

QUARTERLY REPORT
JUSTICE STUDIES CENTER OF THE AMERICAS

April to June, 2002

The following report summarizes the major activities of the Justice Studies Center of the Americas during the period of April – June, 2002.

The activities included here were carried out within the framework of the institutional support project signed with the USAAID (LAG-G-00-00-00035-00).

The JSCA acts under the legal framework of the Judicial Development Center (CDJ/CPU) while awaiting the finalization of its Headquarters Agreement with the Government of Chile.

ACTIVITIES	RESULTS OBTAINED
<p>1. <u>Institutional Aspects</u></p> <p>1.1 OAS General Assembly</p> <ul style="list-style-type: none"> • Presentation of the JSCA Activity Report • Election of two Board members <p>1.2 Headquarters Agreement</p> <ul style="list-style-type: none"> • Make contact with the Chilean Executive Branch (Foreign Ministry and Justice Ministry) and Parliamentarians • Attend the sessions of the House of Representatives <p>1.3 Staff</p> <ul style="list-style-type: none"> • Mr. David Bosco completed his fellowship in Chile. • Publicity for the JSCA internship program continued to be publicized with universities. • A competition was opened for two 6-month fellowship positions within the JSCA. <p>1.4 Funding Projects</p>	<ul style="list-style-type: none"> • JSCA's Activity Report was approved by resolution of the General Assembly. • Mr. George Thomson of Canada was elected to the Board of Directors, and Mr. Karl Hudson-Phillips of Trinidad and Tobago was re-elected. • The Chilean House of Representatives unanimously approved the JSCA Headquarters Agreement with the government of Chile and submitted it to the Senate. • Mr. Bosco will continue his collaboration with the JSCA as a pro-bono attorney from his new office in Washington, DC. • Two new interns, Mr. Derek Haskell, of the Benjamin N. Cardozo School of Law, USA, and Mathieu Bonthé, of the Lille One University, France were received. • 150 applications were received.

<ul style="list-style-type: none"> • A formal request was made to all the Justice Departments or Attorney General Offices of the region to designate a permanent contact person to address this and other issues with the JSCA. • The Executive Director visited France at the invitation of the French government to learn about the justice system and explore the possibilities of engaging in cooperative projects with them. • An offer was received from the William and Flora Hewlett Foundation to finance an institutional support project. • Two projects were presented to the Konrad Adenauer Foundation of Germany, Rule of Law Program. One was for support for the Justice CSO Network of the Americas, and the other was to analyze the performance of the Ombudsmen of the Andean region in issues related to prisoners' rights in conjunction with Penal Reform International and a series of CSOs, many of which are members of the JSCA CSO Network. 	<ul style="list-style-type: none"> • Designations have been received from three Justice Departments or Attorney General Offices. • There is a possibility for the JSCA to have a significant role in the constitution of a French House of Law in Latin America. Possibilities for cooperative projects in the area of training were also explored.. • The project presented to the Human Security Program to finance the JSCA Annual Report was approved. • The voluntary contributions pledged by the Chilean government for the year 2001 (\$100,000 in start-up support) and 2002 (\$80,000 in regular support) were received.
<p>2. <u>Development of an Information System</u></p> <p>2.1 Web Site</p> <ul style="list-style-type: none"> • Continuous updating, redesign of sections, and automating data input. • Creation of JSCA Intranet 	<ul style="list-style-type: none"> • During this quarter, the JSCA web page has registered a total of 25,290 visits or user sessions, which correspond to an average of 843 sessions per day, which doubles the number of visits from the previous quarter. • Intranet is now up and functioning for communications and internal programming.

- CEJA is one of the institutions that collaborates in organizing the forum that constitutes the Inter-American Association of Public Defenders.

3.2 CSO Network

- Work has continued on setting up the network
- The network's web site was developed: <http://www.cejamericas.org/newsite/redosc.html>
- A partial meeting of the Network was held May 14-17 in Ribeirão Preto, Brazil during the First Latin-American Forum on Criminal Policy: The Various Faces of Crime (As Várias Faces do Crime), organized by IBCCRIM and sponsored by the JSCA.
- The Network's first debate took place in June via e-mail, making use of the network's Intranet system. The topic of discussion was "CSO activity accountability. Working with international cooperation: how to improve the inclusion of CSOs in judicial reform plans."
- The final version of the report on the study of the Role of CSOs in Judicial Reform, which the Ford Foundation requested of the JSCA was completed.

3.3 Virtual Forums

- A virtual forum was held to discuss the results of the follow-up study on criminal procedure reforms in the region.

the Attorney General of Panama, the Supreme Courts of Ecuador, Guatemala, Honduras and Paraguay, the UNAM of Mexico, the Ibero-American Institute of Procedural Law, the Pablo de Olavide University of Seville, Spain, and the International Cooperation Agency of the Government of Chile.

- The Secretariat of the VII Ibero-American Summit of Supreme Court Presidents requested JSCAs collaboration in preparing the base document on the issue of legal assistance.
 - The CSO network's 2002 plan of action and principle proposal were approved.
 - The CSO Network is now operative and the members interact among themselves and with the JSCA, thereby generating a synergy to present projects, sponsor activities and undertake action strategies together.
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- The forum was very well received. Eighty people subscribed to the e-mail list and generated interesting discussions through 97 e-mails over a 2-week period. The chat sessions with Alberto Binder and Cristián Riego were also very successful, and we received 15 congratulatory e-mails after the forum concluded.

3.4 Nexos Bulletin

- The April, May and June Bulletins were published.

- The number of subscriptions to the bulletin increased 11% during this period, reaching a total of 1,927 subscribers (versus 1,737 in the last quarter), 1,392 of whom subscribe in Spanish (previously 1,259) and 535 in English (previously 478). Another 10,000 people receive the bulletin indirectly through various forums and regional discussion lists on justice and/or legal topics.

3.5 Training and Extension

- The distance-learning (video conference) portion of the course on Judicial Reform and Corruption Control in Latin America and the Caribbean began in May. Students in these sessions were judges, prosecutors, public defenders, members of the civil society and press from Bolivia, Colombia, Ecuador, Guatemala, Mexico and Peru. The course was co-organized by the World Bank Institute, the Ortega y Gasset Foundation, the National Distance Learning University of Spain, and the JSCA.
- Patricio Valdivieso represented the JSCA in the International Conference: Iniciativas del a Sociedad Civil para la Transparencia del Sector Judicial, took place in Lima, Peru, April 17-18, organized by the IDL of Peru, and the Due Process of Law Foundation of the United States, and presented the results of the research done on the role of the CSOs in judicial reform.
- The JSCA sponsored a meeting on Judicial Schools in Buenos Aires, Argentina, on May 17. The aim of the meeting, in which the Executive Director participated, was to reach an agreement on criteria for institutional design, evaluation systems, and the association with the judicial career.
- The JSCA sponsored and supported the Second Workshop on Understanding the Function of Rights (and the First on the Analysis of presentation of evidence in an Oral Trial), held May 24-25 in

- The seminar generated great interest and an average of thirty students per country participated. The topic and materials were also very well received, as were the speakers' presentations. It generated a high rate of participation in the virtual environment of the course, and the sensation conveyed by the facilitators and some of the students is that they would like to continue working both with the subject matter and through the video-conference system. The World Bank Institute formally expressed its gratitude in writing for the JSCA's contribution and its desire to undertake other similar activities in the near future.
- The different events that the JSCA has sponsored or participated in have allowed the institution to increase its regional-level visibility. Each meeting has been relevant in its respective topic and country.

Santiago, Chile and organized by the Institute of Judicial Studies of Chile. Representatives of the Juzgados de Garantía and oral trial courts met to discuss the major problems in managing these institutions.

- The JSCA also actively participated in the Third Conference on Dominican Judicial Branches, which focused on Judicial Security and Economic Development (Santo Domingo, June 7). The JSCA presented a paper during the plenary session along with other parties involved in international cooperation.
- The JSCA sponsored the seminar "National Arbitration: Challenges for a New Legislation," Valparaiso, Chile, June 20-21.
- With the mission of cooperating in the promotion of justice more in accordance with human rights, the JSCA took part in the Forum on Strengthening the Justice System: Judicial Branch 2002, held June 27-28 in Mexico City. The discussion was positively promoted from various perspectives on the issues and aspects necessary to strengthen the Judicial Branch in Mexico, to make its actions more open, and to bring it into line with international standards of human rights.
- We are currently organizing an international event to analyze the results of the reforms on the judicial management issues recently introduced in the region. The seminar will take place August 21-22 in Santiago, Chile. More information on this event may be found at www.cejamericas.org/seminariogestion (Spanish) or www.cejamericas.org/managementseminar (English)

- The seminar has been widely accepted. Chile's Supreme Court has extended its support, as have the Judicial Academy of Chile, the Inter American Development Bank, and the World Bank Institute. It is also sponsored by the USAID, the US Embassy in Chile, and the World Bank. To date, 45 people from various countries have registered for the event.

4. Analysis, Follow-up, and Evaluation of Justice Systems and Judicial Reforms

4.1 Follow-up Study on Criminal Justice:

- The final report on Costa Rica has been completed, thus concluding the first stage of the study. A validation workshop was held May 29.
- The study's Comparative Report was written and is currently in the process of being published by the *Sistemas Judiciales* journal.
- The Comparative Report was presented in Rio de Janeiro during the seminar organized by the JSCA in conjunction with the Association of Public Defenders of Rio de Janeiro, April 3-4. All of the national teams who participated in the study were present, as were representatives of the legal community from the rest of Latin America.
- The report was also presented in two seminars. The first was held April 27-28 in Rio de Janeiro, organized by the Association of Magistrates of Rio de Janeiro, and the other took place in Riberao Preto on May 14.
- Support has been provided for the local teams to aid them in disseminating their reports and in continuing related work to ensure its impact on the decision-making processes of the authorities on these matters.

- Ecuador and Venezuela have begun a second stage, and local groups have

- In the case of Chile, the most direct impact of the report has been the Justice Ministry's creation of a Commission that will conduct a follow-up and implement a number of legal reforms. Members of the commission include the JSCA's Executive Director and the study coordinator.
- The study was presented to various communications media and parliamentarians. Related activities include the Diego Portales University's Legal Workshops for Journalists, held July 9, which specifically focus on updating their knowledge of the reform process.
- The report was also publicized through a tour of the II, III, and IV Regions, which are targeted for the second stage of implementation of the new criminal procedural system. Nearly everyone involved in the reform process was in attendance during this tour.
- Both the project's publicity activities and the publication of the national reports have been regularly covered by Chile's major media (*El Mercurio*, *La Tercera*, *Las Ultimas Noticias*, *La Segunda*, *La Semana Jurídica*) over a period of fifteen weeks to date, with at least two appearances per week. This coverage is significant not only for the number of appearances (33 articles, although there may be more that we are not aware of), but also for their type and extension as well (5 editorials and 14 reports, plus informative pieces, letters to the editor and responses of the previously-mentioned participants).
- In Cordoba it was agreed to follow up the process and continue the work already in progress to make the report known and guarantee its use and dissemination. One of the measures agreed upon was to establish a Permanent Workshop backed by the INECIP Cordoba with support from the JSCA.
- In both cases the process of data collection will be financed by the local entities themselves; the JSCA will only assume the role of direction and supervision.

requested that we work with them. In Ecuador, the research is being led by the Esquel Foundation, and in Venezuela the responsibility falls to the INVERTEC Consulting firm, which works within the context of the World Bank project there.

- Similar projects are also beginning in El Salvador and Guatemala with FESPAC and ICCPG respectively.
- The CIDE and the Mexican Institute for Justice are concluding their preparation of their study on Mexico. They are currently planning their strategies for publicizing the study and making it available for decision-makers involved with issues of judicial reform in Mexico

4.2 Annual Report:

- The process of defining methodology, compiling information and preparing the JSCA's Annual Report on the state of Justice in the Region has begun.

4.3 MERCOSUR Criminal Policy Study:

- The first work meeting of the Argentine, Brazilian, Paraguayan and Uruguayan local teams to participate in the JSCA-supported study on MERCOSUR Criminal Policy took place in Buenos Aires, Argentina on April 17-18.