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**PROYECTO DE FORTALECIMIENTO DEL
ESTADO DE DERECHO EN HONDURAS**



**PROGRAM PERFORMANCE REPORT
AGREEMENT BETWEEN FLORIDA INTERNATIONAL UNIVERSITY
AND AGENCY FOR INTERNATIONAL DEVELOPMENT/HONDURAS
FOR THE QUARTER ENDING DECEMBER 10, 2005**

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Table of Contents

	Page
I. Result 1. Legal Framework for fair trials before independent and Impartial courts implemented	1
III. Result 2. Strengthened advocacy and participation in legal reform	3
IV. Result 3. Access to justice expanded for marginalized groups, especially women and the poor	4
V. Result 4. Increased fairness and efficiency of the administration of justice through more effective legal personnel and efficient processes.....	5
VI. Result 5. Crisis-modifier	7
VII. Procurement plan to support Results 3 and 4 (Result 6).....	7
VIII. Serves as rapporteur with justice sector (Result 7).....	7
ATTACHMENT 1	
ATTACHMENT 2	
ATTACHMENT 3	
ATTACHMENT 4	
ATTACHMENT 5	
ATTACHMENT 6	
ATTACHMENT 7	
ATTACHMENT 8	
ATTACHMENT 9	
ATTACHMENT 10	
ATTACHMENT 11	
ATTACHMENT 12	
ATTACHMENT 13	
ATTACHMENT 14	
ATTACHMENT 15	
ATTACHMENT 16	
ATTACHMENT 17	

The Agreement between Florida International University and the Agency for the International Development was signed on September 10, 2004. The following is a brief summary of the activities that took place between September 11 and December 10, 2005.

I. Result 1. Legal framework for fair trials before independent and impartial courts implemented

A) Code of Civil Procedure (Código Procesal Civil)

- 1) The draft version of the Code of Civil Procedure was formally presented to the plenum of the Supreme Court on the 25th of July. However, the Project staff has offered continued to offer assistance to the Court and the two Spanish consultants employed in this area have responded to requests from the Civil Chamber of the Court.
- 2) Project staff has also worked closely with FOPRIDEH by participating in several workshops sponsored by them in Tegucigalpa, Juticalpa and San Pedro Sula to explain the goals and benefits of the new Civil procedure reform to lawyers, private sector representatives and other civil society groups.
- 3) During the period of November 29-December 9, the magistrates of the Civil Chamber met with judicial functionaries to inform them about the content of the draft code and to gather their recommendations before forwarding it to Congress for enactment. Ana Rodas of our staff was invited by the president of the Court to report on the changes introduced into the original draft.
- 4) Finally, in accordance with conversations with the presidents of the Court and the Civil Chamber, the plenum of the Supreme Court has ratified the final version to be sent to Congress. The Court will officially forward the proposal to the new Congress once it takes office.

B) Judicial Career Law

In accordance with conversations held by the president of the Court and CAJ/FIU staff, the magistrates of the Supreme Court agreed on the draft legislation and they will forward the proposal to the new Congress when it is officially convened.

- *Contractually, and in accordance with the Workplan, this component is completed since the Milestone called for FIU to present a draft of the Judicial Career Law to the drafting Commission by December 2005.*

C) Law on Organization of the Courts

As reported previously, CAJ/FIU was presented with a draft on the Law on Organization of the Courts by the Supreme Court drafting committee. The CAJ/FIU consultant, Mario Houed, met repeatedly with the committee and made recommendations to adapt the draft

with the requirements of the proposed Judicial Career Law. Thereafter, the CAJ/FIU consultant prepared an alternative draft (see Attachment 1).

- *Contractually, and in accordance with the Workplan, this component is completed since the Milestone called for FIU to present a draft of the Law on Organization of the Courts to the drafting Commission by December 2005.*

C) Constitutional Justice

During the week of November 7, members of the CAJ/FIU team (Ana Carazo and Rigoberto Cuellar) along with the magistrates on the Constitutional Chamber, traveled to Costa Rica to meet with members of the Constitutional Chamber in that country and consulted with them on the operation of a constitutional chamber (See the trip report, Attachment 2). The study tour was approved and financed directly by USAID. A result of the trip was an agreement between the Supreme Court of Honduras and the Supreme Court of Costa Rica whereby Costa Rica offered to provide free technical assistance to the Supreme Court of Honduras in this area. Specifically the Court offered to provide case tracking and jurisprudence database software to the Court and to furnish training to Honduran judges and support staff in this area.

Following a request by the magistrates of the Constitutional Chamber, the project sent a solicitation to USAID of a study-tour for legal assistants and technical staff to Costa Rica (see attachment 3).

- *Contractually, and in accordance with the Workplan, this component is on schedule with the requisite Milestone due in March 2007.*

D) Criminal Law and the Criminal Chamber of the Supreme Court

The following activities have taken place:

- a) During the week of October 3, the CAJ/FIU Puerto Rican consultant Ygri Rivera met with magistrates, judges, prosecutors, public defenders and forensic experts to assess the way in which evidentiary requirements are being met, identify deficiencies and incorporate changes into the proposed rules of evidence. The Puerto Rican consultant also attended oral trials and visited the offices of the Public Defender, Public Ministry, Forensic Medicine and Criminal Courts (see Attachment 4 “Diagnóstico sobre el Tratamiento de la Prueba en el Proceso Penal”).
- b) During the week of October 31, several workshops were held with magistrates, judges and public defender in Tegucigalpa and San Pedro Sula to discuss the problems related to evidence and oral trials.
- c) As a result of those workshops, CAJ/FIU Staff is working to provide a list of recommendations to be submitted to the Criminal Chamber and the Interinstitutional Commission aimed at solving evidentiary problems arising under the CCP.

- d) Currently, the CAJ/FIU Staff is coordinating closely with the consultants and the Court to develop the rules of evidence that will be used in criminal and civil procedures with consultants. Two renowned Puerto Rican consultants Olga Resumil and Ygri Rivera are working in this area.

Workplan Milestones. All of the contemplated milestones for this Result are on Schedule

- (A) Milestone: - Assessment of the Constitutional Chamber: June 2005
- Technical Assistance and training provided: Between July 2005 and March 2007
- (B) Milestone: -Organic Law and Judicial Career Law are submitted to drafting commissions for review, comment and debate: December 2005.
- (C) Milestone: - Recommendations for introduction of oral system on appeals: September 2006.
- (D) Milestone: - Appropriate rules of evidence developed and tested: March 2007.
- (E) Milestone: - Streamline procedures and introduction of oral proceedings in civil cases proposed. Recommendation submitted by commission: August 2006.

II. Result 2. Strengthened advocacy and participation in legal reform

The following activities have taken place:

- a. During the period of September 28-October 11, the lead Chemonics consultant responsible for this component, Leonardo Escobar, along with members of the CAJ/FIU staff and the national directorate of LPAs, visited sites outside of Tegucigalpa to meet with regional representatives and members of the LPAs (see Attachment 5).
- b. The objective of these visits was to show the regional LPAs, the strategic plans and to organize local offices for each of the LPAs.
- c. After the regional visits, several meetings assisted by Leonardo Escobar, Gabriela Rivera and members of the national directorate of LPAs were held to assess the activities and revise the legal and managerial documents (see Attachment 6).
- d. The attorney Jacobo Cáliz was hired by Chemonics to review articles of incorporations and bylaws and to comply with legal requirements that will enable the LPA to seek financing and enter into agreements.
- e. After several meetings, the Asociación de Defensores Públicos, Estudios Penales y Sociales and Mujeres Juristas concluded the final draft of its bylaws in December.

f. Chemonics employed Eldida Espinal a Honduras lawyer, to support the work of Lenoardo Escobar and to provide permanent technical assistance for LPAs. She began working full-time in the CAJ/FIU offices. A good working relationship has developed between her and the local CAJ/FIU staff. Her employment will improve communications and follow-up in this area.

g. Several individual meetings have been held with each of the LPAs. Assistance and follow-up was offered (see Attachment 7).

h. Isis Amaya was employed as a consultant to develop the Administrative Procedures Manual for the LPAs. In December, Amaya submitted the assessment of the administrative structure and a proposal of administrative procedure for each of the LPAs. Currently, those reports are being revised by Chemonics and she is now working on the draft of managerial documents (strategic and operational plans and organizational structure).

i. On November 25 a workshop entitled “Priorización de ideas y formulación de subproyectos” was held with the purpose of facilitating concepts and information related to innovative projects and financial management to the LPAs.

j. With the Project Staff’s technical assistance, three LPAs have developed and submitted the sub-projects incorporated hereto as Attachment 8.

k. On November 4th, the Asociación de Estudios Penales y Sociales, with the assistance of the Project staff, held a workshop with the attendance of 41 participants on constitutional justice (“Reflexiones acerca de la Ley sobre Justicia Constitucional”).

l. William Hallock from Chemonics visited Honduras in November and oversaw the work in this area. He discussed the 2006 action plan with the CAJ/FIU team and met with the LPAs representatives.

Workplan Milestones. All of the contemplated milestones for this Result are on Schedule

(A) Milestone: Small grants programs design completed: June 2005

(B) Milestone: Small grants program launched: December 2005

(C) Existence of a grant monitoring system. Grant monitoring system in place: December 2005

(D) Milestone: At least 2 LPAs improved: August 2006

III. Result 3. Access to justice expanded for marginalized groups, especially women and the poor

A) Recommend an ADR model that can be used in civil and other types of disputes

The project staff and Gerardo Villalobos, our lead consultant for this component, visited the pre-selected municipalities (Comayagua, Las Vegas, Catacamas, La Esperanza, Santa Rosa de Copán and Tela) with the following results:

- a) The municipality of La Esperanza sent a copy of the Municipal Agreement which approved the establishment of a municipal mediation center and assigned personnel.
- b) The Municipality of Santa Rosa de Copán, in a meeting held on November 30th, agreed that the organized groups and judicial officials will send a solicitation to the mayor requesting the approval of the municipal mediation center.
- c) Municipality of Catacamas: The establishment of a municipal mediation center was approved as was the hiring of two employees. The ratification of the Municipal Agreement is pending. (See Attachment 9)

In order to identify the scarce utilization of the arbitration services within the Chambers of Commerce and Industry in Tegucigalpa and San Pedro Sula, CAJ/FIU prepared terms of reference for a private sector survey to determine reasons for underutilization of services, solicited proposals, reviewed them and met with three survey companies and the proposals made by them are being evaluated.

A proposed modification of the USAID-FIU contract is being elaborated by FIU Staff to abandon the development of court-annexed ADR centers and to focus exclusively on municipal mediation centers. The proposed will be issued during the next reporting period.

Workplan Milestones. All of the contemplated milestones for this Result are on Schedule

- (A) Milestone: ADR Recommendations: May 2005
- (B) Milestone: ADR Model Approved; May 2005
- (C) Milestone: Support to the services of the Conciliation and Arbitration Centers; December 2005

IV. Result 4. Increased fairness and efficiency of the administration of justice through more effective legal personnel and efficient processes

A) Development of continuing education for Judges, Prosecutors, Public Defenders and Forensic Experts

- 1. The draft of the initial Training Plan for the project was presented to USAID in December and the Training Plan for off-shore short-term training was prepared by CAJ/FIU Staff. Both reports are attached hereto as Attachment 10.
- 2. Training activities sponsored by the LPAs have been planned and in areas related to Constitutional Law and Criminal Procedure.

B) Public Ministry Training Assistance

- a. During the period of August 29 to September 7, José María Tijerino and Luis Salas conducted an assessment of the anticorruption unit of the Public Ministry. The report is attached hereto as Attachment 11.
- b. The report was submitted to the Fiscal General and the recommendations included in the report are being reviewed.
- c. The CAJ/FIU Staff is drafting a workplan to be discussed with the Public Ministry. Several meetings have been held with members of the Unidad Técnica de Reforma to gather information and share impressions.
- d. During the period of December 1 to December 12, Felix Fumero, a Puerto Rican former prosecutor with vast experience in this area, conducted an assessment of the organized crime unit of the Public Ministry. Site visits were conducted in Tegucigalpa and San Pedro Sula. A report will be issued in the next reporting period.

E) Technical Assistance to the Public Legal Defense

A number of meetings have taken place with public defenders and the director of the DNDP. Currently, the CAJ/FIU Staff is elaborating a workplan based on the recommendations made by Bennett Brummer and Carlos Martínez in their report (presented to USAID in August) and considering changes related to autonomy and centralization issues approved by the Supreme Court.

F) Interinstitutional Commissions

- a) During the week of October 24-27, the first meeting of the regional interinstitutional commissions was held in Tegucigalpa. The meeting was organized by the project and the UTR.
- b) As a result, concepts like vision-mission were agreed on and training related to formulation and implementation of workplans was facilitated.
- c) The recommendations made in the regional interinstitutional commission meeting are being incorporated in the draft legislation that would make this commission permanent since it is due to sunset in December 2006 (see Attachment 12, draft legislation).
- d) CAJ/FIU Staff has worked closely with the UTR on a workplan to streamline the procedure of the abandoned vehicle report, so they can be assigned to local and regional commissions once the process is concluded. At the beginning, the efforts to use the streamlined procedures will concentrate on San Pedro Sula where there are more than 300 vehicles affected.

G) Purging cases

The “Reglamento Interno sobre Organización, Atribución y Funcionamiento del Programa de Depuración de Causas Penales” and the “Manual Operativo para el Programa de Depuración de Causas Penales” were prepared by the consultant Celeste Cerrato and was reviewed with members of the Purging Unit (judges, attorneys, public defendants) (see Attachment 14).

The project will present both documents to the President of the Supreme Court for its approval in December 2005.

- *Workplan Milestones. All of the contemplated milestones for this Result are on Schedule*

(A) Milestone: Evaluation of trainings needs and Design of training program: December 2005 (completed, see Attachment 9)

(B) Milestone: Development of continuing education programs for judges, prosecutors and public defenders: June 2006

(C) Milestone: Analysis of Comisión: December 2005 (completed see Attachment 13)

VI. Result 5. Crisis-modifier

No crisis-modifier activities have occurred during this period.

VII. Procurement plan to support Results 3 and 4 (Result 6)

The ADR model report was presented to USAID on May 20, 2005 and was approved supporting the recommendation to establish two Judicial Centers and two Municipal Conciliation Centers. In this report, the consultant, Gerardo Villalobos recommended the purchase of basic goods and equipment for the implementation of the ADR centers (see Attachment 15).

After consultation with USAID, project proceeded to acquire the goods and equipment enumerated in the inventory attached hereto as Attachment 16.

- *Contractually, and in accordance with the Workplan, this component is completed. Milestone: December, 2005.*

VIII. Serves as rapporteur with justice sector (Result 7)

With regards to this component, a number of meetings have taken place (see Attachment 17). The project staff agreed to meet regularly with USAID on the third Thursday of each month. The

major activity in this area took place in the briefing to the US Embassy on the scope and progress of the project.

