

# Fact Sheet

## Contacts

## 24-Hour Courts Rule of Law Program

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### Background

In 1994, Guatemala became one of the first countries in the region to undertake reform of its Criminal Procedures Code (CPC). This reform introduced the use of oral arguments, adversarial proceedings in place of an inquisitorial judge, and set strict time limits on proceedings, such as a six-hour limit for a suspect's appearance before a court.

In the 1990s, considerable investment was made to establish CPC though it was not fully implemented for 10 years due to scarce judiciary skills, knowledge, and adequate facilities to carry out oralization. For instance, though the Criminal Procedures Code calls for around-the-clock justice and most crimes are committed in late evening or early morning, courts maintained "bankers' hours" from 8:00 a.m. to 4:00 p.m. As a result, suspects were held in dark holding cells or in preventative detention until a judge heard respective cases, usually four to five days later.

This lack of quick arraignment opened the system up to frequent abuses by police, such as planting evidence and coercing confession that could help police meet arrest quotas. Furthermore, police officers that brought cases to judges were often not the arresting officer which meant that adequate explanations for arrests were not made. The consequence of these systemic deficiencies was that nearly 80 percent of cases in Guatemala City and about half of those in Villa Nueva and Mixco (major suburbs of the City) were dismissed at first arraignment after the accused had usually spent most of the week in detention.

In 2005, new Supreme Court judges were appointed who were committed and able to fully implement the CPC. One of the first measures they took was to call for the creation of a pilot 24-Hour Court (*Juzgado de Turno* in Spanish) in Guatemala City.

**USAID Response** Previous attempts to establish 24-hour courts had failed and the new magistrates determined to make this pilot a multi-institutional effort, involving not only the judiciary, but the Public Ministry, Ministry of Government, National Civil Police, and Public Defense Institute. The USAID Rule of Law Program agreed to support the magistrates and began by facilitating planning meetings and producing technical proposals to make the courts a sustainable reality in Guatemala City.



Photo: José Garzón, USAID.2007

USAID's role as a facilitator and advisor proved decisive in the success of this endeavor; all parties trusted USAID and the Program provided the credibility, technical experts and financial resources needed to develop and implement a viable plan. The Program funded and supervised installation of the pilot courtroom in the basement space of the Supreme Court. By March 2006, the first 24-hour court opened. The European Union complemented the USAID investment with equipment and judges' salaries for the first year of operation.

**Results of the Guatemala City 24 Hour Court** The Court is an arraignment court which takes initial declarations and reviews evidence. If the judge rules the case has merit it moves to the First Instance where preliminary hearings occur. Apart from operating 24 hours a day, 365 days a year, the Courts introduced three important innovations:

1. A "one-stop-shop" that combines court, prosecutor, police, defender, and bail services in one location which greatly enhances coordination, especially between police and prosecutors where it is lacking.
2. A Central Case Management Center (*Centro Administrativo de Gestión Criminal*) that centralizes all case information, statistics tracking, and clerk functions. Before this Center, judges managed cases with "personal" clerks. Now cases can be transferred from one judge to another thus lowering the risk of personal favors being requested and offered and greatly enhancing the transparency of case management.
3. A literally "transparent" Court with large windows and visible holding cells designed to prevent abuse--all interested parties can enter the courtroom and all transactions are easily witnessed.

Within months this pilot court demonstrated a measurable impact on the justice sector. One year later, when USAID and European Union support ended, the court sustained the patterns it had established in its first three months of operation. The following are examples of some of the important changes brought about by the police respecting the six-hour limit:

- The number of cases dismissed declined from 77 percent to under 15 percent.
- Nearly 50 percent of all arraignments ended in alternatives to detention, such as bail, house arrest, weekly presentations at the local court, or restrictions on travel and in 35 percent of the cases, the judge ruled for preventative detention.
- Drug consumption cases dropped from over 30 percent to about 7 percent. This drop occurred within the first three months of the court's initiation, and gave credence to the concern that police often planted evidence on young suspects to reach arrest quotas.
- The Courts made greater use of alternatives to trial. This is an important breakthrough in the legal culture of Guatemala, where such solutions are looked upon with suspicion.
- The Courts began to make greater use of arrest warrants, a vital tool for attacking gang and organized crime.

**Model Extended** The Supreme Court declared the USAID Rule of Law Model Court concept to be their national model and the justice sector is sustaining it with its own resources. In early 2007 the Court expanded the model to neighboring suburban cities of Villa Nueva and Mixco. The results obtained in Villa Nueva and Mixco are similar to those in Guatemala City; in less than one year, cases dismissed for lack of merit dropped from 67 percent to less than 12 percent in Villa Nueva and from 36 to under 7 percent in Mixco. Together, these three courts cover the entire Metropolitan area where the bulk of serious crime is committed.



Photo: José Garzón, USAID.2007

The model has extended not only in number but in substance: Unlike the original Guatemala City court, the Villa Nueva and Mixco courts are complete First Instance Courts that take not only first declarations but also handle all pre-trial motions. This implies a complete redesign of the first instance system to place it on a 24-hour cycle. The two courts also were given police investigative units to assist the Public Ministry prosecutors.

The Supreme Court and justice institutions are so pleased with results of the the 24-Hour Court model that they plan to open new Courts in Escuintla and Quetzaltenango, Guatemala's second largest city.