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

PERU

PROJECT PAPER

ADMINISTRATION OF JUSTICE
AMENDMENT NUMBER 4

AID/LAC/P-753
CR-401

PROJECT NUMBER: 527-0303

UNCLASSIFIED

AGENCY FOR INTERNATIONAL DEVELOPMENT PROJECT DATA SHEET	1. TRANSACTION CODE <input type="checkbox"/> A = Add <input checked="" type="checkbox"/> C = Change <input type="checkbox"/> D = Delete	Amendment Number Four	DOCUMENT CODE 3
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2. COUNTRY/ENTITY PERU	9. PROJECT NUMBER 527-0303
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4. BUREAU/OFFICE LAC 05	5. PROJECT TITLE (maximum 40 characters) Administration of Justice
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6. PROJECT ASSISTANCE COMPLETION DATE (PACD) MM DD YY 1 2 3 1 9 3	7. ESTIMATED DATE OF OBLIGATION (Under "D" below, enter 1, 2, 3, or 4) A. Initial FY 86 B. Quarter 3 C. Final FY 92
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8. COSTS (\$000 OR EQUIVALENT \$1 =)						
A. FUNDING SOURCE	FIRST FY 86			LIFE OF PROJECT		
	B. FK	C. I/C	D. Total	E. FX	F. L/C	G. Total
AID Appropriated Total	150	850	1,000	1,577	2,433	4,010
(Grant)	(150)	(850)	(1,000)	(1,577)	(2,433)	(4,010)
(Loan)	()	()	()	()	()	()
Other U.S.	1.					
	2.					
Host Country		1,000	1,000		2,500	2,500
Other Donor(s)						
TOTALS	150	1,850	2,000	1,577	4,933	6,510

9. SCHEDULE OF AID FUNDING (\$000)									
A. APPROPRIATION	B. ACTIVITY CODE	C. ACTIVITY 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)	DILG			2,850		1,160		4,010	
(2)									
(3)									
(4)									
TOTALS				2,850		1,160		4,010	

10. SECONDARY TECHNICAL CODES (maximum 6 codes of 3 positions each)	11. SECONDARY ACTIVITY CODES
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12. SPECIAL INTEREST CODES (maximum 7 codes of 4 positions each)							
A. Code	CIT	NAR	SPR	PBL	PVX	WDP	TIC
B. Amount	4,010	4,010	1,905	2,586	802	1,504	2,286

13. PROJECT PURPOSE (maximum 480 characters) <div style="border: 1px solid black; padding: 10px; margin-top: 10px;"> <p>The purpose of the project is to support the GOP in developing programs to improve administrative, technical and legal performance of the principal institutions within Peru's judicial sector with particular, but not exclusive, emphasis on the area of criminal justice.</p> </div>

14. SCHEDULED EVALUATIONS Interim MM YY MM YY Final MM YY 0 6 9 0 1 0 9 3	15. SOURCE/ORIGIN OF GOODS AND SERVICES <input checked="" type="checkbox"/> 000 <input type="checkbox"/> 941 <input checked="" type="checkbox"/> Local <input type="checkbox"/> Other (Specify)
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16. AMENDMENTS/NATURE OF CHANGE PROPOSED (This is page 1 of a 17 page PP Amendment) Controller Methods of Financing Clearance: INegrón: CONT	The purpose of the amendment is to extend the PACD to 12/31/93 and to increase the LOP funding by \$1,160,000 to a total of \$4,010,000.
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17. APPROVED	Signature Craig G. Buck	18. DATE DOCUMENT RECEIVED IN AID/W, OR FOR AID/W DOCUMENTS, DATE OF DISTRIBUTION
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PROJECT AUTHORIZATION
AMENDMENT FOUR

Name of Country: Peru
Name of Project: Administration of Justice
Number of Project: 527-0303

A. Pursuant to Section 534 of the Foreign Assistance Act of 1961, as amended, the Administration of Justice Project for Peru was authorized on June 24, 1986 and amended on August 31, 1987, August 26, 1988, and September 27, 1991 (as amended, the "Authorization"). The Authorization is hereby amended as follows:

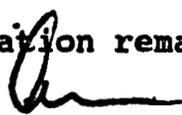
1. Section 1 of the Authorization is deleted in its entirety and the following is substituted in lieu thereof:

"1. Pursuant to Section 534 of the Foreign Assistance Act of 1961, as amended, I hereby authorize the Administration of Justice Project ("Project") for Peru, involving planned obligations of not to exceed Four Million and Ten Thousand United States Dollars (US\$4,010,000) in grant funds ("Grant") over a seven 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. The planned life of the Project is ninety months from the date of initial obligation."

B. Section C, Special Covenants, of the Authorization is hereby amended to require that:

"Within sixty (60) days of the signing of the Grant Amendment, each of the three Grantee Agencies will, except as the parties may otherwise agree in writing, furnish in form and substance satisfactory to AID, a Work Plan, including a budget and timetable, that incorporates all planned Project activities for the remainder of the Project."

C. Except as modified herein, the Authorization remains in full force and effect.



Craig G. Buck
Mission Director
USAID/Peru

Clearances:

HR/DDD:EHouston (ID) _____

HR:SNorton  _____

PDP:EKerst (ID) _____

CONT:INegrón (ID) _____

RLA:JBorns (ID) _____

Date: 9/29/92

REVISED ACTION PLAN

ADMINISTRATION OF JUSTICE (AOJ) PROJECT (527-0303)

A. Problems in Original Project Design & Implementation

The Administration of Justice Project, as it was originally designed in 1986, has been cumbersome and inefficient. However, the Project has made progress in the area of judicial reform, although not at the pace anticipated or desired.

The original AOJ project design, with 23 subprojects and 9 project components was, from the beginning, extremely difficult to manage, monitor, or even understand. Project amendments to date have cut back the number of subprojects to 21. In practice, however, Project coordinators in USAID and the GOP have simplified the Project design still further; since 1990, only seven of the existing 21 subprojects have been funded.

The present reprogramming will eliminate all 21 subprojects and create, in their place, four activities that are entirely consistent with the four major project components (see Table II).

The AOJ Project was designed to work through three GOP institutions: the Judicial Branch, Public Ministry and the Ministry of Justice. This was deemed necessary in the initial design, but hampered implementation from the beginning. From the Project's inception, slow judicial sector decision-making translated into slow AOJ Project implementation, as the expenditure of all grant funds required GOP signature of each Project Implementation Order (PIO). Fearful of criticism from their institutional colleagues, most GOP authorities were reluctant to sign documents authorizing the expenditure of grant funds. Hence, USAID project officers had to devote much time to consensus-building, and often personally carry documents around the ministries for signature.

This was further complicated by constant changes in personnel within the three recipient institutions. For example, a new Supreme Court president is named annually; the Attorney General serves a two-year term; while Ministers of Justice, who serve at the pleasure of the President, typically change even more often. Each new GOP authority normally changed all subordinate project officials, thus eliminating any institutional memory of Project activities and procedures.

In addition, major dollar-funded activities were typically on hold for several months following each January 1, awaiting the approval of annual operating plans for the three GOP entities (this year, as of April 5, only one had even been submitted). These normal annual delays were further complicated in 1992 by a new

Judicial Branch Organic Law, effective January 1, in which a new Governing Council was created for the Judiciary. Adaptation to this new governmental mechanism further slowed the already-sluggish decision-making process within the Judiciary.

The hiatus in Project activities following April 5 has afforded the Mission an opportunity to rethink the original Project design, with an eye toward improving the level of Project implementation through the correction of the problems outlined above. The post-April 5 "Government of Emergency and National Reconstruction" has made the reform of the judicial sector a national priority, and thus it is also appropriate that the AOJ Project revise its program of activities to be in conformity with the GOP's vision of judicial reform. Learning from past mistakes, the reprogrammed activities are not designed to be all-encompassing, but rather to be well-focused on the achievement of specific goals.

B. Reprogrammed AOJ Activities

The activities described below, to be developed within this Revised Action Plan and reflected in the forthcoming Grant Agreement amendment, are consistent with four of the five major Project components. These, as outlined in the 1987 AOJ Project Paper and the 1988 Project Paper supplement, are entitled "Training and Professional Development," "Planning and Modernization of Procedures," "Basic Equipment," and "Outreach." (The fifth major component, "Organizational," is no longer relevant following the demise of the National Commission and the Coordinating Office. A.I.D.'s assumption of AOJ project implementation responsibilities have, furthermore, received the verbal approval of GOP officials in the Judicial Branch and the Public Ministry.

This Revised AOJ Action Plan is also fully consistent with the project goal, "to encourage strong democratic institutions that reinforce economic freedom," as well as the project purpose, to "support the GOP in developing programs to improve administrative, technical and legal performance of the principal institutions within Peru's judicial sector, with particular, but not exclusive, emphasis on the area of criminal justice." It is also compatible with the activities envisioned in the Judicial Strengthening (JUST) Project, currently under design as a follow-on project to AOJ. Utilizing existing and proposed new funds (complemented by FY91 PL-480 counterpart funds), the four activities described below address many of the design and initial implementation necessities of activities that will be fully implemented under the JUST Project. Thus, while specific aspects of these activities will be completed during the one-year AOJ Project extension, others lay the initial groundwork for the commencement of the JUST Project during 1993.

The activities that will be developed are as follows:

- 1) **Design and initial implementation of a special prosecutorial system for terrorism and narcotics cases.**

USAID will finance the following, with approximately \$380,000 in grant funds, in order to assist the GOP in the establishment of a pilot civilian court to try terrorist crimes: 1) technical assistance, begun with resources external to the AOJ Project, to design new organizational structures and procedures required by the judges, prosecutors and police personnel within the special prosecutorial system, 2) informational visits to Colombia by Peruvian authorities and technicians to view the "faceless judge" Public Order courts that have recently been developed with USAID assistance, 3) specialized technical assistance in security matters, such as courtroom design, the use of voice distortion equipment and two-way mirrors, 4) training for designated personnel in special court procedures, and 5) the purchase of computer and other office equipment that will contribute to having an effective pilot court in Lima operational by the end of 1993. (see part D, "Budget," below).

- 2) **An implementation plan for the new criminal accusatorial system and the initiation of a training program for judges and prosecutors.**

With approximately \$380,000 in grant funds, USAID will help design an implementation plan to accommodate the myriad adjustments that will be required of the judicial sector in order to respond to the new accusatorial criminal system created under the new code of criminal procedures. The implementation plan will include:

- a) organizational requirements (new personnel roles, institutional structures, financial arrangements, inter-institutional coordination procedures, etc.)
- b) physical needs assessment (proposals for a new administrative and physical organization in the Courts, equipment and material requirements, etc.)
- c) design and development of a training program for judges and prosecutors with emphasis in areas such as criminal investigation, criminal procedures, oral interrogation, training for public defenders, and ethics.

USAID will then finance the initiation of a major training program to orient judges, prosecutors, and police in their new functions. The ICITAP training program in criminal investigation will provide a major contribution to this training program. The AOJ Project also will finance the printing and distribution of essential documents, including the criminal codes and a step-by-step criminal procedures manual for

prosecutors, judges, and police. This procedures manual is to be developed with the technical assistance of ICITAP, which will also provide six courses in criminal investigation techniques to personnel from the three mentioned institutions. Additionally, the Project will finance the initial application of new procedures to a standardized case-tracking system. Full-scale implementation will take place under the follow-on JUST Project.

3) Rationalization of the administrative capacity of the Judicial Branch

Approximately \$200,000 in grant funds will be allocated to assist the GOP improve the administration of the Judicial Branch. USAID will finance the development of an Administrative Management Bureau with a capability to guide as well as to provide technical assistance to the administrative apparatus of the Judicial Branch. This Bureau will direct the reform of administrative procedures and the technical training of personnel, as well as elaborate plans that identify and prioritize problem areas and match these with existing human, financial, and logistical resources, while utilizing modern techniques of budget management, financial control, and the administration of personnel.

4) Short-term technical assistance for the development of policy options

Approximately \$150,000 in grant funds will be used to provide short-term technical assistance from Peruvian as well as foreign experts in order to help the judicial sector plan overall reform measures and to analyze immediate policy options. The experts will examine key issues -- such as the decentralization of the Lima courts, the creation of a system for the provision of defense attorneys to the poor, rehabilitation of ex-prisoners, and public education in pertinent aspects of the judicial process -- and recommend action-oriented programs for carrying them out.

5) Evaluation/Audit

Approximately \$81,000 in grant funds will be used to conduct a final Project evaluation and a final audit.

6) Administrative Support Costs

Approximately \$162,000 in grant funds will be used to contract one Project Coordinator, one Project Advisor, one Project Secretary, and related support costs.

C. Implementation Arrangements

Implementation will be conducted by USAID project managers in close collaboration with judiciary counterparts. In coordination with DDD, EXO and RCO/Quito will contract specialized international and local institutions for each activity. At this time, project managers foresee implementation arrangements for specific activities as follows: activity #1 (all of the following "activities" are within accounting element #X) will be implemented through a contract with the Instituto SER de Investigación in Colombia and a contract for US technical assistance and the purchase of equipment; activity #2 will be implemented through a cooperative agreement with Catholic University of Lima and through a buy-in to the contract between AID/W/LAC/DI and the National Center for State Courts and a contract for the purchase of equipment; activity #3 will be implemented through a contract with the Escuela Superior de Administración de Negocios (E.S.A.N.), while activity #4 will be implemented through individual purchase orders. Accounting element #VI will be implemented through contracts, while element #VII will be implemented through individual Personal Services Contracts (See Tables II and III).

Subsequent to the signing of the Grant Agreement Amendment, individual PILs will be issued, as necessary, to specify in greater detail certain aspects of the above proposed implementation arrangements.

The following timetable lists tentative dates for the implementation of this Action Plan:

<u>Task</u>	<u>Date</u>
1) Approval of Action Memo-cum-PP Supplement and Project Authorization Amendment	September 1992
2) Signing of Grant Agreement Amendment for Additional Funding and Revision of Project Description	September 1992
3) Drafting and Processing of PIO/Ts for the Contracts and C.A.s	October 1992
4) Contracting of Implementing Entities	November 1992
5) Complete Technical Assistance for the Design of a Special Prosecutorial System for Terrorism	December 1992
6) Complete Design of Rationalized Administrative Body in the Judicial Branch	January 1993

- | | | |
|-----|--|---------------|
| 7) | Complete Design of Plan for new Accusatorial System | February 1993 |
| 8) | Complete Development of Application of #6 (above) | July 1993 |
| 9) | Complete Technical Assistance for the Implementation of a Special Prosecutorial System for Terrorism | October 1993 |
| 10) | Completion of the Training Program for #7 (above) | December 1993 |

D. Budget

Project resources will be allocated among planned activities - using \$693,000 in previously obligated funds and \$660,000 to be obligated with Grant Agreement Amendment Number Four -- as follows:

	<u>TOTALS</u> (\$000)
1) To design and begin implementation of a special prosecutorial system for terrorism and narcotics cases	380
(a) Technical assistance	150
(b) Training and Observational Visits	50
(c) Equipment	180
2) To develop an implementation plan for the new Criminal Accusatorial System and initiate a training program for judges and prosecutors	380
(a) Technical assistance	100
(b) Training	150
(c) Equipment	130
3) To reorganize the administrative organ of the Judicial Branch	200
(a) Technical assistance	100
(b) Manuals, training, etc.	100
4) T.A. to develop policy options	150
5) Evaluation/Audit	81
6) Administrative support costs	162
GRAND TOTAL:	<hr/> \$1,353

TABLE I**STATUS OF CP'S AND COVENANTS - SEPTEMBER 1992
ADMINISTRATION OF JUSTICE PROJECT (527-0303)**

CONDITIONS PRECEDENT	DOCUMENT CONFIRMING STATUS	ORIGIN (STATUS)
8.A.1. NAT. COMMISSION	PIL05(02/02/87)	ORIG. GRANT AGREEMENT
2. COORDINAT. OFFICE	PIL16(05/20/87) PIL05(02/02/87) PIL47(07/26/88) PIL95(03/27/91)	DITTO (CLOSED)
3. AGENCY COORDINATOR	PM:PIL27(11/04/87) JB:PIL34(04/07/88) MOJ:PIL46(07/22/88)	DITTO
8.B.FINANCIAL/WORK PLANS COORDINATING OFFICE	PIL03(12/31/86) PIL29(01/14/88)	AMENDMENT 1
8.C.(FOR EACH SUBPROJECT)		
1. SUPERVISORS NAMED	PM:PIL38(04/26/88) MOJ:PIL46(07/22/88) JB:PIL34(04/07/88)	ORIG. GRANT AGREEMENT
2. MANAGMT.SYSTEM AND	JB:PIL04(01/27/87) MOJ:PIL07(02/06/87)	DITTO
3. '86-'87 PLANS	PM:PIL06,09(03/24/87) COMMON SUBPROJECTS: PIL19,20(08/13/87)	
8.D.POST 1987 PLANS AND BUDGETS	PM:PIL31(04/07/88) MOJ:PIL32(04/07/88) JB:PIL33(04/07/88)	AMENDMENT 1
COVENANTS		
9.A.PROJECT EVALUATION	PIL103(05/31/91) CHECCI EVALUATION PRICE WATERHOUSE AUDIT	AMENDMENT 2 (SATISFIED) (ON TRACK)
9.B.JUDICIAL CAREER	JUDICIAL BRANCH ORGANIC LAW-LEG. DECREE No.767(12/04/91)	ORIG. GRANT AGREEMENT (SATISFIED)
9.C.ORGANIZATIONAL STRUCT	PIL95(03/27/91)	AMENDMENT 1 (SATISFIED)
9.D.GRANTEE'S INVENTORY	PUBLIC ADMINISTRATION INVENTORY RULES	AMENDMENT 1 (SATISFIED)

TABLE II

**ADMINISTRATION OF JUSTICE PROJECT
INSTITUTIONAL SUBPROJECTS (COLUMNS I-IV)
AND REPROGRAMMED ACTIVITIES (COLUMN X)**

Accounting Elements Project Components	I JUDICIAL POWER	II PUBLIC MINISTRY	III MINISTRY OF JUSTICE	IV COMMON SUB PROJECTS	X JUDICIAL SUPPORT - AID
II. Training & Professional Development	Judicial Academy	Public Min. Academy		Special Training	.Special Courts .Accusatorial System
III. Planning	Judicial Research Center	Planning	.Planning .Center for Legal Research and Documentation	.Sector Assessment .Specific Assessment .Crime Prevention	.Special Courts .Accusatorial System .Policy Options Researches .Administrative Rationalizat.
IV. Equipment	Goods & Services	Goods & Services	Goods & Services		Special Courts
V. Outreach	Publications	.Publications .Public Defender	.Legal Info Offices .Training .Legislative Outreach .Aid to Victims		Accusatorial System

Project Components and Accounting Elements not included in Matrix

COMPONENTS

- I. Organization
- VI. Evaluation
- VII. Administrative Costs
- VIII. Contingencies
- IX. Long-term training

ELEMENTS

- V. Coordinating Office
- VI. Evaluation and Audit
- VII. Administrative Support Costs
- VIII. Miscellaneous
- IX. Training in U.S. and Third Countries

TABLE III**METHODS OF IMPLEMENTATION AND FINANCING**

<u>INPUTS</u>	<u>METHODS OF IMPLEMENTATION</u>	<u>METHODS OF FINANCING</u>	<u>FX LC</u>	<u>AMOUNT US\$</u>
VI. Evaluation/Audit	Contract (PIO/T)	Direct Payment	FX	<u>81,000</u>
VII. Administrative Support Costs -Project Coord./ Advisor and Secretary	PSC(PIO/Ts)	Direct Payment	LC	<u>162,000</u>
X. Judicial Techn. Support - AID a) Special Prosecutorial System			FX	<u>380,000</u>
- Instit. SER (Colombia)	Contract (PIO/T)	Direct Payment	FX	150,000
- US Tech. Asst.	Contract (PIO/T)	Direct Payment	FX	50,000
- Equip. Purch.	Purchase Order (PIO/C)	Direct Payment	FX	180,000
b) Accusatorial System				<u>880,000</u>
- Local Training	Cooperative Agreement	Periodic Advance	LC	150,000
- US Tech. Asst.	Contract Buy-in (PIO/T)	Direct Payment	FX	100,000
- Equip. Purch.	Purchase Order (PIO/C)	Direct Payment	FX	130,000
- ICITAP(*)	Contract (PIO/T)	Allotment transfer (AID/W)	FX	500,000
c) Administrative Rationalization				
- Local T.A.	Contract (PIO/T)	Direct Payment	LC	<u>200,000</u>
d) Policy Options				
- Local and External T.A.	Contracts (PIO/Ts)	Direct Payment	LC	<u>150,000</u>
Total Grant estimated funding				<u>1,853,000</u>

(*) Funds obligated outside the Limited Scope Grant Project Agreement, to be managed directed by AID/W.