

**JUSTICE STUDIES CENTER OF THE AMERICAS
FOURTH QUARTER REPORT
October – December 2002**

The following report provides a summary of the activities of the Justice Studies Center of the Americas for the period corresponding from October to December 2002.

The activities described herein were undertaken within the framework of the institutional support project signed with USAID (LAG-G-00-00-00035-00). This project's original termination date was extended to February 28, 2003, and supplementary funds were granted to the institution.

The JSCA operates under the legal framework provided by the Judicial Development Center of Chile (CDJ/CPU) until the JSCA's Headquarters Agreement with the Government of Chile becomes finalized.

ACTIVITIES AND RESULTS

A. JSCA's INSTITUTIONAL DEVELOPMENT

The VII JSCA's Board of Directors Meeting was held October 17 - 18 in Santiago de Chile, where the Board agreed upon the following resolutions for the institution's progress:

1. Take note of the letter sent by Board member Mr. Ovalle, who indicated that it would be impossible to attend this September meeting and to express gratitude and recognition for the time he served on the board. Likewise the Board would like to recognize the services provided by Board member Carl Justice Rattray, lamenting the fact that he is retiring from the Board, and to extend congratulations to the Governor of Jamaica for his estimable candidacy.
2. Congratulate Mr. Hudson-Phillips on his re-election and give a most cordial welcome to member-elect George Thomson. Both were named to join the Board within the framework of the last OAS General Assembly.
3. Express gratitude for the efforts made by the Chilean Government through the Ministries of Foreign Affairs and Justice, and in particular for Minister Soledad Alvear's concern for the prompt and effective processing and

approval of the JSCA's Headquarters Accord. We would also like to take this opportunity to acknowledge the government's continued financial support of the JSCA and to express our belief that there is a need to maintain support in the form of regular contributions in order to finance the Center's activities.

4. Entrust the Executive Director and Board Secretary with the search for possible spaces and methods for JSCA's participation in the 33rd General Session of the OAS General Assembly, which will be held in Santiago in June of next year. We would also like to express our gratitude for the letters of support that Minister Soledad Alvear has submitted regarding the said participation.
5. Entrust the Executive Director with preparing a document regarding several aspects of Hemispheric Security with a view to its presentation at the next Inter-American Conference on that topic, which will be held in Mexico in the course of the first semester of 2003. The document will be submitted to Board members prior to the conference so that they will have the opportunity to incorporate directions and suggestions.
6. Congratulate the Executive Director and his staff for the presentation of the Annual Report describing activities held in 2002, and plans for 2003, which reveals substantive work on proposals and significant results. The Board agrees with their diagnosis regarding their success in maximizing the projects undertaken with a proportionally limited budget. The Board also manifests its satisfaction with the JSCA's efficient use of its limited funds and the way in which it has maximized the use of those funds in order to obtain a high impact with the activities that it has carried out.
7. Recognize the presentation of the Report on Evaluation and Follow-Up of Criminal Procedure Reforms in Costa Rica, Chile, Paraguay and the Province of Cordoba, applauding the solidity of its diagnosis and impact and urging the Studies Coordinator to explore the viability of analyzing traditional common-law systems such as those that exist in the English-speaking Caribbean, the United States and Canada in a future report.
8. Approve the Financial Report presented by the Executive Director; renew confidence in the continuity of support of the countries that currently contribute to financing the JSCA such as Chile and Canada, and those that have committed to future support, such as Costa Rica. In this context we request that the Executive Director and the Board Secretary prepare a document containing principle lines under which the JSCA reiterates, bilaterally and multilaterally, the payment of these donations, having regard to the scale that the OAS has established regarding such matters.

9. Entrust the Executive Director and Board Secretary with the creation of an organic and functional proposal for an Advisory Board that would explore sources of funding for the JSCA. The proposal should include a preliminary list of individuals or institutions that could potentially serve on the Board.
10. Manifest its satisfaction with the diagnosis offered by the Director of Studies and the proposals that she submitted on the occasion of the Cooperation with the Caribbean Project, encouraging a rapid prioritization of activities and a visit to Trinidad and Tobago made by two JSCA professionals in order to agree upon application methodologies in concert with local partners and actors. The Board expresses its gratitude for the valuable assistance and indispensable participation of Board member Hudson Phillips in this initiative.
11. Consider that within the framework of the policy on the publication of reports and documents through JSCA's media and channels, the following criteria are considered regarding the responsibility of editing, including:
 - 11.1 Personal and exclusive responsibility of documents that are clearly the responsibility of an individual expert.
 - 11.2 The Executive Director will be legally responsible for studies that are circulated but do not have the signature of an individual or any mention of an individual.

These criteria should orient the presentation of an ad-hoc proposal from the Executive Director and the Board Secretary for the next meeting of the Board of Directors.

12. Charge the Executive Director with submitting the 2002 Audit Report and the Work Plan 2003 to Board members in a timely fashion.
13. Ask the Board Secretary to write a proposal to modify the Statutes to consider the circumstances that would legitimize the Permanent Board's intervention in the designation of the JSCA's Board of Directors.
14. Offer its ratification of the conventions to which the JSCA subscribes with the institutions presented by the Secretary, and approval of the IMEJ request that it be considered an Associate Member of the JSCA, in accordance with Articles 8 and 10 of the Statutes.
15. Congratulate the Executive Director and the JSCA's team for their work and commitment.

16. Request that the Board of Directors meet again prior to the next General Assembly of the OAS. Board member Thomson put forth the need to include a tentative date for a ninth Board meeting in this same request so as to ensure better planning and Member attendance.

The following meetings and presentations were held in order to disseminate the activities of the JSCA:

1. On October 7 the Executive Director and Academic Advisor of the JSCA offered an institutional presentation for USAID staff in Washington, D.C.
2. On November 7 the Executive Director of the JSCA offered an institutional presentation as part of the 27th Meeting of the Summit Review and Implementation Group in Washington, D.C.
3. On December 11, the President of the JSCA's Board of Directors held several meetings with representatives from OAS member countries.

During this period the JSCA also ratified collaboration agreements with the following institutions:

1. The Supreme Court of Guatemala (August 22).
2. The Supreme Court of the Dominican Republic, via the National Judiciary College (October 11).
3. The 11th Judicial Circuit Public Defender's Office of the State of Florida, USA (October 21).
4. Office of the Attorney General of the Republic of Mexico in a solemn act that had as the witness of honor U.S. Attorney General John Ashcroft and which was attended by the President of the JSCA's Board of Directors (November 25).
5. The Universidad Autónoma de Nuevo León (November 26).
6. The Supreme Court of El Salvador as part of the VII Ibero-American Summit of Supreme Court Presidents (November 29).

B. ACTIVITIES IN COMPLIANCE WITH JSCA's INSTITUTIONAL GOALS

1. Generating and disseminating tools that improve information on justice in the Americas

1.1 Virtual Information Center (VIC)

- During this trimester the JSCA website has registered a total of 26,113 user sessions, an average of 276 per day.

- The website was periodically updated, thus satisfying the needs of JSCA activities during that period.
- Internova, a new hosting service, was hired in October 2002 and is currently operating the JSCA website and staff email accounts.
- We have continued the process of designing a new JSCA website which will be unveiled in January 2003.
- The JSCA followed the IV REMJA directive establishing a Regional Registry of Alternative Conflict Resolution Methods (MARC), which can be accessed from the Center's website. The information that the site contains is a product of collaboration between official institutions of the justice sector, experts, centers that operate MARCs in OAS member countries that responded to the JSCA's request issued to them through a data collection matrix, as well as information collected through secondary sources. The MARC site allowed the JSCA to initiate a logical/physical system on the website for the CIV computer system. This system imports a modeling of the database associated with the system, which is constructed or supported on the Internet. The new site has a new, more efficient search engine.
- The JSCA initiated a project to catalogue library holdings so that a list of titles can be posted on the website.
- The JSCA hired a professional from December 27 to January 31 in order to digitalize information and upload it into the new website's database.

1.2 Annual Report on Justice in the Americas

- Beginning in September a data collection matrix was submitted to official justice institutions (Ministries of Justice or their equivalents, Attorney General's Offices and Supreme Courts) via email and post in order to collect information for the Annual Report.
- Information that will form part of the database is currently being created and uploaded.
- We have received responses from at least one of the institutions from which information was requested in 65% of OAS member countries.

1.3 Nexus Newsletter

- Newsletter issues 16 (October), 17 (November) and 18 (December) were published in Spanish and English.
- The first biannual Newsletter was published in Portuguese and French in an electronic format and can be found on the JSCA's website and the second is currently being prepared.
- The Newsletter was redesigned to improve the visibility of its contents. The new format will be operative in January 2003.
- The following topics were included as autonomous Newsletter sections during this period:
 - Minors and Criminal Responsibility: Principal Changes in Criminal Trial Systems for Minors in the Region
 - The Victim's Role in the Adversarial System. Some Experiences in Latin America. Victim Assistance Services in the United States
 - Public Institutions and Economic Competitiveness: A Preview of the Results of the Global Report on Competitiveness to be published in January 2003 by the World Economic Forum.
- The Newsletter currently has 2606 subscribers (2084 in Spanish and 522 in English). The total number of subscriptions has increased 54% this year. The 10,000 people who receive this publication indirectly through forums and regional discussion lists of justice and law topics should also be noted when making reference to this growth.
- Public institutions from Argentina, Colombia, Mexico and international organizations such as the World Bank, the Ibero-American Network of Judicial Schools (RIAEJ) and the Konrad Adenauer Foundation have requested that the JSCA provide them with copies of past Newsletter issues in order to add them to their library catalogues and distribute copies through their contact networks.
- Newsletter contents are frequently reproduced and cited in electronic publications and websites maintained by institutions in various countries.

1.4 *Sistemas Judiciales* Journal

- The fourth issue of the journal, which is dedicated to judicial independence, has been completed and will be distributed in January 2003. This issue's central article is the IFES-USAID's guide to judicial independence, "Guidelines for Promoting Judicial

Independence and Impartiality.” USAID’s authorized the reproduction of the said document via the Sub director of the Office on Democracy and Governability, Gail M. Lecce. The issue also includes a summary of the state of judicial independence in Latin America, which was prepared by the Executive Director of the Due Process Legal Foundation (DPLF), Margaret Popkin. A dossier on current initiatives for strengthening judicial independence in the region is currently being prepared with contributions from local experts from various countries.

- We have initiated the distribution of free copies of the journal’s third issue to a list of institutions and key individuals in the justice sectors of 34 JSCA member countries. Among the recipients are judicial branches, Attorney General’s Offices, Public Defender’s Offices, Judiciary Councils, representatives from diplomatic missions before the OAS, organizations in civil society that work on justice-related issues, and international funding agencies.
- The second meeting of the journal’s Editorial Committee, which is composed of 22 regional public policy experts in the area of justice, is currently being planned. The Committee will use the May 2003 meeting to analyze the most sensitive topics on the region’s judicial reform agenda.
- Work began on the journal’s fifth volume, which will be presented during the Editorial Committee’s second meeting. The main topic is judicial administration.
- The number of individuals and institutions interested in paid subscriptions to the journal increased during this trimester. The INECIP publishing house in Buenos Aires administers these subscriptions.
- Interest in publishing in the journal has increased. We have received voluntary submissions from members of the Editorial Committee and other experts.
- The journal has been presented at the principal events held during this period, including: the Regular General Assembly of the Ibero-American Attorney General’s Office Association, held in Colombia; and the Seventh Ibero-American Summit of Supreme Court Presidents, which was held in Mexico.

1.5 Publication on the Role of Civil Society Organizations in Judicial Reform

- This publication contains the results of the study organized by the Ford Foundation’s Program on Rights and Citizenship, whose main purpose was to carry out a learning exercise with respect to civil society organizations’ role in justice systems. Activities were recently held in Argentina, Colombia, Chile and Peru. The JSCA was responsible for putting together the Country Report for Chile, which implied interviewing fifty civil society organizations committed to working with the judicial system.

- The Ford Foundation has now entrusted the JSCA with publishing the results and disseminating them in a series of activities to be held in the coming year. The publication will be accompanied by copies in English and Spanish.

1.6 Standardization of judicial statistics and indicators

- The preliminary version of the manual, *Code and Decode*, was published in printed format and on our website in December.
- The text was presented at the Annual Meeting of the Ibero-American Association of Attorneys General in Cartagena, Colombia in November and the VII Ibero-American Summit of Supreme Courts and Superior Tribunals held in Cancun, Mexico.
- In accordance with the accords of the Meeting of Supreme Court Presidents of Central America, the Caribbean and Mexico, a regional meeting on Judicial Statistics was held December 9 in Mexico. During the event the participating institutions began to outline a common strategy for statistical information equivalency using the above-mentioned manual.
- The collection of statistical information in Argentina and the Dominican Republic was completed. The data is currently being processed.
- The Inter-American Development Bank gave its final approval for the execution of a project that will allow for the continuation and expansion of these activities in the coming year.

2. Facilitating cooperation and the exchange of experiences among key actors in the justice sector on a regional level

2.1 Networking

a) Civil Society Organization Network (Red OSC)

- The INFORED OSC Network published the first issue of its bimonthly electronic newsletter on October 17. This publication is the fruit of a data collection and processing project carried out by the Network's member institutions. The second issue was sent to subscribers on December 11.

- Negotiations with the French Funding Agency for MERCOSUR for financing the participation in the Network's Regular Meeting were initiated in November. Two representatives from Network member organizations from Argentina, Chile, Paraguay and Uruguay would attend the April 2003 event.

b) Ibero-American Association of Public Prosecutors

- The JSCA participated in the Annual Meeting of the Ibero-American Association of Public Prosecutors, which was held in Cartagena de Indias Colombia in November 2002. (The Presidency of the Association (Colombia) and the Institute of the Association (Argentina) expressed an interest in working with the JSCA on statistics and training, which we are evaluating for implementation in 2003.)

c) Ibero-American Summit of Supreme Court Presidents

- The JSCA collaborated with the VII Ibero-American Summit of Supreme Court Presidents through the elaboration of the basic document on legal assistance, which was presented at a meeting held November 27-9 in Cancun, Mexico.
- The following resolutions of concern for our institution were approved during the above-mentioned meeting:

4th We agree to elaborate a regional program aimed at offering or providing assistance and training to the institutions entrusted with public defense in Ibero-America, with the support of the Judicial Branches and the Justice Studies Center of the Americas.

5th We agree to create an information program for Judicial Branches with regard to statistics aimed at evaluating the work of tribunals and creating judicial observatories, and have received the support and assistance of the Supreme Court of Mexico and the Justice Studies Center of the Americas.”

d) Ibero-American Network of Judicial Schools

- The JSCA participated in the II General Assembly of the Ibero-American Network of Judicial Schools as a founding member (Santo Domingo, Dominican Republic, October 9-11). During the assembly meeting the JSCA was entrusted with developing an assistance program for the region's Judicial Schools.

e) **Public Defenders' Network**

- The JSCA collaborated with other institutions in the organization of a constituent conference of the Inter-American Association of Public Defender's Offices. During the regional public defender's office meeting held in Costa Rica October 23-26 the JSCA facilitated the participation of staff from the Eastern Caribbean such as from Dominica and Antigua Legal Aid systems. The JSCA also organized working meetings with the top representatives of the Public Defender's Offices that participated, thus bringing positions closer, exchanging experiences and, above all else, strengthening connections between these institutions and the Center.

2.2 Fellowship Program and Events

- The following individuals have worked at the JSCA as fellowship or internship recipients: Catherine Beer (Wesleyan University, USA), Carlos Paz (JSCA fellowship recipient from Guatemala), Gino Persaud (JSCA fellowship recipient from Guyana) and Jennifer Ferguson (Canadian District Attorney). They have worked on the Information Center, the Studies Area and JSCA events. Their contribution to our publications (NEXOS and *Sistemas Judiciales*) has been particularly important.
- The JSCA participated as organizer, sponsor or presenter in the following events:
 - The First Meeting for Peaceful Conflict Resolution in the Americas, October 10-12, Buenos Aires (Argentina)
 - The First Litigation in Oral Trials Competition, October 17-December 5, Santiago (Chile)
 - The 11th Assembly of Delegates from the Inter-American Women's Commission, October 29-31, Punta Cana (Dominican Republic)
 - The 2nd International Seminar on Justice and Transparency: Perspectives of Judicial Government and Society, October 30-31, Caracas (Venezuela)
 - National Attorney's Meeting, November 21-23, Valparaiso (Chile)
 - Forum for Democratic Justice, November 29, La Plata (Argentina)
 - Seminar on Access to Public Information of the Judicial Branch: A Comparative Vision, December 6, Mexico City (Mexico)
 - Annual Latin American and Caribbean Association of Law and Economy Conference (ALACDE), December 13-14, Santiago (Chile)

3. Study the depth of justice systems and promote innovative proposals in the discussion of judicial reforms

- The committee charged with offering technical support for JSCA Studies Area Projects met on November 5. This committee is composed of Andrés Baytelman, Alberto Binder, Mauricio Duce, Cristián Riego, Luciana Sánchez and Juan Enrique Vargas. During the meeting the committee evaluated the work carried out during 2002 and created an agenda for 2003.

3.1 Follow-up and Support of the Criminal Procedure Reform

Seminar “Comparative Experiences in the Area of Criminal Procedure Reform”, November 25, Mexico City (Mexico)

a) Local Reports and 1st stage of Comparative Report

- A proposal to create a law to introduce adjustments in the criminal procedure reform was elaborated at the request of the Chilean Ministry of Justice. The law responds to the problems revealed in the Local Report elaborated at the request of the JSCA.
- The conclusions of the Follow-Up Study of Criminal Procedure Reforms were presented to USAID and U.S. Departments of State and Justice staff in Washington, D.C. on October 8.
- The conclusions of the Follow-Up Study of Criminal Procedure Reforms were presented to BID, World Bank and Washington NGO staff at the BID offices in Washington, D.C. on October 8.
- A Forum on Criminal Justice System Reform in Latin America was organized by the National Office of the Attorney General and the JSCA and held on November 25 in Mexico City. Alberto Binder, Mauricio Duce, Luis Paulino Mora and Cristián Riego participated as presenters. This activity, included in the context of the subscription to the mutual collaboration accord between Mexico’s PGR and the JSCA, served to initiate the support that we will offer the PGR in developing the Structural Reform of the Mexican Criminal Justice System. This project implies applying the knowledge that the JSCA has accumulated on the experiences of criminal justice reform in the region, to the Mexican context.

b) Local Reports, 2nd Stage of Project

- A meeting of local teams that are working on the second stage of the study –Ecuador, El Salvador, Guatemala and Venezuela—was held November 14 and 15, during which we were able to review progress made on the reports and solve the problems detected in each country. Participants established deadlines for the submission of reports and dates for validation seminars. The meeting included a visit to Chile’s VII region in order to appreciate the country’s criminal justice system in practicality. .
- The Validation Seminar on Ecuador’s report was held December 13 in Quito and was attended by Cristián Riego. The Ecuador Report will be presented at two other validation workshops, which will be held January 16 and 17 in Cuenca and Guayaquil, respectively.
- The Final Report was presented on December 16 in San Salvador at a Validation Seminar organized by the FESPAD. Luciana Sánchez represented the JSCA at the seminar.

c) Other Activities

- The creation of a manual aimed at providing local teams with quick access to various research stages that could be used as a guide in collecting information and elaborating follow-up project reports was entrusted to Patricio Valdivieso.
- The first draft of the manual’s structure was presented in December. Patricio Valdivieso and members of the JSCA’s team have continued to meet in order to make a better determination regarding sections that should be included in the manual.