

ONUSAL instigated judicial training in human rights for middle and lower level judiciary.²⁰⁵ In July 1994 the legislature elected a new Supreme Court.

Haiti is another example of an HRO attempting to effect capacity building in consultation with the local authorities. Bill O'Neill as Head of the Legal Department of MICIVIH, headed a working group analysing the Haitian justice system²⁰⁶. This study resulted from a discussion with the then Haitian Minister of Justice Guy François Malary²⁰⁷, who had wanted to carry out a survey with a view to reform, but did not have the government resources to do so. The resultant HRO study was the only known national survey of the Haitian justice system, and it recommended approximately 40 reforms. An underlying theme of the report was that a functioning civil society was impossible without a functioning judicial system, and that human rights violations are a litmus test of both.

MICIVIH was also looking to enhance informal justice mechanisms, such as indigenous restorative justice systems, that had worked well in the past and might provide fertile ground for capacity building. The MICIVIH report on the Haitian justice system talked about the informal system of justice used by the majority of rural Haitians. MICIVIH felt that it appeared to be functioning well, and was probably deserving of support and integration into a new formal justice system.

Informally, HRO staff particularly those with legal backgrounds, can through regular informal contact with judges, lawyers, justice ministry people, etc. conduct 'informal' training while monitoring progress in formal judicial training. As always, the selection of innovative, qualified, and 'diplomatic' HRO staff will be fundamental in effecting such informal, but no less important, training.

In tandem with law reform and steps to enhance the judicial system, is the need for legal aid and other tools to allow individuals to effectively access those legal protection mechanisms. While legal and judicial reform obviously depend on government action, legal aid and other tools to access human rights law are often best left to the non-governmental sector. This can include the creation of bar councils, legal aid NGOs, etc.

²⁰⁵ Another reportedly successful exercise in judicial capacity building in the context of a UN field operation, was the training of Rwandan judges and lawyers by the Citizens' Network (coalition of European NGOs).

²⁰⁶ Unpublished UN Document, *Analysis of the Haitian Justice System with Recommendations to Improve the Administration of Justice in Haiti: A Report by the Working Group on the Haitian Justice System of the OAS/UN International Civilian Mission to Haiti*, March 17, 1994.

²⁰⁷ The dangers involved in such action was dramatically highlighted when Minister Malary was assassinated 14 Oct. 1993, soon after the UN military mission chose not to debark from the *Harlan County* and the day before MICIVIH evacuated Haiti. A further aspect of this innovative study was that it was completed by MICIVIH while in exile.