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UNCLASSIFIED

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

CENTRAL AMERICA REGIONAL

PROJECT PAPER

REGIONAL ADMINISTRATION OF JUSTICE
(Amendment #1)

AID/LAC/P-317 &
AID/LAC/P-219

Project Number: 597-0002
596-0133

UNCLASSIFIED

AGENCY FOR INTERNATIONAL DEVELOPMENT

PROJECT DATA SHEET

1. TRANSACTION CODE

A = Add
 C = Change
 D = Delete

Amendment Number

1

DOCUMENT CODE

3

2. COUNTRY/ENTITY

Central America and the Caribbean

3. PROJECT NUMBER

597-0002

4. BUREAU/OFFICE

Latin America and the Caribbean

5. PROJECT TITLE (maximum 40 characters)

Regional Administration of Justice

6. PROJECT ASSISTANCE COMPLETION DATE (PACD)

MM DD YY
03 31 90

7. ESTIMATED DATE OF OBLIGATION

(Under 'B' below, enter 1, 2, 3, or 4)

A. Initial FY 86

B. Quarter 3

C. Final FY 89

8. COSTS (\$000 OR EQUIVALENT \$1 =)

A. FUNDING SOURCE	FIRST FY 85			LIFE OF PROJECT		
	B. FX	C. L/C	D. Total	E. FX	F. L/C	G. Total
AID Appropriated Total	10,000		10,000	2,270		2,270
(Grant)	(10,000)	()	(10,000)	(2,270)	()	(2,270)
(Loan)	()	()	()	()	()	()
Other U.S.						
1.						
2.						
Host Country						
Other Donor(s)						
TOTALS	10,000		10,000	2,270		2,270

9. SCHEDULE OF AID FUNDING (\$000)

A. APPRO- PRIATION	B. PRIMARY PURPOSE CODE	C. PRIMARY TECH. CODE		D. OBLIGATIONS TO DATE		E. AMOUNT APPROVED THIS ACTION		F. LIFE OF PROJECT	
		1. Grant	2. Loan	1. Grant	2. Loan	1. Grant	2. Loan	1. Grant	2. Loan
(1) ESF	901	980		10,000		2,270		12,270	
(2)									
(3)									
(4)									
TOTALS				10,000		2,270		12,270	

10. SECONDARY TECHNICAL CODES (maximum 6 codes of 3 positions each)

910

11. SECONDARY PURPOSE CODE

12. SPECIAL CONCERNS CODES (maximum 7 codes of 4 positions each)

A. Code

TNG

TECH

DEL

B. Amount

13. PROJECT PURPOSE (maximum 480 characters)

To strengthen regional and national institutions in order to provide services necessary for the improvement of administrative, technical, and legal performance of national justice systems with major emphasis on criminal justice system improvement.

14. SCHEDULED EVALUATIONS

Interim MM YY MM YY Final MM YY
06 87 12 89 11 2 89

15. SOURCE/ORIGIN OF GOODS AND SERVICES

000 941 Local Other (Specify)

16. AMENDMENTS/NATURE OF CHANGE PROPOSED (This is page 1 of a 14 page PP Amendment.)

The PP Amendment is to: (1) include Guatemala; (2) establish funding for a scholarship program; and (3) program additional funding for the Regional Administration of Justice Project (RAJP) Office in Costa Rica to handle the increased activities.

17. APPROVED BY

Signature

Thomas L. Geiger

Title

Director, LAC/AJDD

Date Signed

MM DD YY
05 01 86

18. DATE DOCUMENT RECEIVED IN AID/W, OR FOR AID/W DOCUMENTS, DATE OF DISTRIBUTION

MM DD YY

UNITED STATES INTERNATIONAL DEVELOPMENT COOPERATION AGENCY
AGENCY FOR INTERNATIONAL DEVELOPMENT
WASHINGTON, D C 20523

PROJECT AUTHORIZATION
(Amendment No. 1)

Name of Country: Central America and Caribbean Region
Name of Project: Regional Administration of Justice
Number of Project: 597-0002

1. Pursuant to Section 531 of the Foreign Assistance Act of 1961, as amended, the Regional Administration of Justice project for the Central America and Caribbean Region was authorized on March 20, 1985 ("the Authorization"). The Authorization is hereby amended as follows:

- a. The Project Number is changed from 596-0133 to 597-0002.
- b. Paragraph 1 is amended to read as follows:

Pursuant to Section 531 of the Foreign Assistance Act of 1961, as amended, I hereby authorize the Regional Administration of Justice project for the Central America and Caribbean Region, involving planned obligations of not to exceed Eleven Million Seven Hundred Sixty-Five Thousand United States Dollars (US\$11,765,000) in grant funds ("Grant") over a five (5) year period from the date of authorization, subject to the availability of funds in accordance with the A.I.D. OYB/allotment process, to help in financing foreign exchange and local currency costs for the project.

7

2. Except as expressly amended hereby, the Authorization remains in full force and effect.

Marcelo Bonth

Assistant Administrator
Bureau for Latin America
and the Caribbean

JUN 16 1986

Date

Clearances:

GC/LAC:GDavidson, Jr. <i>MLj</i>	Date	<i>6/4/86</i>
LAC/DR:TBrown <i>TB</i>	Date	<i>6/6/86</i>
LAC/DR:ILevy <i>IL</i>	Date	
LAC/CEN:OLustig <i>OL</i>	Date	<i>6/3</i>
AJDD:TGeiger <i>TG</i>	Date	<i>6/4</i>
LAC/CONT:TTotino <i>TT</i>	Date	<i>6/4/86</i>

MLj
GC/LAC:MRiedy/mr 0380B/5/2/86/ext. 79182

REGIONAL ADMINISTRATION OF JUSTICE
PP AMENDMENT

Table of Contents

	<u>Page</u>
INTRODUCTION	1
I. ORIGINAL PROJECT DESIGN	1
A. Goal and Purpose	1
B. Expected Outputs	1
C. Intended Impact	2
D. Inputs	2
E. Expected Rate of Progress	2
II. PROJECT STATUS AFTER SIX MONTHS OF OPERATION	2
A. Progress	2
B. Progress Constraints	3
III. PROJECT REPROGRAMMING	3
A. Guatemala Inclusion	3
B. ILANUD Regional Courses and Seminars Scholarships for South Americans	10
C. Regional Administration of Justice Office	13
D. Summary of Additional Funds Requested for Project Paper Amendment	14

ANNEXES

- I. Revised Logical Framework
- II. Detailed Budget
- III. Environmental Threshold Decision

PROJECT PAPER AMENDMENT

Regional Administration of Justice Project No. 597-0002

INTRODUCTION

This PP Amendment documents three reprogramming actions which will amplify the Regional Administration of Justice Project ("RAJP"). These are: (a) the addition of Guatemala to the RAJP activities as a participating country for all RAJP activities, (b) the addition of Colombia, Ecuador, Peru, Bolivia, Uruguay and Venezuela as participating countries in ILANUD regional training activities; and (c) provision of adequate funding for the Regional Administration of Justice Office in San Jose, Costa Rica.

I. ORIGINAL PROJECT DESIGN

A. Goal and Purposes

The Regional Administration of Justice Project is part of the U.S. government's continuing commitment to support the efforts of governments throughout the hemisphere to strengthen and invigorate democratic institutions. The implementation of democratic principles requires the peaceful and orderly resolution of disputes through a fair, independent, accessible and efficient system for the administration of justice.

The goal of this project is to foster the transformation of national justice systems in the region into systems based upon independent and strengthened judiciaries which will increase popular confidence in the fair and impartial application of law, and will support democratic institutions.

The purpose of this project is to strengthen regional and national institutions in order to provide services necessary for the improvement of administrative, technical and legal performance of national justice systems in the region with major emphasis on criminal justice system improvement. The project will support national initiatives now underway as well as assist in the stimulation and development of new initiatives.

B. Expected Outputs

While the outputs anticipated at the outset of this five year, six country project are necessarily educated estimates, based on implementation experience to date, the project managers believe that the bulk of the main elements projected should be achieved within the five years of the RAJP.

It is still too early in the implementation stage to re-evaluate this mix of outputs. Thus, the project paper's projections continue to reflect current expectations.

C. Intended Impact

The project aims to: (1) affect directly several hundred individuals involved in the justice systems of the region via training experiences; (2) affect court systems, their users and beneficiaries directly via improved statistical collection and use, provision of greater library resources, improved collection and compilation of legislation and jurisprudence, installation of better administrative practices, professionalization of judiciaries and achievement by participant countries of specific steps to full functional and financial independence for the judicial branch of government; (3) expand and upgrade ILANUD, the regional training, technical assistance and research institution for the administration of justice; (4) through five justice sector assessments, provide a well-considered basis for national planning and programming in the sector to participant countries; (5) through the ILANUD Extension Facility, provide funding or technical expertise to allow entities in each participant country to carry out several (up to 10) projects of their own design or choice, whose purpose and goals are compatible with those of the regional project.

D. Inputs

Current Project Financial Inputs (See Table No. 1)

E. Expected Rate of Progress

See next section.

II. PROJECT STATUS AFTER SIX MONTHS OF OPERATION

A. Progress

Given that substantive project activities began only in September of 1985, the achievements to date, particularly in the training area are satisfying (two three week long courses completed, with 45 participants benefitted, three more training events designed and to be completed by May 1, 1986, and another three training events in the planning states for completion by the end of 1986). Planning and design of all major advisory services components are underway with some ahead of and others behind anticipated rates or progress. The Extension Facility is in active relations with all current participant countries and projects have been submitted for funding from three of the five.

ILANUD has expanded its staff and completed an internal restructuring and administrative and project management reorganization and is working quite well at implementing the project. While certain internal functions and inter-unit relationships still do not always work dependably or consistently, the project manager and the Chief of the Technical Assistance party are generally satisfied with ILANUD's success in adapting to the significant new burdens and responsibilities.

B. Progress Constraints

The project agreement was executed in March 1985. ILANUD then had to comply with conditions precedent requiring the recruitment of a controller and accountant and installation of certain financial and administrative systems. AID/W had to complete the negotiation of a Cooperative Agreement with Florida International University to provide a technical assistance team for ILANUD and contract a project manager. These key personnel arrived in San Jose during July.

After project management activation, delays in identifying and hiring new personnel at ILANUD have slowed progress; nevertheless, a significant and constantly increasing activity level has been attained.

III. PROJECT REPROGRAMMING

A. Guatemala Inclusion

1. Rationale

At the time the project paper was written, the analysis therein of the problems facing the region was seen as fully applicable to Guatemala. Since the PP was written, Guatemala has continued its progress toward a fully functioning democratic system, with the most significant event being the successful holding of free and clean elections. The results restored civilian government after a hiatus of over thirty years.

The RAJP Project designers and the LAC Assistant Administrator anticipated that in the event of this outcome, Guatemala would be added to the project. (See PP at p. 1, p. 59).

The addition of Guatemala will allow AID to contribute to ILANUD's growing arsenal of instruments to the strengthening and democratization of key institutions of Guatemalan government. The RAJP can provide timely help to an extraordinary effort now being made by the country's newly elected officials to carry out numerous legislative initiatives

mandated under the new constitution aimed at the redesign of the nation's administration of justice.

Several preparatory visits including contacts at the presidential level by ILANUD, FIU and the Regional Administration of Justice Office (RAJO) have provided positive encouragement as well as a number of preliminary possibilities for eventual programming. Nevertheless, the combination of RAJO and ILANUD's own lesser familiarity with Guatemalan institutions and politics, legal system figures and justice system needs, the newness of the government and the extreme sensitivity among many there to U.S.-funded development assistance mandate a cautious approach.

2. Preliminary Assessment of Needs and Opportunities

a. The New Constitution and New Legislation

The new constitution establishes functional and financial independence of the judiciary, assigning 2% of the national budget for the purpose (Article 205). But to make judicial independence a fully functioning reality, enabling laws must be enacted. In fact, the new constitution directly requires, or strongly implies a need for, the passage of about seventy-nine new laws, according to an analysis by the Institute of Political and Social Sciences of the Universidad Rafael Landivar. As might be expected, a high number of these would be extremely important basic norms for Guatemalan society and will be debated seriously and at length. Many of the most important laws must be presented to congress or passed by certain dates.

Among the most important of these for the purposes of this project are:

i. Judicial Career Law. Article 209 establishes the judicial career and requires a law be passed covering this subject. It specifically provides that judicial appointment, promotions and ascensions will be by examination or competition, all presumably based upon criteria which would be set out in the law.

This law must be drafted by the Supreme Court and presented to congress six months after the court was sworn, i.e. by August 15, 1986.

ii. Civil Service Law of the Judicial Branch. The Constitution at Article 210 requires such a law to regulate the "labor relations" of judicial "funcionaries and employees." This law would also set legal standards for the separation, suspension, transfer, and retirement of Supreme

Court magistrates and other judges. This would appear to be due at the same time as the prior law.

iii. Law Indemnifying Prisoners or Suspects Whose Basic Rights are Infringed. Article 19 provides a right of anyone deprived of a series of rights or subjected to illegal treatment, punishment of conditions, to indemnification for damages. Among the rights are the right to contact a lawyer, a religious advisor, family members, doctors or a consular representative if a foreigner. The Constitution orders the State to "create and foment the conditions for the exact fulfillment" of this article. A law will be submitted to Congress.

iv. Law on Human Rights Commission and Human Rights Ombudsman. Congress is to appoint from its members a Human Rights Commission which will propose to Congress three candidates for the post of "Procurador de Derechos Humanos," apparently a Human Rights Ombudsman which Congress is to appoint to a five-year term as a Congressional Commissioner for the defense of the Human Rights guaranteed by the Constitution.

While the exact duties and jurisdiction of both the Commission and the Ombudsman remain to be defined by a law, Article 275 indicates a constitutional intention that this individual have dramatically wide powers. Among these are to investigate and file complaints against government administrative actions harmful to persons; investigate all complaints made to him by any person about a human rights violation; recommend privately or publicly to officials changes in objectionable administrative procedures; emit public censure for acts or behavior contrary to constitutional rights; and, file judicial or administrative actions.

Currently, the view is that the Ombudsman will not be named until the law is passed.

v. Laws of Amparo, Habeas Corpus and Constitutionality. These laws are provided for, with a particularly strong result in the case of an official who refuses to produce an illegally detained person before the ordering court. In such a case the official is judged to have committed the crime of kidnapping and proceeded against accordingly.

vi. Municipal Courts - Three Hundred New Judges. There are at present about 400 courts of various jurisdictional reach, of which about half are justices of the peace courts. Most of these jueces de paz are not lawyers.

A so-called "Transitory and Final Disposition" of the Constitution (Title VIII, Article 2) establishes that no municipal authority shall exercise judicial functions and provides that within two years from the effective date of the Constitution, municipal courts will be transferred from the municipal authorities to the judicial branch. Therefore, by January 14, 1988, new municipal judges must be named for the more than three hundred municipios. The same provision requires that the laws and other actions necessary to erect the new structure be completed within the same period.

So, to the current corps of untrained and often barely literate jueces de paz, there must be added in two years a group of municipal judges, also named and supervised by the Supreme Court

The seemingly progressive and logical provision, removing judicial functions from the alcaldes or mayors, who are elected officials, is in fact highly problematic. The new Constitution requires that all judges be lawyers, but his requisite may be changed by law for "minor judges," which municipal judges presumably would be. Currently, there are few lawyers among the alcaldes; however, alcaldes are local leaders who know the local language and customs and whose dispositions when sitting as judges are likely to be equitable, even though they lack legal training. In a country where seventy percent of the populace are Indians whose first language is not Spanish, the quality and equity of village and town level justice is of crucial import.

The Guatemalan Supreme Court and Congress have an enormous opportunity and a major challenge in effecting this change. What should be the qualifications of a person appointed municipal judge? Language proficiency and cultural sensitivity may be at least as important as legal training. As it is unlikely, and probably undesirable, that these new posts will all be filled by lawyers, the training and preparation of the persons appointed will be of pivotal importance to their reception by people accustomed previously to less formal proceedings before the alcalde.

The situation is complicated even more by another "Transitory and Final Disposition" (Title VIII, Article 9) mandating one year for Congress to pass a new Municipal Code, a preliminary Law of Regionalization and a Municipal Tax Code. These jurisdictional reorganizations and legal reforms would come before most of the new municipal courts and judges were in place.

Finally, one notes the further uncertainty injected by Article 259, which states:

"For the execution of their ordinances and the enforcement of their dispositions, the municipalities may create, in conformity with the law, a Court of Municipal Affairs and a police force according to their resources and needs, which will function under the direct order of the alcalde."

b. Other Areas of Possible Technical or Training Assistance

An ILANUD team consisting of Director Jorge Montero, Assistant to the Director Ronald Woodbridge, and Director of Extension Services, Ricardo Ulate, accompanied by AID Regional Administration of Justice Advisor Carl Cira visited Guatemala for several days in early January, meeting with Bar Association leaders, the outgoing and incoming Presidents of the Supreme Court, Law School Deans and Professors, and legislative leaders as well as USAID and Embassy personnel. The visit followed a December meeting in San Jose with President-elect Cerezo and the President of the new Congress. These meetings have produced strong Guatemalan interest in the RAJ Project and preliminary possibilities for exploration. Some of these follow.

i. Supreme Court - Bar Association Jurisprudence Automation

A project is underway to use the unused computer capacity of the Central Bank to provide a data base of summarized decisions of the Supreme Court and the Appellate Courts. ILANUD has discussed ways to aid in the context of the Legislation and Jurisprudence Compilation Project.

ii. Supreme Court - Request for Aid In Administrative Reorganization

ILANUD has had discussions with the new Supreme Court Secretary on this subject. A formal request for help is under study by the Extension Services and Technical Assistance staffs.

3. Guatemala Would Benefit from All Present ILANUD Region-Wide Technical Assistance Projects

a. Basic Law Libraries. As in other project countries, Guatemalan law libraries are woefully inadequate. While no survey has been done, this is clear from our interviews and observations to date. Although at least one of the private universities (Francisco Marroquin) has a reasonable collection, the Supreme Court library is mainly antique books occupying

about twenty antique cabinets in a small reading room. We were told that virtually none of the hundreds of courts have codes or basic treatises.

However, the Guatemalan judiciary does have a regularly issued publication which contains recent Supreme Court decisions and other information on the court system. This is published twice a year. ("La Gaceta de los Tribunales.") We are not aware of whether it is sent to all courts. Nevertheless, it cannot begin to fill the need for basic legal materials which judges can research for their decisions.

ILANUD will begin discussions leading to the donation of a basic law library, preferably to the Judicial Branch.

b. Legislation and Jurisprudence Compilation.

ILANUD now has developed a pilot plan for the systematic collection, compilation and dissemination of basic legal materials. Guatemala does not presently have such a system apart from the "Gaceta." New court officials have asked for information on ILANUD's efforts. Also, the automation project developers mentioned above have asked for technical assistance and to consult with ILANUD's work group.

c. Judicial Statistics. ILANUD and RAJO are not aware of what exists in this area in Guatemala. However, with the region's largest population and greatest number of courts and judges, it is likely some useful work can be done.

d. Administrative Strengthening of Judicial Branch. Guatemala already has sought assistance from ILANUD on this. Once the way is clear for project funding, a team will go to begin studying the problem.

e. Justice Sector Assessment. ILANUD and RAJO have discussed the approach of a sector assessment with key Guatemalans. There is receptivity to the general idea and certainly a significantly broader pool of national professionals with whom to work. Regional Administration of Justice Advisor has had discussions with one institution and is gathering resumes and examples of related work performed. Nevertheless, a Guatemala justice sector assessment will be uniquely challenging. However, since we have far less depth of knowledge here than elsewhere, it is a more important prerequisite to extensive programming efforts by ILANUD or AID.

4. Anticipated Project Activities - First Six Months

After signature of the Project Agreement

Amendment, ILANUD and RAJO/San Jose in close coordination with USAID/Guatemala will:

- continue basic preliminary research;
- examine current requests for assistance and begin to respond, as appropriate;
- lay groundwork and work toward establishment of a national commission;
- begin search for an appropriate Guatemalan to serve as Resident Coordinator; and
- determine appropriate structure and timing for sector assessment.

5. Funding Estimate to Incorporate Guatemala into All Activities of Regional Project

1. Training Activities	
a. Regional Level (Short-Term)	\$116,000
b. Seminars	59,200
c. University of Costa Rica Scholarship	72,000
d. Study Tours	<u>40,000</u>
Sub-Total	287,200
2. Advisory Services	
a. Basic Library	\$ 68,000
b. Judicial Statistics	22,850
c. Legislation and Jurisprudence	22,850
d. Court Administration	14,100
e. Miscellaneous Technical Assistance	<u>50,000</u>
Sub-Total	\$177,800
3. Extension Services	
a. Equipment and Supplies for Courts	\$ 50,000
b. Country-Specific Activity Support	100,000
c. Resident Coordinator	140,000
d. Coordination and Support for National Commission	60,000

e. ILANUD Project Research and Development	45,000
f. Sector Assessment	<u>250,000</u>
Sub-Total	\$645,000
4. Administrative Support, Travel	\$ <u>35,000</u>
Sub-Total	\$ 35,000
Total	\$1,145,000

B. ILANUD Regional Courses and Seminars - Scholarships
for South Americans

Congress has authorized the extension of the Administration of Justice Initiative to democratic nations of South America. An additional grant is being provided to ILANUD for the inclusion of participants from Bolivia, Colombia, Ecuador, Peru, Uruguay and Venezuela in its regional training courses and seminars. This will be an important and cost-effective way of integrating more of the hemisphere's judges, prosecutors and other justice system personnel into current civil code judicial reform and modernization efforts by exposing them to ILANUD experts and to one another's experiences.

1. Colombia

ILANUD has excellent relations and contacts there. Colombian judges and law professors have often served as instructors in the courses. The late President of the Supreme Court was scheduled to teach a section of the last ILANUD judges course and one of the current judges taught in the course for prosecutors held last September.

2. Peru

The high level of current Peruvian interest makes its inclusion very opportune. Last December, ILANUD signed an agreement with the Peruvian Minister of Justice providing for ILANUD technical assistance in several areas including training of corrections officials. The financing for such activities would be via the Government of Peru. Due to the current hold on Peru assistance, these funds will be reserved until AID/W receives advise of change in status.

From February 24-26, 1986 ILANUD received the special representative of the Minister for a working meeting covering the RAJ Project, the Panama and Costa Rica Sector Assessments and visits to "La Reforma," Costa Rica's model prison.

3. Ecuador

In September of last year, two Ecuadorian judges were nominated by the country's Supreme Court President to attend ILANUD's course for judges. The nominations were a week late, ILANUD had exhausted its non-RAJP funds for scholarships, and USAID/Ecuador lacked sufficient lead time from RAJO to assist from its funds.

Interest in legal reform continues high in Ecuador based on USAID/Ecuador information and on a recent trip by ILANUD's Director of Training, who met with the President of the Court, the Minister of Justice and the President of the Bar Association, as well as the USAID Director and Deputy Director.

4. Bolivia

Several Bolivians have come to ILANUD courses over the past ten years, but contacts have been sporadic with government officials and the judicial branch there, due to instability of past years.

5. Uruguay

This country, in the process of reconstruction of its democratic traditions, has occasionally been represented at ILANUD courses. Dr. Hector Gros Espiel, current Executive Director of the Inter-American Institute of Human Rights (in San Jose, Costa Rica) is a prominent Uruguayan jurist. He has undertaken to publicize the inclusion of that country among his colleagues and to assist ILANUD in making new contacts there.

6. Venezuela

The conventional wisdom is that Venezuela can (or should) pay for its own attendees at ILANUD courses. Several factors make a closer examination of that assumption advisable.

First, while there is undoubtedly a lot of money spent by the Government of Venezuela, very little of it has ever been spent on the courts. A recent trip by Emilia Gonzalez, ILANUD's Director of Training confirmed that conditions in the courts remain pretty much as described by a Washington Post report of November 16, 1984 (copy attached).

That report and descriptions by others depict a situation not markedly different from that in the Dominican Republic or Honduras.

Second, the abysmal conditions described as prevailing only a year ago cannot have changed much, despite the outcry and steps toward reform then underway. While ostensibly independent, the judiciary remains politicized and underfunded. All of its facilities belong to the Ministry of Government or are rented. The Judiciary Council, made up of the Minister of Justice, Minister of Government and representatives of the Supreme Court, names all judges, and politics continues to enter heavily. This body also passes on the judicial budget requests and training funds, never high, have been cut to the point that the judicial school barely functions.

Third, the same policy concerns that motivate AID's help to strengthen ILANUD's outreach support its view of Venezuela's appropriateness as a beneficiary. Those concerns make it as important for Venezuelans as for citizens of other Andean democracies to participate with other professionals of the region in learning modern approaches to attacking the conditions described.

Thus, we also will provide ILANUD with funds for Venezuelan scholarships. These will be limited and conditioned on early budgeting or counterpart funding by Venezuelan institutions.

7. Estimated Budget for South American Participation

This is based on an assumption of seven ILANUD training activities per year, these being three short courses (22 days each) and four seminars (one week maximum), all of which, for purposes of these calculations, would be held in San Jose.

Two persons per South American participant country would be invited to each event, or fourteen (14) per year per country. A total of fifty six (56) persons per country, two hundred twenty four persons (224) in all would be benefitted in the remaining four years of the project. Because the primary beneficiaries of this component will be South Americans, the funding for this training will be provided under the LAC Regional program, not the Central America Regional program.

There are other Latin American democratic countries besides those discussed above that are committed to

improving their justice systems and could benefit from sending lawyers and judges to ILANUD courses and seminars. Accordingly, ILANUD may from time to time request AID approval to add a Latin American democratic country to the list of countries eligible for scholarship assistance. Naturally, the LAC Bureau would review and approve or disapprove of any such requests as appropriate, and a notification or consultation with Congress would have to be completed as necessary. Funding for any such additions approved by the LAC Bureau would come from contingencies.

a. Colombia	\$ 67,100
b. Peru	38,400
c. Ecuador	78,100
d. Bolivia	78,300
e. Uruguay	117,500
f. Venezuela	<u>75,600</u>
Total	\$505,000

C. Regional Administration of Justice Office

The Regional Administration of Justice Office, located in San Jose, Costa Rica is a project funded unit. At present, it includes the Regional Administration of Justice Advisor, (RAJA) (USPSC) a Program Assistant (USPSC), a Financial Analyst (FN PSC), and one secretary (FN PSC). Through an oversight, the original project paper budget and program did not provide explicit funding for this unit. Thus, AID requested to ILANUD to permit AID to directly charge the grant for the operation of the support office attached to the AID Mission in Costa Rica. ILANUD approved this request and has provided \$243,514 for funding the present two year contract of Carl Cirra, the RAJA through July 9, 1987. ILANUD has also approved the use of \$295,000 to fund the remaining personnel costs plus equipment and supplies for the duration of the project.

The use of these funds for the support office has reduced the funding available for substantive project programming and ILANUD and USAID/Costa Rica would prefer that new funds be added for these expenses in the future. We recommend that an additional \$405,000 be provided to cover the contract cost of the RAJA for the period July 10, 1987 - July 10, 1990. As well, we recommend that an additional \$20,000 be provided to augment the funds for the remaining personnel and office expenses for the duration of the project.

The Regional Administration of Justice Office contract cost would rise from a yearly average of \$121,157 to about \$135,000. The anticipated increase would cover additional

17

travel expenses connected with project expansion to Guatemala and South America, and increased housing and schooling expenses at post.

The added office support funds would cover salary and benefit increases for support personnel, and other office supply and equipment related expenses.

1. Estimated Budget for Regional Administration Justice Office 1987-1990

a. Regional Administration of Justice Advisor	
Contract Costs (\$135,000 x 3)	\$405,000.00
b. Regional Administration of Justice Office, additional personnel and supply Costs	<u>20,000.00</u>
Total	\$425,000.00

D. Summary of Additional Funds Requested for Project Paper Amendment

1. Incorporation of Guatemala	\$1,145,000.00
2. ILANUD Scholarships for South Americans	505,000.00
3. Regional Administration of Justice Office	425,000.00
Contingencies	<u>195,000.00</u>
Total	\$2,270,000.00

- 1 -
 REVISED
 PROJECT DESIGN SUMMARY
 LOGICAL FRAMEWORK

NARRATIVE SUMMARY	OBJECTIVELY VERIFIABLE INDICATORS	MEANS OF VERIFICATION	ASSUMPTIONS
GOAL			
<p>To foster transformation of national justice systems into systems based upon independent and strengthened judiciaries which will command popular confidence in the fair and impartial application of law and support democratic institutions</p>	<ol style="list-style-type: none"> 1. Increase in public's confidence in the justice system. 2. Higher levels of judicial branch training and education 3. Judiciaries become progressively more independent from executive 	<ul style="list-style-type: none"> -Public opinion surveys -National statistics/periodic reports and evaluations -Periodic reports and evaluations 	<ul style="list-style-type: none"> -Political stability and political will to achieve independent judicial power. -Increased portion of national resources for justice systems.
PURPOSE			
<p>To strengthen regional and national institutions to provide services necessary for improvement of administrative, technical and legal performance of justice systems in the region</p>	<ol style="list-style-type: none"> 1. ILANUD capability to serve as regional resource of training and technical assistance upgraded 2. IHR capacity to serve as regional resource for human rights information, workshops and conferences upgraded 	<ul style="list-style-type: none"> -Periodic reports and evaluations -Periodic reports and evaluations 	<ul style="list-style-type: none"> -ILANUD will act quickly and efficiently to implement project. -National institutions and governments will continue to support and accept ILANUD regional role. -National institutions will devote sufficient human and material resources to address problems and use ILANUD resources.

NARRATIVE SUMMARY

OBJECTIVELY VERIFIABLE INDICATORS

MEANS OF VERIFICATION

ASSUMPTIONS

3. Supreme Courts control budget for court system

Periodic reports and evaluations

-Each country provides supportive policy framework.

4. Supreme Courts functioning effectively as administrators of national court systems

Periodic reports and evaluations

-Governments provide adequate resources from national budget.

OUTPUTS:

A. TRAINING

1. Regional workshops and seminars

-20 seminars/workshops developed, tested and improved
-572 national senior level judicial and bar association representatives trained

Periodic reports and evaluations

-Regional level training most appropriate for senior levels of justice system.

-Strong national commitments will allow judges' and prosecutors' workloads to be adjusted to permit participation.

2. Short Courses

-12 short course modules, developed, tested and improved
-474 national personnel trained

Periodic reports and evaluations

3. Study Tours

-54 national personnel complete study tours

Periodic reports and evaluations

-Study tours will be more appropriate for personnel with management functions than for others.

20

NARRATIVE SUMMARY	OBJECTIVELY VERIFIABLE INDICATORS	MEANS OF VERIFICATION	ASSUMPTIONS
<u>4. Undergraduate Program in Criminal Justice Administration</u>	-Recommendations produced on content and appropriate national or regional institution to conduct program	Periodic reports and evaluations	-A significant unmet demand exists for trained administrators in region's justice systems.
<u>5. University of Costa Rica Graduate Program</u>	-38 attorneys complete specialization in criminal or agrarian law under existing UCR graduate program	Periodic reports and evaluations	-Persons selected to attend should be oriented toward teaching and training in their own country. Preference should be accorded among applicants on that basis.
<u>6. Development of post graduate programs at National Autonomous University of Honduras</u>	-Graduate program to train faculty established at UNAH	Periodic reports and evaluations	-Regional project support will terminate upon award of degrees to first graduating class. Any subsequent funding needed would be justified under bilateral project.

B. ADVISORY SERVICES

1. Major Technical Assistance

a) Sector Assessments -studies undertaken under ILANUD coordination in six countries	- Six sector assessment reports completed within first two years project	Periodic reports and evaluations	-Sufficient qualified personnel available on a timely basis to work on sector assessments. -National governments provide support and cooperation to expedite process.
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21

NARRATIVE SUMMARY	OBJECTIVELY VERIFIABLE INDICATORS	MEANS OF VERIFICATION	ASSUMPTIONS
<u>b) Criminal Justice Statistics</u>	-Pilot projects developed in each participating country after ILANUD review of sector assessment -Improved national capacity to collect and use appropriate statistics in justice system management	Periodic reports and evaluations Periodic reports and evaluations	-National governments provide support and cooperation in design and implementation and devote sufficient budget to permit institutionalization of new systems.
<u>c) Reporting of Legislation and Jurisprudence</u>	-Model system for region developed, with automated data base, classification system, and method for inexpensive distribution of information -Workshops conducted in each country on model system -Implementation of model system in three countries in LOP	Periodic reports and evaluations	-Rapidly of model development depends on adaptability of Spain's new system. -National governments provide support and cooperation in project design. -National governments devote sufficient budget to achieve institutionalization of model system in their country.

22

NARRATIVE SUMMARY	OBJECTIVELY VERIFIABLE INDICATORS	MEANS OF VERIFICATION	ASSUMPTIONS
<u>d) Bibliographic Needs</u> -upgrading of law libraries in each country	-ILANUD develops basic core collection list for criminal justice and court administration -ILANUD and AID select central library in each country to receive core collection	Periodic reports and evaluations	-National systems are sufficiently alike to allow a uniform basic library to be useful. -National government or recipient institution commits to staffing and budget to maintain collection and agrees to make it available to justice sector.
<u>e) Data Base Information and Assistance</u> -establishment of relevant data bases at ILANUD available to regional users -provision of TA to countries to improve reporting of legislation and jurisprudence	-ILANUD develops central bibliographic data base and makes available to users in region -ILANUD compiles data base of experts available for TA services to Project activities	Periodic reports and evaluations	
<u>2. Country-Specific Technical Assistance</u> -TA responsive to national requests for specialized aid	- 54 technical assistance assignments carried out (average two weeks)	Periodic reports and evaluations	-National resources are insufficient or non-existent.
<u>3. Instructional Design/Materials and Training Development Assistance</u> -TA to national institutions for course/materials development	-Twelve TA assignments in course or materials design completed	Periodic reports and evaluations	-National resources are insufficient or non-existent.

25

NARRATIVE SUMMARY	OBJECTIVELY VERIFIABLE INDICATORS	MEANS OF VERIFICATION	ASSUMPTIONS
<u>C. INSTITUTIONAL DEVELOPMENT AND SUPPORT FOR ILANUD AND OTHER REGIONAL INSTITUTIONS</u>			
<u>1. Organizational development of ILANUD</u>	-ILANUD administrative structure reorganized to implement Project -New offices, divisions established and staffed, AID commodity assistance provided for start-up	Periodic reports and evaluations	-ILANUD is the chief vehicle for regional justice reform efforts. -ILANUD is fully committed to Project implementation. -ILANUD is capable of implementation with external TA.
<u>2. Long Term Advisors to ILANUD</u>	-Three full time senior advisors to ILANUD contracted -ILANUD staff trained in new functions	Periodic reports and evaluations	-Present ILANUD staff has insufficient experience and background to implement project fully.
<u>3. National Justice Commissions</u> -support for establishment via ILANUD	-Commissions established as permanent government organs in each country -Funding for staffs and periodic travel to ILANUD provided as necessary	Periodic reports and evaluations	-A national reform commission or equivalent body is necessary in each country to assure legitimacy of project and commitment of national government to reform.

24

NARRATIVE SUMMARY	OBJECTIVELY VERIFIABLE INDICATORS	MEANS OF VERIFICATION	ASSUMPTIONS
<u>4. Long-term Development Strategy for ILANUD</u>	-Formal long term strategic plan developed with assistance of Senior Advisors within one year -Contributions of continuing financial or other material support committed to by start of last year of Project	Periodic reports and evaluations	-Reform process will require at least ten years of consistent region-wide effort. -National governments will commit to ILANUD sufficient funding to continue Project initiated activities.
a) <u>Other Regional Institutions</u>	-Management analysis completed -Three new positions added and staffed (one accountant, one program planner, one publications/public relations specialist)	Periodic reports and evaluations	-Other relevant regional institutions must be strengthened and IHR will continue to focus on judicial independence and related issues regionally.
<u>D. EXTENSION FACILITY</u>	Six Resident Program Coordinators hired (one per participant country)	Periodic reports and evaluations	-Each AID mission will require a technically trained local hire person to effectively carry out project activities even absent a bilateral project.
-provides facilitation and/or funding for country-specific activities			
1. Resident Program Coordinators			

2

NARRATIVE SUMMARY	OBJECTIVELY VERIFIABLE INDICATORS	MEANS OF VERIFICATION	ASSUMPTIONS
<p>2. Country-specific Activity Funding</p> <p>-to permit each participating country to begin activities prior to development of bilateral programs</p>	<p>-Nineteen discrete national activities funded region-wide within thirty months to three years.</p> <p>-Possibilities include:</p> <ul style="list-style-type: none"> .Law reform studies .Administrative reform planning .personnel for national commissions .scholarships, study tours .training courses, workshops, seminars .aid to public defenders, law schools, and legal aid groups 	<p>Periodic reports and evaluations (It is not possible to identify precisely the mix of program requests which will be received by the Extension Facility Office)</p>	<p>-Countries are prepared to begin some activities immediately.</p> <p>-Funding for country-specific activities should be coordinated with ILANUD priorities.</p>
<p>3. Sector Assessment Funding</p>	<p>- Six sector assessments completed</p>	<p>Periodic reports and evaluations</p>	<p>-ILANUD should coordinate sector assessments after developing format.</p>
<p>4. Bilateral Project Design Funding and Support</p>	<p>-Bilateral Project Papers completed for each participant country as appropriate within 12 weeks after completion of sector assessments</p> <p>-TA in project design provided as requested</p>	<p>Periodic reports and evaluations</p>	<p>-Each participant country will present sufficient national level need to justify a bilateral project.</p>

2

NARRATIVE SUMMARY	OBJECTIVELY VERIFIABLE INDICATORS	MEANS OF VERIFICATION	ASSUMPTIONS
5. Assistance to National Justice Reform Commissions	Material aid and staff funding provided as necessary to legally constituted reform organ	Periodic reports and evaluations	-Some governments will require funding to allow effective operation of a Reform Commission.
6. Commodity Assistance -to assist individual countries on a modest basis prior to bilateral projects	-Commodity assistance funds provided to country-specific activities with demonstration value for project.	Periodic reports and evaluations	-Only minor support would be provided in absence of a full bilateral project.

PROJECT INPUTS	Original	Add-On	Total	% of Total Project Cost
1. Training	\$ 2,074,000	\$ 287,200 505,000	\$ 2,866,200	23.23
2. Advisory Services	1,814,300	177,800 425,000	2,417,100	19.73
3. Institutional Support	2,093,800	35,000	2,128,800	17.38
4. Extension Facility	2,218,500	645,000	2,863,500	23.38
5. Evaluations	300,000	-0-	300,000	2.45
6. Funds for U.S. Grants	500,000	-0-	500,000	4.08
7. Contingencies and Inflation	999,400	195,000	1,194,400	9.75
Total	\$10,000,000	2,270,000	\$ 12,270,000	100.00

Accounting records of AID/Costa Rica, ILANUD and AID/LAC.

Annex II

Detailed Budget (Additional)

I. The Addition of Guatemala

1. Training Activities

a. Region level short courses (per year)

- 20 scholarships at \$1,200 each \$24,000.00
- 20 round-trip air tickets
Guatemala/San Jose (\$250) 5,000.00

b. Seminars (based on four per year held
in San Jose)

- 20 airfares \$ 5,000.00
- 140 days per diem @ \$70 9,800.00

c. University of Costa Rica
post-graduate scholarships

- 2 per year @ \$9,000 each \$18,000.00

d. Study tours

- \$10,000 per year \$10,000.00

\$ 71,800.00

\$71,800 x 4 years

\$287,200.00 (1)

2. Advisory Services

a. Basic Library

- Materials (2 years) \$50,000.00
- Publications 10,000.00
- Honoraria (\$500 x 6) 3,000.00
- Communication 4,000.00
- Travel 1,000.00

\$ 68,000.00 (2)

28

b. Judicial Statistics

- Participation of two persons in regional workshop	\$ 1,300.00	
- Six round-trip airfares Guatemala/San Jose	1,500.00	
- Per diems Guatemala (\$45 days @ \$90)	4,050.00	
- Honoraria and Consultancies	6,000.00	
- Adaptation of Model to Guatemala	<u>10,000.00</u>	
		\$ 22,850.00 (3)

c. Legislation and Jurisprudence

- Need survey (six round-trips Guatemala/San Jose (45 days per diem at \$90)	\$ 1,500.00 4,050.00	
- Participation of two persons in Regional Workshop	1,300.00	
- Honoraria and Consultancies	6,000.00	
- Adaptation of Model to Guatemala	<u>10,000.00</u>	
		\$ 22,850.00 (4)

d. Court Administration

- Need survey (Six round-trip Guatemala/San Jose) (Two round-trip San Juan Puerto Rico/Guatemala (50 days per diem @ \$90)	\$ 1,500.00 800.00 4,500.00	
- Participation of two persons in Regional Workshop	1,300.00	
- Honoraria and Consultancies	<u>6,000.00</u>	
		\$ 14,100.00 (5)

e. Miscellaneous Technical Assistance Assignment	\$ 50,000.00 (6)
3. Extension Services	
a. Equipment and Supplies for Courts	\$ 50,000.00 (7)
b. Country Specific Activity Support (\$25,000 x 4)	\$100,000.00 (8)
c. Resident Coordinator (\$35,000 x 4)	\$140,000.00 (9)
d. Coordination and Support for National Commission (including a technical director)	\$ 60,000.00 (10)
e. Further ILANUD project research and development	\$ 45,000.00 (11)
f. Sector Assessment (to be added to FIU Cooperative Agreement)	\$250,000.00 (12)
4. Administrative Support	
a. Travel of Director, Department Supervisors and Project Technicians (5 persons x 2 trips x \$250) plus estimated per diems	\$ 35,000.00 (13)
Total	\$1,145,000.00

II. Scholarships for South America

a. Colombia

Airfares (\$399 x 14 x 4)	\$22,300.00	
Scholarship (courses) (2 x 3 x \$1,200 x 4)	\$28,800.00	
Scholarships (seminars) (2 x 4 x \$500 x 4)	<u>\$16,000.00</u>	
		\$67,100.00

b. Peru

Airfares (\$778 x 14 x 4)	\$43,600.00
Scholarships (courses) (2 x 3 x \$1,200 x 4)	\$28,800.00

b. Peru (continued)

Scholarships (seminars) (2 x 4 x \$500 x 4)	<u>\$16,000.00</u>	
		\$ 88,400.00

c. Ecuador

Airfares (\$595 x 14 x 4)	\$33,300.00	
Scholarships (courses) (2 x 3 x \$1,200 x 4)	\$28,800.00	
Scholarships (seminars) (2 x 4 x \$500 x 4)	\$16,000.00	
		\$ 78,100.00

d. Bolivia

Airfares (\$777 x 14 x 4)	\$43,500.00	
Scholarships (courses) (2 x 3 x \$1,200 x 4)	\$28,800.00	
Scholarships (seminars) (2 x 4 x \$500 x 4)	<u>\$16,000.00</u>	
		\$ 78,300.00

e. Uruguay

Airfares (\$1,229 x 14 x 4)	\$72,700.00	
Scholarships (courses) (2 x 3 x \$1,200 x 4)	\$28,800.00	
Scholarships (seminars) (2 x 4 x \$500 x 4)	<u>\$16,000.00</u>	
		\$117,500.00

f. Venezuela

Airfares (\$550 x 14 x 4)	\$30,800.00	
Scholarships (courses) (2 x 3 x \$1,200 x 4)	\$28,800.00	

f. Venezuela (continued)

(Scholarships (seminars)
(2 x 4 x \$500 x 4)

\$16,000.00

\$ 75,600.00

Total

\$505,000.00

III. Regional Administration of Justice Office 1987-1990

a. Regional Administration of Justice Advisor

Contract Costs (\$135,000 x 3) \$ 405,000.00

b. Regional Administration of Justice Office,
additional personnel and supply
costs

20,000.00

Total

\$ 425,000.00

IV. Summary of Additional Funds for Project Paper Amendment

a. Incorporation of Guatemala \$1,145,000.00

b. ILANUD Scholarships for South America 505,000.00

c. Regional Administration of Justice Office 425,000.00

Contingencies 195,000.00

\$2,270,000.00

ENVIRONMENTAL THRESHOLD DECISION

Project Location : Central America and the Dominican Republic

Project Title and Number : Regional Administration of Justice 597-0002

Funding : \$12,270,000

Life-of-Project : FY 86-89

IEE Prepared By : Thomas L. Geiger, Director
Office for Administration of
Justice and Democratic Development
USAID, Washington, D.C.

Recommended Threshold Decision : Categorical Exclusion

Bureau Threshold Decision : Concur with Recommendation

Comments : None

Copy to : IEE File

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

AGENCY FOR INTERNATIONAL DEVELOPMENT
WASHINGTON, D.C. 20523

LAC/DR-IEE-86-11

ENVIRONMENTAL THRESHOLD DECISION

Project Location : LAC Regional

Project Title : Regional Administration of Justice
and Number : 597-0J02

Funding : 12,270,000

Life of Project : 5 years

IEE Prepared by : Raouf Youseff
LAC/DR/CEN

Recommended Threshold Decision : Negative Determination

Bureau Threshold Decision : Co cur with Recommendation

Comments : None

Copy to : Thomas Geiger, Director
LAC/AJDD

Copy to : Lars Klassen, LAC/DR/CEN

Copy to : Raouf Youseff, LAC/DR/CEN

Copy to : IEE File

James S. Hester Date MAY - 2 1986

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

Environmental Impact ConsiderationIII. Project Data

Country:	LAC Regional
Project Title:	Regional Administration of Justice
Project Number:	597-0002
Life-of-Project	5 years

II. Project Description

The purpose of this project is to strengthen regional and national institutions to provide services necessary for improvement of the administrative, technical and legal performance of the justice systems in the region. The project is aimed at institution building and expansion of the cooperating agency, ILANUD, to increase its ability to act as a source of training, technical assistance and advisory services for national institutions in the region. Through ILANUD, the project will also provide direct assistance to national government and non-government justice sector activities aimed at improved human and institutional capacity in the field.

The project's long term goal is the development of justice systems based upon strong independent, judiciaries commanding popular confidence in their fairness and impartiality.

The AID contribution to this project over three years will be \$12,270,000.

III. Impact and Evaluation

Project resources will be used primarily for technical assistance, training and development of library collections and data bases to be made available region-wide.

Support for reform-oriented activities will place particular emphasis on those tending to promote judicial independence and upgrading of education and skill levels in the administration of criminal justice. None of the project activities will have adverse effects on the environment.

IV. Environmental Determination

The proposed project is not one which will have a significant environmental effect. In view of the nature of the project, a negative threshold determination is recommended.

Rats Gnaw Venezuelan Justice

Rush to Development Leaves Courts, Prisons in Last Century

By Jackson Diehl

Washington Post Foreign Service

CARACAS, Venezuela—The overcrowded prisons and their squalid conditions are mostly secluded from public view. Charges of judicial inefficiency, corruption and political cronyism are to most people here little more than a blur of headlines.

But any Venezuelan who visits the central criminal court building here cannot help but recognize the signs of crisis in the country's legal system. Judges, clerks and lawyers are packed into tiny work spaces bereft of modern equipment and swamped with chaotic piles of briefs and records.

The courthouse elevators are broken, the water sys-

tem only supplies the ground floor, and rats gnaw the evidence of forgotten cases. "You look at this and you begin to see what is happening," says Judge Luis Manuel Palis. "We don't have good facilities, we don't have good services, we don't have good procedures—and so we don't have a good record."

Caracas' courts are in fact only the most visible example of the mounting impediments to justice here. Despite 26 years of centrist rule by democratically elected governments and abundant oil riches, Venezuela has allowed its courts and prisons to deteriorate so greatly that some critics describe them as systematic abusers of human rights.

The roots of the trouble are common to much of

See VENEZUELA, E6, Col. 1

VENEZUELA From E4

Latin America. Years of neglect and underfunding have left Venezuelan judges with poor salaries and unmanageable case loads and led to severe overcrowding in deteriorating prisons. An anachronistic legal code has compounded delays and inefficiency.

While other governments can blame their problems on lack of resources, the ills of Venezuela's system are a particularly startling example of how its leadership has neglected basic institutions and services amid massive spending on revenues on development in the last decade.

Due to sometimes staggering

delays in trials, more than 75 percent of the 24,000 persons in national prisons never have been convicted of a crime. Many have been held for more than a year on sometimes minor criminal charges, and investigators have discovered cases of prisoners waiting up to 14 years for trial.

In the prisons, work and vocational programs and in some cases, basic health and sanitary services have collapsed under the pressure of crowding and budget cuts, and drug and influence trafficking reportedly are widespread.

Meanwhile, the recent dismissal by judges of several major political scandal cases has provoked a spate of publicity over alleged corruption

and political manipulation in the courts. "The corruption and bad administration has arrived at such a point that no one in Venezuela believes in justice anymore," said Rodolfo Schmidt, the editor of the newspaper *El Diario de Caracas*. "That is a real threat to the system."

Following weeks of editorial campaigning by *El Diario* and other media, the problems with justice have recently been seized by opposition parties as a major issue in a political off-year Congress. The committees have begun investigating the prisons and courts reform proposals have proliferated, and the nine-month-old government of President Jaime Lusinchi has taken action.

Justice Minister Jose Manzo Gonzalez has established a commission to reform the legal code, appropriated funds for new prisons and pressed for the appointment of new judges. "What is happening is that the judicial process is very slow," he said in an interview. "The number of judges is insufficient [and] we have to admit that we have corruption among a certain sector of judges. But we are taking action."

Both the need for major reform and the long official neglect of the legal system are amply evident in the criminal trial code, the first target of the government's initiative. Adopted in 1916 and virtually unmodified since then, judicial procedures are still modeled after a 19th

century Italian system long ago abandoned in Italy.

The archaic regulations subject even the most simple criminal cases to the preparation of lengthy written arguments by prosecutors, defense lawyers and judges and three separate stages of in-court action requiring up to 50 days in court.

When the time for sentencing finally arrives, judges cannot order prison terms of more than a year without first submitting the entire case to a higher judge—and another long delay.

"The trial code was meant for the rural country Venezuela was a century ago," said Manzo Gonzalez. "So the changes of the last years have made it completely inadequate."

The delays produced by this system have been multiplied by the shortage of courts and judges. Venezuela now has the same number of judges it had a decade ago, according to officials, although its population and crime rate have expanded rapidly. Caracas has only 23 criminal courts to serve a population of about 2.5 million, or about half the number necessary to meet standards set by the United Nations.

The result is that persons accused of crimes must wait between seven months and a year for the completion of their trials in the best of circumstances, and judicial authorities estimate that 10 percent

See VENEZUELA, E10, Col. 1

Accused Crowding Caracas Jails

VENEZUELA, From E6

of cases, or more than 60,000 per year, are put off even longer.

Since Venezuelan law provides for bail release before trial only to those accused of some minor offenses, thousands of suspects are forced to remain in state prisons for years at a time while awaiting trial, receiving the same treatment as those convicted of crimes.

"The fact is that a terrible injustice is being committed to thousands of people and their families," said Raul Este, a leftist congressman who recently toured Venezuela's prisons. Este said he found many cases of prisoners who had been waiting three to five years for the completion of their trials, and

one man who had been in prison 14 years without a sentence.

The current backlog of 18,000 unconvicted suspects has forced prison officials to cram many prisons to more than twice their capacity and place up to six persons in cells the size of small bedrooms. The national prison food budget now provides less than 50 cents a day to feed each inmate, and officials concede work and vocational programs nominally required by law long ago collapsed in many facilities.

Outside investigators also charge that the crowding and delays have produced a widespread system of influence trafficking and corruption in which prisoners or their families make payoffs for the best cell loca-

tions or to be transported to court on trial days.

"A lot of times, the authorities say they don't have enough means of transportation and don't take people to court," said Este. "So unless you pay, you can't get to court and your trial is delayed." His charges were confirmed by a criminal judge, who said there were often postponed when prisoners were not transported to trial courts.

While common cause thus languish in the courts, several charges involving corruption of government officials have recently been dismissed by judges after only cursory investigation, while other persons of influence have appeared to receive special dispensation.