arbitration to reduce the caseload of State judicial institutions;
- Reform the legal profession by setting up new conditions to enter it and an examination for admission to the Bar; and
- Update and simplify legal procedures in civil, criminal, commercial and administrative matters.

The *Study on the Impact of Judicial Corruption* was completed by the Association Haitienne des Economistes (AHE) in the fall of 2004 and released to an audience of legal practitioners, business representatives and government officials in November 2004. The study takes a harsh look at the consequences of corruption in Haiti, relying on survey data gathered in September 2004 during interviews with both judges and business representatives. The *Study* confirms the very low level of trust in the judiciary and the high levels of corruption within Haitian society. Haitian businesses surveyed estimate that about a third of their budgets is wasted in bribes and illegal payments.

Recommendations of the Corruption Study

- A sensitization campaign for judges, businesses and the general public;
- Institutional reform within the judiciary;
- Ethics training for judges; and
- Participatory reform processes in which civil society works in partnership with the government.

The *2003-2004 State of Human Rights Report* was authored by Me Léon SAINT-LOUIS and captures much of the data collected through the Human Rights Hotline discussed on pages 30-31. The report analyzes the human rights situation both before and after the fall of President ARISTIDE on February 29, 2004 by focusing on a set of core rights, including the right to life, the right to personal liberty, the right to demonstrate and the freedom of the press. The report also takes an in-depth look at the failure of the Haitian State to provide remedial courses in cases of violations. Finally, it presents many of the organizations working in the field of human rights in Haiti as well as several key civil society initiatives in support of human rights.

The report was not officially released in a seminar. However, a large number of printed copies were given to IFES' Victims of Violence Program, which expressed interest in releasing the study. Given the focus of the VOV program, this offer was perceived as an opportunity to build synergies across programs and maximize resources and time.

Recommendations of the *State of Human Rights Report*

- Define a criminal justice strategy that includes respect for fair trial principles and fundamental human rights;
- Increase education and sensitization of the public;
- Increase education and sensitization of judges, lawyers and governmental stakeholders;
- Create a specialized office for the oversight of human rights standards; and
- Comply with international and regional human rights standards.

b. The Human Rights Hotline

Decades of intimidation, abuse of power, lack of access to fair trials, and political interferences with the judiciary have led Haitians to lose almost all confidence in the justice system. Human rights organizations such as the National Coalition of Human Rights (NCHR) and the CARLI strive to report and denounce hundreds of cases of human rights violations committed against Haitians nationally and internationally despite their limited resources and the frequent external pressure and threats they receive.

In the summer of 2002, IFES explored the possibility of sponsoring a Human Rights Hotline in order to provide Haitian citizens with a place to report abuses. Given the frequent reports of gross human rights abuses in Haiti, a centralized service that could document and investigate complaints was deemed complementary to the objectives of the Constituency Building Project. The Hotline was intended as a tool for the human rights community to:

- Document human rights violations in Haiti and share this information with human rights activists, governmental counterparts and the international community;
- Disseminate information to the public about human rights violations;

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- Increase the awareness and involvement of Haitian CSOs in the fight against impunity and for respect for human rights; and
- Investigate and report violations to the authorities.

IFES held a series of meetings with prominent human rights organizations, including the NCHR, the Justice and Peace Commission of the Catholic Church, Plateforme (an umbrella organization) and CARLI. CARLI was selected to receive the sub-grant for the equipment and operation of the Hotline. In June 2003, IFES provided training to CARLI on (1) financial management and reporting; and (2) human rights violation reporting and monitoring. More detail on this training is included on pages 38-39.

On October 9, 2003, CARLI officially launched a Human Rights Hotline. Many Haitian and international dignitaries attended the event, including the president of the Bar Association of Port-au-Prince, USAID/Haiti's Deputy Director, OAS representatives, and the Director of the National Police. CARLI also launched a promotional campaign at the outset of the program, installing banners throughout the country, printing leaflets and transmitting radio spots on several radio stations in the country.

Since its inception, the Human Rights Hotline has been operating as follows:

- Three phone numbers are made available to the public.
- Monitors are responsible for receiving and documenting calls from 6am to 6pm.
- Three lawyers supervise the work of the monitors.
- Once documented, complaints are shared with the international human rights community and the *Office du Protecteur du Citoyen* (Ombudsman's Office or OPC) for investigation. CARLI has received strong support from national human rights groups and international organizations in its endeavors to document human rights violations in Haiti.

Month	Calls Received
October 2003	57
November 2003	45
December 2003	76
January 2004	79
February 2004	109
March 2004	36
April 2004	34
May 2004	31
June 2004	27
July 2004	26
August 2004	31
September 2004	23

CARLI publishes a monthly report on Hotline activity and reportedly includes the names of alleged violators if criminal action has been initiated against them. The Reports show a

decrease in human rights violations since the fall of President ARISTIDE. However, calls reporting significant human rights violations continue to be received from the North, Northeast, Center, and West provinces. CARLI continues to investigate the calls and has expressed concerns about the continued lack of security, justice and political stability. To that end, CARLI has presented petitions in a number of cases before both domestic and international courts. CARLI also makes regular pleas to the political authorities, calling for immediate action to put an end to human rights violations, arrest and sanction perpetrators, and respect the obligations under international treaties.

The Inter-American Human Rights Commission convened a hearing on the human rights situation in Haiti for the 119th Ordinary Session of the Commission. CARLI was invited to testify at the Session on March 2, 2004 in Washington, DC. Me Renan HEDOUVILLE, General Secretary of CARLI, and Jocelyn Jean ROSEMBERG, Vice President of ANAMAH, briefed the Commission on various high profile human rights cases in Haiti. In September, CARLI received an invitation to testify at a follow-up session before the Inter-American Commission of Human Rights, in Washington DC. Me Renan HEDOUVILLE of CARLI, Pierre ESPERANCE of NCHR, Jean Jacques DESCARTES, formerly with IFES-Haiti, and Violaine AUTHEMAN of IFES-DC attended the follow-up session on October 22, 2004. Me HEDOUVILLE and Mr. ESPERANCE presented critical overviews of the human right situation in Haiti, including several high-profile cases of gross human rights abuses since March 2004.

IFES support for the CARLI Human Rights Hotline through the Constituency Building Project ended in August 2004. The support is continuing through IFES' Victims of Violence Program.

c. Studies and Events on Targeted Judicial Reform Issues

Over the course of the Constituency Building Project, IFES has organized a number of workshops, conferences and roundtables in partnership with Haitian CSOs. A complete list of these events is included in Annex 5. The events fall under four categories: (1) law week events; (2) publication releases; (3) targeted judicial reform seminars; and (4) institutional strengthening of civil society organizations.

i. Law Week Events

Law Week celebrations were organized each year around the date of the Saint Yves, the patron saint of lawyers. Activities were geared towards providing civil society the opportunity to promote broader participation and develop concrete initiatives to help create a more transparent and independent judiciary in Haiti. In 2002 and 2003, Law Week celebrations featured a week-long series of seminars and activities on human rights and justice reform.

Law Week 2002 (week of May 13) brought to Haiti several Haitian-American lawyers and judges and introduced several studies on judicial independence. International judicial

reform expert Louis AUCOIN, Advisor to the MOJ in 1997-1998, introduced the recently-released USAID/IFES *Judicial Independence Guide*.¹⁷ Presenting highlights of the Guide, he offered a global comparative view of obstacles to judicial independence and key reforms designed to promote judicial independence:

- Improve the material status of judges;
- Establish institutional protections of judicial independence such as judicial councils;
- Increase the training and education of judges;
- Strengthen the solidarity of judges through judges associations; and
- Promote transparency and ethics.

Another focus was the release of the study on the *Independence of the Judiciary in Haiti* written by Me Bernard GOUSSE, then Senior Advisor to the Legal Working Group and current MOJ. More detail on this study is provided on pages 40-41. Participants in the various activities proposed the following priority activities to address the shortcomings of the Haitian judiciary:

- Provide budgetary autonomy for the judiciary,
- Publish judicial decisions;
- Enforce ethical standards;
- Draft laws to reform the judiciary, and
- Reinforce professional organizations of judges and lawyers.

Law Week 2003 (Jacmel, week of May 5; Port-de-Paix, week of May 12; Port-au-Prince, week of May 19; Saint Marc; Gonaïves) brought back to light the themes of human rights and judicial reform. The series of seminars, conducted throughout Haiti, encouraged and reinforced networking, information exchange and collaboration among civil society organizations on judicial reform and human rights issues.

Members of the Working Groups such as the CTDH and the FBH took a leadership role in many of the activities. The members of the FBH seized this opportunity to mobilize legal practitioners around the issue of justice reform in Haiti. Other organizations including human rights groups promoted synergies and the creation of networks to advocate for the independence of the judiciary in Haiti.

IFES did not organize any specific seminar or celebration for **Law Week 2004**. However, IFES did sponsor and co-organize a prayer event at the Palais de Justice, which was attended by the several representatives of the interim government, including the President and Prime Minister, members of the bar associations and judges.

¹⁷ USAID/IFES, *Guidance to Promoting Judicial Independence and Impartiality*, USAID Technical Publications Series; available at http://www.ifes.org/rule_of_law/II_Conferences/main.html in English, French, Spanish and Arabic

ii. Publication Releases

Events were organized for the release of many IFES-sponsored publications such as the three-volume report on the state of justice in Haiti discussed on pages 28-30.

One other key publication written and released under the Constituency Building Project was the *Study on the School of Magistrates* written by Me Monferrier DORVAL. The *Study* was presented to civil society representatives and government officials at a conference held at the Hotel Montana in April 2004. About sixty representatives of civil society, international organizations, the government, the private sector, the legal community, and human rights sector participated in debates on the situation of the School and perspectives for the future.

Me Monferrier DORVAL presented his findings and recommendations for strengthening judicial training and improving School structure and operation. The audience, including representatives of USAID/Haiti and of the MOJ, called the study an “important tool for the reconstruction of the judicial system in Haiti.” Following the presentation of the *Study*, the participants were divided in working groups to reflect further on the findings and make recommendations.

Upon request of the MOJ, IFES prepared a synthesis of the conference, including a compilation of the recommendations of the working groups, which was attached in annex to the *Study*. The revised Study was finalized and published in June 2004. This document has now been presented to the MOJ as well as to other stakeholders of the Haitian justice sector and civil society organizations for follow-up and the implementation of recommendations.

iii. Targeted Judicial Reform Seminars

Analysis of Draft Laws Seminar: The dissemination and critical analysis of applicable laws and draft laws affecting the judiciary was one of the key objectives of the Constituency Building Project. In August 2003, IFES organized a seminar on three draft laws affecting the judiciary. These laws were pending approval in Parliament, but failed short, by all accounts, of the constitutional and international standards of judicial independence. These draft laws related to:

- (1) The CSM;
- (2) The status of the judiciary; and
- (3) The School of Magistrates.

Haitian and international jurists alike condemned these draft laws for their failure to comply with the international and regional standards of judicial independence as well as with the guarantees thereof enshrined in the Haitian Constitution. The Legal Working Group decided to convene a group of stakeholders, including all the Working Groups, to seminar focused on (i) the presentation of a critical analysis of the laws; and (ii) the

adoption of a strategy to present common recommendations to Parliament and obtain the withdrawal and revision of these laws.

Me Bernard GOUSSE, then Senior Advisor to the Legal Working Group and current MOJ facilitated the debates after a presentation of the laws and their flaws. The participants, representing all four Working Groups, then discussed strategies to ensure compliance with international and constitutional standards of judicial independence. There was unanimous agreement to rewrite the draft laws on the judiciary and discuss them in a national forum. These conclusions were enshrined in the *Montana Manifesto*, which was used in a joint civil society advocacy effort to obtain the withdrawal of the draft laws from Parliament.

Key Recommendations of the *Montana Manifesto*

- The draft laws in their current state cannot be adopted as they do not comply with international and constitutional standards of judicial independence.
- Civil society must coalesce to disseminate information on the draft laws, their implications and how to improve them.
- The CSM should have administrative and budgetary autonomy.
- The CSM should be responsible for court administration and all such responsibilities should be transferred from the MOJ to the CSM.
- Members of the CSM should include civil society representatives.

Blueprint for Justice Reform: Following the departure of President ARISTIDE, the Working Groups presented to the Almami CYLLAH, IFES-Haiti Chief of Party, their vision on how to engage both the Haitian government and nongovernmental stakeholders in a constructive partnership for justice reform in Haiti. During the Chief of Party's stay in DC in March 2004, this vision was discussed with the IFES-DC Haiti Task Force, leading to the development of a draft *Blueprint for Justice Reform*. The Blueprint was then complemented and adopted by the Working Groups as the document presenting their vision for an improved justice system in Haiti.

The *Blueprint* includes a framework for medium- and long-term activities designed to build broad-based support for a holistic approach to justice reform and the fair and effective implementations of laws designed to strengthen the judiciary and the respect for fundamental human rights.

Mr. CYLLAH presented the *2004 Blueprint for Justice Reform* to representatives of civil society organizations and the international community at a Conference held at the Hotel Montana in May 2004. The presentation sought to encourage civil society to set objectives for justice reform and develop a strategic, common vision to contribute to the reform process in Haiti. Mr. CYLLAH called for the creation of a large coalition of all vital actors of the country to defend and obtain the independence of the judiciary. The participants welcomed the *Blueprint* and encouraged IFES and the Working Groups to implement the action plan.

Objectives Pursued by the *Blueprint for Justice Reform*

- Systematizing a collaborative, prioritized reform process rooted in concrete, targeted public-private partnerships and a result-oriented monitoring and reporting system;
- Broadening the base for public participation in a multi-disciplinary, unifying reform process rooted in local needs, priorities and buy-in; targeting key government institutions and the media; and addressing fundamental human rights; and
- Implementing, through an integrated approach, the fundamental rights enshrined in the Haitian Constitution and international treaties ratified by Haiti.

Other Events: Throughout the course of the Program, IFES held a number of other seminars, roundtables and conferences on targeted judicial reform issues, such as the CSM Workshop in November 2004 (described on page 27), the Human Rights Conference in December 2003 (to celebrate the anniversary of the Universal Declaration of Human Rights), and various workshops on selected judicial reform issues.

iv. Institutional Strengthening of Civil Society

Throughout the life of the project, IFES provided support to external initiatives when relevant to the content and/or objectives of the Program. These initiatives were of two kinds. First, IFES provided support (financial and/or through experts) to individual CSOs member of the Working Groups such as CARLI or the CTDH to hold seminars, workshops or conferences on topics ranging from impunity for human rights violations to judicial reform in Haiti.

Second, IFES supported the participation of Working Groups members or IFES representatives in relevant events organized by others, such as UNDP or the OAS. For example, two representatives of the Coalition participated in a two-day workshop organized by UNDP and the Haitian government in Cap Haïtien in November 2004. The workshop was organized for the release of the UNDP Human Development Report for Haiti. Coalition members took this opportunity to meet with lawyers and civil society leaders and encourage them to join the country-wide advocacy campaign for justice reform.

4. Providing Civil Society and the Public with the Tools and Information Necessary to Understand and Advocate for Justice Reform

a. Raising Understanding and Awareness of Civil Society

i. Training of Journalists

The Journalist Training Series consisted of six sessions aimed at strengthening the capabilities of Haitian journalists to produce and disseminate information about judicial and human rights issues. The sessions provided a core group of journalists with the tools necessary to understand the functioning of the judiciary and report on justice issues. The training helped establish a network of journalists who are now well equipped with the information and tools to follow judicial proceedings and legal reforms and report on them accurately and critically. The journalists have built the skills necessary to research, report on and analyze justice issues.

Journalist Training Series

- July 2003: Investigative Journalism (Jean Michel CAROIT)
- October 2003: Journalism in Democracy Training (various presenters)
- November 2003: Constitutional Law (Mrs. Mirlande MANIGAT)
- November 2003: Introduction to Law (Me Bernard GOUSSE)
- June 2004: Criminal Law and Procedures (Me René JULIEN)
- July 2004: Judicial Administration (Me Gervais CHARLES)

The first training on Investigative Journalism was conducted by Jean Michel CAROIT, a journalist with the French daily *Le Monde*, in collaboration with the OAS and the Investigative Branch of the Haitian National Police. The two-week session addressed the topics of investigative journalism and reporting on human rights violations. The training brought together a core group of 33 journalists from around the country. This first session was complemented by a five-day series of seminars on "Journalism in a Democracy." This second training was conducted by various leading presenters.

The third and fourth trainings were conducted for the same core group of journalists in November 2003, each over a two-week period. The third training was conducted by the dean of the Quisqueya Law School, Mrs. Mirlande MANIGAT. The sessions on Constitutional Law were organized in the conference room of Radio Caraïbes and presented the Haitian Constitution, constitutional rights and their implementation. The fourth training was conducted by Me Bernard GOUSSE, then Senior Advisor to the Legal Working Group and current Minister of Justice. The sessions introduced journalists to the various aspects of Haitian law, including basic principles and rules of contract law, commercial law, evidence law and property law.

The fifth and sixth trainings were conducted for the same core group of journalists in June-July 2004, each over a two-week period. The fifth training was conducted by a well-

known jurist and professor at the State University of Haiti: Me René JULIEN, President of the *Amicale des Juristes* and a member of the Legal Working Group. The sessions on Criminal Law and Procedures were organized in collaboration with the Media Working Group. The sixth training was conducted by Me Gervais CHARLES, Secretary General of the FBH and a member of the Legal Working Group. This seminar on Judicial Administration was the last installment of the comprehensive program to train a core group of journalists on substantive legal and justice issues and how to report on them.

One of the training participants, a journalist from Les Cayes, has begun a radio program in Creole called “Sa Kap Fet nan Jistis la” or “What is happening in the justice system?” The radio program, broadcast on Radio Men Kontre 95.5 FM, has a wide listening audience in the region. Other journalists have promised to approach their respective media directors in order to develop programs on justice and human rights. The RIJDH is developing a calendar of broadcast activities that they hope to share with their various directors to be aired in four provinces: Port-de-Paix (North West); Gonaïves and St. Marc (Artibonite); Port-au-Prince and Leogane (West); and Mirebalais (Central Plateau).

Four manuals were completed and released following the training sessions: *Investigative Journalism* and *Constitutional Law* in the spring of 2004 and *Criminal Law and Procedure* and *Introduction to Law* (including Judicial Administration topics) in the fall of 2004. The manuals are among the first law manuals written by Haitians on Haitian law. They were distributed to four main audiences: (1) participating journalists and members of the RIJDH; (2) other interested journalists, including those involved in the USAID-sponsored CAII RAMAK project; (3) university libraries; and (4) the Coalition and bar associations.

ii. Other Training

In August 2002, IFES collaborated with the Inter-American Commission on Human Rights on a three-day workshop. The third day focused on the training of Haitian lawyers on issues of human rights, including how to use the Inter-American system and register claims for human rights abuses before the Commission.

In June 2003, prior to the launch of the Human Rights Hotline, IFES provided CARLI with specific training on (1) financial management and reporting procedures, and (2) the collection and analysis of information on human rights violations.

(1) Financial Management and Reporting Procedure Training

- How to handle project transactions;
- How to pay salaries;
- How to manage human resources and recruitment; and
- Budget control and financial reporting.

This session was aimed at building the capacity of CARLI as an institution to manage international funding and comply with USAID and IFES financial reporting requirements. CARLI also received support from the Canadian Agency Support Funds for Justice and Human Rights to restructure its accounting and finance department.

(2) Human Rights Violation Monitoring

The second part of this comprehensive capacity-building training was undertaken in a five-day training session focused on the collection and analysis of information on human rights violations, including:

- The importance of documenting and disseminating information on human rights violations;
- The methodology and techniques to analyze information on human rights violations; and
- Technology for collecting, analyzing and documenting human rights information.

The training materials which were used for human rights violation monitoring trainings included (1) Standard HURIDOCS Format for Events; (2) the HURIDOCS Micro thesaurus; (3) a text called "What is Documentation"; (4) a manual on "How to use WINEVSYS"; and (5) a CD on the HURIDOCS tools.

In August 2003, IFES conducted training sessions for human rights investigators and monitors. Members of civil society organizations (especially human rights groups) participated in the training, which provided them with the tools and skills necessary to investigate and monitor human rights violations. The areas covered included human rights concepts and mechanisms; fact finding and the basics of violation monitoring; information dissemination; documentation; setting up a resource center; classification schemes; HURIDOCS standards; etc.

iii. Publications

Over the course of the Constituency Building Project, IFES has developed numerous publications and tools for use by Haitian CSOs. Printing runs for each publication ranged between 500 and 1,000 copies. Some of the publications, such as the *State of the Judiciary Report* and the *Constitutional Law Manual*, had to be reprinted due to heightened interest. Similarly, the MOJ called upon IFES to run a second print of the *Study on the School of Magistrates* including the debates and recommendations of the April 2004 roundtable in an annex. Remaining publications were distributed to Haitian universities and key civil society partners prior to IFES' departure at the end of November 2004.

Distribution of Laws and Legal Documents

The Constituency Building Project contributed to the widespread dissemination of laws and legal documents in Haiti. Examples of specific efforts to disseminate this information include:

- The distribution of draft laws affecting the judiciary to the participants of the August 2003 Seminar (see, pages 34-35);
- The distribution of journalist training manuals on key justice topics; and
- The distribution of the FBH compilations of law texts (see, page 41).

A complete list of publications is included in Annex 4. The publications fall under four categories: (1) manuals; (2) assessments/critical analyses; (3) ethical and professional standards; and (4) institutional strengthening of civil society organizations.

(1) Manuals

Four manuals on key justice topics were developed following the journalist training series. These manuals are among the first textbooks on Haitian law written by Haitian jurists themselves and have therefore the potential to serve not only journalists interested in justice issues but also law students and legal professionals. The contents of the manuals were described on pages 37-38.

(2) Assessments/Critical Analyses

The three-volume report on the state of justice in Haiti and the *Study on the School of Magistrates* were described in previous sections (see, respectively, pages 28-30 and 34).

In May 2002, Me Bernard GOUSSE, the Senior Advisor to the Legal Working Group and current Minister of Justice, undertook a study on the *Independence of the Judiciary in Haiti*. The findings of the study showed the multiple dependencies of the Haitian judiciary, providing baseline information for reform and advocacy campaigns. Some of the key findings and recommendations are presented in the following paragraphs.

According to the study, judicial independence is not solely a concern of the government. The study called upon civil society, including legal professionals, human rights activists, businesspeople and NGO leaders to coalesce and advocate collectively for judicial independence and the respect of constitutional guarantees. The study further encourages the adoption and enforcement of legal and administrative measures to create a judiciary that is a real branch of government, insulate the judicial career from the whims of the Executive, establish administrative and budgetary autonomy, reinforce the judicial council, draw up a substantive curriculum for the judicial academy and draft a judicial ethics code.

Main Findings of the *Study on the Independence of the Judiciary*

- The Haitian justice system does not follow the principles of fair trial and independence enshrined in the Haitian Constitution and international legal obligations. The Executive Decrees regulating the judiciary do not respect the principles laid out in the Constitution and international legal obligations.
- The judiciary is subject to the administrative, budgetary and staffing whims of an overly dominant Executive branch. This dependence has been felt throughout Haitian history.
- The judicial appointment process does not comply with the principles of independence. It is entirely controlled by the Executive.
- Some judges have nonetheless shown great degrees of courage and independence, but they are few and far between.

(3) Ethical and Professional Standards

Throughout the course of the Constituency Building Project, IFES sought to promote ethical standards within the legal community. The FBH adopted a Code of Ethics for Lawyers in 2002. In August 2003, IFES provided financial support to the FBH to publish a comprehensive compilation of the professional standards applicable to lawyers in Haiti. The *Basic Texts for Lawyers* contain all international and domestic legal instruments regulating the profession of lawyer in Haiti, including the 2002 Code of Ethics adopted by the FBH. IFES also provided support to the FBH to publish in October 2003 a compilation of international human rights instruments to serve as reference for Haitian lawyers. In 2004, IFES provided additional financial support to the FBH to continue disseminating these publications.

IFES provided technical and financial support to the ANAMAH to draft their code of ethics and disseminate it to judges around the country. The Code of Ethics of the ANAMAH was adopted in February 2004. It outlines in one document, in Creole and in French, the ethical obligations of judges, based on Haitian law and international standards.

(4) Institutional Strengthening of Civil Society

Throughout the life of the project, IFES has sponsored miscellaneous publications such as the *Revue de Droit et Economie* of the Faculty of Law and Economic Sciences of the State University of Haiti. This volume launched the first Haitian law review. It was released in May 2004, during Law Week. This first volume includes analytical commentaries and articles by eminent professors, researchers and experts in law, justice reform and economy.

b. Disseminating Information to the Public

Outreach efforts: In 2003, the CTDH, a member of the Human Rights Working Group, approached IFES for funding to launch a civic education program to encourage citizen participation in reflections and concrete activities to improve the situation of human rights in Haiti. Launched in April 2003, the program targeted school children, university students, socio-professionals and community leaders to educate them on the situation of human rights in Haiti and the system for the protection of human rights. The CTDH collaborated with the AFPEC, a member of the Legal Working Group, to develop an education manual on human rights. The program fostered youth participation in activities to evaluate and improve the human rights situation in Haiti and aimed at developing a culture of solidarity, responsibility and respect.

Working closely with Haitian partner CSOs, IFES designed stickers and posters to bring the public's attention to the need for judicial independence and justice reform in Haiti. The design of the stickers and posters was done by the Imprimerie Editions des Antilles with the guidance of IFES-Haiti's civil society specialists. The 25,000 bi-colored stickers were printed in 3½ x 11 and read "Jistis pou tout moun" or "Justice for all." The 8,000 posters were printed on 17 x 22 glossy paper and presented a crowd of cartoon protesters demanding judicial independence in front of the presidential palace. The posters were intended to stress the need to support the independence of the judiciary: "You pouvw jidisyè granmoun tèt li ... pou yon vrè demokrasi an Ayiti" or "An independent judiciary ... for a real democracy in Haiti." In September, IFES staff traveled to all main cities in Haiti, including Gonaïves, Saint Marc, Cap Haïtien, and Les Cayes, to distribute stickers and posters to local organizations. Local CSOs have taken up the task of disseminating these materials among their communities.

Media program: Media coverage of IFES-sponsored activities occurred throughout the life of the project. Media outlets that reported on IFES-sponsored activities included TV stations such as the Télévision Nationale d'Haïti, radio stations such as Radio Caraïbes and Radio Vision 2000, and local and foreign newspapers, such as Le Nouvelliste and the Miami Herald. Coverage was of three kinds: (1) spontaneous coverage by media outlets; (2) paid announcements in media outlets; and (3) public outreach programs.

(1) Spontaneous coverage

Various media outlets in Haiti have reported on IFES-sponsored events such as workshops or publication releases throughout the life of the Constituency Building Project, and increasingly its final months. Newspapers, radio stations and television channels continue to spontaneously report on justice and human rights issues with increasing professionalism. This is the first time in Haiti that consistent programming and news reporting has focused on the independence of the judiciary. Journalists covering the violent protests of September and October 2004 often wrote about these issues in the broader context of the lack of justice in Haiti.

(2) Paid announcements in media outlets

Throughout the life of the Constituency Building Project, IFES contracted with media outlets for coverage and publicity of the various events and publications releases. This has enabled IFES to broaden the reach of these events and to disseminate information to a wide range of stakeholders and to Haitian citizens.

One key example of the use of the media has been the launch of the Coalition in August 2004. This event received broad media coverage by the radio and television stations, newspapers and electronic media. Many around the country followed the launch over the radio frequencies of Radio Caraïbes and Radio Arc-en-Ciel. News reports presented the Coalition as an opportunity and a victory for civil society coming together for justice and law reform in Haiti. On August 21, 2004, the Coalition members participated in a two-hour talk show on Radio Caraïbes. This show, known as "RAMASE," has a wide listening audience. Other radio stations, including Signal FM and Radio Arc-en-Ciel, also aired talk shows with Coalition members. Finally, IFES negotiated with a key journalist to air a one-week program on judicial independence and justice reform with Coalition members on the television station Telemax in late August.

(3) Public outreach programs

IFES/Haiti designed a public outreach radio program with Radio Caraïbes and provided financial support for the broadcast of the program. In August and September 2004, radio spots on justice issues were broadcast on Radio Caraïbes' frequency 94.5 FM as well as on its website. The participation of Coalition members in a popular Radio Caraïbes talk show also took place in September. Four talk shows were broadcast on (i) the role and responsibilities of the FBH, ANAMAH and the Coalition; (ii) conflict resolution; (iii) judicial independence; and (iv) the human rights situation.

5. The Road Ahead: Justice Reform and Inclusive Participatory Processes

Key achievements: From 2001 to 2004, the Constituency Building Project sought to enhance the demand for justice reform through broad-based civil society coalition building and participatory, targeted advocacy strategy. Reflecting upon the various achievements of the project since its end on November 30, 2004, we find a more knowledgeable and proactive civil society that has made the goal of judicial independence and respect of fundamental rights its own priority. The key outputs of the project under each objective are presented in summary form in Annex 1.

The Constituency Building Project worked with a broad variety of groups to promote unified civil society action around the theme of judicial independence, a guarantee enshrined in the Haitian Constitution. By enhancing the capacity of civil society to advocate for reform and sharing tools and information on justice issues, IFES has

empowered Haitian CSOs and stakeholders to make their own decisions about how to achieve the overarching goal of judicial independence.

Building on three years of increasing understanding of the stakes and underlying issues involved in justice reform, civil society has found strength in unity. The Coalition was launched in August 2004 and has now been acknowledged by many, including the Haitian interim government, Haitian civil society, and international actors such as UNDP and the EU, as a key player in the justice reform arena. Between the launch and the end of the project, the Coalition has (i) built a support network of CSOs in the provinces, (ii) initiated dialogue with the MOJ on priority reforms, and (iii) organized a workshop on the reform of the CSM.

Continued advocacy for justice reform by the Coalition and its participation in future reform efforts will be one of the most important legacies of the Constituency Building Project. While the Coalition has already started advocating for priority reforms and for making justice reform a higher priority on Haiti's political agenda, there is a great need for continued support and advice to pursue the following goals:

- Strengthen and expand the network of CSO members;
- Deepen the partnership with the MOJ;
- Organize reform workshops on priority issues;
- Act upon the conclusions of reform workshops;
- Launch a nationwide community-level dialogue on justice; and
- Build strong public support for draft laws emerging from the participatory process.

Challenges of the transition: Following the departure of ARISTIDE in February 2004, an interim government came into power. Working with the donor community, the interim government presented a prioritized action plan outlining a negotiated strategy for the transition period, the ICF. Based on that, donors have pledged their commitment to long-term aid for democratic and justice reform in Haiti. Almost eight months after the start of the transition, the government has little results to show and the large part of the ICF remains unimplemented. Violence and human rights abuses are once again everyday occurrences. The justice sector is once more weakened by detentions without due process and alleged extrajudicial executions. The government, judges and civil society must engage in a thorough reform process without further delay and promote a judiciary that will be independent, fair, respected and efficient.

Past experience with reform in Haiti teaches us that both sides of the equation—i.e., the formal justice sector and civil society stakeholders—need to be supported and balanced for sustainable change to take root. Given Haiti's turbulent history and its dismal track record on justice reform, failing to build and nurture civil society's support of and advocacy for reform would leave reformers vulnerable to the whims of changing governments. The new Haitian government and Haitian CSOs strongly endorse and are active participants in this approach to reform.

Given the current uncertainty of the political situation, continued support to civil society is the best guarantee of sustainability in justice reform efforts. In transitional societies such as Haiti, a dual-track approach that combines support to the formal justice sector with support to civil society as advocates and watchdogs of reforms is essential for the long-term sustainability of reform.

Lessons learned for justice reform in Haiti: Drawing on the impact and achievements of the project, ten key lessons learned are presented below:

- 1. Demand-driven, civil society programming for justice reform will help create the enabling environment for reform, especially in countries with volatile political environments.** Justice reform is a long-term endeavor and is therefore vulnerable to government and policy changes. Civil society participation will provide the necessary checks on governmental and political leaders to ensure that justice reform follows through.
- 2. Priority-setting and implementation of reforms should be largely devolved to country stakeholders.** Empowering local stakeholders across sectors, including lawyers, judges, human rights activists and businesses, is essential to building the support necessary for reforms to take root.
- 3. Systematic, annual monitoring and reporting on reforms and their implementation will help keep reforms on track.** Documenting human rights abuses, measuring progress on core indicators of the state of the judiciary, tracking corruption within the judiciary are all elements of a reporting system that supports faster and fairer design and implementation of key reforms.
- 4. The successes of a Coalition require on-going political and financial support from donors.** Without continued international support, it is unclear whether the Coalition will be able to operate financially or politically. As a nascent body, it still needs to build its capacity to interact with donors and government counterparts. The network also needs to be extended both inside and outside of Haiti.
- 5. Reforms will have a greater chance of sustainability and success if they are accompanied by public dialogue and civil society participation.** Haiti's political scene has long been marred by human rights abuses and politically-charged violence. A series of community-level, public discussions may help launch a reconciliation dialogue focused on justice and human rights and may help avoid a fight against impunity, which translates into a one-sided witch-hunt. Further, the widespread mistrust of the police and judiciary should be addressed in a holistic manner to help stakeholders and citizens collaborate on reforms and programs for justice and conflict resolution.

- 6. Regardless of their priorities and strategies, interim governments only have a limited impact over the long term.** Justice reform and respect for human rights are among the top reform priorities of the Haitian interim government. This is well documented in the ICF. Haiti's interim government is committed to reform but it is only a transitional government. All its achievements may be overturned when the elected government comes into office. A strong civil society will serve as a watchdog to successive governments.
- 7. Increased networking between and amongst civil society, enabling them to coordinate efforts and share experiences, will help increase the impact of reform efforts.** Next steps should be directed both to community-level organizations (including religious groups) and the Diaspora.
- 8. Strategic alliances between civil society and the government, including reform-oriented political leaders, will help further the reform agenda.** With the interim government, Haitian civil society is faced with the unique opportunity to engage governmental counterparts on priority reforms. The Minister of Justice has expressed interest in actively collaborating with the Coalition on a set of laws affecting the judiciary.
- 9. Access to reliable information and critical assessments allows the design of better reforms.** Information is the best weapon. The project has started a steady process of publishing critical analyses and assessments by Haitian experts on justice issues, which have been widely disseminated and discussed. These Haitian-compiled reports have been the driving force behind some of the reform priorities of government and civil society alike.
- 10. Advocacy should not stop with the identification of priority areas for reform but should evolve into monitoring of the legislative processes and establishing concrete steps for implementation.**

ANNEX 1:

Objectives and Key Outputs of the Constituency Building Project

By the end of the project, IFES had met its objectives and empowered civil society partners and local stakeholders who have continuously set the direction of the project. Some of the key outputs of the project are outlined below. More detail on many of these outputs can be found in the report or in the relevant quarterly reports.

Objective 1: Unifying Civil Society around Justice Reform

Intermediate Result 3: Critical mass of CSOs coalesce around improving the justice sector

- A **network of sectoral working groups** focused on advocacy and education of the legal, media, human rights and private sectors on issues related to justice, human rights and civil society participation in reform as well as on setting the priorities and strategies pursued under the project;
- **Networks of professional organizations** designed around justice reform, such as the Information Network on Justice and Human Rights (RIJDH) and the Socio-Professional and Human Rights Organization Network (RESOSDH);
- A broad-based **civil society coalition for justice reform** bringing representatives of the legal, media, human rights and private sectors, including the National Association of Haitian Judges (ANAMAH) and the Federation of Haitian Bar Associations (FBH), to advocate for justice reform and work with government counterparts on priority reforms;
- A range of activities in support of an expanded **Diaspora network** that includes the Louisiana State University Law School, Tulane University Law School, and various NGOs in Louisiana and Florida; and
- **Interactions with other donors and donor-supported programs**, notably by broadcasting radio programs through the USAID-sponsored CAII community radio program, sharing human rights materials with the USAID-sponsored IFES Victims of Violence program; and close working relationships with the OAS and the UNDP-sponsored Forum Citoyen

Objective 2: Enhancing the Capacity of Civil Society to Analyze Justice Issues Critically and Advocate for Justice Reform

Intermediate Result 2: Haitian CSOs develop and implement strategic plans to advocate for judicial reform

- **Integrated training program for journalists** to build their capacity to understand, investigate independently, and report objectively on justice issues;
- **Capacity building to enable civil society to advocate** for justice reform both individually and collectively through networks and coalitions;

- The publication and dissemination of numerous **advocacy reports and blueprints for reform** presenting the critical assessments and recommendations of leading Haitian experts on key aspects of justice reform, human rights and the independence of the judiciary;
- Development of an **annual monitoring and reporting tool** to promote an independent judiciary and the implementation of constitutional guarantees regarding the judiciary;
- Applied research to capture the **state of Haitian justice**, culminating in the release of a three-volume report on the state of the judiciary, the state of human rights and the impact of judicial corruption; and
- A **Human Rights Hotline** to document and investigate human rights abuses, maintained by a prominent Haitian NGO, the Lawyers' Committee for the Respect of Individual Liberties (CARLI).

Objective 3: Providing Civil Society and the Public with Essential Tools and Information necessary to Understand and Advocate for Justice Reform

Intermediate Result 1: Haitian CSOs with the skills, information and tools needed to actively participate in the judicial reform process

- The publication and dissemination of numerous **advocacy reports and blueprints for reform** on key aspects of justice reform, human rights and the independence of the judiciary to raise the understanding and awareness of civil society;
- The adoption and dissemination of **ethical standards for judges and lawyers**;
- The organization of a **series of conferences, workshops and seminars** on targeted justice reform and human rights issues;
- The **creation and dissemination of basic information** on the judiciary and human rights to include various international human rights instruments for the public;
- The broadcasting throughout Haiti of **radio talk shows and spots** on justice reform, judicial independence and human rights.

ANNEX 2:

Haitian Coalition for the Reform of Laws and Justice One-Pager

Since 2001, IFES has worked with civil society organizations in Haiti to build their understanding of justice issues and their capacity to advocate for judicial independence. Over the course of the Civil Society Constituency Building Program, IFES has encouraged civil society to form a Coalition of reform-minded organizations representing a variety of sectors within Haitian society, including the legal, media, human rights and business communities. The Coalition institutionalizes the accomplishments of the Program as the umbrella network bringing together four working groups of civil society organizations (legal, media, human rights and private sectors).

The success and achievements of the Program are largely due to the sense of ownership and leadership on the part of Haitian civil society actors. The seeds of a broad-based public-private dialogue have been sown with the organization of civil society groups into a Coalition likely to present itself as a unified, single interlocutor with the government. This systematic, results-oriented approach, supported by our Haitian partners, will get the Haitians out of the cycle of criticism and blame and, instead, engage them in constructive partnerships for positive change.

Birth of the Coalition: Having traveled to all main cities in Haiti to share information with local civil society organizations and encourage their participation in the Coalition, the core organizations of the Coalition drafted a comprehensive Action Plan for reform in the justice sector, building upon the vision already outlined in the *2002-2003 State of the Judiciary Report* and the *2004 Blueprint for Justice Reform*. These documents are now ready for broader public and government discussion and can be used as a starting point for refining the common reform agenda and implementing already drafted consensus-based legislation.

Core Organizations of the Coalition

- The Federation of Haitian Bar Associations (FBH),
- The National Association of Haitian Judges (ANAMAH),
- The Heritage Foundation of Haiti (LFHH),
- The Lawyers' Committee for the Respect of Individual Liberties (CARLI),
- The Toussaint Louverture Center for Human Rights (CTDH),
- The Association of Women Judges (AHFJ),
- The Association of Haitian Industries (ADIH),
- The Faculty of Law of the State University (FDSE), and
- The Civil Society Initiative (ISC)

Launch of the Coalition: Building on three years of increasing understanding of the stakes and underlying issues involved in justice reform, civil society has found strength in unity. The Coalition was launched in August 2004 to an audience of three hundred reform-minded individuals, civil society representatives, and the leadership of the country. The Coalition has now been acknowledged by many (including the Haitian

interim government, Haitian civil society, and international actors such as UNDP and the EU) as a key player in the justice reform arena.

Media Coverage: Many stakeholders followed the event through the broad media coverage on radio and television stations, newspapers and electronic media. News reports presented the Coalition as an opportunity and a victory for civil society coming together for justice and law reform in Haiti. Since then, Coalition members have been invited to discuss judicial independence and justice reform on several radio programs. The Haitian press has promised to support and cover the advocacy campaigns of the Coalition on law and justice reform.

Activities of the Coalition: Coalition members are determined to continue to demand judicial independence and encourage other organizations throughout Haiti to join the campaign for justice reform. Between the launch and the end of the project, the Coalition has accomplished the following:

- a. Building a support network of civil society in the provinces, complete with the creation of local coordinating committees;
- b. Initiating a dialogue with the Ministry of Justice on priority justice reforms; and
- c. Organizing workshops and participatory processes to reform targeted laws.

The first law tackled was the Law on the *Conseil supérieur de la magistrature* (CSM Law). With the information gathered from questionnaires answered by members and with best practice research, the Coalition organized a workshop in November 2004 to lay down the parameters of a reformed CSM. The Coalition also initiated a working relationship with the Minister of Justice who assigned two advisors to work with the Coalition on a joint draft law to reform the legal framework applicable to the CSM. The Coalition agreed to disseminate the document around the country for comments and recommendations before the presentation of a final version to the MOJ for adoption as law.

The Coalition intends to focus future activities on: (i) continued advocacy for judicial independence and justice reform; (ii) a collaborative dialogue and partnership for reform with the executive and judiciary and (iii) activities outside of Port-au-Prince to engage civil society in the provinces in the process. Continued advocacy for justice reform by the Coalition and its participation in future reform efforts will be one of the most important legacies of the Program. While the Coalition has already started advocating for priority reforms and for making justice reform a higher priority on Haiti's political agenda, there is a great need for continued support and advice to pursue the following goals:

- Strengthen and expand the network of CSO members;
- Deepen the partnership with the MOJ;
- Organize reform workshops on priority issues;
- Act on the conclusions of reform workshops;
- Launch a nationwide community-level dialogue on justice; and
- Build strong public support for draft laws emerging from the participatory process.

ANNEX 3:
Working Group Member Organizations

Legal Working Group

Civil Society Specialist: Me. Jacques Miguel Sanon

Senior Advisor: Me Bernard Gousse

1. Ordre des Avocats du Barreau de Port-au-Prince
2. Association Haïtienne des Femmes Juges, AHFJ
3. Faculté de Droit et des Sciences Economiques de UEH, FDSE
4. Amicale des Juristes
5. Académie de Formation et de Perfectionnement des Cadres, AFPEC
6. Ecole de la Magistrature, EMA
7. Association Nationale des Magistrats Haïtiens, ANAMAH
8. Fédération des Barreaux d'Haïti, FBH
9. Union des Jeunes Avocats Haitiens, UJAH
10. Cabinet de Consultation, de Formation et d'Assistance Légale (COFAL)

Business Sector Working Group

Civil Society Specialist: Me Jacques Miguel Sanon

Senior Advisor: Mrs. Guilaine Malbranche

1. Fondation Nouvelle Haïti, FNH
2. Chambre de Commerce et d'Industrie d'Haïti, CCIH
3. Association Développement Economique du Sud-Est, APDESE
4. Groupe Croissance
5. Réseau National d'Informations Economique,
6. Association des Industries d'Haïti, ADIH
7. Chambre Franco Haïtienne de Commerce
8. Association Touristique d'Haiti
9. Chambre Haitiano-Americaine de Commerce, AMHCHAM
10. Association des Assureurs d'Haiti, AAH
11. Ordre des Comptables Professionnels Agrées d'Haïti (OCPAH)

Media and Press Working Group

Civil Society Specialist: M. Jean Jacques Yvernso Descartes

Senior Advisor: Mrs. Edwidge Balutansky

1. Association des Journalistes Haïtiens, AJH,
2. Fédération Haïtienne de Presse, FPH
3. Association Nationale des Medias Haïtiens, ANMH
4. Syndicat National des Travailleurs de la Presse Haïtienne, SNTPH
5. Amicale des Femmes Haitiennes Journalistes- AMIFEHJ,
6. Centre Haïtien de Presse, CHP
7. Réseau d'Information Juridique et les Droits Humains (RIJDH)

8. Réseau des Journalistes Chroniqueurs Judiciaires Haitiens, RJCJH
9. Excel, Ecole de Journaliste

Human Rights and Education Working Group

Civil Society Specialist: M. Jean Jacques Yvernso Descartes

Senior Advisor: M. Marc Antoine Noel

1. Fédération des Etudiants Universitaires d'Haïti- FEUH
2. Centre Toussaint pour les Droits Humains la Démocratie et le Développement, CTDH
3. Centre de Recherche et de Formation Economique et Sociale pour le Développement, CRESFED
4. Confédération Nationale des Educateurs Haïtiens, CNEH
5. National Coalition for Haitian Rights, NCHR
6. Femmes en Démocratie, FD
7. Comité des Avocats pour le Respect des Libertés Individuelles, CARLI
8. Centre Œcuménique des Droits de l'Homme, CEDH
9. Haïti Solidarité Internationale, HSI
10. Initiative Citoyenne, IC
11. Organisation Générale Indépendante des Travailleurs Haitiens, OGITH
12. Académie Nationale de Plaidoirie, ACNAP
13. Réseau des Socio-professionnels et les Droits Humains, RESOSDH
14. Centre du Sud pour le Respect des Droits Humains (CSRDH)
15. Mouvement des Femmes Haïtiennes pour l'Education et le Développement, MOUFHED

**ANNEX 4:
Publications of the Constituency Building Project**

Over the course of the Constituency Building Project, IFES developed or sponsored a number of publications on issues related to the justice sector, judicial independence and judicial reform. In doing so, IFES helped build the capacity of Haitians to publish their own commentaries and manuals on Haitian law and judicial organization. The tables below present basic information for each publication, including the quarterly report in which more detail can be found (quarter and fiscal year). For more information, please contact Violaine Autheman at IFES (vautheman@ifes.org).

(1) Manuals

Title	Sponsor/Author	Date	Comments
International Law Instruments	FBH	Oct. 2003	Compilation of international law instruments on human rights for easy reference for legal practitioners and researchers
Investigative Journalism Manual	N/A	April 2004	Information and tools for journalists on how to report and investigate for reporting (Information in 3 rd quarterly report, FY 2004)
Constitutional Law Manual	Mme Mirlande Manigat	April 2004	First released as an introduction to Haitian constitutional law for journalist; reprinted as a constitutional law manual for all interested (Information in 3 rd quarterly report, FY 2004)
Criminal Law and Procedure Manual	Me René Julien	Nov. 2004	Overview of the basic principles and rules of Haitian criminal law and procedure (Information in 1 st quarterly report, FY 2005)
Introduction to Law Manual	Me Monferrier Dorval	Nov. 2004	Comprehensive overview of Haitian private, commercial and procedural law, including information on court structure and legal professions (Information in 1 st quarterly report, FY 2005)

(2) Assessments/Critical Analyses

Title	Sponsor/Author	Date	Comments
Judicial Independence in Haiti	Me Bernard Gousse	May 2002	Baseline study on the independence of the judiciary in Haiti (Information in 3 rd quarterly report, FY 2002)
Study on the School of Magistrates	Me Monferrier Dorval	April 2004	Assessment of the state of the school of magistrates; reprinted with recommendations stemming out of the release workshop at the request of the Minister of Justice (Information in 3 rd quarterly report, FY 2004)
State of the Judiciary Report (2002-2003)	Me Léon Saint Louis	June 2004	Assessment of the state of the Haitian judiciary in light of a set of core international principles (Information in 3 rd quarterly report, FY 2004)
State of Human Rights Report	Me Léon Saint Louis	Nov. 2004	Assessment of the state of human rights in Haiti, both prior and after the departure of President Aristide in February 2004, including a review of institutional responses (Information in 1 st quarterly report, FY 2005)

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Study on the Impact of Corruption	AHE	Nov. 2004	Survey of the impact of judicial corruption on the Haitian private sector (Information in 1 st quarterly report, FY 2005)
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(3) Ethical and Professional Standards

Title	Sponsor/Author	Date	Comments
Basic Texts for Lawyers	FBH	August 2003	Applicable regulations for the legal profession (including the 2002 Code of Ethics adopted by the FBH) (Information in 3 rd quarterly report, FY 2004)
Code of Ethics for Judges	ANAMAH	2004	Ethical rules and standards of professional conduct applicable to judges (Information in 2 nd quarterly report, FY 2004)

(4) Institutional Strengthening of Civil Society

Title	Sponsor/Author	Date (FY)	Comments
Revue de Droit et Economie	School of Law and Economic Sciences of the State University of Haiti	2004	First Haitian Law Review; analytical commentaries and articles by eminent professors, researchers and experts in law, justice reform and economy (Information in 3 rd quarterly report, FY 2004)

ANNEX 5:
Events of the Constituency Building Project

Over the course of the Constituency Building Project, IFES organized a number of workshops, conferences and roundtables in partnership with Haitian CSOs and governmental and international stakeholders on issues related to the justice sector, judicial independence and judicial reform. In doing so, IFES disseminated information on judicial independence and justice reform to a broad cross-section of Haitian society; built the capacity of Haitians to present their commentaries on justice issues in a critical manner and advocate for change; and created linkages within civil society and between public and private stakeholders. The tables below present basic information for each event, including the quarterly report in which more detail can be found (quarter and fiscal year). For more information, please contact Violaine Autheman at IFES (vautheman@ifes.org).

(1) Law Week Events

Title	Sponsor/Author	Date	Comments
Law Week	Bar Associations	May 2002	Culminated with the launch of the Federation of Haitian Bar Associations (FBH); discussion of human rights and key judicial reform issues (Information in 3 rd quarterly report, FY 2002)
Law Week Seminar, Jacmel		May 2003	Human rights, impunity, judicial independence, and the role of lawyers (Information in 3 rd quarterly report, FY 2003)
Law Week Seminar, Port-de-Paix		May 2003	"A week of human rights promotion"; extensive radio coverage (Information in 3 rd quarterly report, FY 2003)
Law Week Seminar, Port-au-Prince		May 2003	(Information in 3 rd quarterly report, FY 2003)
Law Week Seminar, Saint Marc		May 2003	(Information in 3 rd quarterly report, FY 2003)
Law Week Seminar, Gonaïves		May 2003	(Information in 3 rd quarterly report, FY 2003)

(2) Publication Release

Title	Sponsor/Author	Date	Comments
Conference on the Study on the School of Magistrates		April 2004	(Information in 3 rd quarterly report, FY 2004)
State of the Judiciary (SOJ), Les Cayes		June 2004	(Information in 3 rd quarterly report, FY 2004)
SOJ, Port-au-Prince		June 2004	(Information in 3 rd quarterly report, FY 2004)
SOJ, Gonaïves		June 2004	(Information in 3 rd quarterly report, FY 2004)
SOJ, Cap-Haïtien		July 2004	(Information in 4 th quarterly report, FY 2004)
Conference on the Study on the Impact of Corruption	AHE	Nov. 2004	(Information in 3 rd quarterly report, FY 2004)

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(3) Targeted Judicial Reform Seminars

Title	Sponsor/Author	Date	Comments
Conference on Judicial Reform	Fédération des Etudiants Universitaires d'Haïti	2003	"Another Haiti is possible" (Information in 3 rd quarterly report, FY 2003)
Freedom of the Press Conference	Association des Journalistes Haïtiens	June 2003	Celebration of the Latin American Press Day: "Freedom of the Press, Human Rights and Impunity in Haiti" (Information in 3 rd quarterly, FY 2003)
Colloquium on the Draft Laws Presented to Parliament	4 Working Groups	Aug. 2003	Critical analysis of draft laws relevant to the judiciary: i.e., laws on the <i>Conseil Supérieur de la Magistrature</i> ; on the status of the judiciary; and on the school of magistrates (Information in 3 rd quarterly report, FY 2003)
Human Rights Conference		Dec. 2003	Day-long workshop on human rights and impunity in Haiti, held on the anniversary of the Universal Declaration of Human Rights (Information in 1 st quarterly report, FY 2004)
Blueprint Meeting	4 Working Groups	May 2004	(Information in 3 rd quarterly report, FY 2004)
CSM Law Seminar	Coalition	Nov. 2004	(Information in 1 st quarterly report, FY 2005)

(4) Institutional Strengthening of Civil Society

Title	Sponsor/Author	Date	Comments
Human Rights Workshop	Inter-American Commission on Human Rights	2002 4 th Q	3-day workshop on human rights including training on the Inter-American system (Information in 4 th quarterly report, FY 2002)
Miami Conference	HRDF	Dec. 2002	(Information in 1 st quarterly report, FY 2003)
1 st Congress of the ANAMAH	ANAMAH	2003 2 nd Q	200 judges, prosecutors and representatives of the legal community (Information in 2 nd quarterly report, FY 2003)
Reflection Day on Impunity	CARLI	2003 2 nd	(Information in 2 nd quarterly report, FY 2003)
Haitian Judicial Conference in Louisiana	HRDF, Louisiana multiple partners	April 2003	(Information in 3 rd quarterly report, FY 2003)
Conflict Resolution Seminar in Cité Soleil	APFB	2003 3 rd Q	Training seminar in peaceful conflict resolution; timely addition to the work plan (Information in 3 rd quarterly report, FY 2003)
General Assembly of the FBH	FBH	Sept. 2003	Strengthen/decentralize the FBH and promote ethics; radio broadcast; adopt action plan (Information in 4 th quarterly report, FY 2003)
Judicial Ethics	ANAMAH	2004	Presentation of the ANAMAH Code of Ethics (Information in 2 nd quarterly report, FY 2004)
Coalition Roundtables	Coalition	July-Sept. 2004	Coalition representatives traveled to most major provincial towns in Haiti to meet with their local counterparts, present the Coalition and build support for a national-wide advocacy effort in favor of justice reform (Information in 4 th quarterly report, FY 2004)

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**ANNEX 6:
 Commodities Provided to Haitian Civil Society Organizations**

Recipient	Commodities	Date	Comments
RIJDH	Computers (2)	May 2003	Help journalists and groups of the network document and disseminate human rights information
FBH	Computers (2)	June 2003	
Bar Association of Saint Marc	Computers (2)	Summer 2003	Transferred to IFES from a closed USAID-funded project
Bar Association of Jacmel	Computers (2)	Summer 2003	Transferred to IFES from a closed USAID-funded project
CARLI	Computers, phones, printers, etc.	Oct. 2003	Set up of the Hotline
Ministry of Justice	Computers (2)	June 2004	
CARLI	A/C units	Nov. 2004	Close out commodity transfer
CTDH	A/C units	Nov. 2004	Close out commodity transfer
FBH	Computers, office furniture, phones, IFES publications, etc.	Nov. 2004	Close out commodity transfer
Coalition	Computers, office furniture, phones, IFES publications, etc.	Nov. 2004	Close out commodity transfer
IFES Victims of Violence Program	Computer, office furniture, fax machine, vehicle, IFES publications, etc.	Nov. 2004	Close out commodity transfer
University Kiskeya Law School	IFES publications	Nov. 2004	Close out commodity transfer
State University of Haiti Law School	IFES publications	Nov. 2004	Close out commodity transfer

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**ANNEX 7:
Sub-Grants and Financial Support to
Haitian Civil Society Organizations (Partial List)**

Recipient	Amount	Date	Comments
Journalists Workshop	5	Nov. 2002	Workshop on the functioning of the judiciary and justice reporting
RIDJH	2	Dec. 2002	Launch of the network
CARLI	3	Dec. 2002	
FBH	2	Dec. 2002	Meeting in Cap Haïtien
ANAMAH	4	Jan. 2003	Congress of the ANAMAH
Initiative Citoyenne	3	Feb. 2003	Cap Haïtien
CARLI	3	Feb. 2003	Conference on impunity
CTDH	1	March 2003	
Association pour la Promotion des Finissants du Baccalauréat	1	April 2003	Conflict resolution advocacy
Port-au-Prince Bar Association	4	May 2003	Activities funded include coalition building, advocacy campaigns and capacity strengthening for both the individual bar associations and the FBH.
Port-de-Paix Bar Association	3	May 2003	
Jacmel Bar Association	4	May 2003	
RESOSDH	1	May 2003	Launch of the network
AJH	3	June 2003	Consciousness raising on impunity; funding for a session on freedom of speech
Fédération des Etudiants Universitaires d'Haïti	2	June 2003	Annual meeting of the FEUH focused on human rights
CARLI	6	Aug. 2003 – July 2004	Sub grant for the operation of the Human Rights Hotline
FBH	4	Sept. 2003	General Assembly of the FBH
FBH	5	Aug. 2004	Website construction and distribution of publications to member bar associations
AHE	5	Sept-Nov. 2004	Surveys on judicial corruption

Ranges: \$0 to \$500 = 1
 \$501 to \$1,000 = 2
 \$1,001 to \$2,500 = 3
 \$2,501 to \$5,000 = 4
 \$5,001 to \$10,000 = 5
 \$10,001 and more = 6

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**ANNEX 8:
 Monitoring and Evaluation: Quarterly Outputs Tracking Table –
 Constituency Building for Justice Reform**

N/A = not available

PERFORMANCE INDICATOR	INDICATOR DEFINITION & UNIT OF MEASUREMENT	DATA SOURCE	LIFE OF PROJECT (LOP) RESULTS				
			This Quarter	Previous Total	TOTAL Year III	TOTAL LOP	LOP Target
Intermediate Result 1: CSOs with skills, information and tools needed to actively participate in the judicial reform process							
1. Number of training for CSOs & individuals on: a) judicial reform process b) management & implementation of judicial reform activities	<i>Definitions:</i> a) Judicial reform process = how the judiciary should operate, problems in Haitian system, independence of the judiciary & measures that need to be taken. b) management & implementation = how to manage & run a donor funded activity <i>Unit:</i> # of trainings for CSOs	IFES Staff & Senior Advisors	a) 2 b) 0	a) 0 b) 0	a) 11 b) 0	a) N/A b) 1	a) 5 b) 3
2. Number of CSOs provided with essential information on judicial reform process	<i>Definition:</i> Essential information = information needed to effectively lobby for judicial reform <i>Unit:</i> # of CSOs	IFES Staff & Senior Advisors	N/A	0	9	N/A	15

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PERFORMANCE INDICATOR	INDICATOR DEFINITION & UNIT OF MEASUREMENT	DATA SOURCE	LIFE OF PROJECT (LOP) RESULTS				
			This Quarter	Previous Total	TOTAL Year III	TOTAL LOP	LOP Target
Sub IR 1.1: Media more knowledgeable about judicial reform and are more skilful in their reporting on it							
1. Core group of journalists trained in and reporting on judicial sector	<i>Definition:</i> Professional journalists a) trained b) actively covering judicial sector <i>Unit:</i> # of individuals trained	IFES Staff	a) N/A b) N/A	a) 33 b) N/A	a) 33 b) N/A	a) 33 b) N/A	a) 30 b) 30
Intermediate Result 2: CSOs develop and implement strategic plans to advocate for judicial reform							
1. Number of working group meetings held on the design & implementation of the Group's strategic plans	<i>Definition:</i> Number of times each Working Group meets & discusses strategic plans <i>Unit:</i> # of meetings per group	IFES Staff	M: 0 HR: 0 PS: 0 L: 0	M: 0 HR: 0 PS: 0 L: 0	M: 2 HR: 3 PS: 0 L: 1	M: N/A HR: N/A PS: N/A L: N/A	M: 15 HR: 15 PS: 15 L: 15
Sub IR 2.1: State of justice in Haiti documented							
1. Databank of human rights violations & their investigations established & maintained	<i>Definition:</i> a) Establishment/functioning of Hotline b) Creation of databank c) Investigation reports entered into databank <i>Unit:</i> Individual components	IFES Staff	a) 0 b) 0 c) 0	a) 0 b) 0 c) 80	a) 1 b) 1 c) 574	a) 1 b) 1 c) 574	a) 1 b) 1 c) 200

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PERFORMANCE INDICATOR	INDICATOR DEFINITION & UNIT OF MEASUREMENT	DATA SOURCE	LIFE OF PROJECT (LOP) RESULTS				
			This Quarter	Previous Total	TOTAL Year III	TOTAL LOP	LOP Target
2. Annual State of Justice Report issued	<i>Definition:</i> Three volume set composed of: a) Status of Human Rights b) Status of the Judiciary c) Impact on Private Sector <i>Unit:</i> Individual Report	IFES Staff	a) 1 b) 0 c) 1	a) 0 b) 0 c) 0	a) 1 b) 1 c) 1	a)1 b)1 c)1	a)1 b)1 c)1
Sub Result 2.3: Proposals to improve justice sector, independence of the judiciary and its legal framework developed							
1. Number of specific proposals and/or recommendations completed	<i>Definition:</i> Written commentary and/or recommendations on: a) draft legislation b) functioning of judicial system c) judicial independence d) related issues <i>Unit:</i> # of different proposals/recommendations	Senior Advisors & IFES Staff	a) 1 b) 1 c) 1 d) 1	a) 0 b) 0 c) 0 d) 1	a) 1 b) 3 c) 1 d) 2	a) 4 b) 4 c) 6 d) 2	a) 5 b) 7 c) 10 d) 5

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PERFORMANCE INDICATOR	INDICATOR DEFINITION & UNIT OF MEASUREMENT	DATA SOURCE	LIFE OF PROJECT (LOP) RESULTS				
			This Quarter	Previous Total	TOTAL Year III	TOTAL LOP	LOP Target
IR3: Critical mass of CSOs coalesce around improving the justice sector							
1. Number of CSOs in each Working Group	<i>Definition:</i> CSOs who are active members of WGs <i>Unit:</i> #	IFES Staff	M: 9 HR: 15 PS: 11 L: 10	M: 8 HR: 22 PS: 15 L: 20			
2. Number of joint Working Group efforts	<i>Definition:</i> Joint efforts = where project events are sponsored by more than 1 WG or a WG events get substantial assistance/advice from 1 or more other WGs <i>Unit:</i> #	Senior Advisors & IFES Staff	2	3	10	N/A	15
SubIR3.1: Nationwide network of organizations/coalitions established and working on justice sector reform issues							
1. Number of events within Haiti with regional and international participation	<i>Definition:</i> Events = number of project sponsored events with: a) PAP participation b) Regional participation c) Diaspora/international participation International = Groups or individuals not resident in Haiti. <i>Unit:</i> # of events	Senior Advisors, IFES Staff	a) 2 b) 2 c) 2	a) 2 b) 9 c) 1	a) 12 b) 14 c) 10	a) N/A b) N/A c) N/A	a) N/A b) N/A c) N/A

ANNEX 8:
Support Letters

Letter from Me Bernard GOUSSE, MOJ
Letter from Mr. Gérard LATORTUE, Prime Minister
Letter from Me Rigaud DUPLAN, President, FBH



REPUBLIQUE D'HAÏTI

Le Ministre de la Justice et de la Sécurité Publique

N° *MJ-04/SM/0726*

Port-au-Prince, le200.....

TO WHOM IT MAY CONCERN

This is to acknowledge that IFES has been playing an instrumental role in putting together key sectors of the civil society for the formation of a coalition struggling for the independence of the judiciary. The Ministry of Justice considers that this coalition is an essential partner in drafting the legislation that will create and organize the judicial branch of government. Therefore the role of IFES in providing technical and logistical support to the coalition will continue to be critical.



Port-au-Prince, October 22, 2004

H. Gaudin



REPUBLIQUE D'HAÏTI

*Le Premier Ministre***A QUI DE DROIT**

Par la présente j'exprime mon total soutien au programme « *Civil Society for Justice and Legal Reform* » conduit par l'IFES en Haïti.

Pendant de trop longues années, le système judiciaire haïtien a été sous la domination du pouvoir exécutif. Mon gouvernement s'est engagé à changer cet état de fait et à tout mettre en œuvre pour garantir l'indépendance du pouvoir judiciaire.

L'initiative de l'IFES d'encourager une forte participation de la société civile dans le projet de Réforme du Droit et de la Justice constitue une garantie pour sa concrétisation. Le partenariat Public/Privé dans ce domaine et dans bien d'autres est un facteur déterminant pour la construction et le renforcement de la démocratie dans mon pays.

J'ai la conviction que le programme de l'IFES peut contribuer efficacement et effectivement à traduire dans les faits l'engagement de mon gouvernement en faveur de la Réforme du Droit et de la Justice. J'espère que cette institution trouvera les fonds nécessaires pour poursuivre ses actions positives en Haïti,

Port-au-Prince, le 10 novembre 2004


Gérard LATORTUE

**LE PRESIDENT DE LA FEDERATION
DES BARREAUX D'HAÏTI**

*Ordre des Avocats de Port-au-Prince
Palais de Justice, Rue Monseigneur Guilloux
Port-au-Prince Haïti W.I
Tél: 222-5274 Email: rigduplan2001@yahoo.com*

Port-au-Prince le 4 octobre 2004

Monsieur Alaaami ICYLLAH
Directeur de l'IFES
Rue Louverture – Pétion Ville

Monsieur le Directeur,

J'ai l'honneur d'accuser réception de votre lettre datée du 20 septembre écoulé, par laquelle vous m'avez informé que la Fondation Internationale pour les Systèmes Electoraux (IFES) a mis fin a ses activités en Haïti.

Prenant note de cette décision, Je voudrais, au nom de la FBH et en mon nom personnel, présenter des vives et sincères félicitations a vous-même, Monsieur le Directeur et à tout le personnel de votre Direction, pour l'intelligente collaboration offerte à la FBH depuis sa création, création à laquelle, l'IFES a participé et contribué efficacement.

Je suis personnellement très satisfait du précieux concours de l'IFES au Barreau de Port-au-Prince et à la FBH a l'occasion des manifestations académiques organisées durant les trois derniers exercices judiciaires, manifestations dont l'objectif primordial était d'obtenir que soient garantis effectivement le respect de l'indépendance de la magistrature, le respect des droits de la personne et des libertés fondamentales et que soit renforcé le système judiciaire haïtien par l'application de la loi au bénéfice des justiciables.

La Coalition Haïtienne Pour la Réforme du Droit et de la Justice mise sur pied récemment avec la collaboration de l'IFES, demeure un acquis pour la société civile qui y trouvera un cadre de réflexions et d'actions pour une vraie réforme de la justice dans le Pays.

Veillez agréer Monsieur le Directeur, l'assurance renouvelée de
mes sentiments les meilleurs.


Joseph Rigault DUPLAN
Président