



**USAID – BOLIVIA ADMINISTRATION OF
JUSTICE PROGRAM (BAOJ) - PHASE III**

ANNUAL REPORT

August 1, 2001 to July 31, 2002

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**ANNUAL REPORT
BOLIVIA ADMINISTRATION OF JUSTICE PROGRAM (BAOJ) PHASE III**

REPORTING PERIOD: AUGUST 1, 2001 to JULY 31, 2002

EXECUTIVE SUMMARY

This document reports on the implementation progress of Phase III of the Bolivia Administration of Justice (BAOJ) Program by USAID contractor Management Sciences for Development (MSD), providing summaries of key accomplishments and tasks. This report is divided into sections reflecting the four principal technical areas of activity of the BAOJ Program: Legal Development; Institutional Strengthening; Training; and Public Awareness and Understanding. These four sections are preceded by an additional "Cross-Cutting" section that reports on matters not belonging exclusively to any of the four principal technical areas. Activities executed under the BAOJ Program and described in this report have been carried out with key technical input from USAID CTO (Mr. Galvez) and reflects a well-coordinated working relationship characterized by frequent contact between the CTO and contractor.

In the **Legal Development Area**, CCP legislation enacted or amended included the Law on the Execution of Penalties and associated implementing regulations. This was completed by December, 2001. As the national elections drew nearer, the possibility of congressional action on laws of import to the program grew dimmer. Although a new Law on Responsibilities was enacted in July, 2002, we were unable to impact the outcome for reasons external to the program. We were also required to suspend efforts to impact constitutional reforms. Yet an additional complication has been the fact that in the last twelve months, we have had three Ministers of Justice, and indications are that before the program period expires in July, 2003, the current Minister will depart and a fourth will be installed. We nevertheless continued our preparations to be ready to engage the Congress, directly and through the Ministry of Justice, once the national elections are over.

In the **Institutional Strengthening Area**, we made excellent progress toward SOW results. Justice sector institutions now all have a basic POA in place save the Public Ministry, to which we are providing assistance in September and October, 2002. Additionally, the Supreme Court committed to the replication of IANUS for all salas at their facility in Sucre, and cabling for the IANUS replication in Cochabamaba and La Paz is well underway as of the writing of this report. Integra ability with the INSPECTOR system and the PTJ may not be achievable if the INSPECTOR replication is cancelled. Our work to develop and secure approval of the Police – Prosecutor Functions Manual was a major milestone, as was our work to develop and secure execution of the inter-institutional agreement on money laundering. We understand the first conviction in the history of Bolivia for the white-collar crime of money laundering to be directly related to the AOJ Program's prior and current (Phase III) work on this topic.

In the **Training Area** our progress on institutionalization is best characterized as good, but needing more work. Lack of leadership and administrative ability at the Public Ministry continues to hamper progress here, and the Director of the PM's Training Institute has recently resigned to pursue opportunities in the judicial branch. The fundamental issue at the PM is management. At the same time, our progress in designing and implementing specialized training in a way supportive of institutionalization of capacity is proceeding very well and at a steady pace. The quality practice-based specialized trainings continues to be high, and the *post-grado* in Forensic Sciences Management has been launched in a context where the

demand exceeds available spaces. We continue to coordinate closely with DEA, and will continue to do so. Progress toward the third result in this area—reform of university curricula—is also proceeding excellently, so much so that the GTZ has involved itself where previously it had no plans to work in this area.

In the **Public Awareness and Understanding Area** we experienced delays at the launch of Phase III due to the departure of our Area Coordinator for Public Awareness and Understanding. Notwithstanding these delays, we have successfully operationalized a national network of NGOs/CSOs that is in full swing with activities to educate and raise awareness on the NCPP, particularly amongst women, the indigenous, and the poor. Press representatives more and more are reporting accurately on the NCPP and its implementation, though what seems to be remembered is the minority opinions, and these opinions are generally not well founded technically. Given the media's penchant for sensationalism and the human tendency to remember the negative, our continuing work in this area is important. We have also completed work on a new website to assist with information dissemination to the legal community.

In summary, the first twelve months of BAOJ Program implementation is best characterized by substantial progress in the face of significant obstacles, as is common in the development field. The challenges for the remaining 11 months of the program are substantial. The transition to a new government and the weakness of the new government has created special challenges involving bringing key players up to speed and securing their cooperation for justice reform as an ongoing policy of state, and not as a project of the prior administration. Nevertheless, we remain confident that progress towards our goals will be acceptable and desired results achieved in accordance with program indicators.

CROSS-CUTTING ACTIVITIES

A. Cross-Cutting Activity: Transition

In anticipation of the transition to a new executive branch government resulting from the national elections, the BAOJ Program provided technical support to USAID for the preparation of various documents from April to July, 2002. A draft history of criminal justice sector reform (*Panorama de la Reforma Processal Penal en Bolivia*) was prepared and submitted to USAID for use with GOB counterparts. Draft talking points and strategy documents were also prepared for the AID Mission Director and Deputy Chief of Mission in anticipation of visits to the Office of the Vice President, the Ministry of Justice, and other GOB officials. The BAOJ provides ongoing technical support in this area on an as needed or as requested basis.

B. Cross-Cutting Activity: Statistical Report on NCPP Implementation One Year Later

The BAOJ Program began collecting statistics on NCPP implementation in March, 2002. Serious inadequacies in data collection and reporting made the work difficult. After intensive effort, sufficient data was collected and analyzed so that a document was ready for publication. The GTZ reviewed and provided some input into this document as well. Data sources included the partially installed IANUS, the *Pastoral Penitenciaria*, Technical Judicial Police (*Policia Tecnica Judicial*, or PTJ), various courts, and other sources.

The BAOJ Program recommended that the statistical report be published under the auspices of the Executive Implementation Committee (Comite Ejecutivo de Implementacion, or CEI), which is headed by the Minister of Justice (presently Gina Mendez) and/or the *Comite Nacional de Implementacion* (CNI), which is headed by the Vice President, Carlos Mesa. We also recommended that the BAOJ Program facilitate the re-convening of these Committees and that the documents be vetted with them prior to publication. At the direction of USAID, the report was printed (limited run) and subject to limited distribution to assist key GOB leaders in responding to citizen complaints about security in Santa Cruz. We continue to recommend formal publication in a large ceremony, preferably in the context of the CEI. A copy of the report appears in Annex 11, Volume 2 of the Annex set.

C. Cross-Cutting Activity: Counter-Narcotics/Organized Crime Specific Activities

The BAOJ program is supporting a reform process that, over-time, enhances the ability of the GOB to effect identify, prosecute, convict, and incarcerate criminals consistent with basic human rights. While this supports in general the USG's foreign policy objectives with respect to counter-narcotics, there are specific activities that have been carried out under the BAOJ Program that directly impact efforts to combat organized crime, as well as narcotics and narcotics related crime. These include:

Money Laundering and the Unidad de Investigaciones Financieras (UIF).

The BAOJ Program has provided extensive leadership in the area of money laundering in Bolivia. Technical support and leadership resulted in money laundering being defined as a crime in 1997. This was followed in 2001 and 2002 by the development and signing of an inter-institutional agreement on money laundering developed and facilitated, also by the BAOJ Program, that has proven enormously successful in advancing concrete cases.

The BAOJ Program's concern for the operations and status of the UIF are sourced in the desire showcase prosecution, utilizing the NCPP, of high-profile white-collar crimes and other such crimes that are not considered "street crime" but involve traditionally untouchable elements in Bolivian society. To focus attention on financial crimes in Bolivia and develop consensus on key issues, MSD organized a special roundtable discussion on Financial Crimes at the Casa Grande Hotel in Calacoto on November 26, 2001. Key issues discussed included the following:

- *Bolivia's anti-money laundering law, enacted in 1997*, reflected the state of international thinking at the time. That is, the main targets of criminal investigations into money laundering involved investigation of underlying crimes dealing with narcotics, public corruption and/or criminal conspiracy. The notion of what constitutes the underlying crime has expanded to include other criminal acts such as tax evasion. Indeed, several nations that as to finances, any activity that is punishable by law can be considered the underlying criminal activity connected to the laundering of money.
- *Is conviction for the underlying crime required?* There is a difference of opinion among professionals about whether a conviction for money laundering requires a conviction for the underlying crime, or merely proof of its existence. Clarifying language should be included in any draft change, to make sure that only proof of, and not conviction for the underlying activity is required.
- *No convictions for financial crimes (money laundering)*. Prosecution efforts since 1997 have essentially failed. In the nearly five years since the anti-money laundering law was enacted, only 17 cases have been initiated, even though many obvious money laundering cases exist which have not been prosecuted. There have been zero convictions. However, the consensus of the group is that there is extensive money laundering going on, and there are certainly highly visible cases (Chito Valle and Jorge Landívar) where money laundering cases could have been brought, but were not.

Analyzing the reasons for this failure, issues involving the theory behind, and the operation of, the UIF came into strong focus. Essentially, the UIF was created as an administrative investigative unit, similar to the U.S. Comptroller General's and the Department of the Treasury's administrative investigative unit. It was never intended to be a criminal investigative unit, but to have administrative access to accounts when suspicious activities occur and to serve as a filter of information existing about accounts protected under Bolivia's Bank Secrecy Act.

Numerous questions arose about the UIF's operation and cooperation with criminal investigative agencies, the Superintendency of Banks, the Bolivian Association of Banks, ASOBAN, Banking Officials, and the press. There was a common feeling that the UIF, under its director, Ramiro Rivas, had lost the credibility of the agencies with which it was supposed to work. Most participants in the workshop believed that the UIF had overstepped its bounds of authority by conducting criminal investigations, releasing confidential information to the press, arbitrarily deciding when information should be or not be provided, and by failing to follow channels of information required by the law. On the other hand, Mr. Rivas has labored under oftentimes difficult circumstances to establish and operationalize the UIF, which would likely not have happened without his efforts. MSD emphasized to Mr. Ramirez the importance of:

- operating within the appropriate scope of the UIF's mandate and maintaining its administrative investigation function;

- developing and formalizing protocols with criminal local and international criminal investigative agencies (FELCN, PTJ, *Public Ministry*, DEA, and others);
- developing and maintaining effective working relationships with such key institutions, including “mending fences” where necessary (e.g., with ASOBAN and the Superintendency of Banks).

The importance of adopting a no press exposure policy was also emphasized, particularly with respect to the release of confidential information.

In the Fall of 2001 legislation proposed by Finance Minister Jacques Trigo and then pending in the *Chamber of Deputies* would have subordinate the UIF to the SB, thereby subjecting the UIF to political and bureaucratic interference in the execution of its functions. We provided technical support to help ensure that this did not happen. In late 2001 a law was passed that did not totally subordinate the UIF to the Superintendent of Banks, but did create overlapping authority with respect to information sharing related to money laundering with other institutions. This is undesirable because it erodes the independent authority of the UIF and could lead to serious conflicts within the Superintendency of Banks.

Following up on these developments and the results of the November, 2001 workshop, a second workshop organized and facilitated by the BAOJ Program in coordination with the DEA to establish the need for and parameters of an inter-institutional agreement that would establish a task-force type working relationship between selected representatives of involved institutions, always with the presence of the Public Ministry to ensure compliance with applicable Bolivian law. Attorney General Oscar Crespo attended this day-long session which was held on March 15, 2002 at the Casa Grande Hotel in Calacoto, as did senior level representatives from the UIF, the FELCN, and the PTJ. We then provided technical assistance to the UIF and relevant GOB counterparts (those mentioned above) for the development and execution of written protocols to govern information transfer and appropriate follow-up criminal investigation and prosecution. A series of working level meetings were held with all of the entities named above to hammer out and agree on the details of the inter-institutional agreement, consistent with existing Bolivian law. An important by-product of this process was the use of these meetings not only to advance finalization of an inter-institutional agreement, but to start inter-institutional collaboration on specific money laundering cases.

As a result of the aforementioned efforts, June, 2002 saw the execution of a formal inter-institutional agreement between the UIF, the Public Ministry, the National Police, and the FELCN establishing, in effect, a money laundering task force to coordinate information and support the prosecution of money laundering cases. This agreement formalized working relationships already operating as of March, 2002 as a result of BAOJ Program and DEA efforts. The first convictions for money laundering in the history of Bolivia, some as a result of this new inter-institutional coordination, were subsequently achieved. A copy of the agreement and the program from the signing ceremony, as well as appears in Annex 12, Volume 2 of the Annex set.

Money Laundering Training

In addition to extensive technical assistance and political support to secure this inter-institutional agreement, MSD also worked with the DEA, representatives from the Embassy of France, the United Nations Drug Control Program’s AD/BOL/98/D73 project (housed in the Ministry of Government and focused on anti-narcotics), to organize and implement a four-day training seminar for Bolivian prosecutors and police, and a limited number of judges. The first three

days of the seminar provided a comprehensive introduction into what was money laundering and how it is carried out nationally and internationally. This was led by international expert in money laundering Mr. Andre Cuisset, who presently serves with the Embassy of France in La Paz. On the fourth day, the BAOJ program brought the discussion down to the nuts and bolts of prosecuting money laundering under Bolivian Law currently in force, with a review of currently in force Bolivian criminal procedures and law relevant to money laundering. In addition to provisions of legal experts, the BAOJ program also financed the participation of selected prosecutors and police (PTJ), with the DEA financing the participation of FELCN agents and controlled substances prosecutors (*fiscales de sustancias controladas*). The event was highly successful, and served as the lead-in for a more exclusive workshop hosted organized and implemented by the BAOJ Program, and hosted by USAID and DEA, to establish the working relationships needed (i.e., a Money Laundering Task Force) between relevant institutions to support effective prosecutions of money laundering.

A similar training with multiple international sponsors will be implemented later in 2002 led by the UIF with technical and financial support from the BAOJ Program, as well as financial support from DEA. The BAOJ Program was successful in eliciting the cooperation of the UIF to implement this training with the approval of the Public Ministry's Training Institute. MSD held follow-up talks with Director Rivas to secure 1) co-sponsorship of their training with USAID in accordance with a jointly development plan for execution of same; and 2) conducting the training in coordination with and through the *Public Ministry's* Training Institute, thereby further reinforcing institutionalization of the *Fiscalia's* training capacity in this area. MSD also facilitated DEA's decision to sponsor the training as well.

Coordination with the Drug Enforcement Agency (DEA) and FELCN.

During October and November, MSD provided technical assistance to the Special Anti-Narcotics (*Force Fuerza Especial de Lucha contra el Narcotráfico* or FELCN) for the development of their Functions Manual (*Manual de Funciones*). A copy of the police – prosecutors NCPP manual developed by the BAOJ Program was provided to USAID in draft form, provided by USAID to the DEA, and by the DEA to the FELCN, which incorporated large portions of the MSD manual into their document. Follow up contact with the FELCN on this topic was facilitated by DEA Deputy Director Alex Romero in meetings during which MSD agreed to provide further technical reviews of the FELCN manual and detailed feedback as to form and content. Various meetings and iterations of the manual were reviewed by MSD, with almost all recommendations being accepted by the FELCN and DEA. Details on the specific feedback provided to the FELCN are available on request. The final version of the FELCN manual was published in May, 2002 with acknowledgement of the BAOJ Program's role in the development of the manual.

Technical assistance was also provided the FELCN and Controlled Substances Prosecutors (*Fiscales de Sustancias Controladas*) for development of procedures to handle cases involving suspects who swallow or otherwise transport controlled substances within their bodies. Guidance on the correct procedures to follow to ensure the admissibility of evidence at trial was provided. Similarly, BAOJ Program deployed personnel to the DEA office in Santa Cruz from October 1 to 2, 2001 and to a the Hotel Oberland, also in October, 2001, located in the outskirts of La Paz. Personnel deployed provided legal technical assistance to the FELCN and *Fiscales* on effective application of the NCPP in the anti-narcotics context.

Finally, at the request of DEA and with approval from USAID, the BAOJ Program provided logistical support for NCPP related training directed to FELCN agents from Oruro and

Cochabamba held from the 24th to the 27th of June, 2002. 30 course participants received training from Gral. Gonzalo Butrón, Lieutenant Felix Molina, Major Gonzalo Quezada, Lieutenant Encinas, and Dr. Miltón Andrade. Provision of support for these trainings assists in effective prosecutions under the NCPP, and is therefore highly desirable as a measure meant to assist in consolidating the NCPP. The BAOJ Program will continue to coordinate closely with DEA in the planning and execution of these trainings.

Legal Reforms

The BAOJ Program successfully lobbied for the inclusion of exceptions to certain provisions in the legislation for the *Ley de Ejecucion de Penas* dealing with opportunities for early release (redencion) or work-release (extramuro) programs at the request of USAID. These exceptions exclude from eligibility for these programs persons incarcerated for narcotics related convictions with sentences of 15 years or more, or any conviction for terrorism. Recently, the Defensora del Pueblo has questioned the constitutionality of these exceptions. A final determination could go either way.

Additionally, the BAOJ Program is working with the GTZ to review reforms needed to the existing Criminal Code. High priority topics have included efforts to clarify rules surrounding the use of informants and the need to create exceptions to provisions which could be interpreted as requiring the prosecution of these individuals for “participating” in the crime (*participes del hecho delectivo*).

D. Cross-Cutting Activity: Assessment Conference I: Implementation and Application of the NCPP (Jornadas de Analisis I: Ejecucion y Aplicacion del NCPP)

Following up on the consensus recommendations of the *Subgrupo Estado de Derecho* and the priority issues identified by the CEI, the BAOJ program provided technical assistance and logistical support to the Ministry of Justice for the convening and execution of an in-depth, three-day conference to assess the first four months of NCPP implementation. The conference was held in La Paz at the Hotel Europa from October 16 to 18, 2001 with additional technical support from the GTZ, and included the participation of over 80 “system operators” responsible for the day-to-day, front-line application of the NCPP. Participants were first organized into institutional tables to provide an opportunity for orientation to key issues on an institution-by-institution basis. The methodology used focused on building inter-institutional consensus around priority issues by organizing the participants into mixed, inter-institutional workgroups identified by color (e.g., Red Table, Green Table, etc.). Each workgroup was charged with conducting brainstorming to identify problems in NCPP implementation in general, but was also assigned a specific aspect of NCPP implementation to consider based on the expertise and experience composition of each table. Each workgroup was also provided with a facilitator and a recorder. Problems were not prioritized, but simply identified, and each table was instructed not to judge or debate the problems identified.

The following day, the workgroups re-convened to find the problems they had identified had been entered into a computer and placed on large poster-size sheets for easy viewing by the workgroup. Each workgroup participant was provided five stickers to use in selecting the issues he or she believe should be a priority for solution development. Participants could place all five stickers next to one problem, or distribute their votes across several problems. Based on the prioritization resulting from this process, participants then began to tackle the problems identified, developing consensus solutions—again, with the assistance of facilitators and recorders. The third-day of the conference was dedicated to report-backs of the consensus

solutions developed by each inter-institutional workgroup, with opportunities for additional comment and feedback from the conference participants at large.

The *Jornadas de Analisis* enjoyed broad support from participants. Inter-institutional problem solving and solution development was cited most frequently in participant evaluations as a positive aspect of the conference, while the largest number of negative comments focused on the limited amount of time available to achieve the conference objectives. Nonetheless, the conference was widely considered a success and the results have been recorded and used to prepare an in-depth problem-solution desk-reference for use by system operators. This document was published in November, 2001 and has been distributed to all conference participants and other key justice sector individuals. Copies of this document have been provided to USAID. Additional copies are available on request.

Follow-up regional *jornadas* have been requested by the Judicial Council, and will be implemented in coordination with the new Minister of Justice installed after the national elections in June, 2002.

E. Cross-Cutting Issue: OPDAT

USAID's BAOJ Program suffered setbacks during the reporting period. In March, 2002 OPDAT and ICITAP representatives critiqued key elements of the BAOJ that threatened the long-established cooperative relationship between USAID and the German development agency, GTZ. The BAOJ program was put back on track, including through various meetings with counterparts. The BAOJ Program continues to seek opportunities to collaborate with all relevant entities. A summary technical discussion of OPDAT's observations is available on request.

F. Cross-Cutting Activity: September, 2001 GOB Executive Implementation Committee

On September 12, 2001 a meeting of the Executive Implementation Committee (*Comite Ejecutivo de Implementacion*, or CEI) was convened by then Minister of Justice Mario Serrate in his capacity as president of the CEI. In accordance with established requirements, in addition to the Minister of Justice, participants in the meeting included representatives from all the key justice sector institutions: The Supreme Court, the Judicial Council, the Attorney General, the Judicial Technical Police, the Constitutional Commission of both the Senate and Chamber of Deputies, and the Executive Committee of the University of Bolivia. MSD provided technical support to the Ministry of Justice to prepare for the meeting and briefing meeting participants, particularly on the general outline of Phase III of the BAOJ program and difficulties encountered in NCPP implementation since May 31, 2001, the date the NCPP took effect. Follow-up priorities were identified by the CEI and are summarized in Table 1, below. It should be noted that all priorities identified by the CEI were anticipated within the BAOJ program SOW and MSD's resulting workplan, and MSD therefore already has responded to most of the priorities identified—principally through the provision of technical support to involved institutions.

Table 1

**CEI Identified Priorities to Support NCPP
Consolidation as of September, 2001,
with Corresponding BAOJ Program Response**

CEI Identified Priorities	BAOJ Program Technical Support
1. Approval and passage of the Basic Law of the Judicial Branch (Ley Orgánica del Poder Judicial) during the current legislative session.	Technical support for review, modifications, and eventual passage being provided by MSD in as of January, 2002.
2. Appointing of a District Attorney (DA) for all jurisdictions by the legislative branch.	Lobbying efforts at various levels continue, within and outside of the BAOJ program. This should be considered a priority topic in contacts with appropriate GOB officials, as failure to appoint DAs is impeding NCPP consolidation efforts.
3. With respect to the National Police, approval and/or expensing the financial resources contained in the Special Budgets (<i>Presupuestos Extraordinarios</i>) for NCPP implementation.	The BAOJ program provided technical assistance to the National Police for development of their Annual Operating Plans (<i>Plan Annual Operativo</i> , or POA).
4. Evaluation of the case liquidation system after six months of its operation.	The BAOJ program is providing technical assistance for the liquidation of old-system cases and is monitoring progress of same.
5. Inter-institutional coordination among those involved in NCPP implementation.	The BAOJ program, on an ongoing basis, facilitates inter-institutional coordination. Recent efforts have focused on improving relationships between police and prosecutors at the working level and these efforts have borne fruit: the approval of the Police – Prosecutors Manual by the National Police and the Public Ministry.. Additionally, the program provided technical and logistical support to the <i>Subgrupo Estado de Derecho</i> , convened by Minister Serrate and held in La Paz on September 11, 2001 to support information exchange and cooperation among justice sector institutions.
6. Development of statistics on the movement of cases within the justice system.	The BAOJ program's Legal Development Area and Institutional Strengthening Area have developed draft data collection instruments for use by key justice sector institutions in the context of the anticipated creation, within the Ministry of Justice, of a Criminal Justice Policy Unit (CPU). Additionally, a statistical report of indicators on how the NCPP implementation is progressing is ready for publication.
7. Technical assistance to justice system operators on the practical application of the NCPP.	The BAOJ program's Legal Development area provides ongoing technical assistance to prosecutors, judges, and public defenders, on request from these officials, with respect to actual cases and situations they are handling under the NCPP. The largest number of requests for this hand-on, practice-based training has been from prosecutors.

CEI Identified Priorities	BAOJ Program Technical Support
8. Evaluation of the impact of justice sector reforms, with a consensus among institutions on evaluation methods.	The BAOJ organized and executed a three-day conference held from October 16 to 18, 2001 to assess implementation progress and problems encountered with the implementation and application of the NCPP. The conference, known as <i>Jornadas de Analisis I: Ejecucion y Aplicacion del NCPP</i> , was formally convened by the CEI and involved the full participation of all justice sector institutions. Follow-up <i>jornadas</i> are planned to be implemented on a regional basis.
9. Strengthen training of system operators.	Initial activities through to December focus on filling critical training gaps. Contemplated within the BAOJ program is the institutionalization of training functions within the training institutes of the various justice sector institutions. Review and updating of training materials for use by training replicators and training institutes begins in January, 2002.
10. Resources for the investigation of crimes, establish the Forensic Investigations Institute (<i>Instituto de Investigaciones Forenses</i> , or IDIF), and resources to support effective evidence collection, expert testimony, and maintaining the chain of custody of evidence.	Initial support for the establishment of the IDIF was provided by the BAOJ program. Assistance has been provided to support the identification and selection of an IDIF director and to provide specific recommendations for the organization and operationalization of the IDIF. TA was also provided to overcome issues related to erroneous understandings of the scope of the IDIF's authority under Bolivian law, as well as to secure La Paz as the site for launching IDIF operations for operational reasons (i.e., highest demand for services). USAID is presently considering requests by the Public Ministry for financing to assist in setting up the IDIF. .
11. Optimize the computerized case tracking systems in justice sector institutions.	The BAOJ program has piloted two highly successful systems for tracking of cases at the criminal investigation stage (INSPECTOR) and in the courts (IANUS). Phase III of the program is implementing these systems to cover over 90% of all criminal justice sector activity. A new pilot was also launched to install IANUS in the Supreme Court in Sucre and to provide coverage of civil as well as criminal cases in that venue. Financing is with PL480 funds.

CEI Identified Priorities	BAOJ Program Technical Support
12. Institutionalize development of university curricula updated to the NCPP in coordination with the Comité Ejecutivo de la Universidad Boliviana (CEUB).	The BAOJ program is currently providing TA to the CEUB for the development of a law school curriculum updated to the NCPP and for navigation of the lengthy and highly political curriculum approval process by the appropriate educational authorities, committees, and conferences.

In addition to the above listed priorities for NCPP consolidation, the CEI determined a number of follow-up activities that it would undertake, summarized in Table 2, below:

Table 2

**CEI Identified Next Steps
with Corresponding BAOJ Program Response**

CEI Identified Next Steps	BAOJ Program Technical Support
<p>Conduct a follow-up CEI meeting during the last week of September, 2001 to continue development of the workplan for implementation of Phase III of the BAOJ program.</p>	<p>After consultation with the appropriate authorities, it was determined that this meeting would not be able to take place due to scheduling conflicts. Instead, MSD proceeded to conduct workshops and/or follow up meetings with each institution to vet plans for Phase III and obtain feedback and incorporate GOB counterpart priorities. Re-launching the CEI is advisable considering the entry of the new government and the new Minister of Justice, Gina Mendez.</p>
<p>Consistent with CEI Identified Priority No. 8 in Table 1, above, conduct an inter-institutional meeting, convened by the Ministry of Justice, to determine monitoring strategies on the progress of NCPP implementation.</p>	<p>MSD provided technical assistance for the organization, implementation, and follow-up documentation of a conference entitled, <i>Jornadas de Analisis I</i> Additional, regional <i>jornadas are to be held in late 2002 or 2003..</i></p>
<p>Convene a meeting during the first week of October between the various institutions comprising the Judicial Branch in order to develop consensus on the Basic Judicial Branch Law (Ley Organica del Poder Judicial).</p>	<p>While scheduling difficulties did not permit this meeting to occur in October and the MOJ has taken no further action to pursue this matter, the Constitutional Commission of the Chamber of Deputies has provided leadership for convening this meeting in January, 2002. Since that time the national elections have in most cases superceded congressional activity on this and other laws. The matter will be lobbied again once a new congress is in place.</p>
<p>Plan an inter-institutional meeting regarding the functioning of the structure/process of liquidating cases and the use of computerized case-tracking. The "liquidating judges" (<i>jueces liquidadoras</i>) that have been hired have indicated that there are too many cases for them to process effectively.</p>	<p>In furtherance of the MOJ's objectives in this area, the BAOJ program has provided technical assistance to the Poder Judicial for the identification, cataloguing, and publication of criminal cases to be dismissed/ extinguished (<i>liquidado</i>) should no further action on the case occur within the timeframe set by law. Lack of coordination between the Supreme Court and the Judicial Council has resulted in inefficiencies here, as has the lack of complete response from courts throughout the country. A second a final list is expected to be published sometime in 2002.</p>

G. Cross-Cutting Activity: Internal Management

Internally, MSD underwent a re-organization in September, 2001 to allow for more effective internal management controls as well as more effective manpower deployment along the principle technical program areas. This re-organization created four units, one for each principle technical area and each with its own Coordinator, reporting to the COP. This re-organization was accompanied by the implementation of new management protocols placing front-line responsibility for financial tracking and expense projection on each Area Coordinator.¹ Budgets were developed and provided to each Area Coordinator, which allowed for more realistic workplan development and activity projection by each Coordinator, working with the personnel assigned to their Area. From September to November MSD management initiated a process of workplan development that involved various cycles of drafting, feedback, and finalization designed as much to integrate local MSD staff into new operational modalities, as well as to produce a final product that will be accepted and used by staff. Workplans were also submitted to USAID during this period.

H. Cross-Cutting Activity: Rule of Law Working Group (Subgrupo Estado de Derecho)

On September 11, 2001, the Ministry of Justice convened a meeting of the Rule of Law Working Group (*Subgrupo Estado de Derecho*) together with USAID/MSD in order to coordinate the activities of international development agencies (*la cooperacion internacional*) in the Bolivian justice sector. This meeting was co-sponsored by USAID/MSD and the GTZ. GOB participants included the Poder Judicial (PJ), Public Ministry (PM), Policia Nacional (PN), and the sponsoring entity, the Ministerio de Justicia y Derechos Humanos (MJDH). International development entities participating included the U.S., German (GTZ), Spanish (*Agencia Española para la Cooperacion Internacional*), and Swiss (*Agencia Suiza para la para el Desarrollo y la Cooperacion*) development agencies; the Embassy of the Netherlands; the InterAmerican Development Bank; the United Nations Development Program (UNDP), and the World Bank (WB). The Overall Conclusions resulting from this meeting, as well as the conclusions put forth by each participating GOB institution, were developed on a consensus basis. Among the consensus conclusions are that entitles involved in international development commit to development of a unified agenda and coordinated efforts to prevent duplication of effort and optimize the use of limited resources. Notwithstanding the above, it should be noted that past efforts to coordinate with the World Bank subunit focused on Rule of Law in Bolivia, directly and through the PRI, have not produced effective donor coordination. This conclusion is based on reports from MSD personnel experienced with prior Phases of the BAOJ and on information gathered from various sources regarding PRI's World Bank sponsored activities, particularly with regard to the IANUS and INSPECTOR systems successfully piloted by USAID.

In addition to conclusions regarding donor cooperation, the Subgrupo Estado de Derecho, under the active leadership of the Ministry of Justice and USAID as joint coordinators of the Group, was also successful in identifying donor priorities and concerns regarding implementation and consolidation of the NCPP, by institution—a topic that was expanded on the following day at a meeting of the GOB Executive Implementation Committee. A copy of the working document resulting from the September 11, 2001 meeting was developed together with USAID. Additional copies are available on request.

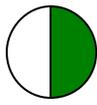
¹ Notwithstanding the above changes, expense controls and review continue to be provided by financial analysts from the Finance and Administration supervised by the Deputy COP and/or COP.

LEGAL DEVELOPMENT AREA

The various laws, regulations, decretos, and other documents referred to in this section of the report are contained in Volume 1 of the Annex set submitted with this report.

SPECIFIC OBJECTIVE 1 - LEGAL REFORMS AND REGULATIONS RELATED TO AND REQUIRED TO ENABLE THE CODE OF CRIMINAL PROCEDURES (CCP) ARE ENACTED, IMPLEMENTED AND ENTER INTO FULL EFFECT.

1.1 RESULT: LEGAL REFORMS (E.G., LAWS, REGULATIONS) ASSOCIATED WITH THE *NUEVO CODIGO DE PROCEDIMIENTO PENAL* (NCCP) AND REQUIRED TO ENABLE/CONSOLIDATE THE NCCP ARE APPROVED.

1.1.1. ACTIVITY: Technical assistance for legal reforms in the context of GOB priorities associated or with impact on consolidation with the NCCP.	 50%
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This activity is estimated at 50% complete because it is ongoing for the duration of the contract period, which is half over.

In the Fall of 2001 MSD provided technical assistance to the Ministry of Justice for review of their legislative project in the anticorruption area in the context of a then-newly created anti-corruption commission that included the participation of all the Bolivian political parties with representation in Congress as well other civil society organizations (CSOs).² More specifically, technical assistance was provided through MSD short-term cooperating country national (CCN) consultant Carlos Alarcon. Mr. Alarcon monitored development of the legislation for possible impacts on the New Code of Criminal Procedures (*NuevoCodigo de Procedimiento Penal*, or NCCP). Among the concerns was the likely creation of alternative procedures for processing criminal defendants charged with corruption-related crimes, and likely efforts to change the role, duties, or institutional placement of the *Unidad de Investigaciones Forenses* (UIF), which presently operates within the *Superintendencia de Bancos* (SB).

The draft legislation produced by the Anti-Corruption Commission contains three main sections. The first section deals with crimes by public servants and the addition of new crimes. The second section would create a National Anti-Corruption Commission (*Comision Nacional de Lucha contra la Corrupcion*). The third section would create a new Unidad de Investigaciones Patrimoniales (UIP) within the *Controlaria General de la Republica*, with a purpose and function analogous to that of the UIF.

Among the proposals floated by Mr. Alarcon was that rather than a new commission, CSOs and non-governmental organizations (NGOs) could serve a public monitoring function with access to relevant information, and refer their findings to the appropriate authorities, as a NCCP *denunciante* or *querellante*, for follow up and/or prosecution. The Commission rejected this proposal, citing public opinion and the need to respond with a new specialized government unit.

² Participating CSOs were: *Confederacion de Empresas Privados*; *Confederacion Obrera Boliviana*; *Central Unica de Trabajadores Campesinos*; *Asamblea Nacional de Periodistas*; and the *Asamblea Permanente de Derechos Humanos*.

We were successful, however, in securing the elimination of language that would have created a parallel criminal procedure to that of the *etapa preparatoria* already contained in the NCPP.

With respect to the investigation of finances, Mr. Alarcon recommended that a reformulation of the proposal put forth by Senator Roliz Rada (Condepa) that would have added to the UIF and the National Internal Taxes Service (*Servicio Nacional de Impuestos Internos*), through the creation of the UIP within the Controlaria General de la Republica.

The BAOJ Program views the anti-corruption legislation as unworkable for achieving real results in the anti-corruption area. The law would create yet another governmental entity at a time when the GOB cannot afford to maintain current institutions properly. United States National (USN) Consultant Joseph Caldwell has also noted that without changes to the Constitutional provisions granting immunity from criminal prosecution to members of Congress, significant progress in anti-corruption will continue to be elusive. Mr. Caldwell's comments were also consistent with MSD's advice to the drafting commission regarding enhancing the role of NGOs in monitoring public information, which the Commission declined to accept.

The BAOJ Program regards serious anti-corruption efforts to involve several or all of the items listed below. These items have also been communicated to USAID.

- Support for police reform expressed through a commitment to pre-defined process for achieving consensus on changes needed to support "citizen security". The process will need to involve relevant GOB institutions and civil society. The process will be focused on addressing interests of all concerned, and avoiding the positional bargaining that has hampered progress on police reform thus far.
- Support for key legal changes. A priority is a change in law permitting the Attorney General to appoint District Attorney's from a pool of qualified candidates that are competitively ranked. Current law places this authority in the Congress and has overly-politicized the selection of District Attorney's, creating weakness in mid-level management at the Public Ministry that hinders optimal operation of the NCPP. Since constitutional changes are unlikely with the current congress, the Attorney General should proceed to appoint interim DAs from the list of qualified candidates developed by MSD during Phase II.
- Reforms to the Criminal Code, an important tool in anti-corruption efforts, are also needed. The Criminal Code needs to be reformed to better protect undercover agents and informants. Related to criminal code reform is the need for a new comprehensive law on Money Laundering. This is needed principally to consolidate the independent of the UIF in accordance with international recommendations for such units; to make the crime of money laundering independent of the underlying illicit activity; and to clarify the appropriate role and scope of UIF functions.
- Revisiting the Ley de Responsabilidades to make it consistent with modern Bolivian justice sector reforms and strengthen its effectiveness.
- Support for the creation of specialized Corruption Prosecutors within the Public Ministry, modeled on the Controlled Substances Prosecutors, which would receive training in coordination with the Public Ministry's Training Institute and the Office of the Vice President.

- Support for development of an anti-corruption monitoring system, which can be used to track the prosecution of corruption cases and subsequently highlight these activities to the public. Assessments of the transparency and accessibility by the public to official GOB records, and follow-up work to make GOB public records truly accessible to the public would need to be part of this monitoring system. Hand in hand with this goes support for the strengthening of civil society to be able to access, review, and monitor government activities.
- Support for a Judicial Organization Law that consolidates administrative powers in the Judicial Council, re-organizes the judiciary to be consistent with the NCPP, and creates mechanisms for avoiding and resolving the inter-institutional conflicts that have plagued the judicial branch.

The BAOJ Program stands ready to provide technical support for the above or such other activities as USAID may deem desirable, within the SOW for Phase III.

<p>1.1.2. ACTIVITY: Congressional consideration of the Law on the Execution of Penalties (<i>Ley de Ejecucion de Penas</i>). 1.1.3. ACTIVITY: Support the development of implementing regulations for the Law on the Execution of Penalties</p>	 <p>75%</p>
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Approval of the Law

The NCPP takes a comprehensive approach to Bolivian criminal procedure that includes consideration of the punishment phase, whose purpose is regarded as rehabilitative and has as its objective the ultimate re-integration into society of convicts. NCPP provisions such as *medidas cautelares* and *salidas alternativas* also require a penitentiary system that is organized to facilitate effective supervision of persons processed through these provisions and the various conditions (of release, for example) to which they become subject through these provisions. Additionally, since the NCPP provides for punishments other than incarceration (e.g., community service, fines), there is also a need for a structure that can effectively supervise these trial outcomes. While USAID has noted that the GOB lacks the resources to implement a new Law on the Execution of Penalties, passage of this law has remained a GOB priority.

During the week of August 27, 2001 MSD staff from the Legal Development Area met with *Diputado* Freddy Flores, president of the Commission on Government of the Chamber of Deputies, to respond to requests for technical information regarding the Law on the Execution of Penalties and to request ongoing technical assistance to support the passage of the law by the Chamber of Deputies. This technical assistance was provided in the form of presentations to the Commission, being on hand in Congress to answer questions and provide guidance to *diputados* on the meaning and potential application of various clauses in the law, development of talking points/briefing documents on the proposed law, and additional meetings with Mr. Flores. During the week of September 17, the Chamber of Deputies approved the law *en grande*, and the legislation then went for a detailed article by article review. Once completed, the Minister of Justice, Mario Serrate, presented the proposed law to the full Chamber of Deputies and answered questions regarding same, assisted by MSD staff through instant messaging technology, resulting that the law was approved by the Chamber of Deputies and then went to the Senate for review. At this point, MSD began lobbying for the inclusion of two modifications to the legislation at the request of the USAID DEMOSOT Director. The legislation provided for two types of releases other than serving the full term of a sentence—a reduction of

sentence based on various factors such as participation in self-improvement programs and behavior (*redencion*), and work-release programs (*extramuro*). The desired modifications created exceptions to the general eligibility for *redencion* and *extramuro* when the underlying conviction of the prisoner is for narcotics-related violations with a sentence of 15 years or more, or any conviction for terrorism. MSD was able to secure the inclusion of these modifications through Senator H. Gaston Encinas, president of the Senate Constitutional Commission. There were no other modifications to the law other than these, and it was approved by the Senate and returned to the Chamber of Deputies for re-consideration, owing to the changes made in the Senate. MSD continued providing technical assistance to the Congress in the form of reports and meetings, supporting the eventual passage of the law by Congress and signing into law by the President in December, 2001.

Implementing Regulations

As noted above, legislation for the Law on the Execution of Penalties was approved by Congress and became law in December, 2001. Pursuant to this law, the Ministry of Justice will become responsible for administration of the nation's prison system by June, 2003, and two sets of implementing regulations are needed—one dealing specifically with the execution or implementation of penalties involving deprivation of liberty (incarceration), and the other dealing with *supervision*, or the overall administration of the system. To produce the former set of implementing regulations, the BAOJ Program developed drafts that were circulated amongst relevant institutions for comment in order to produce a working document that was the basis for a workshop convened by the Ministry of Justice. Participants in this workshop were officials from the existing *Régimen Penitenciario*, wardens from four penitentiaries in the La Paz area, representatives from the Sentence Execution Judges, Defensor del Pueblo, and representatives from civil society organizations that work with inmates (Pastoral Penitenciaria, CEJIP, CDC y Confraternidad Carcelaria). The process resulted in consensus on the majority of the baseline document, with suggested changes subsequently developed and incorporated by the BAOJ Program. With the final version ready, the document was then submitted by the Ministry of Justice to CONAPSO (*Consejo Nacional de Política Social*), the Executive Branch entity responsible for developing legal opinions supporting the approval of law originating in the executive branch. With no substantive observations, the reglamento was approved and signed by Enrique Toro, acting GOB president while Jorge Quiroga was on travel, on July 26, 2002, Decree Number 26715. Work is presently underway to conclude the second set of implementing regulations dealing with overall *supervision*.

<p>1.1.4. ACTIVITY: Congressional consideration of the Law of Judicial Organization (<i>Ley de Organizacion Judicial</i>).</p>	 <p>50%</p>
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The Judicial Organization Law currently in effect was passed in 1993 and since then has undergone a series of modifications from subsequent legislation creating or modifying the jurisdictional organization of Bolivia. By constitutional mandate, this law also creates and regulates the functions of the various entities that comprise the Bolivian Judicial Branch—including the courts (Supreme, Constitutional Tribunal, Superior Agrarian Court, and various lower courts) and the Judicial Council. This law establishes their organizational attributes, jurisdictional limits and functions.

The legislation that would update this law was approved by the Senate over a year ago and has been stuck in the Chamber of Deputies at the committee (commission) level since then. The legislation was largely developed by the representatives from the Bolivian Supreme Court (Justices Armando Villafuerte, currently the president of the Supreme Court; Kenny Prieto, Enilce Ardaya, and Eduardo Rodriguez). The BAOJ Programs work on this law has focused on technical assistance for modifications to the legislation to ensure that the criminal jurisdictional organization resulting from a new law is consistent with the NCPP, and also to provide a basis for resolution of inter-institutional conflicts within the Judicial Branch that are impeding its effective operation. With the creation of the Judicial Council to serve as the administrative organ of the courts, the Supreme Court lost control of its administrative operations. The fact that the Supreme Court has never been thrilled about this prospect is exacerbated by the tendency of the Judicial Council (CJ) to overstep its authority into substantive legal matters and failing to consult with the Supreme Court on the implementation of administrative matters that have substantive legal impact. A good example of this is the process undertaken to liquidate criminal cases under the old criminal procedure system. In addition to active cases being processed under the old system, there are a large number of cases which have had no activity. To dispose of this backlog, the law provided for a process whereby these cases without movement would be published in list form, and re-activation would be dependent on action by an involved party, or the case would be dismissed/closed. The CJ issued substantive legal guidance to judges on how to determine which cases without movement should be published for possible reactivation and eventual disposition by 2004. The Supreme Court subsequently issued distinct guidance to judges, and this in part results in the need to produce a second publication to capture all old cases that should be captured. The result has been confusion among judges and delay of the process of disposing of cases active under the old criminal procedures code.

During congressional consideration of the law the BAOJ Program was able to secure the introduction of various changes consistent with the above purposes. Since then, the legislation has been stalled because of Congressional unwillingness to move forward on legislation which is not accepted in principle by the Judicial Branch.

In order to try to secure some movement on this legislation early in 2002, a the BAOJ Program provided technical support for a workshop held at the Hotel Plaza on January 30, 2002. The hope was that facilitating consensus on the law among Judicial Branch institutions would motivate Congress to act prior to full-fledged entry into election season. Senior officials from the Supreme Court, the Tribunal Constitucional, and the Judicial Council participated in the workshop that reviewed the legislation and provided suggested changes agreed to a consensus basis. BAOJ Program technical personnel were charged with incorporating the changes agreed to.

Subsequently, BAOJ program representatives met with the president of the Chamber of Deputies and members of the Constitutional Commission during the week of February 14, 2002 secure inclusion of key items on the legislative agenda for the remaining February – August 2002 legislative session. Assurances were provided that legislative consideration of the Law on Judicial Organization would be re-initiated in the following weeks.

Since that time, political explosions in the Judicial Branch have contributed to continuation of Congressional reticence to advance with the legislation. Luis Paravicini, a consejero serving on the Consejo, announced to the press approximately three to four months ago that the Judicial Branch continues as corrupt as before reforms, that reform was stagnant, and that significant amounts of money was being mis-spent. Paravicini also declared that entities such as the

National Bar Association (*Colegio Nacional de Abogados*) constitute power and interest groups that are resisting Judicial Branch anti-corruption efforts, and referred to them as "abogánsters". Paravicini also had confrontations with then president of the Supreme Court, Freddy Reynolds, referring to him as a crook/hoodlum (*maleante*) and indicating that while Reynolds is president, he would not attend meetings of the CJ. The result? The National Bar Association filed a complaint against Paravicini for defamation. The Bar Association of La Paz filed a ethics complaint against Paravicini and is seeking secure the suspension of his license to practice law, which Paravicini has since appealed. Since Paravicini has been boycotting meetings of the Consejo there has been no quorum and paralyzation of their operations. Congress therefore passed a law which modified the requirements for quorum, permitting the two remaining consejeros to meet with the President of the Supreme Court, who also sits on the Consejo, and conduct business. Although Paravicini is still a consejero and the president of the Supreme Court is now Aramando Villafuerte, he still does not participate in meetings of the Consejo. The possibility of advancing the Judicial Organization Law during the last several months has been very near to zero, and while the Consejo is now able to conduct business, Bolivia is now fully engaged in election season for its 2002 national elections, making advancement of any legislation very unlikely.

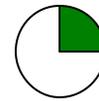
The BAOJ program has assisted in preparing the final report from the Chamber of Deputies comisión to which the legislation has been assigned. The comisión may approve the legislation and submit it and the report for consideration by the full Camara, or it may re-initiate discussion on the law as proposed. The BAOJ program continued lobbying for congressional movement on the law, but as the election season approached almost all substantive Congressional activity came to a standstill, as predicted. Renewed efforts will need to be undertaken with the new Congress.

<p>1.1.5. ACTIVITY: Harmonize the General Law on Customs (<i>Ley General de Aduanas</i>) with the NCCP.</p>	
	<p>40 %</p>

The General Customs Law (*Ley General de Aduanas*) establishes both the administrative and criminal aspects of the Bolivian customs regimen. The criminal component contemplates establishment of substantive customs crimes, and also provides for a specialized process for prosecuting these crimes. Technical assistance will therefore focus on reviewing the law and proposed modifications to ensure that a criminal procedure subsystem is not created regarding customs violations, and that like other crimes customs violations are processed using the NCCP.

BAOJ Program technicians conducted research and prepared for eventual work on legislation in workshops and in congress. During the last quarter of 2001 the customs administration indicated that it was preparing draft legislation for circulation among interested parties. This draft was released in June, 2002 and reviewed in the BAOJ Program for adequacy vis a vis the NCCP. Work in the next period will include advising and lobbying to attempt to secure movement on the law in Congress.

1.1.6. ACTIVITY: Harmonize Tax Code legislation (anteproyecto del Código Tributario) with the NCPP.



25%

Like the General Customs Law, the Tax Code also establishes both the administrative and criminal aspects of the Bolivian tax regimen, with the criminal component establishing tax-related crimes and a procedure for prosecuting these crimes. The BAOJ program's work on this law focuses on proposed modifications to Title IV dealing with tax code violations and their associated punishments. More specifically, MSD is analyzing the law to help ensure that the law does not create a criminal procedure subsystem for tax violations by establishing procedures distinct from and inconsistent with the NCPP. The work in this area is important not just to support system wide consistency with the NCPP, but also to support consolidation of the NCPP. As noted on other occasions, large tax code violations will tend to be white collar crimes, and successful prosecution of a large scale white collar crime under the NCPP will greatly assist in consolidating popular support for the NCPP.

At present changes proposed to the tax code by the Ministry of Finance have been approved both in general and in detail by the Senate, and the legislation it is presently pending in the Chamber of Deputies. It does not appear on the legislative calendar as yet. In the interim, a more complete report on the proposed legislation and existing law has been prepared by the BAOJ program for submission to the Ministry of Justice, which should submit its revised/approved version of the report to the Ministry of Hacienda and create a workgroup to attend to this issue. Preparation of this report involved the participation of the Bolivian Institute for Tax Studies (Instituto Boliviano para Estudios Tributarios, or IBET). During the week of September 17, 2001 BAOJ Program personnel met with the IBET personnel to obtain input on proposed changes to the Tax Code. A preliminary analysis of the legislation reveals problems that include a lack of clarity as to what constitutes minor infractions and what constitutes crime, as well as inconsistency with the NCPP on various points. For example, as is, the law expands the authority of the sentencing judge (juez de sentencia) to cover all tax code crimes, which would make it impossible for prosecutions of tax code violators to appear before sentencing tribunals that include citizen participation.

A copy of the report to be submitted to Ministry of Justice appears in Volume 1 of the Annexes.

1.1.7. ACTIVITY: Technical assistance for the development of a Draft Supreme Decree for the restructuring of the Public Defender (*Defensa Pública*).



66%

Since the NCPP establishes an oral, accusatory system driven by police and prosecutorial functions, it is essential to the protection of human rights and the establishment of a balanced system of criminal justice that a viable public defender service exists and is able to effectively render its services. To this end, during the week of November 19, 2001 BAOJ Program staff reviewed the Supreme Decree on the Organization of the Public Defense (*Decreto Supremo de Organización de la Defensa Pública*) prepared by the Ministry of Justice. A report and a revised Decree was prepared for consideration by the appropriate GOB authorities. If enacted, this revised *Decreto* would govern the organization, characteristics, and functions of the National Public Defender Service. Additionally, with over 60 articles, the decree is extensive and

detailed enough to serve as the basis for a congressionally approved and presidentially promulgated law, which would lend more legal weight to this matter. Planning for the workshop involving the Ministry of Justice and the Public Defense was undertaken in June, in anticipation of the installation of the new government in August, 2002. Next steps include a workshop for discuss the draft decree. The latest available version of the decree appears in Volume 1 of the Annexes.

1.1.8. ACTIVITY: Technical assistance to support Congressional approval of the Law of Responsibilities <i>Ley de Responsabilidades</i>).	
	20%

The Bolivian constitution recognizes the special status of certain government officials by virtue of their office. This proposed law would establish potential criminal responsibility and the crimes for which these officials can be prosecuted. The currently in force law is ineffective-- it is extremely dated and designed for a criminal justice process that is inquisitive. For these reasons it is necessary to update the Law of Responsibilities to modern circumstances, including the now in force NCPP. The BAOJ program provided technical assistance for the development of updated legislation during Phase II, which was introduced in the 2000 legislative session. Since then it has been floundering in the Congress, stuck in the Chamber of Deputies Constitutional Committee. Preliminary work to develop a solid draft law had progressed to the point where we would characterize progress towards goal at approximately 50%.

In July, 2002 another set of modifications to the law currently on the books was initiated in the Senate in July, 2002. The changes to the law increased the limitations period for certain crimes, but essentially maintained the law on the books and is therefore technically inadequate as real reform. The BAOJ Program provided technical assistance at the request of then president of the Chamber of Deputies, Luis Vasquez, to support substantive adjustments to the changes under consideration. These efforts were suspended at the request of USAID/the embassy. True reform to the Law on Responsibilities would add important substance to the GOBs current efforts in the anti-corruption area.

1.1.9. ACTIVITY: Technical assistance regarding the Organic Law of the National Police (<i>Ley Organica de la Policia Nacional</i>).	
	10%

The current Organic National Police Law does not provide a sufficient articulation of basic, inherent police functions—the prevention and suppression of crime-- resulting there is also no clear regulatory authority regarding obligations, rights, and powers. Citizen perception of arbitrariness in police action is therefore common, as is an expressed lack of certainty regarding the police function by the police themselves. As the NCPP provides for an critical investigative role to be filled by the police, it is necessary to correct these ambiguities regarding the responsibilities of police during the investigative phase and the relationship of police with the citizenry.

Legislation has been developed to replace the current *Ley Organica de la Policia* (see attached) that enjoys some support from the police. This draft legislation is the product of efforts by the

U.S. Department of Justice's International Criminal Investigative Training Assistance Program (ICITAP) personnel and its consultants and subsequent reviews/revisions by the BAOJ Program. Despite these efforts, the proposed law has enjoyed no movement in Congress and continues to be a source of discontent by the police. Additionally, although the draft law has some positive aspects, it falls short of the comprehensive reform required.

Corruption and lack of transparency in police operations are large obstacles to consolidating criminal justice sector reform in Bolivia. The only criminal justice sector institution that has not undergone major reform in the last 10 years is the National Police. At the same time that the aforementioned situation has predominated, this past June, 2002 Bolivia went to the polls to elect a new president and congress. Gonzalo Sanchez de Lozada (Goni) of the MNR party was determined to be the frontrunner. The MNR campaign platform included a promise to reform the police, an effort that will likely be led by vice-president-elect, Carlos Mesa. The question is, then, what should USAID's approach be to police reform?

Recommendation 1: Focus on Citizen Security

In June, 2002 we recommended that the discussion needs to be shifted from the context of reform, which places Police on the defensive and creates additional barriers to progress, to one of citizen security. Citizen security is a popular theme with the public at large, and conceptualizes the police as a positive force whose purpose is to serve and protect the citizenry. Subsequent developments in Santa Cruz made this recommendation compelling, with mobs attacking suspected criminals as well as the police themselves in early August, followed by a plethora of news reports focused on citizen security. Focusing on citizen security will reach the same topics that would be covered by a discussion of "reform", but in a context which does more to actively engage the National Police in discussing, defining, and implementing the changes that need to be made.

Recommendation 2: Negotiate Commitment to a Goal and a Process

The draft of the Organic Police Law that currently exists has been handled and reviewed too many times to serve as an effective starting point for police reform. Rather than using this draft legislation as a starting point, a new and clear starting point can be commitment to a goal or goals and to a process for achieving them. In general, this process should involve police, civil society, and other justice system officials in the design of an ideal National Police and a determination of what needs to be changed in the law to permit such a police force to emerge.

Presently and historically, progress on police reform has been hampered by the taking of defined positions by those involved. Positional bargaining is inefficient and results in weak agreements or no agreements. By negotiating commitment to a goal and a process, we extract the issue from the context of positional bargaining and instead focuses on interests. Once the common goal is agreed upon (focusing on citizen security or similar non-threatening theme), the process itself is defined jointly by involved parties, either because they develop it or because they approve the process as developed by a third party. This is the method MSD used to secure the inter-institutional agreement on money laundering, and we believe it will also be fruitful in this context, though over a longer period of time. We made this recommendation in May, 2002.

Undertaking the aforementioned recommendation is within MSD's scope of work for the BAOJ program. The first step is securing commitment to a common goal from the National Police and other appropriate officials in the new government. This political work can be done by MSD, but should be done at the Embassy/USAID level with participation of MSD. It would be followed by

the organization and completion of the required conferences, workshops, and workproducts to push the process forward.

Recommendation 3: Promise incentives moving the process forward.

As the process evolves and institutional needs begin to be defined, USAID and the international donor community should coordinate to respond to identified needs and offer some assistance to the GOB based on satisfactory progress toward the ultimate goal, which is passage of a comprehensive Citizen Security Law (i.e., police reform), followed by more extensive assistance once the law is passed. USAID's recent decision to re-prioritize planned expenditures of PL480 funds and cancel replication of INSPECTOR is presently being implemented by MSD can be cast as a decision made in lieu of a concrete commitment as described above.

Notwithstanding the above recommendations, MSD continues to look for political opportunities to move forward with exiting legislation. Although inadequate, its passage would represent a step in the right direction. At present, it is not anticipated that the political climate will be appropriate for pushing this issue until perhaps sometime after the Summer, 2000 elections. After that, as noted in prior reports, support from the Embassy identifying the legislation as a priority issue will greatly assist in generating movement on legislation that is among the most difficult and contentious of all those being dealt with.

<p>1.1.10. ACTIVITY: Technical assistance for the Community Justice Law (<i>Ley de Justicia Comunitaria</i>).</p>	 <p>20%</p>
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The NCPP reflects the Bolivian constitutional recognition (Article 171) of the power of the authorities of indigenous and campesino peoples to resolve conflicts within their communities using community/ traditional law. The specific functioning/relationship between the indigenous justice process and those provided for by the NCPP remains undefined. This work needs to begin with legal rules that clarify the functioning and relationship of these systems in order to respect constitutional recognition of indigenous/community justice, within the overall limits set forth by the constitution.

To proceed on this activity, the BAOJ Program deployed to Bolivia from Argentina an expert in indigenous justice to provide technical assistance from framing the issues to be resolved in harmonizing community justice with the NCPP, as well as to review draft legislation regarding community justice. Upon review of the draft legislation, the following concerns were noted:

Integration or consolidation of ethnic and class divisions? As presently formulated, the law would seem to create a criminal justice sub-system with jurisdiction based on large part on the ethnicity of the individual accused. In responding to the motivation for the law –respect for indigenous conflict resolution and justice-- the law actually reinforces divisions between the indigenous population (Quechua 30%, Aymara 25%) and the white population (15%) and mestizo (30%) populations. This begs the question: what are the goals or objectives of the GOB, and/or international development agencies, with respect to indigenous populations? If the goal is incorporation of indigenous populations into the larger society as participants in democratic governance, this law does not serve that purpose. Under it, the jurisdiction of the community justice system, and therefore the law to be applied, is determined in no small part based on ethnicity, not on the facts of the case (where it took place, the crime at issue, etc).

Adaptation of both systems at key points of intersection. Community justice can be respected and incorporated into the larger legal system, but should not exist as a separate, competing system. Both the spheres of regular government-delivered justice and community justice will need to adapt to each other at the level where these systems are overlapping, and this will involve changes in each system. As formulated, the proposed legislation makes all the changes needed to accommodate community justice systems, with no changes made by community justice systems to adapt to the requirements of state-sponsored justice delivery. In order for community justice to exist as an integrated and coherent part of an overall justice system, changes will be needed to both systems at their points of intersection. This means, for example, that community justice decisions should be registered somewhere in written form, not just in the memories of the community leaders who heard the case and applied the justice.

Supremacy of Laws. As formulated, the law implicitly establishes the jurisdictional limits of community justice based on ethnicity and to some extent geography that operate to create situations where a crime processed through community justice may carry a penalty that is significantly different than the penalty that would be imposed for the same crime processed through the regular justice system. This creates significant opportunities for political abuse. For example, a community could determine its penalty for narcotrafficking to three months. The implications are obvious, and in a reformulation of this law there may need to be included exceptions to community justice jurisdiction for certain types of crimes: narcotrafficking, terrorism, homicide, and others.

This feedback was provided to ETI technicians, which concurred with the observations and produced a second draft, which can be found in Volume 1 of the Annexes to this report. Notwithstanding the revisions, the BAOJ Program is exploring bringing a USN or other constitutional law/community justice expert to assist in the review and finalization of a proposed law which can then be circulated through the BAOJ Program NGO network to obtain community level inputs and validation.

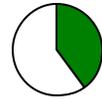
<p>1.1.11. ACTIVITY: Technical assistance regarding proposed changes in law affecting the NCCP (citizen security, military justice, etc.).</p>	
	<p>50%</p>

Tasks pursuant to this activity are planned and executed on an ongoing basis, and as the project period is half over, we characterize progress at 50%. The legal development area provided technical assistance on an ongoing basis to queries regarding medidas cautelares and their association, however inaccurate, with the rise in violent crime. This topic is expanded on in the section reporting on Public Awareness and Education efforts, below.

<p>1.1.12. ACTIVITY: Technical assistance regarding potential modifications to the NCCP.</p>	
	<p>50%</p>

Tasks pursuant to this activity are planned and executed on an ongoing basis, and as the project period is half over, we characterize progress at 50%. No serious flaws in the NCCP

have been detected. NCPP provisions dealing with *medidas cautelares* are being miscast by media as being associated with the increase in violent crime. To the extent that there are problems with *medidas cautelares*, they are sourced in poor application of existing law by judges and prosecutors, a problem that will be addressed during Phase III training. Any changes that the GOB ends up proposing to the law regarding *medidas cauterlares* are likely to motivated by political considerations, rather than an actual flaw in the NCPP. If such changes become inevitable for political reasons, the BAOJ Program will endeavor to direct and shape the changes so that they clarify the correct application of *medidas cautelares*, without changing the essence of the provisions, which are technically and conceptually correct.

1.1.13. ACTIVITY: Technical assistance for reform to the Criminal Code (Codigo Penal).	
	40%

This activity deals with changes to the Criminal Code (Codigo Penal). High priority topics for the BAOJ Program include the use of informants as witnesses at trial and the need to create exceptions to allow these individuals not to be prosecuted for “participating” in the crime (*participes del hecho delictivo*). Pursuant to shared workplan Activities, the BAOJ Program and the GTZ organized a seminar held during the week of November 26 entitled “Evaluation of Substantive Criminal Law”, which the BAOJ Program also co-sponsored. Principle conclusions of the participants included:

- Basic reforms to the Criminal Code are needed.
- Orient the reform in the context of criminal justice policies consistent with the Rule of Law.
- Harmonize Bolivian criminal law with international agreements to which Bolivia is a signatory.
- Incorporate into a unified Criminal Code matters defined crimes and dispersed through a variety of distinct laws (Ley 1008, Ley del Medio Ambiente, Ley General de Aduanas, etc.).

It is worth noting that as to the last conclusion of the seminar regarding unification of crimes into a single Criminal Code, there may be other more desirable ways to deal with this—namely through production of supplemental references that re-organize all crimes as defined in multiple distinct laws into a single digest. Raising this variety of laws for the purpose of properly organizing them also opens the possibility of re-opening the substance of the laws for discussion. To this end, the program is exploring the possibility of a dual publication system analogous to that found in the United States. Public Laws passed by Congress and signed by the President are eventually codified into the United States Code, which takes the disperse/diverse set of Public Laws and incorporates them, by topic, into a uniform Code.

Following up this initial seminar, BAOJ Program experts provided technical support for the preparation of the results of the session in a report to be issued by the Ministerio de Justicia. This report details many of the changes thought to be needed to the criminal code by the aforementioned group, and can be found in the Volume 1 Annex set.

Under the leadership of then Minister Carlos Goitia, the Ministry of Justice requested BAOJ Program support for a series of workshops to obtain input from various audiences on the reforms needed to the Criminal Code. The decision to finance these workshops was made in

consultation with USAID as there were solid technical reasons both for and against supporting financing of these session. Principle concerns were the short-tenure of then Minister Goitia and the likelihood that the new government would be unwilling to take up where the prior government left off on this topic. Nonetheless, it was determined that there was technical value in obtaining additional inputs, particularly if the MOJ included certain topics for discussion of particular interest to the BAOJ Program (use of informants as witnesses at trial and the need to create exceptions to allow these individuals not to be prosecuted for “participating” in the crime). The workshops were financed largely by GTZ with support from USAID.

Once the new government is installed the BAOJ Program will begin efforts to re-initialize work in this area through one or more workshops to finalize a draft law and facilitate its submission to and consideration by Congress.

1.2 RESULT: LEGAL REFORMS ASSOCIATED WITH THE NCPP AND REQUIRED TO ENABLE/CONSOLIDATE THE NCPP ARE IMPLEMENTED AND ENTER INTO FULL EFFECT.

Under this result the BAOJ program workplan submitted to and accepted by USAID listed various activities, including the following:

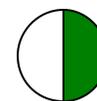
- 1.2.1: Technical and legal monitoring of work developed by other AOJ project areas.
- 1.2.2: Monitoring of justice system operators execution of their functions.
- 1.2.3: Monitoring by stages of the NCPP defined criminal justice process and by implementing institution.
- 1.2.4: Monitoring of administrative operations that support execution of functions by justice system operators.
- 1.2.5: Monitoring of the strategic orientation of criminal policy decisions adopted by the GOB.

In prior reports, we noted that the various of the above activities appear as separate items for the purposes of organizing work, but in fact are highly interrelated and therefore tasks carried out in support of these activities are reported on together. Consistent with this, we propose certain changes to the program workplan as detailed below.

Activity 1.2.1. is unnecessary, as management directs and facilitates coordination between program areas to ensure the appropriate feedback and technically correct implementation of activities. As such, activity 1.2.1 should be eliminated from the workplan.

Additionally, activities 1.2.2., 1.2.3, 1.2.4., and 1.2.5. are redundant. These activities purports to articulate the various types of implementation issues that could affect NCPP implementation by Bolivian justice system institutions. This is impractical and unnecessarily restricts monitoring activities. I therefore propose that this activity be re-articulated as follows: Monitoring of NCPP implementation by the GOB and technical assistance to support NCPP entrance into full effect. This covers all possible implementation issues subject to monitoring and associated technical assistance. The remainder of this report reflects this change.

1.2.1 Monitoring of NCPP implementation by the GOB and technical assistance to support NCPP entrance into full effect.



50%

August, 2001 Police – Prosecutors Conflict in Cochabamba: As a result of increasingly tense conflicts between police and prosecutors trying to deal with the day-to-day implementation of the NCPP, the Minister of Justice deployed Vice Minister Carlos Goitia to Cochabamba to assess, mediate, and resolve the situation in the context of a conciliation meeting called by the Governor (*prefecto*) of the Department. At the request of the Minister of Justice, MSD/Bolivia also deployed Reinaldo Imaña on August 27, 2001 to provide technical support and guidance to the VM. The meeting was moved to the facilities of the Presidency of the Superior Court due to the fact that the Prefecto was unexpectedly called to La Paz. The agreements reached at this meeting included the following:

- The police confirmed their commitment to moving forward with the implementation of the NCPP.
- In order to facilitate effective working relationships, both the PTJ and the *Fiscalía* agreed to hold periodic meetings to identify obstacles and propose solutions, with facilitation provided by the BAOJ Program *Equipo Técnico*.
- Any information regarding problems with the implementation of the NCPP would be provided exclusively to the regional authorities of each institution (and not to other sources, like the press) for handling.

Customs Administration: Monitoring of the implementation of the NCPP by the Customs Administration resulted in an extensive request for technical assistance in the application of the NCPP in the customs context. Julio Cesar Torrico, Customs Administration District Coordinator for Oruro, posed a series of questions which, in developing the answers to these queries, proved instructive for both Mr. Torrico and the Legal Development Area.

Ongoing Technical Support to Prosecutors and Judges: Throughout the reporting period MSD has monitored and provided case-study based training, as requested by the Ministry of Justice, to prosecutors and judges dealing with actual cases being processed under the NCPP, including 21 narcotrafficking cases, one rape case, and the *cogoteros* cases. This hands-on technical assistance has included training on the practical application of NCPP provisions, training on the drafting formal trial documents, training for case strategy development, and related applied training assistance. Case-study based training has been provided to fiscales La Fuente, Alave, Vera, Borda, Morales, Soliz, Salinas, and Rocabado dealing with a cases prosecuting a variety of crimes, including the PROSEGUR case, rape, the *cogoteros* cases, the Pananty (Sin Tierra) case, and various narcotics/narcotrafficking cases.

Data Collection and Analysis: BAOJ Program experts began development of the data elements and the forms to be used to collect data from justice sector institutions through the Unidad de Política Criminal (cross-reference with Activity 2.1.6., below). Also developed were the accompanying *instructivos* that would be issued with the forms. The forms were submitted to the MOJ for review and approval. Actual issuance and subsequent collection of data will emphasize electronic collection and transmission via the MOJ NCPP website maintained by the BAOJ Program and other electronic means of recording and forwarding the information for compilation and analysis by the Unidad de Política Criminal with technical support from the BAOJ Program. In certain cases paper forms will nonetheless need to be used due to internet

access and/or other technological limitations. The data collected will be used together with data available from sources such as INSPECTOR and IANUS to prepare a statistical report on the criminal justice sector for the May, 2002 one year anniversary of the NCPP.

Other related activities included the development of a chart comparing case processing times of the old criminal procedure system with the NCPP, and a form/chart for tracking oral trial case details and outcomes.

INSTITUTIONAL STRENGTHENING AREA

SPECIFIC OBJECTIVE 2 - INSTITUTIONAL STRENGTHENING. KEY INSTITUTIONS OF THE BOLIVIAN JUSTICE SYSTEM ARE MODERNIZED AND STRENGTHENED IN ORDER TO OVERCOME THEIR INSTITUTIONAL WEAKNESSES AS OUTLINED IN THE NATIONAL IMPLEMENTATION PLAN (NIP) RECOMMENDATIONS FOR THE IMPLEMENTATION AND MONITORING OF THE CCP.

RESULT 2.1. THE ANNUAL OPERATING PLANS OF EACH JUSTICE SECTOR INSTITUTION ARE DRAFTED AND IMPLEMENTED IN COMPLIANCE WITH THE CCP NATIONAL IMPLEMENTATION PLAN.

2.1.1. ACTIVITY: Technical assistance in the development of workplans and budgets for each justice system institution.	
	85%

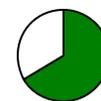
This activity projected completion of the annual operating plans (*Plan Annual Operativo*, or POA) of each justice sector institution by November, 2001. This projection was based on the practical need for each justice sector institution to submit a budget to the Ministry of Finance for allocation of resources for 2002. As of November, 2001 the Ministry of Justice, the Public Defense, and the PTJ had all completed their POAs and associated budgets with technical assistance from MSD, delivered through a series of working meetings/workshops conducted by the Institutional Strengthening Area between August and November, 2001.

Exceptions to timely completion of the POA are the Public Ministry and the Poder Judicial, both headquartered in Sucre. The BAOJ Program began its efforts to coordinate POA production assistance with these institutions as of September, 2001. While commitments were secured to develop the POA and then a corresponding budget, neither institution was highly responsive to initial requests, and tended to have the opposite approach to institutional planning-- that is, secure the budget first, and then develop the POA.

In February, 2002 the Poder Judicial completed their POA and provided a copy of same to the BAOJ Program in February, 2002. Prior TA provided by the BAOJ program appears to have been retained, as the we have reviewed the Poder Judicial's POA and consider it to properly contemplate costs and activities needed to support implementation of the NCPP.

The Public Ministry continues to operate without a POA, and also suffers from serious leadership and coordination problems. On the POA issue, the BAOJ program and the GTZ has been working with Ricardo Soliz, General Coordinator of the Fiscalía General, to establish a process for POA development within the institution. With no initiative from the Public Ministry, we again raised the matter at a recent meeting Sucre, at which time a commitment was secured from the Attorney General to proceed on POA development based on our initiative. The BAOJ Program will provide assistance for the POA development process so that a POA consistent the NCPP is completed and submitted to the Ministerio de Hacienda by the 2002 deadline of October 31, 2002 (normally the last business day of September, but extended to accommodate delays related to the transition of power).

2.1.2. ACTIVITY: Technical assistance and financial support for the construction and/or equipping of Model Courtrooms.



66%

In order to determine what technical support and equipment would be needed for the completion of model courtrooms the BAOJ Program workplan counted on timely receipt of the Judicial Branch POA—that is, in November, 2001. Nonetheless, MSD received a formal request from the Judicial Council on December 4, 2001 for assistance in equipping model courtrooms, accompanied by a manifest of needed items, with basic specifications. The requests have broken down into a matrix to facilitate determination of real needs as opposed to “wish list” items considering the geographic location, local needs/case volume, the specifics of the equipment requested, and other such factors. Due to delays in receipt of the POA and substitute methods for determining the needs for Model Courtrooms, the release of the RFP to obtain proposals from suppliers and the selection of a supplier/subcontractor will likely not be completed until sometime in 2002 and not December, 2001 as indicated in the BAOJ Program Workplan.

Lic. Hugo Velasquez from the Judicial Council in Potosi has contacted the BAOJ Program to specify the furniture requirements for the court in Potosi. An informal request was also received for equipping of a model hearing room from Dr. Candia, Director of the Career in law (Carrera en Derecho) of the Universidad San Simon in Cochabamba. The Dean of the University, Lic. Arce, followed up on this with an official request. Once equipped, the hearing room would, through an agreement with the appropriate institutions, also be available for use for training purposes by the justice system operators in that District. Once the parameters of the acquisitions that will be made for the CJ are determined, a reply will be able to be formulated for the Universidad. Cost quotes will also be obtained from Mr. Vladimir Torres, a subcontractor who builds courtroom furniture.

On March 8, 2002 BAOJ Program representatives met with Consejera Teresa Rivero to review plans for the equipping of courtrooms. The BAOJ Program began collecting the necessary information to initiate the procurement of courtroom furniture, such as number of persons typically present and other such data. Two firms which had made this type of furniture were invited to submit bids: SOMAIN of Santa Cruz and MOBLART of Cochabamba. The firms visited the site at which the furniture would be installed and prepared proposals based on their site visits. The BAOJ Program evaluated these proposals together with the Judicial Council, and both firms were eventually contracted to provide the called for courtroom furniture. The furniture has since been delivered and installed as of June, 2002. A ceremony in which USAID could formally deliver the furniture in Potosi was suggested to USAID but declined for now, though we are told it may be desirable at a future date.

Also during the March 8, 2002 meeting with Dr. Rivero, the *Consejera* requested assistance with the installation of a uniform system for recording oral trials in all districts. With USAID approval we began exploring various alternatives for recording and archiving court proceedings in a cost effective manner. We prepared a request for proposals that was published nationally in Bolivia May 8 and 9, 2002. Only one response was received, and the proposal considered to be too costly for the services and equipment to be received. Pending USAID’s decision as to whether or not to proceed with INSPECTOR replication for the Police as well as Fiscales, certain amounts of PL480 funds may be freed which could be applied to this or other activities. We will continue to look for vendors with appropriate expertise and experience.

<p>2.1.3. ACTIVITY: Technical assistance for implementation of the Forensic Investigations Institute (Instituto de Invetigaciones Forenses, or IDIF).</p>	 <p>90%</p>
<p>2.1.4. ACTIVITY: Technical assistance for implementation of the Forensic Investigations Institute (IIF). Phase II.</p>	

These activities are reported on together because of their highly inter-related nature.

MSD consultant Dr. Mora of Colombia provided technical assistance to the Public Ministry for the development of profiles and descriptions of the management personnel needed for operation of the IIF. These profiles were completed on September 20, 2001. At the same time, MSD had completed the competition process for selection of a headhunting subcontractor to search for candidates to serve as the Director of the IIF. The firm PROACTIVA was selected, approved of by the Public Ministry, and subcontracted on September 21, 2001 (with PL480 funds) to conduct the search, check candidates background and references, and making a recommendation. The final recommendation from PROACTIVA was received by MSD and forwarded to the Public Ministry for consideration. The Public Ministry concurred with the recommendation and named the new IIF Director on January 02, 2002.

Shortly thereafter, the BAOJ Program conducted a visit to Sucre with the USAID CTO Galvez and then DEMOSOT Director Jose Garzon, from January 23 to 24, to review program progress with Attorney General Crespo. During that visit we were briefed on the plans of the new IDIF Director, Jorge Nuñez de Arco, for the IDIF and the scope of its role and functions. Dr. Nuñez de Arco proposed a scope for the personnel of the IDIF that, objectively speaking, falls outside the role prescribed for the institute in Bolivian law. Dr. Nuñez de Arco's vision involves the presence at all crime scenes of IDIF personnel, with IDIF personnel, and not the police, collecting evidence and then analyzing it in their labs. We provided feedback to him on the appropriate scope of IDIF activities as per the law, and also raised the practical considerations of cost and staffing levels that would be needed to accommodate his vision.

Following up on this visit, BAOJ Program consultant Dr. Ricardo Mora from Colombia was deployed to La Paz to work with La Paz based BAOJ Program staff and consultants to continue providing guidance and technical support for the IDIF. Technical assistance included assistance for the development of the organizational structure and planned size of the institution. The initial size of the IDIF contemplated by the PM was much more extensive, and also included selection of Sucre as the site for the establishment of the first regional center. The BAOJ Program was successful in providing technical guidance to reduce the scope of plans to be more consistent with resource limitations and changing the site for the first regional center to La Paz, which is consistent with the distribution of need for services of the IDIF (i.e., statistically, more crimes requiring the services of the IDIF occur in La Paz). The BAOJ Program also provided assistance for the development of a draft IDIF operations manual and position descriptions. A copy of these documents is contained in Annex 13, Volume 2 of the Annex set.

On March 2, 2002 in the Hotel Europa a special session was held by the BAOJ Program working with the Public Ministry to present the new, planned structure of the IDIF. In summary, the IDIF will consist of four regional centers—one each in La Paz, Cochabamba, Santa Cruz, and Sucre—and five, smaller, district level operations in Oruro, Pando, Beni, Tarija, and Potosi. The session also covered the financing required to fully implement the IDIF, and a discussion of the PM's commitment to providing the financing. This session included the participation of Attorney General Oscar Crespo, Director of the IDIF Dr. Nuñez de Arco, then PTJ Commander

Andres Sanchez, Dr. Ricardo Mora Izquierdo, and PRI consultant Ricardo Olabegoña, an expert in construction of forensic institutes. As follow up to their presentations, the Public Ministry further concretized its commitment to operationalizing the IDIF with the issuance of a formal resolution (number 002/2002) signed by Oscar Crespo on April 15, 2002 committing 29% of the estimated financing necessary to fully launch the IDIF. This resolution also approves the organizational structure of the IDIF in four regional offices (La Paz, Sucre, Cochabamba, and Santa Cruz) and five district offices (Beni, Pando, Oruro, Tarija y Potosí) A copy of this resolution also appears in Annex 13.

Although it has moved slowly at times, the PM has consistently moved forward with significant steps that demonstrate its commitment to launching an effective and professional forensic analysis service to prosecution of cases under the NCPP. These steps have included working with the BAOJ Program through the process of searching for and hiring a Director and supervisory/management personnel for the IDIF, securing budget line items for IDIF staff, selecting a technically sound location (La Paz) for where the first IDIF regional center will operate, and issuing an internal resolution committing GOB financing for the IDIF. The BAOJ Program believes that in addition to the simple fact an IDIF is sorely needed and that these steps demonstrate a commitment that warrants consideration of additional support from international donors to assist with the acquisition of critical lab and related equipment, with certain caveats, as explained below.

First Caveat: One complication was the insistence of the new Director Nuñez de Arco on asserting that the role of the IDIF should be to be present at most crime scenes and that IDIF personnel, and not the police, should be responsible for the collection of evidence. This is plainly in contravention of the law—NCPP Article 74 specifically assigns responsibility for evidence collection to the police, and Article 75 specifically assigns responsibility for scientific and technical analysis of evidence to the IDIF. By continuing to assert a role for the IDIF that is plainly inconsistent with the law, Dr. Nunez de Arco is fostering poor relations between the police and makes a strategic error by creating contention related to the IDIF when he should be seeking bases of support, particularly at this early stage in establishment of the institution. In recent months his public position has softened, though privately he likely maintains the same goals for the long term.

Second Caveat: Another issue is the naming of key management personnel for the IDIF. Several persons who would work in the IDIF are coming from the police, and rather than resigning to accept a new position within the IDIF, these candidates are seeking to secure a leave status (*declaratoria en comision*) that permits them to work for the Public Ministry without losing their rank and seniority within the police system. Many police also view financing of the IDIF as insecure, and therefore are unwilling to completely leave behind police careers for something they perceive as being unproven and unstable. The BAOJ Program believes that the proper course of action is to pre-condition selection for a position within the IDIF on resignation from all other positions. The reason that the PM has been assigned the task of evidence analysis is in part because of unreliability and corruption within the police. Maintaining one's position within the police hierarchy maintains relationships involving lines of authority between potential IDIF personnel and police that could lead to continuing influence of police over how evidence is analyzed and reported on by the IDIF. Pre-condition acceptance of an IDIF post on holding no other positions outside the M.P. would resolve this. What has happened since this issue was first identified is that Major Gary Omonte, the leading candidate to serve as the IDIF head of Criminalistics, was denied special leave status by the National Police. A Major Goitia has been allowed the status, however, and is presently operating as Chief of Criminalistics.

Considering the above two caveats, we had previously recommended that USAID and other international donors predicate financial support for the IDIF on a clear showing by the new IDIF Director that he understands the role and functions of his institution as specified by the law and intends to focus on establishing the institution in accordance with existing law. This has occurred, and support for the IDIF should therefore be considered. Although the personnel issue described above is of less critical immediacy, it needs to be addressed eventually, and may be better resolved through efforts at police reform contemplated through the Ley Organico de la Policia and related future efforts.

<p>2.1.5. ACTIVITY: Technical assistance for implementation of the Inspector General (IG) in the Attorney General's Office.</p>	 <p>90%</p>
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MSD CCN short-term consultant Lola Araujo was retained in late August, 2001 to develop a draft set of regulations to govern the operation of the Inspector General function in the Public Ministry. This activity was carried out two months earlier than indicated in the workplan to take advantage of this particular expert's availability. Since receipt of the consultant's report and draft regulations, these materials have been submitted on September 31, 2001 to the *Fiscalia General* for consideration and approval. The BAOJ Program's legal technical work here is essentially complete. Impediments to implementation of the Inspectoria General are largely due to the lack of Fiscales de Distrito. According to the Public Ministry Law, selection of the Inspectoria General is to be made by the Attorney General based on the recommendations of a commission/committee comprised of District Attorneys. Since District Attorneys were never selected by the Bolivian Congress, these positions remain vacant, held by interim personnel. We continue to monitor and seek opportunities to secure advancement by the Public Ministry on this, as even with interim DAs serving on the selection committee progress can be made. Once selected, the BAOJ Program will provide training on the role and scope of authority of the IG.

<p>2.1.6. ACTIVITY: Technical assistance for implementation of the Criminal Policy Unit (CPU) within the MJDH.</p>	 <p>70%</p>
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MSD completed preparation on December 18, 2001 of a justification for proposed expenditures of PL480 funds to undertake activities that will support, and are designed to lead to, the establishment of the CPU by the Ministry of Justice. USAID approved this action and the BAOJ Program undertook a variety of steps to support the launching of this initiative.

Then Vice-Minister Carlos Goitia produced a draft of the Supreme Decree that will be needed to formally create the CPU with the approval of then Minister Mario Serrate. The MOJ submitted the draft for review and comment to the Supreme Court, the Ministry of Government, the Minsiterio Publico, the National Police, and the Congress.

In March, 2002 Carlos Goitia assumed the position of Minister of Justice. As former BAOJ Program personnel, Minister Goitia was knowledgeable of the program and its purposes. With USAID consent, we advised Minister Goitia against proceeding with a decree that would create a National Criminal Policy Commission providing oversight for and controlling the activities of the data and research oriented Criminal Policy Unit (CPU). We recommended first the creation

and consolidation of the CPU as a technical focused unit which could independently produce impartial data and analytical reports for use by such a national commission to be created at a later date. The decree was subsequently revised by the MOJ but was not signed by Minister Goitia prior to his departure. The decree is pending signature by the current Ministra, Gina Mendez.

In the interim, the BAOJ Program has also prepared draft data collection instruments for use by the CPU along with data from sources such as IANUS and INSEPCTOR. Financing for four months of CPU operations has been planned for with PL480 currency.

<p>2.1.7. ACTIVITY: Technical assistance for Implementation of the Public Access Project (<i>Plataforma de Acceso Publico</i> or PA Project) in District Attorney's offices.</p>	 <p>70%</p>
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The BAOJ Program began providing technical assistance for the development of the Public Access Project in August, 2001, followed up by internal concept development meetings within MSD and subsequent meetings with Public Ministry officials, including the Director of Communications, the *Asesor General*, the *Fiscal Adjunto*, and the Director of Administration and Finance. The Director of Communications, in particular, is a new position within the Public Ministry that created to attend to the public information/education functions of the *Fiscalia* related to the NCPP. The final draft document defining the scope, purpose, and operations of the PAP was timely completed in November, 2001 and forwarded to the PM in December, 2001. Once approval from the Public Ministry is provided, the BAOJ Program will also proceed with acquisition of limited furniture to assist in setting up the pilot in Sucre, as well as limited training on how to interact and assist the public. This approval was obtained during a recent meeting Sucre. The PM also showed the space where the furniture will be placed and the public received. The PM is providing the staffing.

<p>2.1.8. ACTIVITY: Institutional Strengthening of the Public Ministry.</p>	 <p>50%</p>
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Tasks to support institutional strengthening of the PM are ongoing throughout the life of the project and therefore we characterize progress in this area to coincide with project execution period being half over.

Early during the first half of Phase III the BAOJ Program provided technical assistance for the completion of an organizational analysis of the Public Ministry which was completed on October 23, 2001. The general outlines for development of organizational charts, operating manuals (*manuales de funcion*), policies, procedures, and regulations was completed by October 26, 2001, as was the general outline for a plan to implement the redesign of the Public Ministry. Additional technical assistance for the development of primary organizational charts was completed by November 7, 2001. These tasks were completed ahead of schedule, as the workplan had projected January, 2002 for beginning these tasks.

Assistance was also provided for the development of organizational charts for the Protective Unit (victims, witnesses, and others) consistent with the NCPP. These were sent to the Ministerio Public in May, 2002.

In early June, 2002 Attorney General Crespo made a series of new, specific requests for financing of activities considered to be priorities for the Public Ministry. The assistance requested was analyzed by USAID and MSD, and though not all requests were deemed worthy of financing, those considered worthwhile and within our scope of work were responded to favorably with a commitment to limited financing (see table below). Assistance has been structures so as to require a comitment of personnel or other resources from the Public Ministry as well. This, together with a review of these activities in the context of POA development, should assist in sustainability.

**TABLE 3
PUBLIC MINISTRY SPECIAL ACTIVITIES**

ACTIVITY NAME	AMOUNT REQUESTED	AMOUNT COMMITTED	DESCRIPTION
Unidad de Intervención Inmediata "UDRI" <ul style="list-style-type: none"> Pasajes Hotel y Viáticos CBB 	9 FISCALIAS \$us 52.800.-- (6 Ciudades)	1 FISCALIA PILOTO CBB. <u>\$us 8.800.--</u> \$us 8.800.— Fuente: AID	Brindar asistencia tecnica y orientación a los Fiscales de todo el país, agilizando la debida atención y tratamiento a las causas ingresadas, la culminación de juicios orales, la aplicación de los criterios de oportunidad y otras salidas alternativas; evitando el vencimiento de los plazos en la etapa preparatoria, la retardacion de justicia y la posible extinción de la acción penal
Programa de Asistencia a la Víctima "PROSAVI" <ul style="list-style-type: none"> Equipamiento Forense Mobiliario de Oficina 	1 PROSAVI 9 PROSAVIS \$us 20.040.-- \$us180.360.-- \$us 8.070.-- \$us 72.630.--	1 PROSAVI PILOTO ALTO \$us 20.040.-- <u>\$us 8.070.--</u> \$us 28.110.— Fuente: PL480	Brindar información, orientación y asistencia directa a toda persona que ha sido víctima de un delito, comprendiendo tanto el asesoramiento legal, tratamiento psicológico, la asistencia medico forense, la asistencia social y gestión de ayuda, coordinación o derivación ante otras instancias pertinentes de apoyo y asistencia social
Plataforma de Atención al Publico <ul style="list-style-type: none"> Mobiliario plataforma, espera e interrogatorio 	1 PAP <u>\$us 3.540.--</u> \$us 3.540.--	5 PAP LP,CB, SC, AL, SR <u>\$us 17700.--</u> \$us 17700.— Fuente: PL480	Canalizar las denuncias y querellas del publico, así como proporcionar información a abogados e interesados en general a través de la Ventanilla Unica para la Recepción de Denuncias; así como facilitar la conciliación de delitos menores. Contar con estadísticas confiables.

ACTIVITY NAME	AMOUNT REQUESTED	AMOUNT COMMITTED	DESCRIPTION
Administración Recursos Humanos <ul style="list-style-type: none"> • Consultoría (4 meses) 	\$us 16.000.--	\$us 10.000.— Fuente: AID	Apoyar la efectiva implementación del Instituto de Capacitación del Ministerio Público (ICMP), desarrollando el sistema de Carrera Fiscal, sus respectivos Reglamentos y Manuales de Procedimientos, que permitan lograr la excelencia profesional y competitividad de los Fiscales, regulando su ingreso, evaluación, permanencia, promoción, capacitación, remuneración y cesación de funciones..
Planeamiento Estratégico y POA 2003 <ul style="list-style-type: none"> • Equipamiento talleres • Materiales talleres • Material de apoyo • Refrigerios 4 por distritos • Gastos pasajes, hospedaje y viáticos 	\$us 1,170.-- \$us 774.-- \$us 720.-- \$us 900.-- <u>\$us 8.880.--</u> \$us. 12.444.--	\$us 1,170.-- \$us 774.-- \$us 720.-- \$us 900.-- <u>\$us 8.880.--</u> \$us. 12.444.— Fuente: AID y GTZ	Desarrollar por primera vez la Planificación Estratégica del MP a mediano Plazo, y concretizar actividades a partir de la Programación Operativa Anual 2003 del MP con la participación de sus principales autoridades.
Instituto de Capacitación del Public Ministry "ICMP" <ul style="list-style-type: none"> 1 Fax 1 Fotocopiadora de alto tráfico 1 Impresora laser de alto tráfico a colores 1 Scanner profesional alta resolución 1 Data Display 1 Computadora Norebook 1 Filmadora profesional 1 Video grabadora VHS 1 Monitor TV pantalla grande 1 Editora de Videos 4 Computadoras desk top para red pequeña 1 Impresora laser de alto tráfico para red 	\$us 400.-- \$us 7.500.-- \$us 4.000.-- \$us 1.500.-- \$us 3.000.-- \$us 2.000.-- \$us 2.000.- \$us 600.-- \$us 800.-- \$us 1.500.-- \$us 4.800.-- <u>\$us 2.000.--</u> \$us 30.100---	\$us 400.-- \$us 7.500.-- \$us 4.000.-- \$us 1.500.-- \$us 3.000.-- \$us 2.000.-- \$us 2.000.- \$us 600.-- \$us 800.-- \$us 1.500.-- \$us 4.800.-- <u>\$us 2.000.--</u> \$us 30.100--- Fuente: AID	Fortalecimiento integral de ICMP orientado a lograr el cumplimiento de su la visión institucional del MP, para convertirse en una institución de excelencia académica que forme fiscales especializados en promover la acción de la justicia, la defensa de la legalidad y los intereses de la sociedad y del Estado..

ACTIVITY NAME	AMOUNT REQUESTED	AMOUNT COMMITTED	DESCRIPTION
Instituto de Investigaciones Forenses IDIF <ul style="list-style-type: none"> 1 Consultor Responsable (6 meses) 2 Consultores Senior (6 meses) 	6 MESES \$us 6.000.-- <u>\$us 6.000.--</u> \$us12.000.--	6 MESES \$us 2.506.-- <u>\$us 5.014.--</u> <u>\$us 7.520</u> Fuente: PL480	Consolidar el proceso de implementacion del IDIF elaborando manuales y reglamentos de procedimientos y de investigación, a fin de consolidar el funcionamiento del instituto.
Fiscal en Recursos Humanos	\$us. 1.117 x 6 mese	\$us. 6.702.— Fuente: PL480	Consolidar el Centro de Justicia y DD.HH. de Chimore con la contratación de un Fiscal en DD.HH. que realice la investigación sobre este tema.
Reglamentos Específicos Ley Safco 1178	\$us. 0.-	\$us 0.— Consultor MSD F.D. Fuente: AID	La Fiscalía General de la República cuenta con reglamentos que fija la Ley Safco, para toso sus sistemas administrativos No incluye valor alguno, ya que un Consultor de MSD desarrollara los mismos, en coordinación con el Director Nal. Adm. y Finanzas FGR

2.1.9. ACTIVITY: Technical assistance for validation and implementation of the Police - Prosecutor Functions Manual with both groups.	 <p style="text-align: center;">90%</p>
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MSD’s experience with the development of the Police – Prosecutor’s Manual and its eventual approval by both institutions is instructive in considering how to approach police reform in Bolivia. A consensus based process characterized by an agreed upon goal (approval and implementation of a manual consistent with the NCPP) that focused on addressing interests, and avoiding positional bargaining. There is significant literature on this subject which, besides the results obtained on the Manual, validates such an approach. Even applying this approach the process was long and at times highly contentious. In the end, however, the result was a consensus-based document jointly reviewed, fine-tuned, and approved by police and prosecutors for use by both institutions. Indeed, the process of developing the manual was as important as the product itself.

At the beginning of Phase III, the BAOJ Program continued its work to develop the operating manual (*manual de funciones*) for police and prosecutors initially developed by MSD consultant Omar Garay during Phase II (this early version of the manual was the source for about 85% of the contents of a manual eventually published by the FELCN for their agents in May, 2002). While the manual is already considered to be of high technical quality, the development of inter-institutional consensus and “ownership” of the manual has been the focus of BAOJ Program efforts during Phase III. A consensus review and approval of the conceptual framework for the manual was secured between the PTJ and the PM representatives serving on an special committee by November 28, 2001.

The manual was then reviewed in detail by the joint PTJ – PM committee from February 7 to 8 and 14 to 15, 2002. The BAOJ Program held sessions at the Hotel Europa and the joint committee completed its work with the signing of a formal document directed to heads of their institutions recommending implementation of the jointly developed manual. Concurrent with this, based on the completed manual and accompanying resolution, the BAOJ Program provided assistance for the drafting of an inter-institutional agreement between the Ministerio Public and the National Police to formally issue and implement the manual within each institution.

Moving forward on this agreement was complicated by several factors. First, a new Comandant of the National Police was installed, and among his first actions was replacing Col. Andres Sanchez, head of the PTJ. Sanchez had been a long-term participant in the review and approval of the manual and was among those within the police supporting its approval, in spite of the fact that the manual was consistent with the NCPP, including the NCPP's provisions regarding the Prosecutor's functional management of the investigation, a provision very unpopular with the police. Commandant Carrasco installed in place of Sanchez a Col. Rodriguez, who had not participated in the manual development process with the Fiscalia and needed to be brought up to speed. The BAOJ Program brought him up to speed.

A second complicating factor was OPDAT, whose representatives traveled to Sucre and directly to counterparts criticized the manual as a return to the inquisitive system. This unfounded criticism created doubts about the manual and its appropriateness for guiding the work of police and prosecutors in accordance with the NCPP. The BAOJ Program took steps to quell these doubts, beginning by taking at face value OPDAT's critiques, despite the fact that they were directed to GOB counterparts and not to the program. Principle among these was that the manual was a return to the inquisitorial system because of the 82 forms it contains.³ This observation has no technical merit. The forms and models support the prosecutor and police in managing cases in accordance with applicable law in the context of the mixed, accusatorial Bolivian system. They are designed to support a new criminal procedure that, for certain accusations, relies on citizen judges and technical judges weighing evidence presented during an oral trial. The forms, models, and tools are not designed to replace the oral trial and cannot be used as such. Additionally, it is notable that forms and model communication protocols between law enforcement agencies are a common feature at all levels of the U.S. criminal justice system (federal, state, local)—a largely accusatory criminal justice systems. It is unsound to suggest that the presence of large numbers of forms—everything from a Notice of Appearance in a Criminal Case to a Warrant for Arrest, to a Summons in a Criminal Case—means that the U.S. system is inquisitorial.

A third complicating factor was the person assigned by Attorney General Crespo to lead the Fiscalia's work on the manual, Rolando Rojas, who suddenly raised new concerns regarding certain aspects of the manual.

Subsequently, positive developments helped get the manual back on track. The National Police named former PTJ Commander Andres Sanchez to continue handling issues related to the manual on the part of the police, and to serve as a liaison to international cooperation on

³ The "forms" referred to are contained in an Annex to the Police – Prosecutors Manual. This annex contains 73 (not 82) items which are a mixture of forms, model resolutions, and working tools for both police and prosecutors. 14 are for use by police, and 59 for use by prosecutors. Additionally, in many instances these model resolutions and forms deal with administrative aspects of case management, and are provided to facilitate and assist in establishing new lines of communication between entities and officials, such as between the prosecutor and the newly created *Instituto de Investigaciones Forenses* (IIF).

training issues. Mr. Rojas and Col. Sanchez met in mid-March to review the inter-institutional agreement, and Mr. Rojas of the Fiscalía withdrew or resolved additional comments and objections he had had. The BAOJ Program traveled to Sucre and met with Attorney General Crespo to determine whether he in fact had unresolved concerns regarding the manual and its implementation. The result has been the on the part of the Public Ministry officials are ready to move forward. The police continued their review of the manual, and the BAOJ Program has been working with the new PTJ Commander Rodriguez to ensure forward movement of the manual. We anticipate following up with senior police officials in April, 2002. The new target date for signing of the inter-institutional agreement to implement was set for May, the anniversary month of the NCPP taking full effect.

On April 23, 2002 Comandant Carrasco convened a meeting at his office with USAID (A. Galvez), BAOJ Program staff (R. Metzger and D. Mancilla), and the GTZ (Horst Schonbohm). Present for the National Police were General Carrasco, Sub-Comandant Butron, PTJ Director Colonel Rodríguez, Ex-PTJ Director and Colonel Sánchez, in addition to a few additional officials. During this meeting aspects of the BAOJ Program of interest to the police were covered (e.g., training and then-CPUoming replication of INSPECTOR), the Comandant ordered the payment of services needed to maintain the INSPECTOR connection between the police and the fiscalias, and the subject of the police-prosecutors manual was covered. With respect to the manual, Comandant Carrasco related his decision to support whatever was decided about the manual by the *Estado Mayor* of the police, the directing body comprised of various police officials.

Providing immediate follow-up, on April 24 the BAOJ Program participated in a meeting of the *Estado Mayor*, consisting of three generals, five colonels, a legal advisor to the police, and the PTJ Director. The draft of the inter-institutional agreement between the Public Ministry and the Police was presented, as well as the various plans in place to work with police (e.g., PL480 financed INSPECTOR replication and training). The police present took pains to note that they had previously felt alienated from the justice sector reform process and that they appreciated the work of the BAOJ Program with their institution. A response on the proposed manual was promised by May 2, 2002.

On May 6, 2002 it was learned that the *Estado Mayor* had not approved the manual, but instead had various observations and questions, and had ordered the creation of an internal commission to review the manual in detail. The commission was comprised of police with no history of participation in the manual development process. Additionally, the legal advisor to the police was repeatedly expounding his opinion that the manual was not necessary since the NCPP was sufficiently clear as to functions.

On May 8, 2002 we met with the PTJ Director to review in detail the history of the manual's development and purposes, including its relation to the national level *Jornadas de Analisis* held in October, 2001 to detect problems related to NCPP implementation and propose solutions. In response the PTJ Director requested that we send a letter requesting a meeting with the *Estado Mayor* and the Sub-Comandant, Butron. The BAOJ Program also sent technicians to meetings of the *Estado Mayor* to provide technical support on an as requested basis. This was completed. The manual and inter-institutional implementing agreement were subsequently approved by the police in June, and a date and time were set for June 28, 2002 for the signing of the agreement between Comandant Carrasco and Attorney General Oscar Crespo. The signing ceremony was planned as a public event with press coverage, with officials from USAID invited to provide remarks. This was considered appropriate as USAID, through its BAOJ Program, had provided significant leadership for the improvement of relations between police

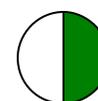
and prosecutors operating under the NCPP, including by supporting the joint police – prosecutor development process for the manual.

On the day of the event at about 10:00 am, we received a call from the National Police demanding changes to the inter-institutional agreement—namely, the excision of three paragraphs, including one re-enforcing the idea that the PTJ should be independent and have needed resources; and another articulating the NCPP provisions regarding the Prosecutor’s functional management of the investigation. We viewed this as a last minute attempt to undermine the approvals previously obtained regarding both the manual and the inter-institutional agreement itself and thereby force the cancellation of the signing ceremony and subsequent implementation of the manual. Although the COP did note to the police that agreement had already been reached, we were not in a position to force the matter, and therefore agreed to relate the proposed changes to Attorney General Crespo. Dr. Crespo was, predictably, upset, having already flown into La Paz to sign the agreement. Since the changes to the agreement demanded by the police were obviously designed to de-rail the signing, and since the agreement still explicitly referred to the NCPP and thereby incorporated by reference its provisions, we felt the best course of action was to “call the bluff” and proceed with signing. Intensive lobbying by the COP resulted in the Attorney General’s concurrence with our analysis of the situation and his decision to proceed with signing. During the signing ceremony General Carrasco appeared noticeably surprised by the Attorney General’s decision to proceed, but proceeded with the signing of the agreement nonetheless. At the conclusion of the signing of the inter-institutional agreement, USAID officials symbolically delivered to the PTJ, through the Public Ministry, the crime-scene investigation kits purchased with PL480 funds during the prior Phase of the BAOJ Program. 15 of 16 kits will be delivered to the police once the Ministerio Public signs the necessary *acta*. A copy of the Inter-Institutional agreement formally approving and implementing the Manual can be found in Annex 14.

Presently the BAOJ program is completing the layout design and printing of the manual into a user-friendly format for continuous use by police and prosecutors, as well as proceeding with developing the details of training based on the manual. This training will include application of the manual in simulated crime scene situations.

We note in closing of this section that all activities of the aforementioned activities with the police are coordinated with ICITAP. This has included vetting of the manual with ICITAP early in its development.

2.1.10. ACTIVITY: Conducting a comprehensive evaluation of the full implementation of the NCCP through workshops.



50%

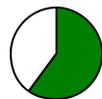
Tasks for this activity were timely completed in accordance with workplan projections and characterized at 100% completion. For a description of tasks completed, see Cross-Cutting Activity D., *Jornadas de Analisis I: Ejecucion y Aplicacion del NCCP*, on page 7. Organization and implementation of *Jornadas de Analisis II* on a national level, or perhaps as a series of smaller, regional level conferences, is currently being pursued based on requests from the Minister of Justice Mendez and USAID concurrence with these requests. Former Minister of Justice Goitia and Consejera Teresa Rivero had also requested such additional conference, but the timing coinciding with national election season was considered inopportune. As we

anticipate holding another such event based on evolving circumstances, we revise estimated progress on this activity from 100% to 50%, to account for additional corresponding activities.

2.1.11. ACTIVITY: Implementation of the Criminal Records Registry (Registro de Antecedentes Penals, or RAP).	 <p>65%</p>
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The BAOJ Program provided technical assistance for development of the draft of the Registro de Antecedentes Penales (RAP) project. A finalized version of the proposed RAP project was presented in November, 2001 by Roberto Rubin de Selis and other personnel from the Judicial Council information technology staff in November, 2001. After consultation with MSD, the Judicial Council approved the RAP project on December 31, 2001. Pursuant to this approval, MSD acquired nine personal computers (complete systems) and nine scanners, for use in digitizing hardcopies of legal documents into the RAP system at a cost of approximately \$18,000, drawn from PL480 funds. Additionally, the information technology staff at the Consejo de la Judicatura made the adjustments needed to the RAP software to ensure that it would be usable over a national-level network, with interconnectivity with the IANUS system. These adjustment were completed in December, 2001 and since they were completed internally by the Consejo, Sub-activity 2.1.11.3, which contemplated technical assistance from MSD to the Consejo for this purpose will no longer be necessary.

Since that time, the Consejo has requested adjustments to the RAP system. Although the system was delivered complete for the requirements of the NCPP, and accepted as such by Consejo technician Manuel Monterde, Sub-Director of Information Systems, additional adjustments were made as requested at no cost to the BAOJ Program. Since then, the management of Judicial Services of the Consejo has requested yet more changes. The cost to implement these additional changes are minimal and to maintain good will with the Consejo we have undertaken to effect these changes with the consent of USAID. We note also that the name of the system was changed by the Judicial Council to Registro Judicial de Antecedentes Penales (RJAP).

2.1.12. ACTIVITY: Implementation of the Case Liquidation/Dismissal (Liquidación) System.	 <p>60%</p>
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At the time the NCPP took full effect there were still in existence criminal cases that had been initiated under the old criminal procedure system. This group of cases can be sub-divided into active old-system cases and inactive old-system cases. Bolivian law contemplates the elimination of all old-system cases, active and inactive, by 2004. To avoid overwhelming the system and achieve the dismissal of cases that have had and will have no additional movement, the law established a process whereby inactive cases are identified and subjected to a public notice process that permits any interested party to re-activate the case. If an interested party does not re-activate the case within the legally prescribed timeframe (about 3 months), the inactive old system case is formally dismissed.

Thus, to determine the total number of active old-system cases that will need to be processed and concluded, the number of old-system cases that are re-activated through the public notice

process will need to be added to the set of old-system cases already active. This figure has yet to be determined.

BAOJ Program CCN Short-Term consultant Asinette Rodriguez was contracted to conduct an inventory of all criminal cases still pending and without movement under the 1973 Criminal Procedures Code. The work was timely completed in November, 2001 and a list of 35,000 cases were published in the same month, on the 22nd. Once published, any interested party has three months from the date of publication to undertake action to re-active the case. The deadline for re-activation was therefore in February, 2001. Information is presently being collected from the district courts that will allow determination of how many cases have been re-activated and how many will be dismissed as a result of the first round publication in November, 2001.

A number of complications have arisen, however, which will result in the need for a second round publication.

First, the instructions to judges as to which cases should be included for publication was crafted by the Judicial Council without vetting it with the Supreme Court—an inappropriate action symptomatic of the tendency of the Consejo to overstep their administrative functions and intrude into substantive legal issues, both actively and passively. The Supreme Court responded by publishing and issuing a distinct instruction for judges on which cases to include for publication and possible re-activation. Second, not all courts responded to the first instruction issued by the Consejo. Third, BAOJ Program consultant Rodriguez was appointed Director of the Registro de Antecedentes Penales (RAP) System. We have secured a commitment from her to complete the work contracted for, through response time has been slow.

The result of the above is that a second round of public notice (publication) will need to be issued to capture inactive old-system cases still pending and not covered by the first round publication. In a late August, 2002 meeting with the Consejera de la Judicatura, Teresa Rivero, we were assured that the work is now complete and a CD ROM with the required information would be received at the BAOJ Program within a week. The BAOJ Program will explore publication of the complementary list in the *Gazeta Juridica*, as well as publication of a notice of the lists existence in most Bolivian newspapers. Additionally, the BAOJ Program has also taken the initiative on organizing a workshop to review and develop, as needed, a strategy to ensure case liquidation within the prescribed legal timeframe. With the necessary information promised by the Consejo by early September, such a strategy session will now be possible. GTZ will co-finance the session with the BAOJ program.

2.1.13. ACTIVITY: Implementation of the Central Notifications System	
	100%

The BAOJ program provided technical assistance for defining a model for the Central Notifications System as an embedded component of the IANUS case tracking system, and developing the software based on this model. This system uses data from the Bolivian *padron electoral* to randomly select individuals for participation in oral trials as citizen judges.

This activity was completed in November, 2001 by the information technology team of the *Judicial Council*, with technical assistance from MSD. Sub activity 2.1.13.3, dealing with the acquisition of computer and related equipment to support implementation of the Central Notifications System will be eliminated and the funds designated \$20,000 in PL480 funds have been reallocated to other areas based on the Consejo's notification that it will be purchasing its own equipment to implement the system.

<p>2.1.14. ACTIVITY: Strengthening of the Ministry of Justice.</p>	 <p>50%</p>
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Although not specified as sub-activities in the BAOJ Program workplan, tasks completed early in Phase III include technical assistance for the planning and execution of the *Subgrupo Estado de Derecho* and the *Comite Ejecutivo de Implementacion* events that took place in September, 2001 (see Cross-Cutting Activities, above).

Chimore Human Rights Center

Additionally, the BAOJ Program also provided important technical assistance for the development of workplans and a budget for the Ministry of Justice's Human Rights Center in Chimore. Since the MJDH was unable to secure an operating budget for the Center from the Ministry of Finance for 2002, the BAOJ Program had agreed to finance the center for six months, with additional financing subject to completion of a series of steps to demonstrate institutional commitment to the Chimore center. Although the MJDH complied with these steps, the request for financing from the Ministry of Haceinda was turned down. USAID decided to extend PL480 financing to the end of 2002.

As such, the BAOJ Program has executed contracts with personnel from the Center. Once of the contracts executed may be cancelled due to performance problems of one of the staff. Center Director Felix Zambrana has requested cancellation of the contract of Mabel Garcia, the *Comunicador Social*, for what are described as *faltas graves*. The BAOJ Program does not directly supervise the personnel of the Center and will carry out instructions on this topic as provided to us by the Ministry of Justice and the Center. At present, the MOJ must approve the action requested by the Center Director before we can proceed. Since two Ministers of justice have come and gone since this issue first arose in early 2002, it is doubtful the Ministry will follow up on this soon.

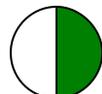
Financing of the Center for 2002 is covered by PL480 funds, and the budget and planned activities for use of PL480 funds was approved by the PL480 Secretariat in March, 2002. Since the staff of the Chimore Center have been working for three months without salary, MSD provided payment from its own funds (a total of about \$6,260 USD paid in Bolivianos) with an agreement that once PL480 funds are released MSD will be able to recover the funds advanced.

During its operations the Center has played an important role in providing information to respond to concerns expressed by U.S. Congressmen of human rights abuses associated with anti-narcotics efforts in the area. The Minister of Justice was able to rely on data collected and produced by the Center in providing information internationally to persons concerned about human rights.

Interns for the Defensa Publica

The BAOJ Program also assisted in institutional strengthening by brokering an agreement executed on May 7, 2002 in Tarija between the MJDH and four public universities: the Universidad Mayor de San Andrés of La Paz; the Universidad Mayor de San Simón of Cochabamba; the Universidad Mayor de Gabriel Rene Moreno de Santa Cruz; y the Universidad Mayor de Juan Misael Saracho de Tarija. This agreements provides for top students from each university to serve as interns in the *Defensa Publica*, assisting the work of public defenders.

RESULT 2.2. IANUS CASE TRACKING SYSTEM EXPANDED TO AT LEAST 7 OF 9 BOLIVIAN DEPARTMENTS, AND INTEGRATED AMONG THE COURTS, THE PUBLIC MINISTRY, THE INVESTIGATIVE POLICE (POLICIA TECNICA JUDICIAL, OR PTJ), AND WITH THE INVESTIGATIVE CASE-TRACKING SYSTEM, INSPECTOR.

2.2.1 ACTIVITY: Replication of the INSPECTOR System at the District Attorney's Office and the PTJ in Cochabamba and La Paz.	 50%
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The equipment and cable needs assessment for replication of the INSPECTOR system in Cochabamba and La Paz were completed in August, 2001. A document with specifics on the replication of INSPECTOR in Cochabamba and La Paz was completed in December, 2001 and forwarded to USAID for review on January 8, 2002 and approved shortly thereafter. Approval of proposed expenditures of PL480 funds was received from the PL480 Secretariat in March, 2002. Sub-contracting has been planned to be carried out on sole-source basis with NEOTEC, the firm that presently owns the source codes for the INSPECTOR system software, and a request has been provided to them to develop and submit their proposal for replication of the INSPECTOR to the BAOJ Program for review.

While neither institution was handling the system perfectly across the board, the Public Ministry had taken concrete steps to support use of the system. The PM had demonstrated its commitment to INSPECTOR replication through the acquisition of 130 computers for distribution nationally in December, 2001. Additionally, attorney General Oscar Crespo has designated and approved Jorge Pinto as the person who will be responsible for national administration of the INSPECTOR system for the Public Ministry. Candidates were reviewed for the BAOJ Program by NEOTEC, with the recommended candidate being interviewed by Rolando Rojas of the Public Ministry and ultimate selection decision being made by the Public Ministry. Mr. Pinto's salary will be covered by PL480 funds and contracting for his services will occur during the next reporting period.

The commitment of the PTJ was more dubious. One source in Santa Cruz informed the BAOJ Program that the connection between the Fiscalia and the Police had been cut due to non-payment of the COTAS (telephone company) account by the police for a protracted period of time. The BAOJ Program sought a commitment from Faviola Eguez of COTAS not to reposes the communications hardware installed while the matter of the arrears was raised with the PTJ. In doing so and based on information from other sources, it was learned that despite the arrears in payment of monthly connection charges by the PTJ, the cut in connection had not been

effected by COTAS, but that it had originated in September, 2001 at the PTJ. Tips were also received about erased data, though this was never substantiated.

Then in early March the National Police removed from his position Wiemar Campos, a policeman who had been trained on the use and maintenance of the INSEPECTOR system and was serving as the information technology person within the institution's Santa Cruz operations. Mr. Campos also reported to us that the PTJ had not provided the resources necessary to maintain effective use of the system (e.g., toner for printers) and that as a result many investigators had returned to using a typewriter.

Some positive developments mitigated the circumstances mentioned above, however.

After inquiries by the BAOJ Program, on March 27 Mr. Campos was re-assigned to his responsibilities for INSPECTOR at the PTJ in Santa Cruz. Additionally, the District Attorney's office and the District Court have begun working to develop a contract with COTAS for communication services between the three institutions, including the PTJ. The estimated monthly cost is 956.33 Bolivianos (about \$136 USD) per institution per month. It is urgent to re-establish normal operation of the system since it is through the system that the Ministerio Publico becomes aware of cases entering the system and can timely assign a Fiscal to the case. Finally, in April, Police Commander Carrasco ordered the payment of arrears for maintaining the PTJ – Fiscalia connection in Santa Cruz active, as well as that payments to keep the connection between the institutions active be maintained.

Notwithstanding the corrective action undertaken by the police, due to concerns expressed by the BAOJ Program and ICITAP regarding whether or not the police were actually using and maintaining the system, a surprise INSPECTOR inspection trip was conducted for May, 2002. During this trip USAID and BAOJ Program staff, as well as an ICITAP designee, visited Santa Cruz, Cochabamba, Tarija, and Sucre to determine the actual state of the system and usage of same by the police. The BAOJ Program has been coordinating with ICITAP regarding INSPECTOR replication, with that entity planning to finance training on the use of the INSEPECTOR system for selected officials from the police. As a result of the assessment we recommended that with respect to the police, INSPECTOR replication efforts be targeted down to division level. In certain locations within the police the INSPECTOR systems were in full use in almost all divisions. In others, use was uneven across divisions. We therefore concluded that the best approach was to reward those divisions using the system with additional equipment and assistance, but not take action to assist those divisions that had not used the pilot. USAID and ICITAP concurred with this recommendation.

Since the May, 2002 site visits, the police have undertaken additional actions to demonstrate concrete commitment to the system—namely, working out a deal with ENTEL to secure free internet service that can allow a connection between PTJs and Fiscalias, in exchange for the presence of ENTEL vending machines on police property.

We have also asked NEOTEC for a price quote for purchase of the source codes to the INSPECTOR system or, alternatively, purchase of an unlimited license to the INSPECTOR system for use in Bolivia, including its source codes. Source codes are the codes that allow the software to be modified, corrected for bugs, and other such information.

In August, 2002 we were directed by USAID to suspend any efforts to replicate INSPECTOR with the police, although training of police on how to use the system is still authorized. Depending on AID's final decision, we may require a change to the Scope of Work for this

contract. We note in closing on this activity while there are questions as to the sustainability of the system because of issues internal to the National Police, at the same time the National Police have responded to concerns over their institutional commitment to the system, and failure to recognize this progress will not assist in the development challenge regarding the police, nor in building the trust and relationships needed to support an active role for USAID in police reform efforts, which could later further consolidate use of the system within the National Police. PL480 funds are to be used to finance the replication.

<p>2.2.2. ACTIVITY: Replication of the IANUS case tracking system (for criminal cases and judicial statistics).</p>	
	<p>50%</p>

Work in this area began with coordination efforts with the technology/information systems team of the Judicial Council (*Judicial Council*) for design of a national-level replication plan. This was completed on November 22, 2001 in part based on prior, internal BAOJ Program work to develop a draft budget for replication of IANUS in Cochabamba and La Paz. The plans were sent to USAID for technical approval in early January (as with INSPECTOR, the replication is being financed largely with PL480 funds). Approval of proposed expenditures of PL480 funds was received from the PL480 Secretariat in March, 2002. The BAOJ Program secured agreement from the Judicial Council to replicate IANUS completely in Sucre and Tarija, as well as to provide the cabling needed for Cochabamba and La Paz, with USAID/MSD providing hardware for the system's replication in the latter two cities.

Following up on this initial commitment, a workshop was held on March 8, 2002 in Sucre to review the current status of the IANUS system with the Judicial Council and develop specific replication plans. Based on the results of this workshop the Judicial Council has submitted to the BAOJ Program a specific workplan and budget which assumes a BAOJ Program contribution of approximately \$500,000. The Consejo is aware that the amount planned to be expended is approximately \$320,000.

The BAOJ Program also met with PRI personnel Oscar Flores and their consultant Oscar Navarro, whom had been retained to evaluate the IANUS and other case tracking systems, to determine their position with respect to the IANUS system. They expressed their position that at the moment the IANUS system was the best available tool for case tracking and that therefore they would continue being supportive of national replication of the system. At the same time, they expressed the opinion that the platforms (e.g., Oracle, SID, etc.) on which the various information managements systems of the Poder Judicial should eventually be uniform—a very costly prospect. The alternate case tracking system is SIJAC, whose development was financed by the World Bank through the PRI, is based on an Oracle platform, does not contain functionality superior to that of IANUS, and would be extremely costly to replicate. IANUS, the platform on which is was built (SID, a Bolivian developed software package), and the source codes for alteration of the software are already owned by the Poder Judicial.

Since this time, various important developments have occurred. The Judicial Branch is moving towards a decision to suspend the SIJAC project—too costly and not working properly. At the same time, the BAOJ Program deployed consultant Alvaro Garcia, an information technology specialist, to advise the Supreme Court on the best course of action for case tracking. During a visit to Sucre A. Galvez of USAID was successful in securing agreement from justice Eduardo Rodriguez for the installation of a IANUS pilot at the Supreme Court in Sucre to handle case

tracking for all *salas*—criminal, civil, and others. This pilot will demonstrate the flexibility of IANUS as a case-tracking system and its integratability with modern, often times off-the-shelf IT solutions that provide added functionality desired by users at low cost. Successful installation and use of the pilot would be the predicate for consensus support across sub-units of the Judicial Branch to proceed nationally with the IANUS system. An important feature of this pilot will be the installation of a web-browser based search capability for cases entered into the system. The pilot will be launched in the next reporting period (August) and include training for all Supreme Court justices on use of the system.

Concurrently with the above efforts, the BAOJ Program proceeded with steps to install the cabling needed in Cochabamba and La Paz for IANUS replication. An announcement of availability of an RFP was published nationally on May 5, 2002. Shortly thereafter we received a request from the Judicial Council's IT specialist, Juan Carlos Munoz, that the acquisition of certain equipment needed for IANUS replication be included in the RFP. We reviewed the request and found it to be excessive. To confirm, we asked for independent review by NEOTEC, which also issued to us a conclusion that the equipment being requested was not necessary. Although this caused a negative reaction by the IT person at first, the decision was accepted. The BAOJ Program then proceeded to review the proposals received for installing the necessary cabling through the services of Ing. Milton Villarroel. The firm DIMA was selected to install the cabling in Cochabamba and La Paz, respectively, and this work is presently underway. Communication with the Consejo is ongoing to maintain them informed of these developments.

TRAINING AREA

SPECIFIC OBJECTIVE NO. 3 - TRAINING. TO INSTITUTIONALIZE TRAINING AND TO ENSURE THE OWNERSHIP OF THE TRAINING PROGRAMS OF THE ORAL PROSECUTORIAL SYSTEM ENACTED WITH THE NEW CCP, BY THE KEY IMPLEMENTING INSTITUTIONS AND PARTNERS.

Pursuant to Specific Objective 3 in the Training Area, the BAOJ Program convened on September 3, 2001 a special workshop in the city of La Paz to plan training activities with GOB counterparts through to the end of Phase III. Participating counterparts included the Judicial Institute (*Instituto de la Judicatura*); the Public Ministry Training Institute (*Instituto de Capacitación del Ministerio Público*), the National Public Defender (*Defensa Pública Nacional*), the PTJ, and the Comité Ejecutivo de la Universidad Boliviana (CEUB). The results of this planning workshop, together with the SOW requirements, provided the basic details of the activities contemplated by MSD in the training area.

RESULT 3.1. KEY IMPLEMENTING INSTITUTIONS INSTITUTIONALIZE CCP TRAINING PROGRAMS.

RESULT 3.2. SPECIALIZED TRAINING PROVIDED TO PROSECUTORS, POLICE, AND MEDIATORS IN THE AREA OF PRIVATE AND SEMI-PRIVATE CRIMES.

We note here as in our prior reports that the activities conducted pursuant to Result 3.2 should logically be conducted in a manner to support the achievement of Result 3.1, regarding institutionalization of training capacity. As such, we view it conceptually as subordinated to Result 3.1 and therefore report on activities pursuant to both results in a consolidated form. This change to the workplan was approved by USAID.

3.1.1. ACTIVITY: Planning, development of materials, and implementation of a post-graduate program on criminal procedure (<i>Post Grado</i>), jointly with the Judicial Training Institute, the PM's Training Institutem, the Defensa Publica, the National Police, the CEUB, and Universities.	 Activity Eliminated
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This activity has been cancelled with authorization from USAID. The process leading up to cancellation of this activity began with a workshop to review with counterparts the *Post Grado en Derecho Processal Penal* implemented in Phase II and plans for its replication during Phase III. The essential question posed was, considering what we know now about current circumstances and needs, what would be the features of an ideal course for justice system operators? Is a repeat of what was done in Phase II desirable, or should the training be more specialized? Data used to answer these question included:

- technical input from the CTO and DEMOSOT Director on how the NCPP was being implemented and how the system was operating;
- technical input from counterparts;
- data from monitoring activities carried out by Legal Development;
- extensive data collected from as a result of the Jornadas de Analisis I conference held in October, 2001;

- results of an assessment of training needs conducted amongst a sample of persons who participating in the *Post Grado en Derecho Processal Penal* conducted during Phase II of the BAOJ Program; and
- training experiences in other Latin American contexts where oral trials have been introduced into the criminal justice process.

Within the BAOJ Program the answers to these questions resulted in the conclusion that a duplication of the Phase II course would not be the optimal use of resources towards achievement of the desired result. This was a preliminary conclusion, however, and it was important to go through the group process necessary to eventually arrive at this decision. A workshop was held on February 27, 2002 at the BAOJ Program offices. The GTZ covered the costs of transportation and per diem for those attending from Sucre. Counterparts participating in the workshop were Arturo Yañez, Director, *Public Ministry* Training Institute; Juan Carlos Rios, Instituto de la Judicatura; Farith Romero, Defensa Publica. Cecilia Yanez, Alberto Morales, and Horst Schohnbohm of the GTZ also participated in the meeting, as did CTO Alvaro Galvez and BAOJ Program staff. Facilitation of the meeting was carried out by CCN short-term consultant Ricardo Pereyra, retained by the BAOJ Program.

As a result of this workshop, the *Post Grado en Derecho Processal Penal* was at first re-named as the *Curso de Derecho Processal Penal* (although the time required to complete the course is substantial, a true post graduate degree actually involves far more course hours and work than that offered through the course). After the workshop, it was determined that a repetition of the course would not be the best use of BAOJ Program resources, and that more fruitful results can be obtained by redirecting the financing for replication of specialized training, such as the Forensic Sciences Management course. One factor in this decision was counterpart desires to bring the course to justice system operators in remote an rural areas, which would not have been cost effective. The BAOJ program vetted the proposed cancellation of this activity with counterparts and with USAID. With concurrence from all quarters, the activity has been eliminated.

It is worth noting that another byproduct of the aforementioned workshop was the creation of a Teaching Committee (*Comite de Docencia*) comprised of counterparts and international cooperation. The *acta* establishing the committee and those designated to serve on the committee was sent out to the relevant parties, including USAID. The Committee has had not meetings since this initial meeting, though it may be reconvened in the latter half of 2002. It is also worth noting that although this activity 3.1.1. has been cancelled, the analysis conducted in the aforementioned training workshop provided valuable input into later training designs.

<p>3.1.2. ACTIVITY: Planning, development of materials, and implementation of a post-graduate program on forensic and police sciences management, together with the participating institutions (ICMP, NP, UMSA), to be replicated in the future.</p>	 <p>60%</p>
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In November, 2001 BAOJ Program staff met with Dr. Saul Pantoja of the UMSA Faculty of Medicine and Coronel Andrés Sánchez, Director of the Policia Tecnica Judicial (PTJ) to develop consensus on a general schedule of activities to support the development of needed materials in the area of forensic and police sciences management. The UMSA and the PTJ agreed to a provide comments on the proposed contents of the curriculum for the Post Graduate Course on

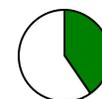
Forensic and Police Sciences. Based on these comments and input, the UMSA and the PTJ would revise the proposed curriculum and present it at a future date. In December, the BAOJ Program met again with Dr. Pantoja to provide assistance for the revision of the materials. Since Dr. Pantoja did not complete the revisions in December, it was agreed therefore that he would provide by January, 2002: a) a project document incorporating all the changes suggested; b) resumes or CVs c) preliminary development of the materials to be included in each course module; d) Expansion of the course content, as needed and appropriate.

On February 7, 2002 Dr. Pantoja delivered the materials for one of the course modules. The materials for the remaining modules were delivered on February 18, 2002 and were then sent to USN short-term consultant Mary Thorngren for her review from a pedagogical point of view. Being present in Bolivia for the delivery of specialized training on adult education techniques and course planning (see 3.2.1., below), Ms. Thorngren also met on March 15, 2002 with Dr. Pantoja and professors from the Universidad Mayor de San Andres working on the course materials. Ms. Thorngren provided technical assistance regarding the organization, structure, and planning of courses for adults, and this technical guidance is being incorporated into and used to modify the workproducts being produced by the professors.

After this, the process of materials review began. This included technical reviews of the proposed timeframes and schedule of classes, outlines of course contents and methods, draft agreements with the University for the implementation of the course, draft letters of commitment from course recipients, and other such topics. Various rounds of proposal, feedback, update, and new proposal occurred. As course materials were developed, the materials were subjected to various reviews and meetings were held with instructors to make adjustments to the materials and make sure the process kept moving forward. As each the materials for each module were being prepared by different instructors, the BAOJ Program monitored progress on a module by module basis, also providing oversight and technical feedback on contents as appropriate. This process continued through to August (past the actual launch date of the course) with modules completed on a rolling basis.

In early July, the UMSA Medical School began recruiting for a course coordinator. The response to the recruiting effort was limited, and therefore Dr. Rolando Costa Arduz was selected to act as coordinator until such time as a permanent coordinator is selected. Prior to the selection of Dr. Arduz, Dr. Jorge Sainz, also of the UMSA Medical School faculty, coordinated with the BAOJ Program to determine final steps necessary to launch the course. We note that both Drs. Costa Arduz and Sainz are medical doctors. Promotion materials were developed, including a brochure, posters, video, and various other items. July 22, 2002 was selected as the date for the ceremony launching the course, which was held at the Hotel Europa. Invited guests attending and making remarks to launch the course included Attorney General Oscar Crespo, then Minister of Justice Carlos Goitia, Police Commandante Walter Carrasco, and the Rector of UMSA, Gonazlo Taboada. The actual date of course initiation was July 23, 2002. The course has a duration of 5 months, held in the morning from 7:00 am to 9:00 am on weekdays and from 7:00 to 11:00 am on Saturdays. Participants are 26 prosecutors, 3 technicians from the Instituto de Investigaciones Forenses, 2 Forensic Psychologists, and 29 police from the PTJ. The course is being held at the UMSA Medical School and is scheduled to end in December, 2002. Resumes of the course instructors, as well as an outline of the course appear in Annex 15.

3.1.3. ACTIVITY: Specialized training and materials development for justice system operators in coordination with key institutions.



40%

Previously, the articulation of this activity 3.1.3. was: “Planning, development of materials, training of trainers, and implementation of a specialized training plan for Judges, Public Defenders and Lawyers, together with key Institutions.” We have simplified the articulation of this activity as appears above. The work contemplated pursuant to this activity remains the same, consisting of development of practice aides for justice system operators and specialized, practice-oriented training. Certain topical guides for the general public (on being a citizen judge, and a guide for victims) is being moved, for management reasons, to the public awareness and understanding area.

Work in this area began with the organization of a workshop in September, 2001 with representatives from the Judicial Institute, the Public Ministry’s Training Institute, the Defensa Publica, and National Police, and the Executive Committee of the University of Bolivia (*Comité Ejecutivo de la Universidad Bolivia*, or CEUB). At the same time, the BAOJ program executed surveys with system operators on training needs. Data collection instruments were developed and distributed to the various justice sector institutions. Data from these surveys will continue to be collected and processed to identify findings that will guide future training and training institutionalization efforts. By September, 2001 the Public Ministry, the Public Defense, and National Police, and the Judicial Branch (*Poder Judicial*) had completed the surveys and returned the instruments completed. Also included in consideration for development of findings is an assessment implemented by the FELCN. The above collected data was analyzed and findings used, together with other inputs, to guide the development and implementation of the BAOJ Program training and materials development efforts, including selection of target groups and topics for specialized training and practice guides.

Annex 16 contains information required for USAID’s TrainNet for training activities conducted to date under Phase III. The table below summarizes specialized training delivered to date, and is expanded on in the narrative that follows.

**Table 4
Summary of Phase III Sepcialized Training Conducted to July, 2002**

Course Description	Times Delivered	Number of Participants	Instructors From	When
Basic Course on the NCPP for the <i>Defensa Pública</i>	1	38	MSD – PL480	Nov, 2001
Basic Course on the NCPP for new prosecutors (<i>capacitación inductivo</i>)	3	74	MSD – UCB	Aug, 2001 to Sep, 2002
Adult Education Techniques	3	77	MSD – DEZ	March, 2002
Basic Course on the NCPP for new adjunct prosecutors and assistant prosecutors (<i>capacitación inductivo</i>)	6	186	MSD – GTZ	Jan – Apr, 2002
Preparation for Trial	2	40	MSD – DEA	June, 2002
Investigation, Intelligence, and Surveillance ub Controlled Substances Cases	1	30	MSD - DEA	June, 2002
Totals	16	445		

A. General Training

“Induction” Training for New Fiscales

At the request of Attorney General Oscar Crespo, the BAOJ Program initiated a targeted training to provide basic, baseline information to recently appointed fiscales on the provisions of the NCPP. This is necessary because legal education in Bolivia has failed to keep pace with the changes in the law, and most students of law continue to graduate being trained on the operation of the old criminal procedures system. The inductive training provides a basic set of knowledge of the NCPP and its provisions which can later be expanded upon through specialized training designed to support effective implementation of the Code (e.g., trial techniques). The BAOJ Program financed this inductive training and drew on the expertise of CCN short-term consultant Carlos Alarcon to conduct all but one of the trainings. His consultancy was necessarily cut short when he became candidate for Vice-President of the MIR party. Approximately 192 prosecutors were trained as a result of the above described activities. The training schedule has been as follows:

Sucre:	January 30 to February 1, 2002	Completed
Cochabamba:	February 4 to 6, 2002	Completed
La Paz:	February 7 to 9, 2002	Completed
Santa Cruz:	February 28 to March 2, 2002	Completed
Beni:	March 25 to 27, 2002	Completed
Tarija:	April 18-20, 2002 (next reporting period)	Completed

Coordination with DEA and ICITAP

At the request of DEA and with approval from USAID, the BAOJ Program provided logistical support for NCPP related training for FELCN agents held in June, 2002. 30 course participants received training from Gral. Gonzalo Butrón, Lieutenant Felix Molina, Major Gonzalo Quezada, Lieutenant Encinas, and Dr. Miltón Andrade. Provision of support for these trainings assists in effective prosecutions under the NCPP, and is therefore highly desirable as a measure meant to assist in consolidating the NCPP. The BAOJ Program will continue to coordinate closely with DEA in the planning and execution of these trainings. Costs for materials, instructors, participant travel, and event space are borne by DEA. We also coordinated with ICITAP for the co-sponsoring of courses on questioning techniques.

B. Practice-Based Specialized Training (PBST)

Phase III BAOJ Program training efforts are both theoretical (conceptual) and practice focused, targeting justice system operators (prosecutors, police, judges, and defense attorneys) for solidification of both an understanding of their roles and the skills needed to effectively carry out those roles in what is fundamentally an accusatory system being implemented based on a procedures code with both accusatory and inquisitive elements. These means that the use of both hypothetical and real problems and cases will be an important training technique, grounded in the proven pedagogical principle that adults learn by doing.

As such, Phase III training efforts include: specialized, role-focused training on trial advocacy/trial practice topics (e.g., trial preparation, witness examination, etc.), judicial discretion and decision making, and training on police – fiscal cooperation and roles, in the context of the NCPP, during the investigative stage. We refer to this as Practice Based Specialized Training. The BAOJ Program is also participating and cooperating in role-focused training known as the *Circuito Processal Modelo* being implemented by the GTZ, which works

from the same workplan as the BAOJ Program. Although the *Circuito* is a GTZ led effort, it is conducted in coordination with MSD and the specialized training to be provided by the BAOJ Program during the latter half of the project period will build on findings from the *Circuito*, as well as the *Jornadas de Evaluacion I*, as described above.

The foundation for the above described practice-oriented, practical training are Phase II BAOJ Program training efforts which focused largely on laying the groundwork for specialized, skills-focused training by providing system operators with basic knowledge of the new Code and its provisions. The need for this is in part based on poor preparation of Bolivian lawyers by the Bolivian educational system. That is, before specialized, practice focused training could effectively be carried out, operators needed to be brought up to speed on the basics of what the NCPP is about, and what its provisions are.

PBST: Basic Training for New Public Defenders

The BAOJ Program trained new Public Defenders in La Paz during the week of September 24, 2001 and a second course was held in Cochabamba from November 26 to 28, 2001. For the latter training, USN short-term consultant Joseph Caldwell was deployed to Cochabamba to provide specialized training on examination and cross-examination and provide feedback on participant performance in mock trials. This training was designed as 50% theoretical/academic and 50% practical practice. Financing was with 2001 PL480 funds.

PBST: Adult Education Techniques and Course Planning

During the reporting period, USN Short-Term Consultant Mary Thorngren was retained to work with BAOJ Program staff on the development of a seminar on adult education and course planning. The parameters of the course were defined and the consultant was deployed to La Paz in March, 2002 to finalize preparation of the course and implement the course together with staff from the BAOJ Program. Although initially planned a single course, the interest among counterparts in this training was strong. Additionally, as the BAOJ Program is coordinating closely with the DEA for training of FELCN agents and *fiscales de sustancias controladas*, the final list of approved course participants was approximately 90 justice sector officials, with 76 actually receiving training. Since this course was planned to be highly interactive with a significant amount of student participation and practical exercises (almost all Phase III training is oriented around the established pedagogical principle that adults learn by doing), it was necessary to re-program one seminar into three separate seminars—one in La Paz and two in Cochabamba. Courses were held from March 14 to 16 in La Paz, and 18 to 20 and 21 to 23 in Cochabamba. The course was implemented with the intentional gradual transfer of responsibility for delivering selected portions of the course to BAOJ Program personnel, resulting that the BAOJ Program has internal capacity to replicate the course if it is determined to be needed again in the future. Evaluations for the course were consistently strongly positive. The courses were co-financed by the BAOJ Program and DEA, with DEA covered materials, breaks, and conference room rental costs in Cochabamba, as well as travel costs for FELCN agents and *Fiscales de ss.cc.* attending the course. The course agenda and evaluation appear in Annex 17.

To further reinforce the learning in this course, and to support institutionalization of local capacity to provide ongoing training, the BAOJ Program is building on the instruction provided by creating teaching pairs of locals with USN and TCN experts retained to provide training on other specialized topics. This means that locals who took the Thorngren course will be paired with international experts (such as a USN expert on witness examination techniques) for the

joint development of the course outline, objectives, target group, materials, and other aspects of effective course planning and implementation. USN experts will be relied on more heavily in some areas (e.g., specific items and materials to be covered). However, based on the results of assessments and other sources of information, local operators are aware of what they do know and don't know, and therefore should be able to contribute substantively to the development of items to be covered in the courses together with the USN expert. Among the things to be provided by the BAOJ Program will be quality control to ensure coverage of topics that need to be covered within each specialized training course.

PBST: Preparation for Trial

As mentioned on prior occasions, this course was designed to support capacity transfer to the Public Ministry's Training Institute. Our approach consists of an international expert is paired with local lawyers that have been informally assessed to possess a comparative advantage for serving as trainers. Locals were identified by the ICMP and approved by the BAOJ Program. The BAOJ Program designed and determined the objectives and contents of the course and then proceeded to make arrangements with its USN short-term expert Joseph Caldwell to develop course materials in conjunction with the local trainers. Tasks falling to local trainers included providing advice and input on the needs of course recipients by reviewing factors such as level of education; position; time in the position; prior training; attitudes towards training; and other such factors. Both local and international experts were charged with developing course content/materials and exercises, as well as with determining course objectives and methods delivering the training.

The course content and design developed by the BAOJ Program was disclosed only to the international expert and developed ahead of time by the BAOJ Program only to act as a safeguard ensuring that the course actually implemented would be technically acceptable. We therefore hereinafter refer to this workproduct as the "baseline course content and design". The international expert was then charged with engaging the locals to elicit information and inputs so that the course would be developed and implemented jointly, with the pre-defined course content and design from the BAOJ Program serving as a referent to ensure technical adequacy. This model is being used and refined on an ongoing basis for all Practice-Based Specialized Training being conducted under Phase III, except for the two courses mentioned above (Adult Education Techniques and Training for Public Defenders).

The course was divided into two, three day sessions with approximately 30 participants in each session. Course size was limited to allow sufficient time for each participant to engage in the practical exercises so necessary to effective adult education. The objectives of the course were to develop and strengthen case analysis skills and abilities in preparation for trial, including through use of the *dibujo de ejecucion*. The courses were implemented from June 22 to 27, 2002 in Cochabamba at the Hotel Portales. Presenters were BAOJ short-term consultant Joseph Caldwell; Prosecutors Serrafin La Fuente and Ramiro López Guzmán; and BAOJ Program COP Raphael Metzger. The course agenda and participant list appear in Annex 18.

In addition to the topics already covered as indicated above, the BAOJ Program has completed the baseline course content and design for the following courses:

- Appeals
- Medidas Cautelares
- Negotiation and Conciliation for Public and Private Crimes
- Trial Management, Objections

- Witness Examination

Other topics may be added on an as needed basis.

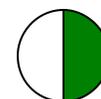
C. Practice Guides

MSD began the development of practical Guides (*Guías de Actuaciones*) dealing with distinct NCPP related topics targeted to justice system operators. These guides will be published individually, but also be consistent in format and presentation so as to comprise, together, a unified set of practice guides for use by justice system operators. In all cases, intensive effort is being made to make the guides useful as a tool for day-to-day use by operators, avoiding academic-style tomes, and opting instead for practical organization and explanations modelled on the popular benchbooks and deskbooks common in U.S. legal practice, but obviously they are uniquely Bolivian in content. Guides are currently under development covering the topics indicated below.

- Medidas Cautelares Reales, to facilitate consideration of these measures as well as measures applied to the person.
- Excepciones y Incidentes, to facilitate the more appropriate and effective application of the provisions of the NCPP.
- Medidas Cautelares Personales, to facilitate a more practical, experience based application of existing law regarding preventive detention.
- Guia de Accion Directa, for police patrolpersons, so that they conduct their activities in a manner consistent with the NCPP.
- Guia de Salidas Alternativas, for the more effective and appropriate application of these provisions of the NCPP dealing with plea bargaining and other alternative processes.

These topics were selected based on diagnostics of training needs, confirmed also by the results of the *Jornadas de Analisis I* held in October, 2001. Also under development are guides for Victims, and another for citizen judges. As noted earlier, responsibility for these guides have been moved to the Public Awareness and Understanding area for technical and management reasons.

RESULT 3.3. UNIVERSITY LAW FACULTIES UPDATE THEIR CURRICULA TO THE REQUIREMENTS OF THE CCP.

<p>3.3.1. ACTIVITY: Re-designing of Law School curricula at Universities within the public system for the purpose of institutionalizing a new university curriculum.</p>	 <p>50%</p>
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In September, 2001 the BAOJ Program initiated its request to the CEUB that it provide the curricula of all law faculties in the state university system. By the week of November 5, 2001, MSD had received from Lic. Rodolfo Arteaga of the CEUB all the curricula materials he had received; i.e., from:

- COCHABAMBA, Universidad Mayor de San Simón
- TARIJA, Universidad Juan Misael Saracho
- LA PAZ, Universidad Católica Boliviana

- BENI, Universidad Técnica del Beni
- ORURO, Universidad Técnica de Oruro
- PANDO, Universidad Amozónica de Pando

As only 6 of 10 universities forwarded the needed materials, the BAOJ Program continued follow-up with the remaining institutions and expects compliance during the next reporting period. During the week of February 18, 2002 the BAOJ program received the criminal law curriculum from Sucre. After various follow-up efforts by BAOJ Program staff with the CEUB in La Paz and the Dean of the law school in Santa Cruz, during the week of February 25, 2002 the BAOJ Program was able to secure a copy of the criminal law curriculum from the University of Santa Cruz.

At the same time, the BAOJ Program begin work on curriculum re-design to update it to the NCPP. An important element of our work in this area is not only the revision and updating of materials, but also working with and navigating the highly political environment in the university sector to secure the approval of the new curricula. Critical will be the technical support for various levels of “conferences” consisting of university faculty approving and recommending the curricula for approval at the next, higher level conference. Short-term CCN experts Ballon and Roblin were retained to assist the BAOJ Program with this work.

By early April, 2002 a first draft of the assessment results of the state of the university curriculum was completed. This assessment went through various rounds of analysis and feedback, with a final version being presented in late May, 2002, incorporating among other things recognition of the Sectoral Resolution of the law faculties in 2002 making a commitment to adjustments to the criminal law curriculum. A copy of the finalized assessment is included in Annex 19.

This assessment was the starting point for a workshop held with key representatives from the law faculties of universities throughout Bolivia from June 18 to 21, 2002 in Cochabamba. 53 participants representing the law faculties of the following universities were present:

- | | |
|---|-------------------|
| ▪ Universidad Mayor de San Francisco Xavier | Sucre |
| ▪ Universidad Mayor de San Andrés | La Paz |
| ▪ Universidad Mayor de San Simón | Cochabamba |
| ▪ Universidad Autónoma Tomás Frías | Potosí |
| ▪ Universidad Técnica de Oruro | Oruro |
| ▪ Universidad Autónoma Gabriel René Moreno | Santa Cruz |
| ▪ Universidad Autónoma Juan Misael Saracho | Tarija |
| ▪ Universidad Técnica del Beni | Beni |
| ▪ Universidad Amozónica de Pando | Pando |
| ▪ Universidad Católica Boliviana | Filial La Paz |
| ▪ Universidad Católica Boliviana | Filial Cochabamba |
| ▪ Universidad Católica Boliviana | Filial Santa Cruz |

The session was successful, concluding with the following results:

- Recognition of USAID assistance through MSD.
- Recognition the support of University authorities for the initiative.
- Workplan for completion of a new, revised curricula and approval at various levels.
- Creation of an operating committee to facilitate distribution and consensus on the new curriculum within each university.
- Creation of a Harmonization (compatibilización) Committee to prepare the final document, comprised of representatives from the various courses in the criminal area:

Criminology, Legal Medicine, Criminal Law I, Criminal Law II, Criminal Procedure, Criminal Forensic Practice.

Following up on the work described above and substantial interim work on the review, updating, and development of materials, from July 26 to 28, 2002 a workshop was held, also in Cochabamba, with the six persons designated in the June meeting to serve on the Harmonization Committee. The work will be ongoing and continued into the next reporting period. In addition to the assessment results, working documents toward the finalization of the new curriculum also appear in Annex 19.

PUBLIC AWARENESS AND UNDERSTANDING

SPECIFIC OBJECTIVE 4 - DISSEMINATION. PUBLIC UNDERSTANDING OF AND SUPPORT FOR THE CCP IS INCREASED.

At the onset of Phase III, the BAOJ Program experienced the imminent and then actual departure of its Area Coordinator for Public Awareness and Understanding (PAU). Luis Luna departed in September, 2001 to run USAID's Legislative Strengthening project for the State University of New York. Although progress was made, this situation caused unavoidable delays in the commencement of substantive work in this area as we needed to recruit a new coordinator, vet them with USAID, and then bring them up to speed on the program and its activities. Notwithstanding these delays, we have made good progress in this area.

We are consolidating reporting of results specified in the SOW for purposes of management and organizing the work in the most effective manner possible. More specifically, we are consolidating reporting on activities conducted pursuant to results 4.1, 4.4, 4.5, 4.6, and 4.8 as they are intertwined and therefore the activities being implemented support more than one result simultaneously. We will also be re-ordering/updating to activities specified in the workplan, as indicated below. This change has been approved in preliminary discussion with the CTO. The consolidated result is as follows:

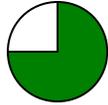
CONSOLIDATED RESULT: (RESULT 4.4) A CORE GROUP OF 8-10 BOLIVIAN CIVIL SOCIETY ORGANIZATIONS (CSOs) HAVE THE CAPABILITY OF TRAINING OTHER INSTITUTIONS IN ALL TECHNICAL ELEMENTS OF THE NEW CCP, AND (RESULT 4.8) THESE GROUPS MEASURE THE IMPACT OF THE CCP UPON DIFFERENT SOCIAL GROUPS. THROUGH THE CORE GROUP, (RESULT 4.5) A BROAD NETWORK OF CIVIL SOCIETY ORGANIZATIONS TRAINED AND ABLE TO DISSEMINATE INFORMATION, AND RAISE PUBLIC AWARENESS AND UNDERSTANDING REGARDING THE CCP, PARTICULARLY (RESULT 4.6) BOLIVIAN CITIZEN GROUPS OF WOMEN, INDIGENOUS AND SOCIALLY DISADVANTAGED. (RESULT 4.1) CITIZENS RECOGNIZE CCP MECHANISMS THEY CAN USE TO ACCESS THE CRIMINAL JUSTICE SYSTEM AND RESOLVE CONFLICTS.

4.1.1. ACTIVITY: Develop details of comprehensive outreach and education strategy involving a national network of NGOs/CSOs that provides total coverage of the Bolivian population, with special attention to rural, indigenous, and women as target sub-groups.	 100%
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To lay the groundwork for the identification of the strategic elements of a Phase III mass media campaign we assessed Phase II publicity efforts through a subcontract with KPMG to provide an independent opinion and analysis. The results from the KPMG assessment are being used, together with data from various other sources (such as the Democracy Values Survey for Bolivia conducted by the University of Pittsburgh), to guide the development of strategic elements for the mass media campaign and educational/outreach efforts. MSD monitored the progress and implementation of the work being conducted by KPMG and guided the work to the extent necessary to ensure useful results, but taking care not to interfere in the impartiality or validity of the assessment. The results of the assessment were completed in December and a presentation made to MSD by its subcontractor in January, 2002.

The BAOJ Program Public Awareness and Understanding (“PAU”) section proceeded to develop detailed strategies based on the information collected above and its own in-house expertise. Internal strategy documents were developed for mass-media efforts targeting urban and rural areas, as well as for alternative education and awareness efforts that will be implemented in partnership with selected NGOs. Macro target groups were identified based on geography and the location of judicial seats, and cross-referenced with the various target groups sought to be reached during Phase III. Also completed was a review and itemizing of the various tools and methods for potential use with various target groups. These tools and methods were subsequently used to provide a core set of options for NGOs that will also be asked to develop their own, customized outreach and education tools (see below). We also developed a calendar projecting possible training and related diffusion activities, accommodating and avoiding conflicts with the agricultural calendars of the *altiplano*, the valleys, and the plains. We also developed a list of opportunities for raising public awareness and knowledge of the NCPP has been compiled based on the agricultural calendar and when local festivals are held.

The results of the aforementioned activities preparation were reflected in the RFPs released by the BAOJ Program, as well as the subsequent proposals received and terms of reference executed in agreements with the 8 NGOs/CSOs selected to date.

<p>4.1.2. ACTIVITY: Identify relevant Bolivian NGOs/CSOs, select 8 to 12 entities as a Core Group, vet with USAID, and activate a national NGO/CSO network on the NCPP.</p>	 <p>75%</p>
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During the reporting period we identified and selected 8 NGOs/CSOs which will form the Core Group of NGOs/CSOs, to be supplemented later by approximately four additional NGOs/CSOs.

Terms of reference were refined through various rounds of proposal and feedback to simplify the application process for NGOs and permit maximum flexibility in determining the range of ideas and techniques that could be utilized by NGOs to conduct outreach and education. In those areas where the Program wishes to utilize alternative mechanisms such as teen theater and students from *colegios* to spread education on the NCPP, the Program conducted research into the number of teachers and students present in the various Bolivian departments. Announcements were published March 7 and 10, 2002 requesting letters of interest from NGOs in five newspapers from throughout Bolivia. Significant effort was also made to ensure that NGOs throughout Bolivia, both large and small, were reached with news about the outreach and education opportunities related to the NCPP.

Terms of reference were finalized and distributed to 105 organizations that had expressed interest in the competition, responding to the newspaper announcements, or which were on the list of NGOs the Program wished to invite to participate. The Program held two rounds of competition, one in April and a second in May, using the same RFP with minor adjustments in the second round based on results from the first round.

The BAOJ Program also undertook efforts to develop a working relationship with the *Conferencia Episcopal de Bolivia*, the organism that represents the Catholic Church in Bolivia and through which the Church implements its social and community programs. Successfully developing this relationship would be a significant achievement for the program given the depth

and reach of the Church as an outreach and education mechanism in Bolivia. To this end, the CTO Alvaro Galvez facilitated the convening of a meeting with Juan Carlos Nuñez, who serves as a Secretary to the *Conferencia Episcopal* and works for CARITAS Bolivia. As follow up to this meeting, the BAOJ Program cross-referenced NCPP code provisions with relevant aspects of the Catechism of the Catholic Church, its principle “policy” document that both established and explains the Catholic Church’s official position on a variety of topics, including topics related to law and the rule of law. The result of this cross-referencing was a two-page document which laid out, through a series of questions and answers, why the *Conferencia Episcopal* should be interested in supporting efforts to consolidate the NCPP. This document was vetted with USAID and then sent to Mr. Nuñez for subsequent re-distribution to the attendees of a meeting in March, 2002 during which the *Conferencia Episcopal* convenes the bishops and officials from throughout Bolivia. With consensus from this group, CARITAS, was able to proceed forward to develop a working relationship with the BAOJ Program. Proposals received from CARITAS as follow-up to initial meetings were not sufficiently developed in details to permit us to proceed with them. In short, we perceive them to be unwilling to submit to the controls necessary for management of a sub-contract, and therefore do not hold out hope for progress. We will, however, continue to explore the possibility of working through CARITAS on PAU efforts.

The RFP was sent out on a rolling basis to anyone who requested it. In April, 2002 we held a meeting with prospective NGO/CSO applicants to clarify questions about the RFP. Approximately 40 entities were present. The week of April 22 saw the completion of review of the technical proposals received from the first round competition.

Proposals were opened in a public act on April 15. Evaluative tools to assist in proposal review and assignment of points were developed. 31 proposals were thoroughly reviewed, rated, and ranked. Two months after receiving the approval from the Minister of Justice to proceed, we presented the Minister with the list of NGOs/CSOs tentatively selected, which he also approved. These groups were then subcontracted with and began undertaking activities as planned. Annex 20 contains a summary description of the activities being undertaken by each entity.

Table 5
NGOs/CSOs Selected for Phase III PAU Efforts

NAME OF ENTITY	FOCUS	GEOGRAPHIC COVERAGE										ETHNIC AND LANGUAGE GROUPS					
		L A P A Z	S A C B R U B A	O U R E	C R I J A	T R I J A	P O R T O	O R O	B E N I D O	P E N A Z O	M E D I O	Q U I T O	A Y U R A N A	G U A R A N Í	M O J O N O	C H I Q U I T A N O	T A C A N O
Centro de Educación Popular, QHANA	Rural																
Asociación Juventud para el Desarrollo, JUDES	Rural																
Instituto de Capacitación Campesina, INCCA	Rural																
Esperanza Bolivia	Rural																
Centro de Promoción Agropecuaria Campesina, CEPAC	Urban/Rural																
Enlace	Urban/Rural																
Casa de la Mujer	Rural																
Centro de Información y Desarrollo de la Mujer, CIDEM	Urban																

From late May to mid-June, 2002 the BAOJ Program conducted negotiations with the 8 selected entities to permit finalization of a formal sub-contract document. Negotiations with all selected entities conclude in mid-June. Aside from the terms of the sub-contracts (for example, payment structure), other quality and compliance controls were also implemented, including a requirement for a “boleta de garantia” totaling 7% of the total subcontract amount, and submission of copies of organizational bylaws/constitutions, etc. Of the eight entities selected, one was visited without notice to ensure the fact of their existence and operations. This was done because this organization presented an excellent proposal with important coverage of desired target populations, but there were some doubts about its actual existence. The site visit confirmed JUDES as a small, but operating NGO in Oruro with important contributions to offer to our overall PAU efforts.

The remaining applicants were notified of their non-selection, but were also notified that their proposals would be automatically considered in the round-two competition, unless they requested that it be withdrawn, or unless they wished to supplement their initial proposal by the deadline for submission of proposals for consideration in round two. Solicitation of proposals for Round Two began the week of June 3. As with round one, a meeting was held for all interested parties to respond to queries regarding the RFP. We expect to select about four additional groups. Once round two NGOs/CSOs are selected, this activity will be complete.

<p>4.1.3. ACTIVITY: Train the key group of selected NGOs/CSOs on relevant technical elements of the NCPP; new education/ outreach methods; data collection and analysis; and other relevant topics.</p>	 <p>30%</p>
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Although the NGO/CSO groups to receive the above described training were not selected until June – July, 2002, preparations for the first in a series of such trainings began much earlier. Preparations for the training were undertaken by both Legal Development and PAU technicians. This included the outline for a manual/kit for use in training NGOs/CSOs, with associated materials, as well as for use by NGOs/CSOs in training their affiliates on the NCPP; as well as two modules for use by NGOs/CSOs on alternative communicating and training efforts—one itinerant alternative communication; and another on training of various community leaders, including union leaders. This preparation also included the development of a detailed agenda with exercises to build a positive and supportive group dynamic. Extensive reviews in internal BAOJ Program sessions had been conducted to identify elements of the NCPP most relevant to the target groups and target entities that would later be trained by the core group of NGOs/CSOs. The effort here was to empower the NGOs/CSOs to provide technical as well as practical responses. For example, if someone steals from me, what can I do? If a policeman has arrested me, what are my rights? If my spouse is hitting me, what can I do? I’ve been called to be a citizen judge—what does this mean?

The first training is entitled, *Consolidando el NCPP; Alianzas estratégicas para la democratización de la justicia* and was held at Lake Titicaca at the Hotel Titicaca. Key documents from this training appear in Annex 21. Training participants were the senior staff and other personnel assigned to implement their entity’s program pursuant to the sub contractual agreement with MSD.

This first training culminated in a plenary session at the Hotel Europa on its third day, during which the representatives of the various entities gathered selected spokespersons to relate to the entire group, as well as special invited guests from USAID such as USAID/Bolivia Director Lilita Ayalde, their various accomplishments over the past days. The group developed a guidance document and strategies to assist in their coordinated, community-based outreach and education efforts. They also came to consensus on a policy position regarding upholding constitutional human rights, as well as regarding the importance of protecting victims. A copy of their joint declaration appears in Annex 21 as well. We are told by the NGOs/CSOs that this is the first joint declaration of NGOs/CSOs on a criminal justice topic in the history of Bolivia.

Additional trainings are planned, including for the four additional CSO/NGOs to be selected in the next reporting period.

<p>4.1.4. ACTIVITY: Conduct outreach and education efforts directly and through the NGO/ CSO network targeting other NGOs/CSOs and individuals using “replication” and other methods.</p>	 <p>30%</p>
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These activities are currently scheduled to begin in the next reporting period. Nevertheless, certain activities were carried out directly by BAOJ Program staff. These included:

Outreach and Education for Miners

Working with the Legal Development Area, traveled to Colquiri, Oruro to conduct an NCPP training workshop to mining leaders in February, 2002. The workshop included re-creation of police – citizen interactions under the NCPP and situations relevant to the lives of miners and their families. That is, the session was adaptive to local realities. We also took steps to begin developing relationships with the Miner’s Radio Network (*Red de Radios Mineras*) and determine possible points of cooperation regarding the NCPP and its “PAU”. This highly successful outreach effort was then memorialized in a document that will serve as a model for future such interventions dealing with ordinary Bolivians living in rural or sub-urban areas. Approximately 30 persons participated.

Outreach and Education for Lawyers and Students

We organized various “charlas” in July, 2002 regarding the NCPP and the new Law on the Execution of Penalties targeted to lawyers and students, as follows:

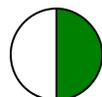
- At the Corte Superior de Distrito de Tarija cooperating with the Asociación de Magistrados of Tarija. Approximately 90 lawyers participated.
- At the Universidad Juan Misael Saracho in Tarija cooperating with the University Extension Secretariat. Approximately 120 students participated.
- With the Sucre Bar Association, cooperating with the bar and the Pastoral Penitenciaria of Sucre. Approximately 100 lawyers and students participated.
- With the Bar Association of Potosí, cooperating with the bar and the Pastoral Penitenciaria of Potosi. Approximately 70 students and lawyers participated.

Additionally, in July, 2002 we held a series of workshops in penitentiary centers regarding the NCPP and the new Law on the Execution of Penalties. Workshop sites were Morros Blancos in Tarija, San Roque in Sucre, and Cantumarca in Potosí. This activity is considered important because of the numbers of pre-trial detainees.

<p>4.1.5. ACTIVITY: Convene a <i>Comite Nacional de PAU</i> comprised of NGOs/CSOs and representatives from the MOJ to facilitate national level coordination and provide guidance on outreach and education efforts.</p>	 <p>30%</p>
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The SOW for the BAOJ Program calls for the establishment of a National PAU Committee (*Comite Nacional de PAU* or *CND*) to approve the selection of NGOs that will work in the area of Difussion, as well guide the ongoing work of PAU throughout the life of the project. The politics between the NGO sector and the GOB make such an arrangement untenable, particularly if the BAOJ Program wishes to access NGOs with real trust and access to difficult to reach populations. Generally speaking, securing the participation of such NGOs in a process that makes them subject to approval of their work by GOB authorities is not workable. Through various discussions with USAID and consultations with other civil society and NGO experts, a the understanding of the SOW requirements has been clarified to allow us to develop a more streamlined approach that avoids the possibility of unnecessary bureaucratic delays in securing approvals and obtaining guidance on the implementation of PAU efforts. More specifically, if created, the *CND* will be structured as an independent advisory body to the BAOJ Program. Members of the *CND* will consist of selected representatives from the GOB; selected NGOs/CSOs, and USAID/MSD. This *CND* will serve as a working group that will meet on a more frequent basis to provide the ongoing guidance called for in the SOW. Formal GOB approval of BAOJ Program activities will be obtained through a meeting with the Minister of Justice, in his capacity as CEI President, requesting that he sign off on the proposed plan to work with NGOs.

In March, 2002 the BAOJ Program obtained written approval from the Minister of Justice to proceed with PAU activities based on developed plans already presented to the Ministry. With approval from the CTO, the *CND* was therefore not formed, owing to credibility issues that the *CND* would suffer, from the perspective of NGOs, if the *CND* has strong governmental institutional representation. A scaled-back version of the *CND* may nonetheless be created in the future.

<p>4.1.6. ACTIVITY: Production and dissemination of education and outreach products. Directly and in coordination with the NGO/CSO network and/or the GOB counterparts, produce and disseminate education and outreach products dealing with the NCPP for the general population and specialized sub-groups (e.g., women, indigenous, etc.) on an ongoing basis.</p>	 <p>50%</p>
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The strategy contemplated for this area involves undertaking various interim mass-media efforts until after the national elections are over. The attention generated by the national elections will dilute any mass-media campaign that is not election-related, unless the NCPP itself or aspects of the NCPP becomes a campaign topic or issue. The validity of this strategy was reinforced by initial queries with public relations firms in Bolivia, which revealed that the ability to retain their services under the minimum terms required to ensure effectiveness of BAOJ mass media efforts

would be hampered by pre-existing and anticipated commitments on their part related to the CPUoming national elections.

Radio Spots

Among the interim mass media efforts carried out was the production and airing of radio spots to address growing, though misplaced concern, about *medidas cautelares* and the misperception that these provisions of the NCPP are responsible for a rise in crime. Terms of reference were developed for subcontracting with a firm specializing in development of radio programs and spots, as were selection criteria for use in evaluating responses received to a request for proposals/bids. Nine firms were provided invitations on November 26, 2001. No bids were received. Invitations were again made to the four leading radio program producers in Bolivia: Akustica, Proton, Proaudio, and Pavs, and this time bids were received. The bids were reviewed and Akustica was selected on the basis of capabilities and price.

For distribution purposes, the BAOJ Program also held meetings with leading firms specializing in both production and distribution of radio programs through their networks. Bids were requested and due to MSD by December 13, 2001. At the same time, the two *cuñas* produced by Akústika were reviewed internally at MSD for technical legal accuracy and quality. To ensure appropriate national coverage, clarifications were requested from all bidders on December 24, 2001. To distribute radio spots produced by Akustica, *Red Somos* was selected for its coverage and ability to reach target groups MSD desires to reach.

The BAOJ Program worked closely with Akustica to develop scripts for two dealing with *medidas cautelares*, both of which were approved for airing by the BAOJ Program and by USAID. Then Minister of Justice Serrate only approved one of the spots for airing. The selected spot was aired during this reporting period through *Red Somos*, chosen by the BAOJ Program in January, 2002 for its coverage and ability to reach target groups we desired to reach. Transmission of the selected radio spot (*cuña*) began on January 28, 2002 and ran for nine weeks. Full coverage of the capitals of each department was achieved by January 30, and full coverage of the 35 judicial seats/areas was achieved by January 31. The BAOJ Program had also prepared a press release for consideration by the Ministry of Justice (then Serrate) to announce the release of the *cuña*, but no action was taken by the Minister. The *cuña* not approved for airing will be vetted with future Ministers of Justice (as of this writing, three individuals have held the office in the last twelve months).

Materials Production and Public Relations

Having laid out the basic strategy for outreach and education to various target groups in Phase III, the BAOJ Program began the work of converting strategic concepts into concrete tasks. As per the details plans developed pursuant to activity 4.1.1., the PR agency will assist with education and outreach for urban populations and the production agency will be assisting with design, development, and dissemination of efforts directed at rural populations. We began work on the terms of reference and published requests for letters of interest in La Paz, Cochabamba, Santa Cruz, and Sucre newspapers during the week of March 18, 2002. During the following week a similar announcement was published requesting letters of interest for companies specializing in production of communications pieces for the rural area. Pieces produced by these firms may be combined with pieces produced by NGOs, and/or these firms may be utilized for the final production in quantity of pieces developed by NGOs. Seven expressions of interest were received. During this time we also developed the evaluative tools necessary for the impartial review of proposals.

Terms of reference for the materials production entity were sent to 63 production agencies to be retained for assistance with rural outreach and education (OE) efforts. The process involved sufficient time to address questions posed by RFP respondents. 14 proposals were received. The NGO Gregoria Apaza was selected. Terms of reference/bidding documents were prepared and sent to the 74 publicity/PR, including 59 entities which had submitted letters of interest in response to BAOJ Program publications soliciting same. The process involved sufficient time to address questions posed by RFP respondents. 6 proposals were received, from the following entities: PASOWEB; Arzabe& Jiré; Tironi & Asociados; Enlace SRL; Eureka; and SEYD. A selection is pending in the next reporting period.

MOU with Gente and Extra

In addition to efforts through radio, MSD also retained the services of Carmiña Monrroy, a CCN short-term consultant. Ms Monrroy worked with members of the Difussion team to write positive news stories on the NCPP and secure their publication in the *Extra*. Prior to the end of 2001, 6 stories were prepared, passed MSD internal legal review, and were subsequently published in the *Extra*. Ms. Monrroy was originally contracted to provide more than 6 stories, but was unable to comply with the terms of the agreement, and the contract was therefore cancelled, with payment only made for work delivered. This action taken reflected the mutual agreement between consultant and MSD.

Notwithstanding the above, the BAOJ program was able to build on the initial relationship established with Ms. Monrroy, a stringer for the *Extra*. MSD secured the commitment from both the *Gente* and *Extra* to enter into a Memorandum of Understanding type agreement with the Ministry of Justice, should the MOJ be willing, to publish stories dealing with the NCPP. The BAOJ Program secured execution of the MOU with Minister Carlos Alberto Goitia in March. Minister Goitia signed the agreement and the BAOJ Program has proceeded to also sign an agreement to finance certain development costs of the pieces to be published. Stories published are designed to be both interesting to the reader and educative, written by invented personalities who have a regular column. Stories feature various happenings (a tragic robbery), characterized by the heavy application of Bolivian style “horse-sense”, or “common sense” in the course of telling the story, with a positive spin on the NCPPs role in addressing these situations. The BAOJ Program also secured from *Gente* and *Extra* arrangements for free public service ad-space and article space where. April also saw the re-design of several of the ads based on input from CTO Alvaro Galvez, as well as the conclusion of the MOUs with each periodical. Additionally, pursuant to the agreements mentioned above, the BAOJ Program developed a list of 12 themes to be covered and 7 articles. Ads were vetted with the Ministry of Justice prior to publication. *Gente* and *Extra* are the most popular and widely read periodicals in Bolivia. Copies of the articles and ads that ran in these publications appear in Annex 22.

World Cup 2002

During May the BAOJ Program also undertook development of pocket guides and posters on the then pending World Cup games. This enormously popular sports event in Latin America provided an excellent opportunity to conduct outreach with positive messages on the code. To this end, pocket guides and posters were developed that allowed for tracking games and scores throughout the World Cup event, through to the final game. 8,000 posters and 25,000 pocket guides were produced and distributed. An additional 85,000 were printed and distributed by the periodical EXTRA. 3,000 additional units were also distributed through the weekly La Época. Development and printing was financed by the BAOJ Program, although as a courtesy the GTZ

logo was also placed on the materials, with their approval. The materials were enormously popular, generating many requests for more of same. All units were distributed in less than an hour in La Paz and, through NGO/CSO contacts, in the other major cities in Bolivia. Printing was executed by a local firms contracted after solicitation and evaluation of bids. The BAOJ Program PAU team and 19 officials from the Ministry of Justice distributed the material in La Paz on May 29, 2002, divided into four groups covering four strategic locations with high foot traffic:

- Plaza Pérez Velasco y calle Comercio,
- Plaza del Obelisco, avenida Mariscal Santa Cruz y avenida Camacho.
- Paseo de El Prado.
- Universidad Mayor de San Andrés

Other tasks pursuant to Activity

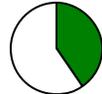
- In April, 2002 the BAOJ Program developed a list of events and activities for possible launch to recognize the one year anniversary of the NCPP’s entrance into full effect. The BAOJ Program also took advantage of well known justice reform figures, such as Reinaldo Imaña, arranging interviews in the weekly Pulso, with permission from PAS. 18 questions were received in written form, and responded by the Legal Development Area. These answers were published in the magazine *Pulso*.
- The PAU area also continued its coordination with the Legal Development Area for the production of guides for citizens on two topics: being a citizen judge, and how the NCPP can help when one is a victim of a crime. These documents are under development and will be printed and released during the next reporting period. The PAU team also assisted in the re-design of the Direct Action guide for police patrolpersons, to make it user-friendly and portable.
- Extensive support was provided for the development of promotional materials dealing with the Forensic Sciences Management Course, including a video to promote the existence of the course to media and other interested parties. The script for the video was reviewed and extensively revised, as was the staging of the video. BAOJ program staff appeared in cameo, non-speaking roles, taking advantage of the fact of the video to incorporate scenes showing use of the Police – Prosecutors Manual, also developed by the BAOJ Program.

RESULT 4.2. PRESS REPRESENTATIVES UNDERSTAND THE CCP AND ACCURATELY REPORT ON ITS PROGRESS AND IMPLEMENTATION.

<p>4.2.1. ACTIVITY: Inventory all media outlets in Bolivia by multiple characteristics (audience, geographic reach, etc.) and identify reporters/ personalities requiring special targeting for training.</p>	 <p>90%</p>
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To avoid workplan delays and dependence on unreliable factors, the BAOJ Program has developed internal capacity to contact radio networks, community radio, and rural television stations. These lists have been compiled and are being prepared for entry into a centralized database that will allow rapid response communications capabilities on an as needed basis.

Database coding will include the ability to sort by District, judicial seat, and capitals of departments, among other variables. While MSD will still seek the assistance of an appropriate firm to facilitate contacts with media outlets, the development of in-house capability will serve as both a supplement to activities through PR firms and a back-up to avoid exclusive dependency on these firms.

<p>4.2.2. ACTIVITY: Conduct periodic training workshops and outreach efforts for media on the NCPP and its implementation.</p>	 <p>40%</p>
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Training for Gente and Extra Reporters

The BAOJ Program organized and executed two workshops for journalists from the Bolivia’s most widely and frequently read periodicals (*Extra* and *Gente*). These sessions were organized drawing on members of the Legal Development Area to provide the trainings and were executed from December 10 to 14, 2001. These sessions also facilitated the establishment of ongoing contacts with journalists from the *cronica roja*, the most widely read newspapers in Bolivia.

Training for Bolivision Reporters

As part of its general plans under this Activity, the BAOJ Program conducted a training session on the NCPP for reporters from *Bolivision*—notorious for inaccurate coverage and understanding of the NCPP. The training was conducted in cooperation with the Legal Development Area Coordinator, Reinaldo Imaña. The training covered the general outline of the NCPP, its nature as a *garantista* system of criminal justice, the efficiency of investigation under the NCPP, the oral nature of trials, the emphasis on victims and options for victims, and other hot topics, such as *medidas cautelares* and their application. The training was successful in clarifying key points for Bolivian reporters with a low level of understanding of the law. The questions and concerns raised by these reporters reflect their limitations in this regard: e.g., thinking negatively of the NCPP because it does not permit incarceration of persons for nonpayment of debt. Without entering into the human rights or moral concerns of such a framework, it was explained that the matter of whether non-payment of debt is a crime punishable by imprisonment is established by the Penal Code, not the NCPP. The training has been considered very successful in that Bolivian reporters are generally no longer misconstruing or mischaracterizing the NCPP in a way that impacts negatively on its perception by the public.

Outreach to New Journalists/Journalisms Students

The BAOJ Program also developed during this period a project to increase awareness and accurate understanding of the NCPP among journalists. A contest project was developed. After internal vetting the contest, originally contemplated to target journalists, is now being implemented, targeting journalism students and being conducted in cooperation with a major media outlet subcontracted to administer the contest. Re-focusing the contest on students and conducting it through a media outlet protects the Program from accusations of seeking to influence the outcome of press coverage by offering contest “prizes”. The contest will support knowledge of the NCPP among future journalists, and as it will be conducted through a major media outlet, that outlet will also provide coverage of the contest, its topics, and results. In this way, the BAOJ Program is seeking to achieve positive NCPP related coverage in the context of

human rights and constitutional guarantees. The terms of reference will contain the thematic parameters of the contest in order to attempt to seek to control the themes covered.

Additional Training for Journalists

The BAOJ program is finalizing its relationships with the Association Nacional de la Prensa to work with urban area reporters, and with the Red ADA to work with rural reporters. These entities were vetted with USAID and PAS. Implementation of training through these entities begins in the next reporting period. Training is being designed to impart knowledge required for fair, impartial, and accurate reporting on the NCPP and its impact in the Bolivian criminal justice system. These entities were selected for their reach and the esteem they are held in by journalists.

Media Appearances

Based on a directive from USAID, MSD staff were instructed that all media appearances (print, radio, television), whether identified as part of the BAOJ Program or MSD, are prohibited without prior approval from USAID. Subsequently, this rule was further tightened, also based on a directive from USAID: attendance or participation in any event with the reasonable possibility of media coverage was also prohibited without prior approval. We noted at the time that such a restrictive rule seriously hampers our ability to have a direct impact on the media and respond rapidly to media related problems and opportunities. This rule was nonetheless seen as necessary by USAID, and we complied.

More recently, this rule has been relaxed, with USAID indicating that MSD staff may participate in media events, provided they are not identified with the BAOJ Program, MSD, USAID, etc. This change will greatly enhance our ability to educate and ensure precise reporting by having selected staff participate directly in media events. Well-known and respected personalities such as Reinaldo Imaña, our director of Legal Development, will now be able to more actively assist in managing media through personal appearances.

<p>4.2.3. ACTIVITY: Assist the MOJ and other relevant counterparts in managing and responding to media with respect to the NCPP.</p>	 <p>50%</p>
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In support of this activity a media-training was held internally at MSD to achieve consensus on key messages regarding the NCPP for inclusion in responses to media representatives. These are:

- faster justice;
- transparent justice;
- the code is working;
- democratized justice—citizen participation;
- applies to everyone;
- protects the victim; protects human rights.

Consistent inclusion of these themes in media contacts by GOB counterparts and others is one important element in seeking to managing press covering regarding the NCPP, and the

identification of these key messages is therefore now used to guide media responses issued by GOB counterparts when prepared with technical assistance from the BAOJ Program.

Following up on this groundwork, in March/April 2002 BAOJ Program held a special workshop with designated MOJ personnel to develop a media relations plan covering the period between the appointment of the new Minister, Carlos Goitia, and the end of his tenure in July/August, 2002. The purpose of this technical assistance was to maximize the opportunities available for improving the profile of the MOJ and Minister Goitia as advocates for the NCPP. To this end, a media relations plan was developed on a consensus basis with the MOJ to allow the BAOJ Program to provide, on an ongoing basis, media related technical support to the MOJ (e.g., issue identification, drafting of press releases, assistance for the organization of press conferences, etc.) without the need for extensive pre-consultations with the MOJ. That is, in order to allow the MOJ to respond on a timely basis, the Program committed to producing workproducts for consideration for release by the MOJ.

Additionally, the BAOJ Program provided an intensive media relations training for Minister Goitia to assist in improving his performance in television and radio appearances. The training was developed based on three extensive media trainings that the COP had previously undergone from U.S. public relations firms. Topics included and included presentation of background information on how the reporters work; do's and don't for interviews, including handling hostile reporters, appropriate clothing; exercises to identify key messages; and interview exercises that were filmed and later played and analyzed.

Following up on the media relations plan work and the individualized instruction to Goitia, the BAOJ Program assisted the MOJ with the organization and execution of a special working breakfast with reporters to provide Minister Goitia with an opportunity to present his goals, including NCPP related goals, for the MOJ for the next five months (through to August, 2002), including his first three important actions. The event was a great success, achieving positive press coverage in almost all media outlets.

Since the media relations plan was developed, the BAOJ Program has continued on an ongoing basis, to develop press releases for the Ministry of Justice related to specific events as well as in response to specific news items identified through daily monitoring of media. In consultation with the latest Minister of Justice, Gina Mendez, we will be continuing this practice during her administration of the MJDH. Copies of press releases developed appear in Annex 24. Those actually chosen for release are marked as such.

Additional examples of BAOJ Program work with and through the MJDH in the media relations area includes:

- The June, 2002 press conference to highlight the curriculum re-design work being implemented pursuant to the BAOJ Program. This included development of a press release approved by the MOJ and distributed to the media in Cochabamba, where the workshop was being held.
- Targeting various newspapers were targeted with press releases to highlight activities being carried out in regards the Police – Prosecutor's Functions Manual and the inter-institutional agreement regarding money laundering signed by GOB officials in late June, 2002. Los Tiempos, Correo del Sur, El Diario, La Prensa y La Razón, Extra y Gente were reached with this material, resulting in news coverage of this event. This was also done for the launching of the course on Forensic Sciences Management.

- The first NCPP oral trial took place in Achacachi in March, 2002. This was a significant event, concretely demonstrating the access to justice afforded under the NCPP, including in rural areas. The case, dealing with the rape of a minor, drew significant media attention. To be prepared for the outcome of the case, the BAOJ program prepared alternative versions of an MOJ press release that was vetted with the MOJ to obtain their approval of the releases as being issued by Minister Goitia. Depending on the outcome for the trial (conviction or acquittal), the appropriate press release would be distributed to the media. Once the MOJ approved the press releases for issuance from the MOJ, BAOJ Program personnel traveled to Achacachi by taxi to be present prior to the conclusion of the trial. The verdict was guilty, and personnel then proceeded to distribute the MOJ press release to all reporters attending the trial. The trial and its outcome was subsequently covered by all the major media outlets in a manner that reflected positively on the NCPP.

In addition to the above, the BAOJ Program also provided technical assistance for IDIF related press conference to announce the organization of the IDIF and GOB advancement.

4.2.4. ACTIVITY: Work through the NGO/CSO network to manage and respond to media with respect to the NCPP.	 <p>20%</p>
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The first was a negative and factually incorrect opinion piece published in La Razon by Alberto Zuazo Nathes. A draft document responding point for point was prepared and provided IFFI and Casa de la Mujer, who used this material to conduct courtesy calls with media to respond to Zuazos critiques.

The second opportunity to respond through the NGO/CSO network presented itself through the activities of a *Comite Civio de Santa Cruz*. Through monitoring of the press nationally, the BAOJ Program detected a more organized movement in Santa Cruz which was associated delinquency with the NCPP and which was planning a meeting to raise the profile of the issue. The BOAJ Program notified AID of this development and recommended addressing it immediately. Technicians were sent to Santa Cruz to observe the proceedings, as well as to advice one the Core Group of NGO/CSOs working for the BAOJ Program in the area. In this case, it was Casa de la Mujer. As a result of this intervention, the BAOJ Program gained important insight into the thinking and purposes of the *Comite Civico*, including how it might be turned around to support the NCPP. It was determined that the NCPP had become the easy scapegoat, but that fundamentally, it was citizen security that the population was after.

The week following the return of the BAOJ Program technicians from Santa Cruz, protocol visits with the President of the Congress, Guido Añez and the Minister of Justice Gina Mendez were conducted by USAID officials with BAOJ Program also in attendance. Principle among their requests were to provide technical assistance for responding to the concerns of citizens in Santa Cruz. Mr. Añez convened a town hall or public forum in Santa Cruz to discuss the issue of the NCPP and the rise in delinquency. Technicians were deployed with Mr. Anez and Ms. Mendez to Santa Cruz to advise them technically. This was done, and together with sideline efforts through NGOs and informal contacts with media, reporters covered the results of the town hall positively.

RESULT 4.3. A SYSTEM FOR DISSEMINATION ESTABLISHED TO INFORM THE LEGAL COMMUNITY OF IMPLEMENTATION PROGRESS ON THE CCP IS ESTABLISHED; IMPORTANT CCP-RELATED DECISIONS, AND CCP STATISTICS ARE WIDELY DISSEMINATED WITHIN THE LEGAL COMMUNITY.

4.3.1. ACTIVITY: Establish in the Ministry of Justice an information network accessible to the public.	 <p>20%</p>
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This activity is largely focused on updating the NCPP website, housed within the MOJ, to serve as an information network accessible to GOB institutions, CCP trainers, NGOs/CSOs, universities, and bar associations, and other members of the interested public.

A working meeting was carried out in December, 2001 with representatives from USAID and MSD staff to review the NCPP website in its current status and identify changes to be implemented. These changes will include:

- Identify and, where possible, provide links to justice system operators, the legal community, journalists, and international development cooperation;
- Generally update legal content;
- Review and update the English version of the website;
- Establish links to CEJIS, CAJ, CEJA, and other websites with related content;
- Reduce the length of all texts and create downloadable files of same instead;
- Secure a link to the NCPP website on the www.comunica.gov.bo website; and
- Include BAOJ Program developed materials in downloadable format on the website, such as training guides, the Curso de Post Grado (once revised) and other such materials.

Internally MSD assigned members of the PAU and Legal Development Areas to produce content for the website that will be uploaded by a information technology specialist already retained to assist in website maintenance. In April, 2002 four BAOJ Program personnel from the PAU and Legal Development Areas have been trained on the use of Front Page software to permit ongoing updating of the website with the need to contract this work to a specialized firm. The MOJ/NCPP website is also being re-designed so that with the introduction of the change in national administration, the Program will be able to offer a re-designed website to the new Minister of Justice to be named.

A e-mail list has been compiled to serve as the initial list-serv for dissemination of NCPP related information. A draft of a periodic bulletin has also been developed, as well as a general outline for the logic sequences of the new website. In July, we contacted and contracted with a specialist to re-design the website. The firm Milenio Informática was selected. Initial drafts were received in August, and continued to be refined based on feedback from the BAOJ program. We anticipate the new website will be ready to launch in September, 2002.

There has been no advancement yet on the convening of a website and Information Dissemination oversight committee within the MOJ. We may request that such a committee be convened, prior to the launching of the website, to review the site and its contents.

RESULT 4.7. NON-FORMAL CRIMINAL JUSTICE SYSTEM DECISIONS ARE ACCEPTED AND VALIDATED BY THE INSTITUTIONAL CRIMINAL JUSTICE SYSTEM.

Activities pursuant to this result will consist of workshops for indigenous communities and the “informal” justice system, convened by the CEI or other appropriate institution. These activities will be undertaken after progress has been made on the construction of an appropriate draft law as detailed above in activity 1.1.10.

PL 480 FUNDS

SPECIFIC OBJECTIVE 5 – MANAGE LOCAL CURRENCY FUNDS

a) Prepare proposal to USAID and the Title III Secretariat for local currency funding in CY 2001 and CY 2002 of approximately \$ 1.2 million. Funds will be used primarily for completing the nationwide extension and integration of the IANUS and INSPECTOR case tracking systems. On a limited scale and as agreed between the Ministry of Justice and USAID, MSD may fund certain personnel costs.

b) Manage local currency funds for GOB institutions, such as the Public Ministry, Ministry of Justice and Human Rights, and the Judicial Council. While these activities directly link to the USAID contract, USAID is not responsible for MSD’s management of these funds.

MSD timely completed the proposal to USAID and the Title III Secretariat for the use of local currency (PL480) funding. The majority of PL480 funds (\$900,000) has been allocated for the replication of the INSPECTOR and IANUS case tracking systems, as detailed in the BAOJ Program Workplan. The remainder of funds have been allocated for use largely in the Institutional Strengthening Area. For details on the planned allocation of PL480 funds please refer to the BAOJ program workplan. Details of the original proposed uses of PL480 funds for 2002 have been submitted to USAID, as have subsequent re-alignments made to accommodate changes in circumstances and priorities. The latest PL480 report and realignment can be found at Annex 25.

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