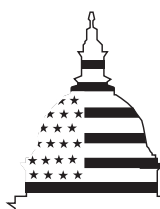


August 1999

FOREIGN ASSISTANCE

U.S. Rule of Law Assistance to Five Latin American Countries



G A O

Accountability * Integrity * Reliability



B-282585

August 4, 1999

Congressional Requesters

Since the early 1980s, the United States has provided rule of law assistance to Latin American and Caribbean countries to improve their justice system institutions as a way to strengthen democracy.¹ During the 1990s, U.S. rule of law assistance has focused on supporting efforts to reform criminal justice systems, including judicial institutions and the police and other law enforcement agencies, in many of these countries. At the 1998 Summit of the Americas, the leaders of most Western Hemisphere countries pledged their support for these and other reforms as a means to promote democracy, long-term development, and respect for human rights throughout the region.²

At your request, we examined U.S. rule of law assistance programs in five Latin American countries—Colombia, El Salvador, Guatemala, Honduras, and Panama. Specifically, we determined (1) what U.S. rule of law assistance has helped each country achieve, (2) what factors have affected implementation of reforms in the respective criminal justice systems, and (3) how U.S. missions in each country plan and coordinate their rule of law assistance programs. In a separate report, as agreed with your offices, we identified U.S. rule of law assistance funds provided worldwide in fiscal years 1993-98.³ Also, we are reporting separately on coordination efforts among the cognizant departments and agencies in Washington, D.C.

Since the early 1990s, the United States has provided more than \$160 million worth of rule of law assistance to these countries—primarily through the U.S. Agency for International Development (USAID) and the Department of Justice. To varying extents, the criminal justice systems in all five countries have historically been characterized by arbitrary arrests,

¹Until 1990, the United States provided rule of law (or administration of justice) assistance primarily to countries in Latin America and the Caribbean. In 1989, the Congress directed that part of the U.S. assistance to Central and Eastern Europe target the development of democratic institutions, including an independent judiciary.

²Santiago Summit of the Americas Documents (Santiago, Chile: Apr. 18-19, 1998).

³In fiscal years 1993-98, the United States provided at least \$970 million in rule of law assistance to more than 180 countries. See Foreign Assistance: Rule of Law Funding Worldwide for Fiscal Years 1993-98 (GAO/NSIAD-99-158, June 30, 1999).

lengthy pretrial detentions, corruption, and a lack of transparency (openness) in applying laws. Assistance from the United States and other donors is intended to help these countries institute the criminal justice system reforms necessary to address these problems. We refer to the U.S. rule of law assistance programs in these countries throughout this report and summarize their overall status, results, and challenges in appendixes I through V.

Results in Brief

Based on our review of program documentation and evaluations, interviews with U.S. and host country officials and nongovernmental interest groups, and selected site visits, we determined that U.S. rule of law assistance has helped these countries undertake legal and institutional judicial reforms, improve the capabilities of the police and other law enforcement institutions, and increase citizen access to the justice system. For example,

- with USAID's assistance, Colombia, El Salvador, and Guatemala revised criminal codes and have trained judges, prosecutors, and other justice officials in how to implement them;
- the U.S. Department of Justice helped police forces make the transition from military to civilian control in El Salvador, Guatemala, Honduras, and Panama (but not Colombia) and has provided assistance to law enforcement institutions in all countries in administration, investigations, forensics, and related matters; and
- USAID helped create local justice centers in Colombia and Guatemala where citizens could arbitrate disputes and obtain legal advice; based on the popularity of pilot projects in these two countries, the governments are establishing centers in other locations.

The five countries we visited are in various stages of reforming their criminal justice systems, but reforms in all of them have been affected by a number of challenges and constraints. These include institutional weaknesses, limited resources, lingering resistance to reforms, corruption, and widespread crime. Host government officials and legal experts noted that continued assistance from the international community—particularly the United States—is needed to help encourage host governments to devote the necessary resources to enact, implement, and maintain justice reforms. They also emphasized that lasting reform of criminal justice systems is a long-term effort that requires a sustained host government commitment.

U.S. missions in the five countries we visited had country teams as well as rule of law teams, headed by the Ambassador, that planned and coordinated U.S. rule of law activities. The Ambassador or Deputy Chief of Mission normally chaired regularly scheduled meetings with these teams to help ensure that program duplication and other conflicts did not occur. We identified no instances of duplication of efforts or conflicting activities among agencies. U.S. agencies also coordinated their rule of law activities with host country counterparts and with other donors to help ensure that country needs were addressed. According to U.S., host country, and other international donor officials, this coordination has worked well.

Background

Over the years, U.S. rule of law assistance has been primarily extended in the form of training, technical advice, and related support. Two agencies have implemented the majority of U.S. rule of law assistance in the five countries we visited—USAID and the Department of Justice’s International Criminal Investigative Training Assistance Program (ICITAP) group. USAID has focused on improving the capabilities of judges, prosecutors, and public defenders and their respective institutions as well as increasing the population’s access to the services provided by justice institutions. ICITAP has emphasized enhancing the overall capabilities of the police and other law enforcement institutions, with an emphasis on investigative capacity, and has supported efforts to reorganize the police in El Salvador, Guatemala, Honduras, and Panama.

Several other U.S. agencies are involved in smaller rule of law activities in these countries. For example, in Colombia, the Department of Justice’s Overseas Prosecutorial Development Assistance and Training (OPDAT) program conducts activities for strengthening the Office of the Prosecutor General and improving the capabilities of prosecutors and other justice officials. Also, the U.S. Information Agency has various educational programs—such as exchanges between host country judicial and law enforcement personnel and their U.S. counterparts—to increase the awareness and knowledge of rule of law issues. The Department of State has overall responsibility for coordinating U.S. rule of law programs. It also funds training programs implemented by U.S. law enforcement agencies and carries out some training programs, mainly dealing with antiterrorism issues.

U.S. Assistance Has Helped Countries Improve Their Justice Systems

In the 1990s, U.S. rule of law assistance has helped Colombia, El Salvador, Guatemala, Honduras, and Panama undertake fundamental reforms as they attempt to establish more effective criminal justice systems. To varying degrees, the United States has helped these five countries undertake legal and institutional judicial reforms, improve the capabilities of the police and other law enforcement institutions, and increase citizen access to the justice system.

U.S. Assistance Has Helped Countries Make Legal and Institutional Reforms

U.S. rule of law assistance has helped the five countries in their attempts to substantially change their criminal justice systems. The countries are at different stages in reforming their criminal justice systems and implementing these reforms.

- In 1991, with USAID technical assistance and support, Colombia revised its constitution and a criminal code and began restructuring its judicial institutions accordingly. USAID, ICITAP, and OPDAT assistance is focusing on strengthening the capabilities of the courts, the Prosecutor General's Office, the Public Defender's Office, and the investigative units of various law enforcement organizations. Also, USAID is supporting a pilot effort for demonstrating new trial procedures in selected locations.
- In El Salvador and Guatemala, USAID supported the development of criminal codes that were enacted in 1998 and 1994, respectively. When fully implemented, the codes will make their criminal justice systems more open and transparent. USAID and ICITAP are now providing training and technical assistance to judges, prosecutors, investigators, and public defenders and their respective institutions to implement the necessary changes.
- Similarly, in Honduras, USAID supported the development of a new criminal code that would help make its justice system more transparent. Legislative action on the code was delayed in 1998 in the aftermath of Hurricane Mitch but, according to U.S. officials, passage is expected in 1999. USAID has also focused on strengthening the Public Ministry by preparing prosecutors and other court personnel for the changes expected with the passage of the code. Honduran officials noted USAID also helped establish a court Inspector General's Office, which has worked to stem judicial corruption by conducting public investigations of judges.

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- In Panama, USAID and ICITAP helped restructure Panama's criminal justice system in the early 1990s. Before the USAID rule of law program was terminated in 1997,⁴ it focused on training judicial personnel, developing a merit-based career track for judges and prosecutors, improving case management, supporting a judicial school and the Public Defender's office, and establishing legal libraries. ICITAP is currently assisting efforts to strengthen the capabilities of investigative units.

U.S. Assistance Has Enhanced Police Capabilities and Helped the Transition to Civilian Authority

Primarily through the efforts of ICITAP, the United States has enhanced the capabilities of police organizations in all countries and assisted with the transition to civilian authority in four of the five countries. In all five countries, reports of human rights abuses by police forces have declined in recent years. In Colombia, however, the overall human rights situation continues to deteriorate due to ongoing armed conflict among government forces, paramilitaries, insurgents, and narcotraffickers.

- In Colombia, ICITAP has helped strengthen the investigative capabilities of the police and other law enforcement organizations through training, technical assistance, and other support for investigative units, forensics laboratories, and other units.
- In El Salvador, the United States was the primary donor that supported scaling back the military and transitioning to a professional civilian police force, as required by the 1992 peace agreement. ICITAP helped establish a new police academy, trained academy officials in administration and management, provided specialized training in 36 areas, and developed an instruction manual on the new criminal procedures. ICITAP has also sought to enhance the police investigative capacity through support for a new forensics laboratory and special units for criminal and background investigations.
- In Guatemala, ICITAP assisted with the transition to a civilian police force in accordance with the 1996 peace agreement. While Spain is the primary donor for police assistance in Guatemala, ICITAP is complementing the Spanish effort by helping develop the police's Criminal Investigative Service, Criminal Investigative School, and forensics laboratory.
- In Honduras, ICITAP assisted with the transition of the police to civilian rule through technical assistance and helped revise academy curricula to include courses on professional responsibility. ICITAP also supported

⁴USAID terminated its programs as part of an overall effort to reduce its overseas presence.

improvements in the police's investigative capacity by providing training and helping establish a crime laboratory.

- In Panama, ICITAP was instrumental in the development of a civilian-run police force, following the abolishment of the Panamanian Defense Force controlled by former dictator Manuel Noriega in late 1989. More recently, ICITAP has shifted its focus from institution building to more specialized training. It is developing activities that are designed to sustain police reform, such as establishing a career ladder for officers, providing training for new instructors, and supporting a strategic planning unit and an integrated management information system.

U.S. Assistance Has Helped Improve Citizen Access to the Justice System

In the five countries we visited, U.S. assistance has helped improve access to the justice system for the poor and marginalized populations. U.S. officials are also helping create and sustain grassroots support for justice system reforms.

- In Colombia, USAID has supported eight "Houses of Justice" that provide judicial services to low-income individuals. At these centers, citizens can seek alternative dispute resolution or have direct access to judges, prosecutors, public defenders, and the police. Colombia, with the support of USAID, plans to expand the program.
- In El Salvador, USAID provided support for hiring additional judges, prosecutors, and public defenders throughout the country. In 1999, USAID is focusing on both institution building and improving access for rural populations. ICITAP developed a pilot "911" emergency call system in Santa Ana that lowered the crime rate in the area and increased community confidence in the police. Plans are underway to replicate the program nationwide. ICITAP is also developing a program for community policing.
- In Guatemala, USAID helped create two pilot justice centers in rural areas to improve access to judicial services and test innovations in case administration and referrals for alternative dispute resolution. A team approach to the delivery of justice services brings together the police officer, investigator, prosecutor, and judge. As a result of the centers' popularity, the Guatemalan government plans to expand the centers to other locations with the support of USAID and other international donors.
- In Honduras, USAID has funded activities to build support for judicial reform among the general public and civil society groups. USAID

provided small grants to nongovernmental organizations that are active in police reform and are supporting passage of a new criminal code.

- In Panama, USAID funded public training through a nongovernmental organization on how to obtain access to the criminal justice system. A USAID activity under consideration includes funding civil society groups to generate demand for legal reforms.

Host government officials, representatives of nongovernmental organizations, and other international donor officials generally noted that U.S. assistance has been key in promoting legal and institutional reform, improving the capabilities of the criminal justice system, and increasing the access of the population to justice. In addition to program aid, they said the U.S. presence has helped identify targets of opportunity and bring international attention to rule of law issues.

Further Reform Faces Various Constraints and Requires Sustained Commitment

Governments have partially implemented justice system reform in each of the countries we visited. While the previously described reform efforts are steps toward improving criminal justice systems, these governments face numerous challenges and constraints in making further reforms, such as securing the resources needed to fully implement the reforms in the face of limited government budgets, varying commitment to the reforms, and high levels of crime.

- In Colombia, the ongoing armed conflicts and high levels of crime strain the resources of the government. The government has only partially implemented its reform of the criminal justice system and is unable to implement the reform in the territory that is under the control of insurgency groups, paramilitaries, and narcotraffickers.
- El Salvador, Guatemala, and Honduras are among the poorest countries in the Western Hemisphere and lack the human and financial resources necessary to sustain the pace of their reform efforts without external assistance. According to USAID and host country officials, reform efforts in these three countries have to take into account large segments of the rural population, which are isolated and lack access to basic government services. In Guatemala, this task is further complicated by the presence of a large rural indigenous population with its own languages and cultural traditions.

As we reported in 1993,⁵ implementing justice sector reforms over the long term depends largely on sustained commitment from the host country governments, their civil societies, and the international donor community. In the countries we visited, the pace of reform was largely affected by the host government's commitment to making the necessary changes.

- In 1991, Colombia revised its constitution to allow the restructuring necessary for an independent justice system. However, implementation of these reforms has taken time due to the need to create and strengthen various justice sector institutions and the lack of commitment to do so.
- Although USAID began providing rule of law support to El Salvador and Guatemala in the mid-1980s, the enactment of justice system reforms did not occur until the 1990s. Their peace accords, signed in 1992 and 1996, respectively, represented turning points in the countries' commitment to enacting and implementing reforms. However, changing the criminal justice systems has taken time. In El Salvador, criminal code revisions needed to implement new judicial proceedings did not become effective until April 1998—6 years after the peace accord was signed. Although Guatemala revised its criminal codes in 1994, the implementation of changes was not carried out until the peace accord was signed and hostilities permanently ceased 2 years later.
- After USAID stopped disbursing funds in 1997, the Panamanian government curtailed efforts to train justice sector personnel and automate record management systems.

Additionally, according to State, USAID, ICITAP, and OPDAT officials, these countries have legacies that work against the implementation of justice system reforms. Violence, widespread crime, and an overall disregard for the law are common in Colombia, El Salvador, and Guatemala due in part to their long armed conflicts. The lack of transparency and resources in their justice systems has fostered corruption in all five countries to some extent. In each of the countries we visited, host country government and civil society representatives noted that the presence of the international community—particularly the United States—was needed, not only for the resources it provides, but also to help encourage government officials to devote the necessary resources to enact, implement, and sustain needed reforms. They also emphasized that lasting reform of criminal justice

⁵Foreign Assistance: Promoting Judicial Reform to Strengthen Democracies (GAO/NSIAD-93-149, Sept. 1, 1993).

systems is a long-term effort that requires a sustained host government commitment.

U.S. Missions Plan and Coordinate Rule of Law Assistance

In each of the five countries we visited, the ambassadors and senior U.S. agency officials had established procedures for planning and coordinating U.S. rule of law programs and activities. As we reported in 1993,⁶ strong, top-level U.S. support at the country level was needed to implement rule of law programs successfully. This support appeared to be present in the five countries we visited. We also noted that the heads of the agencies providing rule of law assistance had good working relationships with one another and, based on our review of relevant documentation, we found no instances of duplication of activities and efforts among the U.S. agencies.

The missions coordinated assistance with counterparts in each of the five host countries and with other international donors. U.S., host country, and other international donor officials told us that this coordination had been successful.

Planning Among U.S. Agencies

The primary tool for linking the overall rule of law goals and objectives among the agencies operating in-country is the Mission Performance Plan (MPP). MPPs lay out the goals and objectives that the mission will pursue over the next 2 years within the framework of the State Department's International Affairs Strategic Plan. Because several departments and agencies are represented in U.S. missions abroad, MPPs are developed through interagency reviews and in consultation with each agency's Washington, D.C., headquarters. Each U.S. agency has its own planning processes and documents, which essentially are an extension of the MPP and fill in many of the details of the overall program. For example, USAID, ICITAP, and OPDAT have plans describing their rule of law programs' goals, objectives, funding, activities, performance indicators, and benchmarks.

According to U.S. officials, these planning processes and related documents enable the missions, in conjunction with Washington, to establish the goals and objectives of rule of law programs and activities; ascertain the progress made toward achieving their goals and objectives; and identify both problems and solutions concerning these programs and

⁶Foreign Assistance: Promoting Judicial Reform to Strengthen Democracies.

activities. Also, these processes play a key role in the U.S. agencies' efforts to coordinate the rule of law-related training, technical assistance, and equipment support provided by the agencies and their contractors to recipient institutions.

For example, U.S. officials in El Salvador stated that the rigorous examination of the mission's programs and activities conducted during the 1998 MPP process enabled it to clearly identify the objectives to pursue. They also noted that these objectives were reflected in each agency's objectives and activities.

- One MPP objective in El Salvador stated that the United States would assist the implementation of justice system reform by supporting efforts to improve institutional capacity. The MPP's performance indicator to measure progress toward achieving this objective is the reduction in case-processing time for criminal cases. One of USAID's objectives emphasized supporting efforts to establish more inclusive and effective democratic processes. One indicator for measuring progress toward achieving this objective is the status of legal/judicial reforms. Based on this indicator, USAID noted that El Salvador has made much progress in passing justice system reforms because most enabling legislation for the legal and structural reforms to the justice system has been enacted. It also stated that in those areas where implementation of the reforms has begun, case filings increased and case processing improved—the latter closely matching the MPP's performance indicator.
- Another MPP objective in El Salvador emphasized supporting efforts to improve the civilian National Police Criminal Investigative Division. One of ICITAP's objectives was to assist with developing the Division's ability to conduct professional and effective criminal investigations. Some of the benchmarks used to measure progress toward achieving this objective included publishing an investigative procedures manual, identifying weak points in investigation practices, establishing working groups of prosecutors and investigators to agree on coordination mechanisms, and creating a continuing education program for Division staff. Based on these benchmarks, ICITAP noted that El Salvador had made progress in training investigators on the requirements of the reformed criminal justice system.

U.S. officials in Colombia also stated that the MPP and U.S. agency planning processes complemented each other and helped agencies in planning and coordinating rule of law assistance. Specifically, one MPP objective in Colombia emphasized that the United States would continue to

support reform efforts to make the criminal justice system less cumbersome by providing assistance, for example, to train judges, prosecutors, and investigators. In turn, USAID, ICITAP, and OPDAT planning documents contained objectives and indicators aimed at improving the effectiveness of the justice system. One USAID performance indicator emphasized the adoption of a single training curriculum for investigators by the three main law enforcement academies. ICITAP's related benchmarks also emphasized that these academies adopt this common investigative training curriculum and that all investigators receive training on the requirements of the reformed system.

In-country Coordination Among U.S. Agencies

U.S. missions had country teams and rule of law and law enforcement teams that met regularly to discuss coordination issues concerning agencies' programs and activities. Country teams included representatives from all the U.S. agencies with a country presence and were chaired by the Ambassador. These teams met weekly to discuss issues regarding all of the agencies' programs and activities, including rule of law assistance.

Rule of law and law enforcement teams were comprised of representatives from all the U.S. agencies supporting rule of law efforts in-country and were normally chaired by the Ambassador or Deputy Chief of Mission. These teams met at least once a month. In Colombia, the heads of USAID, ICITAP, and OPDAT met every week to address management and coordination issues.

U.S. officials in the five countries we visited told us that the coordination of rule of law assistance worked well. During our visit we observed that the heads of the agencies implementing most of the rule of law assistance had good working relationships. In addition, in reviewing pertinent agency documents, we identified no instances of duplication of rule of law activities and efforts or other conflicts among the agencies.

Coordination With the Host Country and Other Donors

In all the countries we visited, the United States coordinated its rule of law assistance with host country counterparts. U.S. and host country officials agreed these efforts had addressed rule of law assistance-related issues and had averted any major problems. Coordination with other international donors was less formal, and most other donors' programs were relatively new. Nevertheless, U.S. and other donor representatives—for example, the Inter-American Development Bank, the World Bank, and Spain—said they

were aware of each other's programs and activities and had planned their efforts accordingly.

- In Colombia, under a grant agreement signed by the United States and the Colombian government, an executive committee comprised of the U.S. Ambassador, the head of USAID, and high-level Colombian counterparts from the justice sector coordinate the U.S. rule of law assistance. This group meets at least once a year; it last met in December 1998. Under a complementary grant agreement signed by the United States and the Colombian Prosecutor General's Office, this office coordinated all the rule of law assistance that it received from international donors.
- In El Salvador and Guatemala, the missions coordinated their rule of law assistance with justice sector coordinating commissions comprised of the heads of most of the host country's criminal justice system institutions. These commissions also were charged with developing overall strategic plans for the justice system and coordinating international assistance to the system's institutions.
- In Honduras, coordination was done through counterparts at each of the justice sector entities. Although USAID has encouraged the government to create a donor coordination position within the judicial branch, Honduras has not acted on this recommendation.

Conclusions

U.S. rule of law assistance has helped these countries undertake criminal justice system reforms. These reforms involve a long-term effort that requires sustained host government commitment. The countries we visited face numerous challenges and constraints in making further criminal justice system reforms; primarily, resources are limited and the governments' commitment to reform varies. Additionally, violence, widespread crime, and an overall disregard for the law are common in Colombia, El Salvador, and Guatemala. Host country government officials and civil society representatives noted that the presence of the international community—particularly the United States—was needed to help encourage government officials to devote the necessary resources to enact, implement, and sustain needed reforms.

Scope and Methodology

We reviewed U.S. rule of law assistance programs in five countries—Colombia, El Salvador, Guatemala, Honduras, and Panama. These countries were selected based on congressional interest and the size,

breadth, and history of their programs. We primarily focused on U.S. assistance efforts during the 1990s. We traveled to El Salvador and Guatemala in July 1998 and to Colombia, Honduras, and Panama in September and October 1998. We updated the status of the programs in May and June 1999 through contacts with cognizant officials in the U.S. missions.

To determine what U.S. rule of law assistance has achieved and any factors impeding implementation of criminal justice reforms, we interviewed cognizant officials, met with nongovernmental interest groups, and analyzed program documentation in Washington, D.C., and the respective countries. In each country, we also visited project sites and met with host country officials. Specifically, we did the following:

- In Washington, D.C., we interviewed headquarters' officials at the departments and agencies with rule of law programs in these countries, including the Departments of State and Justice, USAID, and the U.S. Information Agency (USIA). We also met with nongovernmental organizations and individuals with expertise in Latin American criminal justice system reforms. For each country, we reviewed Mission Performance Plans; USAID country planning documents; ICITAP country work plans; and other reporting documents, funding agreements, contracts, and project evaluations. From our analysis, we determined how U.S. rule of law program objectives, desired outcomes, and performance indicators were linked within each agency and among all U.S. programs in country and how agencies used this information to manage their rule of law programs. We also reviewed State human rights reports for each country and our prior reports on judicial reform in Latin America.⁷
- In each country, we met with the Ambassador,⁸ the Deputy Chief of Mission, senior U.S. officials representing agencies with rule of law programs in each country, and numerous program staff. We interviewed host country officials at the supreme courts and judicial councils;

⁷See [Foreign Assistance: Promoting Judicial Reform to Strengthen Democracies](#); [Foreign Assistance: Meeting the Training Needs of Police in New Democracies](#) (GAO/NSIAD-93-109, Jan. 21, 1993); [Foreign Assistance: Promising Approach to Judicial Reform in Colombia](#) (GAO/NSIAD-92-269, Sept. 24, 1992); [Aid to El Salvador: Slow Progress in Developing a National Civilian Police](#) (GAO/NSIAD-92-338, Sept. 22, 1992); [Aid to Panama: Improving the Criminal Justice System](#) (GAO/NSIAD-92-147, May 12, 1992); [Foreign Aid: Police Training and Assistance](#) (GAO/NSIAD-92-118, Mar. 5, 1992); and [Foreign Aid: Efforts to Improve the Judicial System in El Salvador](#) (GAO/NSIAD-90-81, May 29, 1990).

⁸The U.S. Ambassador to Colombia was traveling during our visit.

prosecutor and public defender offices; justice, foreign affairs, and public security ministries; law enforcement organizations; and justice system coordinating bodies. We visited training schools for judges and prosecutors, law schools, police academies, forensics laboratories, antinarcotics units, and several pilot projects. We met with representatives of other international donors with rule of law programs, such as the Inter-American Development Bank, the World Bank, the United Nations Development Programme, and Spain. Finally, we met with numerous representatives from nongovernmental organizations and other groups representing a broad spectrum of civil society. For example, in El Salvador we discussed the challenges facing the police and judicial institutions with representatives from the Washington Office on Latin America. In Guatemala, we discussed progress toward implementing the peace accords with officials from the United Nations Verification Mission, and we held discussions with panels of civil society representatives.

To determine how the United States plans and coordinates its rule of law assistance in each country, we reviewed the most recent rule of law program and project plans and discussed with U.S. officials their management processes and the operations of the missions' working groups. We also interviewed host country officials and other international donors to determine how they coordinated their rule of law programs and how they viewed U.S. and other donors' coordination efforts.

We performed our work from June 1998 to June 1999 in accordance with generally accepted government auditing standards.

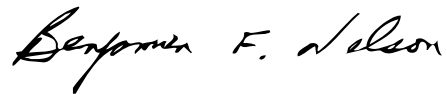
Agency Comments

We requested comments on a draft of this report from the Departments of State and Justice, USAID, and USIA. USAID provided written comments (see app. VI). State, Justice, and USIA provided oral comments. State also provided technical comments, which we incorporated as appropriate. Overall, the comments characterized the report as fair, balanced, and informative.

Unless you publicly announce its contents earlier, we plan no further distribution of this report until 30 days after its issue date. At that time, we will send copies of this report to the Honorable Madeleine K. Albright, Secretary of State; the Honorable Janet Reno, Attorney General; the Honorable Harriet C. Babbitt, Acting Administrator of USAID; the

Honorable Penn Kemble, Acting Director, USIA; and interested congressional committees. We will make copies available to others upon request.

Please contact me at (202) 512-4128 if you or your staff have any questions about this report. Other GAO contacts and staff acknowledgments are listed in appendix VII.



Benjamin F. Nelson
Director, International Relations and
Trade Issues

List of Congressional Requesters

The Honorable Mike DeWine
The Honorable Jesse A. Helms
The Honorable Joseph R. Biden
The Honorable John Breaux
The Honorable Paul Coverdell
The Honorable Bob Graham
The Honorable Charles E. Grassley
The Honorable Orrin G. Hatch
The Honorable Patrick J. Leahy
United States Senate

The Honorable Benjamin A. Gilman
The Honorable Porter J. Goss
The Honorable Bill McCollum
The Honorable E. Clay Shaw
House of Representatives

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Abbreviations

ICITAP	International Criminal Investigative Training Assistance Program
JSRP	Justice Sector Reform Program
MPP	Mission Performance Plan
OPDAT	Overseas Prosecutorial Development Assistance and Training
USAID	U.S. Agency for International Development
USIA	U.S. Information Agency

U.S. Rule of Law Assistance to Colombia

Although Colombia is one of the oldest democracies in Latin America, violence has plagued that country for the last several decades. Colombia has one of the highest levels of crime and is the largest exporter of illegal drugs in the region. Colombia is fighting not only insurgents and paramilitaries but also common criminals and drug producers and traffickers. To combat these groups, Colombia has used its military and criminal justice system—including judicial institutions and the police and other law enforcement groups. However, according to U.S. officials, the criminal justice system is weak and largely ineffective in this fight.

In 1991, after amending its constitution and revising a criminal code, Colombia began a major effort to reform its criminal justice institutions. Colombia's reform aimed to improve the criminal justice system by, among other things, establishing, restructuring, and strengthening justice institutions as well as by enhancing criminal investigations, prosecutions, and trials. Colombia has not fully implemented many of these changes, and serious problems continue to affect its criminal justice system. According to the State Department, these problems include arbitrary arrests; lengthy pretrial detentions; large case backlogs; intimidation, suborning, and corruption of justice officials; and avoidance of punishment by large numbers of wrongdoers. In 1998, for example, less than 3 percent of all reported crimes were successfully prosecuted. U.S. rule of law assistance is designed to help Colombia implement its criminal justice system reform and, eventually, address these problems.

U.S. Rule of Law Assistance and Related Results

To help Colombia implement its 1991 reforms, the U.S. Agency for International Development (USAID) and the Department of Justice's International Criminal Investigative Training Assistance Program (ICITAP) and Overseas Prosecutorial Development Assistance and Training (OPDAT) groups have implemented the Justice Sector Reform Program (JSRP). JSRP has focused on training justice sector officials, improving Colombian police investigative capabilities, and increasing citizen access to justice. Under JSRP, USAID has provided \$28.5 million, ICITAP over \$7 million, and OPDAT over \$3.5 million since 1991.

USAID

Under JSRP, USAID has supported over 50 projects to enhance the capabilities of justice system institutions, including Colombia's court system, Ministry of Justice, Prosecutor General's Office, Public Defender's Office, and Superior Judicial Council. USAID helped implement information systems within the Prosecutor General's Office and the Public

Defender's Office; strengthened the Superior Judicial Council's Judicial School; and established training programs for judges, prosecutors, and public defenders. During our visits to the Prosecutor General's Office and the Public Defender's Office, we toured their information management facilities supported by USAID projects. Justice officials told us that these projects had been critical to secure the hardware and develop the specialized software needed to process most of the information required by prosecutors and public defenders.

USAID also supported the creation of 13 alternative dispute resolution centers and 8 Houses of Justice as a means for improving citizen access to justice. The Houses of Justice are intended to provide a variety of justice-related services to people in lower-income areas. For example, in the Houses, citizens have access to alternative dispute resolution mechanisms—such as conciliation and mediation—and representatives from judicial and law enforcement organizations. During our visit to the House of Justice in Ciudad Bolivar, we toured several units that provided justice services to low-income persons, and justice officials praised the contribution made by the USAID assistance to the establishment and operation of this House of Justice. In addition, USAID-funded Colombian nongovernmental organizations have conducted public awareness and education programs for the population to gain better access to justice.

USAID is currently focusing its rule of law assistance in three areas. First, USAID and the Superior Judicial Council are working to strengthen judicial training, improve the conduct of trials, and establish the pertinent trial facilities. Second, USAID and the Public Defender's Office are training public defenders, developing a national training plan for public defenders, and further strengthening information management capabilities. Third, USAID is helping to establish additional Houses of Justice and supporting nongovernmental organizations' public awareness and education programs focusing on justice issues.

ICITAP

ICITAP has focused on strengthening the investigative capabilities of law enforcement institutions. Under JSRP, ICITAP has helped train investigators from the National Police's investigative unit, the Administrative Department of Security's investigative unit, and the Prosecutor General's Technical Corps of Investigations. Each agency has focused on training a core group that, in turn, instructs other investigators. In 1996 and 1997, ICITAP supported training in investigative techniques for 3,500 investigators—about half of the investigators in these three

Colombian investigative organizations. ICITAP helped develop police manuals, investigative techniques, and crime scene processing capabilities. Currently, ICITAP is assisting further efforts to train investigators and supporting the development of a common curriculum for all investigators. ICITAP is also promoting the idea of having a unified school for training all investigators, rather than having three separate schools. During our visit to the Prosecutor General's Office, the Prosecutor General and another high-ranking official told us that they would support the effort to create a unified school for investigators. ICITAP, in conjunction with OPDAT, has worked on establishing local and national special units of prosecutors and investigators to demonstrate how these justice officials would work together using reformed investigations and prosecution proceedings.

OPDAT

OPDAT has focused on strengthening the capabilities of the Prosecutor General's Office. Under JSRP, OPDAT has helped develop and implement a national training plan for prosecutors and judges. The plan concentrates on training these justice officials on the changes introduced by the 1991 justice system reform. OPDAT also funded training for 2,500 prosecutors and 800 judges.

Moreover, OPDAT, in conjunction with ICITAP, has helped establish several local and national special units in which prosecutors and investigators work together to solve specific types of crimes. For example, OPDAT is helping establish and institutionalize four national special units concentrating on money laundering and asset forfeitures, narco trafficking, anticorruption, and human rights abuses. Prosecutors and investigators who worked in the local special units have played a key role in supporting the creation of the national special units, according to U.S. officials. Based on the lessons learned in the local special units, OPDAT is supporting the development of a manual for prosecutors. According to U.S. officials, this document, which is scheduled for release in 1999, will be an important tool for implementing throughout the country the concept of prosecutors directing investigations and prosecutions using reformed proceedings.

Remaining Challenges

Colombia has not fully implemented its 1991 criminal justice system reforms. Despite the training, technical assistance, and other support provided to judges, prosecutors, investigators, public defenders, and their institutions, few justice officials are following the new procedures for conducting investigations and prosecutions. In addition, Colombia has not put in place the new trial procedures and facilities that are expected to

expedite the trial of criminal cases. Consequently, Colombia's criminal justice system is still overburdened by ineffective investigations, prosecutions, and trials, resulting in large case backlogs and in large numbers of wrongdoers going unpunished. For example, according to Colombian sources, the justice system had over 3.5 million cases pending at the end of 1997. The Prosecutor General's Office had about 700,000 and the courts about 2.9 million cases pending. Also, according to these same sources, at least 8,123 murders had occurred as of April 1998, and 74 percent of these remained unsolved.

Further advances will require securing support for recent reform initiatives, obtaining the resources needed to carry out the reform, completing the training of justice officials, and implementing the necessary changes throughout the country. The Superior Judicial Council has to issue regulations for conducting reformed trials and has to ensure that the related infrastructure, processes, procedures, and equipment are in place to test, through pilot programs, the new trial proceedings. It also must see that they are carried out across the nation. USAID estimates that the nationwide implementation of these new trial proceedings may take from 3 to 5 years. Although Council members state that their institution has legal authority to proceed with the implementation of new trial procedures and plans to issue the pertinent regulations during 1999, they acknowledged that the authority and regulations could be questioned in the courts.

Colombia's continuing armed conflict; narco-trafficking; high crime levels; and intimidation, suborning, and corruption of justice officials complicate the reform efforts of the Superior Judicial Council, the Prosecutor General's Office, and other criminal justice system institutions. According to the State Department, judges have long been subject to threats and intimidation, particularly when dealing with cases involving the military, paramilitary, narcotics, and guerrilla organizations, and these and other justice officials continue to be subjected to threats, suborning, corruption, and acts of violence. According to U.S. officials, all of the problems put pressure on the government's budget, overwhelm the resources and capabilities of judicial and law enforcement institutions, and undermine public confidence in a criminal justice system that still does not work well and does not provide citizens with widespread access to justice.

U.S. Rule of Law Assistance to El Salvador

During the 1980s, El Salvador was immersed in a violent civil conflict that claimed more than 75,000 lives. U.S. assistance for El Salvador's criminal justice institutions began in 1984 in response to congressional concerns over human rights abuses—particularly the politically motivated murders of U.S. citizens—and the lack of response by the Salvadoran authorities. Very few of these cases were investigated and prosecuted.

In 1991, interim peace negotiations led to a constitutional reform that sought to professionalize the judicial branch. Among the key changes were the allocation of 6 percent of the national budget for the Judicial Branch and other provisions to make the Supreme Court more independent. These negotiations also strengthened the mandate and independence of the National Council on the Judiciary, which was created in 1989 and currently manages the court system and recommends candidates for judicial appointments. In January 1992, representatives from the Salvadoran government and the Farabundo Marti National Liberation Front signed a peace agreement ending the 12-year armed conflict. The accord aimed to secure peace and to democratize Salvadoran society through greater political pluralism and major legal and institutional reforms. For instance, it mandated replacing national military police with a police force under civilian control. After the peace agreement was signed, international donors, including the United States, committed significant resources for reforming El Salvador's government, including its judicial and law enforcement organizations.

U.S. Rule of Law Assistance and Related Results

Since 1992, the United States has provided about \$54 million in rule of law assistance to El Salvador. USAID provided about \$18 million in assistance and ICITAP about \$36 million.

USAID

USAID's rule of law program in El Salvador is currently supporting efforts to implement the new criminal codes, which became effective in 1998, and strengthen criminal justice system planning and coordination. USAID's program provides training, technical assistance, and other support to improve the skills of judges, prosecutors, and public defenders and their institutions. In addition, USAID seeks to increase citizen access to and confidence in the justice system by supporting alternative dispute resolution initiatives and increasing citizens' knowledge of the justice system.

USAID has helped the Salvadoran government improve the criminal justice system, enhance judicial independence and professionalism, and further institutional coordination and planning. USAID assisted the Salvadoran government's efforts to revise its criminal, juvenile, and family codes and helped develop three operating manuals for implementing these codes.¹ USAID also reports that 68,000 backlogged cases have been resolved, 14 new prosecutor offices have opened, and the number and salaries of prosecutors and public defenders have increased. USAID assistance has helped enhance judicial independence and professionalism through its efforts to aid the government in restructuring the Supreme Court, improve the judicial training school, enact a judicial career law, and conduct annual independent evaluations of judges. The Office of the Human Rights Ombudsman was also created with donor assistance.

USAID has helped improve coordination and planning within the justice system by providing assistance to establish and strengthen a Justice Sector Coordinating Commission. The commission is composed of the heads of most criminal justice institutions, and USAID assists this organization's technical secretariat in developing and implementing a comprehensive 5-year plan. During our meeting with the members of this commission, they emphasized that the U.S. rule of law assistance had been critical to their reform efforts both individually and collectively. For example, the Chief Justice noted that USAID projects had been key to enhancing the judicial career path and the capabilities of the Judicial School and the National Council on the Judiciary. More importantly, he noted that USAID projects had helped him and other heads of criminal justice institutions understand that they would need to work together to implement the reform successfully. The Prosecutor General and the Public Defender made similar statements about the contribution of the USAID projects to the reform efforts within and between criminal justice institutions. USAID also reported that, as a result of the reform, cases in family courts have increased by 85 percent; 4,500 civil society individuals have been trained in the new laws; and citizen confidence that the justice system can provide a fair trial increased from 30 percent in 1995 to 45 percent in 1997, as measured by public opinion polls.

Consistent with its efforts to strengthen justice system institutions, USAID plans to continue its support for the Justice Sector Coordinating

¹El Salvador revised its criminal procedures code in December 1996 and its criminal and penitentiary (sentencing) codes in April 1997. All of the codes became effective in April 1998.

Commission and its technical secretariat. The agency is focusing on strengthening these organizations' capabilities to identify and respond to problems arising from the implementation of the recently passed reforms and effectively coordinate donor assistance to the justice system. Other areas supported by USAID's current program include (1) funding popular legal education, (2) financing on-the-job training for prosecutors to equip them with the new skills needed to implement the reforms, (3) providing equipment to increase the geographic coverage of prosecutors and public defenders, (4) expanding the use of conciliation and mediation to avoid court congestion, and (5) improving transparency by strengthening the capability of justice institutions to provide reliable information to the public and the media.

ICITAP

ICITAP objectives for El Salvador have centered on improving the capabilities of the police academy and the Civilian National Police. ICITAP has primarily provided training and technical assistance to these police organizations, although it has also provided equipment and supplies.

At the police academy, ICITAP supported both basic and specialized training, with the goal of strengthening the overall capabilities of the police. With ICITAP support, the academy trained nearly 19,000 police personnel. ICITAP estimates that about 1,600 of these were from the former security apparatus who were vetted and incorporated into the new force. ICITAP also funded management training for the leaders of the academy to make this institution sustainable. In addition, ICITAP supported training on the requirements of the new criminal codes and helped to develop an instruction manual. In our visit to the police academy, the head of the academy emphasized that the U.S. rule of law assistance had been critical to establish and operate the academy.

Within the Civilian National Police, ICITAP has sought to institutionalize administrative and operational changes so that this organization will be capable of guaranteeing public security while respecting internationally recognized human rights. For example, ICITAP

- funded specialized police training in 36 different areas to supplement the basic training provided by the academy,
- helped develop the Police Operations Department and trained its personnel in police intervention, and
- helped to develop new criminal and background investigation units.

ICITAP also assisted the police in establishing a crime laboratory and trained crime scene investigators in proper evidence-gathering techniques. During our visit to the laboratory, we noted that it provided basic forensic services, but little else. Laboratory officials told us that they needed additional resources to update the laboratory capabilities. Also, ICITAP supported the development and implementation of a 911-pilot program in the Santa Ana area. According to Santa Ana police officials with whom we met and ICITAP reports, this pilot program has helped lower crime rates and increase citizen confidence in the police. The Public Security Ministry plans to replicate this program nationwide.

Remaining Challenges

Despite efforts to restructure and strengthen judicial and law enforcement institutions since 1992, El Salvador only recently began implementing its new criminal codes to improve criminal investigations, prosecutions, and trials as well as training justice officials on the requirements imposed on the criminal justice system by these codes. El Salvador's criminal justice system still experiences serious problems, including arbitrary arrests, lengthy pretrial detentions, inefficiency, and corruption. Although the Salvadoran government has taken steps to discipline judicial and law enforcement officials guilty of abuse and corruption, problems remain, and less than half of Salvadoran citizens have confidence in the capabilities of the justice system to ensure a fair trial.

U.S. officials emphasized that El Salvador's commitment to criminal justice reform is encouraging and that judicial and law enforcement institutions are working to implement the reform fully. However, reform implementation still faces many challenges. El Salvador's limited criminal justice system infrastructure and capabilities, corruption of justice officials, and high levels of crime—in part associated with a legacy of violence inherited from the 12-year civil war—complicate the reform efforts of judicial and law enforcement institutions. For example, according to the Chief Justice, the court system lacks adequate infrastructure and equipment—including computer hardware and software—and most judges and other court personnel need training to improve their skills and capabilities for working in the reformed system. Also, according to U.S. officials, the high levels of crime overwhelm the resources and capabilities of criminal justice institutions and further undermine public confidence in a criminal justice system that still is ineffective and provides limited access to justice.

U.S. Rule of Law Assistance to Guatemala

From 1960 to 1996, Guatemala was plagued by an internal armed conflict between leftist insurgents and government forces that claimed about 150,000 lives and displaced about a million people. Political violence, widespread human rights abuse, and lack of due process were the norm during the conflict. After working to improve its criminal justice system for several years, in 1992 Guatemala enacted legislation designed to modernize its criminal code. The new code became effective in 1994. In December 1996, the warring factions signed a peace agreement. The peace accord provided the impetus for an increase in assistance from international donors for, among other things, further reforming judicial institutions and developing a civilian police force.

U.S. Rule of Law Assistance and Related Results

Since 1993, U.S. rule of law assistance for improving the Guatemalan criminal justice system has totaled almost \$17 million. USAID and ICITAP have provided most of this assistance, with more than \$10 million and almost \$7 million, respectively.

USAID

In recent years, USAID has focused on supporting efforts to implement the peace accord and the new criminal code. USAID's objectives also included improving public access to justice outside the capital city.¹ USAID is transitioning from a \$5.7-million criminal justice reform program that began in 1993—the Judicial Sector Reform Support Project—to a new, \$10-million reform program that will run from 1999 to 2002. USAID provided additional funds for related justice sector activities, including a 1-year extension of the first project and grants to the U.N. Mission in Guatemala, bringing the total amount of the USAID program to more than \$10 million from 1993 to 1998. The focus of the first justice reform project was to strengthen principal justice sector institutions so they could support implementation of the new criminal code. The revised code aimed to strengthen criminal investigations, prosecutions, and trial procedures. The program included support to judges and other court officials, prosecutors, investigators, public defenders, private sector attorneys, and law schools. The project also included management assistance to the school for judges and the school for prosecutors as well as two pilot justice centers.

¹In 1997, Guatemala had a population of 10.5 million people. About half were considered indigenous and many lived in remote areas with limited infrastructure and access to government services. More than 80 percent of the indigenous population are considered extremely poor.

USAID played a key role in supporting the development and implementation of the revised code. The agency also was a primary factor in helping establish judicial institutions, such as the Public Defender's Office and the Justice Sector Coordinating Commission. USAID's support included technical assistance, training, and the production of legal materials. Judges, prosecutors, and public defenders in Guatemala have been trained in the requirements of the revised criminal code through the USAID program. USAID is also supporting revisions to the curriculum of the only public law school in Guatemala to make it consistent with the reformed criminal justice system. Course materials on trial practice and advocacy are being produced in collaboration with another university.

USAID officials also noted the agency's assistance in decentralizing the prosecutor's office and improving its investigative and prosecutorial capabilities. For example, with USAID's technical assistance, Guatemala designed and implemented a new case management system for prosecutors. USAID efforts have also helped develop policy guidelines and standardized case reporting forms for coordinating the work of prosecutors and police investigators.

USAID supported the establishment of two pilot justice centers in Quetzaltenango and Zacapa. These centers were designed to improve access to justice sector services through the use of alternative dispute resolution mechanisms. Among other advances, the two centers have installed modern docket and case filing systems to provide more efficient services to the public. The centers promote a team approach to legal problem-solving by bringing together judicial and law enforcement officials, including judges, prosecutors, investigators, and other police officers. In our visit to the Zacapa center, a judge told us the centers provide a unique service and make justice available to the average citizen in the area. Due to the success of the two pilot centers, the government plans to replicate these pilots at the national level with donor assistance.

ICITAP

While the Spanish Civil Guard has the primary responsibility for training police recruits, ICITAP is providing about \$3 million per year in rule of law assistance to complement the Spanish effort. ICITAP has helped with efforts to restructure and professionalize the police's Criminal Investigative Service by providing training, technical assistance, and other support. ICITAP also is supporting the Criminal Investigative School, the forensics laboratory, the Special Cases Unit for investigating high-profile cases, and the Background Investigation Unit for screening police recruits. Other

ICITAP assistance has involved efforts to automate case management and strengthen the Office of Professional Responsibility.

In 1997, ICITAP trained almost 700 members of the police in basic, intermediate, and advanced criminal investigation techniques. ICITAP supplied the justice centers with equipment to enable the police to communicate directly with prosecutors. ICITAP also trained 120 judges and prosecutors from high crime areas in investigations and crime scene procedure and is working with prosecutors and investigators to develop an investigation manual. In addition, ICITAP donated computer equipment to the police and provided computer training to facilitate case management, tracking, and file reviews. This has allowed the police's Criminal Investigative Service access to previously unavailable databases, such as those containing information on passports, criminal histories, stolen vehicles, and drivers' licenses. ICITAP also provided key equipment, such as microscopes and cameras, to the forensics laboratory, as well as related training.

Remaining Challenges

Guatemala is still implementing its reform of the criminal justice system. Guatemala has not fully put in place the new criminal codes aimed at enhancing criminal investigations, prosecutions, and trials. Moreover, the criminal justice system is plagued by serious problems, including arbitrary arrests, lengthy pretrial detention, inefficiency, and corruption among judicial and law enforcement officials. The justice system also fails to capture large numbers of wrongdoers. Due to the strong public concern about the high crime rate, the government is relying on the military to assist the new police force in patrolling rural areas.

The recent rejection in a national referendum of some of the changes needed to implement the peace accord presents a major challenge to sustaining the commitment to criminal justice reform. Also, as USAID has pointed out, the government's funding for critical social services, such as the justice system, remains inadequate. Reform efforts in the justice system are further complicated by high levels of crime—in part the legacy of the long armed conflict—and the presence of a large indigenous population, which is mostly poor and has its own languages and traditions. The donor community, including USAID, is concerned about the government's institutional capability to implement the reforms required by the peace accord. A major challenge for the Guatemalan government is to take advantage of this window of opportunity in which donor assistance is available to implement further justice system reform.

U.S. Rule of Law Assistance to Honduras

Honduras' history as an independent republic was marked until recently by extended periods of military rule. In 1982, yielding to domestic and international pressures, the Honduran military turned over the government to civilian control. Democratically elected presidents have headed the government since then. However, the military remained in charge of the police until the mid-1990s. In 1993, following a series of violent demonstrations, a new president was elected on a platform whose priorities included improving the criminal justice system and enhancing respect for human rights. Judicial and law enforcement changes ensued. In late 1993, Honduras abolished the military investigative police but maintained the national police under military control. Also, Honduras established a Public Ministry having responsibility for the prosecutor's office and civilian investigative police. A constitutional amendment that the Honduran Congress ratified in 1996 removed the national police from military control. In 1998, the passage of the police organic law brought together the national civilian police and the Public Ministry's investigative police under a Ministry of Security.

U.S. Rule of Law Assistance and Related Results

Improving the criminal justice system in Honduras is closely intertwined with strengthening democracy and promoting economic growth. To support this effort, USAID and ICITAP have implemented most of the U.S. rule of law assistance to Honduras. USAID provided about \$8 million in rule of law assistance between 1987 and 1998 to help improve judicial institutions. The agency is planning to provide more than \$7 million between 1999 and 2002. ICITAP has provided about \$4 million in rule of law assistance from 1994 through 1999 to help establish a civilian national police force.

USAID

Since the late 1980s, USAID rule of law assistance has focused on improving criminal justice system organizations, including the courts, prosecutor, and public defender. This assistance also sought to enhance the population's access to the justice system. USAID's justification for providing rule of law assistance is that "a strengthened justice system and Rule of Law are critical to the continuing stability of democracy in Honduras." Currently, the USAID program is focusing on supporting the enactment and implementation of a new criminal code, which is pending before the Honduran legislature.

USAID began obligating funds for rule of law activities to Honduras in 1987 as part of a broader program known as Strengthening Democratic

Institutions. Through fiscal year 1998, obligations in support of rule of law activities totaled about \$6.7 million. A second program devoted exclusively to rule of law activities, known as the Strengthened Rule of Law and Respect for Human Rights program, began obligating funds in fiscal year 1997. This project is funded through 2002, with a total budget of about \$8.5 million.

Beginning in 1994, USAID's rule of law program started to support the establishment and strengthening of a prosecutor's office in the newly created Public Ministry. This support was intended to build up not only the institutional structure of the office and the Public Ministry but also the capabilities of prosecutors to satisfy the requirements of a new criminal procedures code. This code is expected to substantially change the way criminal investigations, prosecutions, and trials are conducted. In the courts, USAID's program has supported efforts to improve administrative practices and establish merit-based selection mechanisms for judges and court personnel. At the Supreme Court, the program has funded activities aimed at strengthening the Inspector General's Office, which monitors judicial performance. The program has supported training court personnel on the requirements of the new code.

USAID's program has also included activities aimed at building public support for justice system reform. The agency has provided small grants to private sector organizations that have become active in reforming the justice system and in promoting passage of the proposed new code. USAID also developed a small program to bring Honduran law students to the United States to visit U.S. courts and law schools to witness first-hand how our system works.

USAID's rule of law assistance supported the work of the Honduran National Judicial Reform Commission, which drafted the proposals creating the Public Ministry in late 1993 and the court's Inspector General Office in 1995. USAID provided assistance to the Public Ministry to help it get underway. According to Honduran officials, creation of the Public Ministry has raised expectations in the general population that it is possible for anyone—not only the wealthy or powerful—to approach the court system and demand justice.

Honduran officials noted USAID's support for the court's Inspector General Office. One Supreme Court Justice said the Inspector General has been able to stem the tide of corruption and improve performance by publicly going after some judges found to be violating established judicial

requirements. High-profile Inspector General cases have put all judges “on notice” that they could be disciplined or lose their jobs. One concrete example of how judges' performance has improved since the creation of the Inspector General's Office is the fact that judges now keep track of persons who are in jail pending judgment on cases for which they are responsible.

USAID has also supported the reorganization and computerization of the court system. USAID provided computer hardware, software, and related training for this effort. A computerized jurisprudence information system was developed and put in place to enable magistrates, judges, public defenders, and other judicial officials to access previous court decisions. Technical assistance, training, and other support, including reference materials, were also provided to strengthen the courts. Similarly, technical assistance, training, and logistics support were given to the Judicial School to help upgrade the skills of judges, particularly in criminal law. Moreover, the Public Defenders Office, which is part of the court system, was strengthened and expanded through training, salary upgrades, internship programs, and application of the judicial career law criteria.

ICITAP

During the 1990s, ICITAP's rule of law program supported both the national police and the criminal investigative police, which were brought together under the Ministry of Security in 1998. ICITAP's support for the national police included training command staff, developing policy and procedures manuals, and providing assistance to the police academies, which train officers and recruits. Support for the criminal investigative police has involved establishing a comprehensive training program for all personnel, developing manuals and procedural guides, strengthening the capabilities of the forensics laboratory, and enhancing organizational, administrative, and operational capabilities. ICITAP provides basic and specialized training. Specialized training focuses on investigation of auto theft, financial crimes, and robbery/burglary, and providing crisis management in the event of a kidnapping or bombing. ICITAP also supports joint training for prosecutors and investigators.

Public and private officials in Honduras acknowledged the key role ICITAP played in helping the police make a transition from a military to a civilian institution. One official emphasized that U.S. agencies had provided training, technical assistance, and equipment to the police and that, without this assistance, it could have been months before the police were properly trained and equipped.

Also, ICITAP has supported the investigative police's forensics laboratory, through specialized technical training for its technicians in Central America and the United States and funding for the maintenance of laboratory equipment. Honduran officials noted that the training, technical assistance, and laboratory equipment the United States provided have allowed the investigative police to provide the scientific data needed for successfully prosecuting criminal cases. In addition, ICITAP has given key technical assistance to the police academies to improve training. ICITAP has helped reform the curriculum of the academies, promoting courses on professional responsibility, planning, and communications.

Remaining Challenges

The immediate challenge facing justice system reform efforts in Honduras is to enact a new criminal code designed to improve how criminal investigations, prosecutions, and trials are conducted. The Honduran legislature was considering a bill for reforming the code during the fall of 1998, but consideration was put off for several reasons, including Hurricane Mitch. It is now expected that the new code will pass in 1999.

According to U.S. officials, another immediate challenge facing reform efforts has arisen from the decision of the current Honduran administration to disregard judicial career track guidelines in appointing and dismissing judges. Although progress has been made in prosecuting and dismissing corrupt judicial officials, this decision can compromise future efforts to remove such officials. U.S. officials note that these immediate challenges should not call into question the need to provide rule of law assistance to Honduras as it attempts to implement further reforms of its criminal justice system.

Even if the criminal code is approved, Honduras will face other challenges. For example, Honduras will have to obtain domestic and, probably, international resources to carry out this reform; train all the justice officials on the requirements of the new system; and implement throughout the country the changes needed to reform the system.

U.S. Rule of Law Assistance to Panama

According to USAID, after the removal of former dictator Noriega in December 1989, Panama's government institutions needed total rebuilding. The criminal justice system had to reverse a legacy of mismanagement, neglect, and corruption. Panama appointed a new Supreme Court and strengthened judicial and law enforcement institutions, including the courts, the public defender's office, the prosecutor's office, and the Judicial Technical Police—which conducts criminal investigations. In December 1998, the Judicial Technical Police became a semiautonomous institution with leaders appointed by the Supreme Court.

U.S. Rule of Law Assistance and Related Results

Since 1990, the United States has provided more than \$43 million to help enhance the capabilities of Panamanian judges, prosecutors, investigators, and public defenders and their organizations. USAID has provided about \$9.6 million in rule of law assistance to help improve judicial institutions, while ICITAP has provided about \$33.7 million to support the establishment and strengthening of a national police force.

USAID

USAID's rule of law program has sought to strengthen criminal justice system institutions, including the courts, the prosecutor and public defender's offices, and the Judicial Technical Police. USAID terminated this program in September 1997 as part of an overall effort to reduce its overseas presence. More recently, USAID began developing a new rule of law program intended to provide assistance to areas not supported by other donors.

U.S. rule of law training and technical assistance have helped enhance the capabilities of judges, prosecutors, investigators, and public defenders and their organizations. The USAID program supported a fundamental change in the operation of Panama's investigative police. According to Panamanian officials, before the reform of the police, Panamanian police investigators worked as a secret service, without regard for human rights or due process. USAID rule of law assistance also helped investigators improve their ability to collect more timely evidence while adhering to legal requirements, according to an evaluation of the program.¹ Moreover, because prosecutors are now better prepared and involved from the early stages of an

¹Improved Administration of Justice: Project Evaluation, Management Systems International (Panama City, Panama: Sept. 5, 1997).

investigation, they have had higher conviction rates and fewer dismissals of cases for lack of evidence.

When legislation was passed in 1991 integrating the work of prosecutors and investigators, they resisted working together. According to Panamanian officials, USAID assistance helped reverse this situation.

USAID assistance has supported the professionalization of the judicial organizations through the training of all personnel; the development of professional career tracks for judges and prosecutors; and the establishment of law libraries in the Supreme Court, Public Ministry, and the Judicial School. According to a USAID evaluation, the agency's program sponsored a "whirlwind" of training activities for judges, prosecutors, clerks of court, and investigative police, among others. The training has done much to modify attitudes and provide needed skills in the judicial sector, creating a sense of professionalism among judiciary personnel who received the training.

The USAID program also supported the Public Defenders Office by providing the building needed for housing the Office in a single facility in the capital city, as well as computers, furniture, and other equipment. The program also paid the salaries of seven additional public defenders and some administrative staff. The salaries of the seven defenders were eventually incorporated into the Office's budget.

USAID is about to begin a new rule of law program in 1999 at a cost of \$2.7 million over 4 years. USAID's goal for its new rule of law program is to further facilitate the legal and policy changes needed to sustain fair, fast, and independent criminal and commercial justice systems. Whereas the last program supported large-scale institution building, the new program will be smaller in scope. It will attempt to fill gaps in assistance not addressed by a 1998 justice sector reform project of the Inter-American Development Bank. Areas under consideration for USAID's new program include supporting civil society groups to generate demand for further legal reforms and completing activities left unfinished by the last program, including the automation of case-tracking systems and integration of investigative police and prosecutors.

ICITAP

From 1990 through 1999, ICITAP has helped develop the Panamanian National Police and the Judicial Technical Police. ICITAP is providing training for new instructors and helping the police develop a career ladder

for officers and create integrated information management systems. ICITAP is also supporting efforts by the Judicial Technical Police to establish a comprehensive personnel system, set up case management and crime analysis systems, improve database links between criminal justice components, train new instructors in advanced subjects, and continue its support for the forensics laboratory. In the final year of its program, ICITAP is shifting its focus from broad institutional development to more specialized training to leave Panamanian law enforcement agencies with self-sustaining reforms. After the USAID program ended in 1997, ICITAP took over the task of integrating the work of investigators and prosecutors.

During the 1990s, ICITAP played a major role in the successful creation and establishment of the new civilian-run national police force. ICITAP provided training in civilian policing and investigative techniques, supported the training academies, gave basic equipment to the institutions, and helped establish an office of professional responsibility. The transition of public security to civilian control was a major achievement, according to private sector representatives.

According to a 1997 evaluation of the ICITAP program,² the national police enjoy an improved image among the population. A March 1997 poll conducted for the newspaper *La Prensa* revealed that 64 percent of those polled believed that the police conduct was good or excellent, while 34 percent believed it was bad or very bad. Private sector groups also complimented the progress made by the police, crediting ICITAP with successfully instilling the police with professionalism and respect for human rights. They also stated that petty corruption by police officers, which was the rule under the Noriega regime, had virtually disappeared.

ICITAP also shares credit for the development of the Judicial Technical Police. ICITAP's support helped establish a criminal forensic laboratory. The laboratory now has fully staffed and equipped sections for photography, latent fingerprints, crime scene response, firearms and tool marks, questioned documents, and drug analysis. Laboratory officials are now capable of supplying investigative information routinely and testifying in court.

²Assessment of the ICITAP Program for the Development of Panama's Police Systems, 1994-1997 (Panama City, Panama: Sept. 1997).

Remaining Challenges

Most Panama officials we spoke with noted that USAID rule of law assistance had helped strengthen judicial and law enforcement institutions. However, despite significant achievements since the early 1990s, Panama's criminal justice institutions are still deficient and corrupt.

According to Panamanian officials, Panama needs to provide additional legal training for its justice sector personnel; complete efforts to automate criminal records; improve the effectiveness of criminal investigations, prosecutions, and trials; increase civil society involvement in the reform process; and enhance the independence of the judicial branch from the executive branch. But additional resources are needed. For example, judicial officials stated that, without USAID resources, efforts to automate the records management system in four district courts and the capital city archives have slowed considerably. They thought that it was doubtful that domestic resources would be available to automate beyond the five locations. Similarly, a private sector official noted that the judicial school has cut back its course offerings when Panama is facing the greatest need for training judges and prosecutors. According to a Panamanian official, judicial personnel will need training in commercial, maritime, labor, and environmental law as Panama gains full control of the Panama Canal in the year 2000.

Comments From USAID



U.S. AGENCY FOR
INTERNATIONAL
DEVELOPMENT

JUL 21 1999

Mr. Henry L. Hinton, Jr.
Assistant Comptroller General
National Security and International Affairs Division
U.S. General Accounting Office
441 G Street NW, Room 4039
Washington, DC 20548

Dear Mr. Hinton:

I am pleased to provide the U.S. Agency for International Development's (USAID's) formal response on the draft report entitled "Foreign Assistance: U.S. Rule of Law Assistance to Five Latin American Countries" [June 1999].

The report is comprehensive in scope and provides rich information on the five programs in Colombia, El Salvador, Guatemala, Honduras, and Panama. We are impressed with the level of detail and analytic summaries of the programs and are pleased with the report's conclusions.

We concur with your findings that USAID and other USG agencies have had a significant impact on rule of law in the five countries in the areas you mention: to implement legal and institutional reforms, to enhance police capabilities and their transition to civilian authority, and to improve citizen access to the justice system. We also agree with your assessment that to make our efforts truly successful, we need to continue our efforts in working with other governments to sustain their commitment to ongoing reform. Furthermore, we strongly believe that the USG needs to maintain and expand its resource commitment to ensure that sustainable rule of law is established in the hemisphere--not only to guarantee democratic government, but as a necessary condition for economic development, globalization and trade.

We agree that there is good integration and coordination of rule of law activities among USG agencies, in Washington and in country, and among the USG, the host country and other donors to implement rule of law programs successfully. We look forward to ongoing coordination with the many USG agencies involved in rule of law activities and the increasing number of donors supporting such programs.

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We have shared the report with representatives of the USAID missions in each of the countries you visited. They were generally pleased with the content of the report and its accurate reflection of their programs and progress.

Thank you for the opportunity to respond to the GAO draft report and for the courtesies extended by your staff in conducting this review.

Sincerely,



Richard C. Nygard
Acting Assistant Administrator
Bureau for Management

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In addition to those named above, Juan Tapia-Videla, Audrey Solis, Jeanette Velis, Juan Gobel, Howard Cott, Mark B. Dowling, and Richard Seldin made key contributions to this report.

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