



**USAID**  
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# **EFFECTIVE RULE OF LAW PROGRAM**

## **Quarterly Progress Report (April 1 – June 30, 2012)**

**Implemented by**

**Cecchi and Company Consulting, Inc.**

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## **DISCLAIMER**

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## INTRODUCTION

This document describes USAID Kosovo Effective Rule of Law Program (EROL) progress on completion of Year 2 activities and deliverables and expected contributions to life-of-program expected results during the period Quarter 1 (April 1, 2012 through June 30, 2012). The report also highlights select project activities, outputs, results, successes, challenges, and opportunities. This report provides a snapshot of project accomplishments and the status of milestones as of the end of Year 2 Q1, and describes plans for Year 2 Q2.

The purpose of the USAID Kosovo Effective Rule of Law Program (EROL) is to build upon USAID's prior activities to advance the rule of law in Kosovo. Specifically, EROL seeks to:

1. Strengthen the independence, accountability, efficiency, and effectiveness of the justice system; and
2. Bolster public confidence in the rule of law by increasing public knowledge of and participation in the justice system

The four objectives of the EROL project are to assist justice-related institutions in Kosovo to:

- i. Improve the effectiveness of justice sector institutions
- ii. Increase the efficiency of court operations
- iii. Improve the professionalism of justice system actors
- iv. Increase citizen awareness and role in ensuring the delivery justice

The report is broken down into the following sections:

- an initial summary of program progress to date and program highlights;
- a description of the current context within which EROL is carrying out activities, and both challenges and opportunities that might hinder progress or allow EROL to accelerate activities or deepen interventions to enhance results;
- component and sub-component activities, milestones, deliverables, and their expected contributions to expected results broken down by the four programs (see above) and further by the counterpart;
- a brief description of steps taken to ensure environmental regulatory compliance; and
- an updated information on the status of budget expenditures.

Each section contains a description of prominent activities and their implications for EROL programming and institutional progress on applicable EROL objectives. Where appropriate, developments outside the scope of EROL activities that may influence activities and accomplishment of expected results are noted. A table in each section outlines relevant areas of workplan activities for the quarter, as well as milestones, deliverables, and their expected contributions to life-of-project results. The outline is intended to provide USAID with an easy way to understand the extent of EROL progress on completing each activity.

Following the main body of the report are two appendices that list of reports and deliverables, produced by EROL in Year 2 Q1 of the project, and a summary of activities planned for Q2; and all Performance Monitoring and Evaluation Charts in accordance with the current PMP.

## PROGRAM PROGRESS AND PROGRAM HIGHLIGHTS

USAID awarded the EROL contract to Checchi in March 2011 (Contract No. AID-167-C-11-00001-00). As part of this contract, Checchi partnered with sub-contractors, Management Systems International (MSI), a part of Coffey International Development, and Synergy International Systems, Inc., and recruited a strong team of U.S. long-term expatriate experts, local advisors and support staff, and short-term technical experts to provide specialized assistance. EROL recently completed the first year of successful program activities, during which a strong foundation of productive relationships with counterparts and progress toward expected results in each objective area were achieved. Specifically, EROL:

- Assisted the Kosovo Judicial Council (KJC) and Kosovo Prosecutorial Council (KPC) to develop robust plans to prepare facilities and personnel for the transition to new court and prosecutorial system structures in

January 2013, and assisted each Council to establish sound governance and operations to support effective administration of justice;

- Evaluated obstacles faced by members of minority communities in accessing the courts and seeking judge, prosecutor, and other relevant positions in the courts and prosecutorial system;
- Supported the Ministry of Justice to enhance the skills of lawyers responsible for policymaking and international legal cooperation to carry out their assigned duties;
- Assisted the Office of the President, KJC, and KPC to clarify procedures and criteria for the appointment, transfer and dismissal of judges and prosecutors;
- Selected 8 courts for participation in the Model Courts Program and launched participatory processes for planning court refurbishments and operational improvements in each court;
- Solicited the services of Architecture and Engineering firms to design and oversee court refurbishment projects;
- Assessed the Kosovo Judicial Institute's curricula and capacity to educate and train sitting judges and prosecutors, as well as candidates for these important positions;
- Delivered professional development programs to train judges, professional legal staff, and court personnel from the Constitutional Court, Supreme Court of Kosovo, District Courts, Municipal Courts, and Minor Offenses Courts from regions throughout Kosovo;
- Commenced the process of training instructors to teach Legal English Language for Research and Legal Analysis courses to KJI attendees;
- Assisted all counterparts to enhance public outreach and media relations through mentoring of spokespersons and development of new websites;
- Evaluated the preparedness of 24 NGOs and educational institutions to participate in court monitoring and public awareness activities, and prepared documentation and action plans for a grant solicitation to fund civil society activities.

In Year 2 Q1, EROL began to integrate program activities across components in order to take advantage of the inputs and contribution of results under each component to the overarching goals and objectives of EROL as designed by USAID. This progress report is broken down by component to demonstrate the mutual contributions of component activities to objectives and expected results under each component. During this reporting period, EROL built upon Year 1 efforts and implemented a robust combination of trainings and workshops for counterparts, some aimed to meet pressing needs and others designed as long-term capacity building.

Program highlights for Year 2 Q1 include:

- Training associated with Year 1 Q1 activities involved a total 855 participants, 567 males and 288 females. 47 members of minority communities participated in these training activities. Please see Appendix B for a detailed table and description of the trainings.
- Efforts to institutionalize and improve standards of ethics and conduct in the judiciary resulted in a jointly-funded Study Tour to the United States.
- Transition to the new court structure as required by the Law of Courts is the primary focus of the KJC, and EROL held several workshops designed to help judges and court staff develop strategies, both operational and administrative, to ensure transition is accomplished by 1 January 2013.
- The Architecture and Engineering (design) Indefinite Quantity Contract was awarded to three Kosovo firms.
- EROL worked with the KPC to develop a proposed set of codes of ethics.
- The analysis of policy alternatives for a law on state advocacy was conducted; and based upon that analysis, EROL helped draft of the Draft Law on State Advocacy.
- EROL completed a technical assessment of the legislative activities performed by the Office of the President

- EROL developed a legal English program for the CLEP and the Initial Legal Education Program (ILEP). EROL instructors also developed a legal English TOT program. In addition, EROL developed draft brochures designed to assist minority candidates for judicial and prosecutorial positions with applying for vacancies and/or entry into the ILEP program.
- EROL supported a three day workshop to compile and put into writing proposed amendments to the following laws: Law on the Courts, Law on the Kosovo Judicial Council, Law on the State Prosecutor, Law on the Kosovo Prosecutorial Council (collectively referred to as “the Four Laws”) plus the Law on the Special Prosecutor.
- EROL hosted a 3-day seminar on Public Relations and Public Information Skills for spokespersons and senior leaders of the KJC, Supreme Court, KPC, Constitutional Court, Office of the President, and the Kosovo Judicial Institute.
- EROL worked with the Constitutional Court to develop and conduct a high-level conference entitled “Direct Applicability of Universally Accepted Human Rights in Kosovo – The New Imperative in the Practice of Law.”

## CONTEXT: CHALLENGES & OPPORTUNITIES

EROL has encountered fluid and ever-changing circumstances from the first days of implementation activity. Much of the Kosovo’s legal and policy infrastructure is changing radically over a short period of time. As the needs of individual institutions continually transform, a series of immediate necessities have emerged, such as implementation planning and execution for the new court structure. Under the guidance of USAID, EROL has accordingly adjusted planned activities. Demonstrative developments that have altered the legal framework and institutional status of justice system actors include:

- Expected transition from supervised independence, and consequential assertiveness of Kosovo institutions to take control over their policy-making and operations from the international community;
- Upcoming constitutional amendments that will likely impact the way the KJC and KPC propose candidates, and the President appoints judges and prosecutors;
- Efforts by the Ministry of Justice to gain control of judicial and prosecutorial education and training through the establishment of a “Justice Academy” that would train all justice professionals under one roof;
- Criminal justice reform and amendments to the Criminal Code and Criminal Procedure Code;
- Introduction of the notary system – initially on an optional basis – without an adequate number of notaries to meet statutory requirements;
- Discovery of legal harmonization and practical problems associated with the implementation of the LOC, LSP, LKJC, and LKPC;
- Transition to the new court and prosecutorial structure in the context of intended amendments to the LOC, LSP, LKJC, and LKPC, and a new Law on the Special Prosecutor that will result in new specialized departments, chambers, and changes to requirements for appointments, transfers, and other standards;
- Unexpected difficulty in attracting an adequate number of candidates to fill judicial and prosecutorial positions and especially minority candidates;
- Launch of new donor programs of assistance, changes to USAID-Swiss agreements on assistance to the Chamber of Notaries, and the diminishing role (and restructuring) of EULEX assistance to the courts, prosecutorial system, and MOJ.

Further, USAID has signaled a number of changes to EROL activities that will require adjustments in Years 2, 3 and 4. These changes include the following:

- Activities under Objective 4 (increased citizen awareness and role in ensuring delivery of justice) will be de-scoped, and USAID will re-direct the Strategic Activities Fund (SAF) to a pilot USAID Forward, a new initiative aimed at civil society anti-corruption programs and public awareness campaigns;
- EROL will cease assistance to the Chamber of Notaries in accordance with USAID’s agreement with the Swiss Government and introduction of activities to assist the KJC and courts to prepare for the transition to the notary system under the Law on Notary;

- In connection with a new ECLO technical assistance activity, EROL will narrow the scope of a range of activities related to the KJC and KPC. For example, EROL will focus on ethics codes and the development of ethics resources for each council while ECLO will address discipline policies and procedures;
- EROL's assistance with policy analysis and drafting for the Laws on the Courts, LKJC, LSP and LKPC, as well as advising on the Law on the Kosovo Judicial Institute will be provided under USAID guidance and coordination;
- EROL will refurbish the remaining (post-JSP) court facilities under the Model Courts Program (MCP) and will provide furnishings for the Gjilan Basic Court;
- USAID has directed EROL to limit assistance to the KJC to implement information technology in the courts in connection with the KJC's decision to halt implementation of the EU-developed Case Management Information System, approval of a new KJC ICT strategy, and the expected commitment of the Government of Norway to fund the development of a new case management information system beginning in late CY2012;
- USAID has requested that EROL add a new Legal English Language for Legal Advisors of the Assembly, KJC, KPC, and Government of Kosovo ministries to improve their ability to participate in legal drafting;
- In accordance with negotiations between USAID, ECLO, and EULEX, USAID has directed EROL to limit capacity building for the Ministry of Justice Department of International Legal Cooperation exclusively to civil cases.

This environment offers EROL opportunities to increase the extent to which activities complement one another and to enhance project results. To effectively support rule of law reforms, build institutional capacity, and safeguard a smooth transition to the new court structure, it is expected several outputs and outcomes during Year 2 will be adjusted. In doing so, EROL is equipped with impactful focus on integration activities aimed to build lasting improvements in the overall functioning of the justice system while simultaneously aiding the transition to the new court system. This approach will ensure that counterparts and the public benefit from the mutual contributions of each project component as EROL executes overarching outputs and deliverables outlined in the EROL Scope of Work.

### Q3 ACTIVITIES, MILESTONES, DELIVERABLES AND EXPECTED RESULTS

#### OBJECTIVE 1: EFFECTIVE OPERATIONS OF JUSTICE SECTOR INSTITUTIONS

##### 1.1 KOSOVO JUDICIAL COUNCIL

In Year 2, USAID directed EROL to assist with the execution of the legislatively-mandated and EROL-supported Implementation Plan for the Law on the Courts. EROL's activities aimed at promoting a smooth transition to the new court structure will require substantial project resources; component activities are likely to absorb at least 50% of staff and project resources available for assistance to the KJC, as well as considerable training (Objective 3) and model court improvement (Objective 2) resources.

EROL continued in this reporting period to support the strengthening of the Kosovo Judicial Council's (KJC) governance and management while concurrently aiding the Council prepare for the impending transition to a new court structure mandated by the new Law on the Courts, which will become effective on January 1, 2013. The law foretells substantial jurisdictional reassignments and consolidations involving the elimination of various types of courts; the High Minor Offence Court, the District Courts, the Municipal Courts, and the Minor Offences Courts will all be eliminated. The first instance jurisdiction of the eliminated courts will be vested in Basic Courts, or Branches of the Basic Courts. Second instance jurisdiction will be institutionalized in a Court of Appeals, which will serve as the court of final instance for most litigants. A narrow category of criminal and other cases will be eligible for appeal to the Supreme Court. Implementing a restructuring of this scope, in combination with other reforms, requires the KJC to methodically engage in substantial court administration planning activities with USAID/EROL support.

EROL guided the KJC through the development of policies and procedures designed to facilitate the restructuring of the Kosovo judicial institutions, including execution of the KJC Implementation and Action Plans; both of which were produced with sustained EROL assistance. During this quarter, EROL maintained its commitment to and built upon tasks initiated in Year 1, and originated new activities intended to fulfill objectives identified for the current phase of reform. EROL continued to monitor the General Auditor's review of KJC activities. During this quarter, the Auditor reported on the results of an audit of the KJC's 2011 activities. According to the Auditor, of 9 findings made during a previous audit, the KJC had fully resolved 6 issues, and partially addressed the remaining 3 issues.

At the outset of the Year 2 Q1, the KJC Steering Committee, together with EROL's support, was providing oversight to a Working Group tasked with responsibility for specific aspects of the Implementation Plan:

- Human resources (assignment of judicial and support staff);
- Logistics and physical resources (including the Model Court Program);
- Court administration;
- Public outreach; and
- Training resources (a hybrid that bridges all other aspects, and in some respects involves the Kosovo Judicial Institute)

By the close of the Year 2 Q1, EROL initiated and facilitated discussions with the IP Steering Committee and IP Working Group about creating a methodology to accelerate the implementation process and simultaneously strengthen sustainable court administration reforms. EROL spurred a fresh approach after highlighting the paralyzing dilemma facing the IP Working Group: whether to address the various aspects of the Implementation Plan consecutively or simultaneously. EROL noted that consecutive implementation is ill-advised in light of the time sensitivities of each component. Conversely, the latter approach is impossible to effectuate because of insufficient resources. Through direct EROL mentorship, the KPC Secretariat has (ever so slowly) begun to assume a more substantial role in guiding the IP Working Group. The Secretariat will augment the IP Working Group with experts from relevant court units, and guided by a new comprehensive strategy developed during a workshop hosted by EROL. EROL's recommendation encourage efficiencies and sustainability because it allows for simultaneous work on all aspects of the Plan by drawing upon expert resources that already existing within the KJC and extended judicial institution. The Chair of the IP Working Group has embraced EROL's recommendations.

A major challenge this quarter was determining the level of support required from EROL assist judiciary counterparts meet the requirements mandated in the Implementation Plan for the new Law on Courts. Many of the deadlines set forth in the IP have passed with no action taken. Some of the next steps required by the IP are dependent upon decisions yet to be made. For instance, the Supervisory Committee must resolve the appeals that were filed by unsuccessful applicants for the judicial positions in the newly created Court of Appeals before judges and court administrators can be assigned to the new Basic Courts. This was a challenge – which turned into an opportunity:

The Supervisory Committee was charged with executing the tasks outlined in the IP and appointed one Working Group (WG) to provide technical assistance. This WG is now responsible for planning activities arising from the IP pertaining to human resources, physical resources, judicial administration and logistics as well as “any other activity that requires planning during the implementation phase of the Law on Courts.” The WG initially began its assignment by working on creating new registries for the Kosovo courts. It became clear very quickly that in order to complete all of the requirements of the IP it would be necessary to appoint additional experts and subgroups to work in tandem. Setting up the subgroups and preparing the necessary letter of invitation and conducting an orientation workshop was a bit of a challenge and put a stress on EROL resources, but dealing with the challenge during the first quarter will ultimately ensure success in fulfilling the requirements of the IP

EROL provided substantial support to the KJC Steering Committee's effort to identify and select judges for the new Court of Appeals. In a lengthy process, EROL team members collected and provided data to the Committee to aide its decision-making process. By mid-May, the Committee had selected 32 judges for the Court of Appeals, including 4 judges from minority communities and several alternate candidates in the event nominees decline appointment or are not appointed for other reasons.

Standardized court registries will form the mechanism by which cases are initiated, assigned, transferred, tracked, and archived, as well as serve as the gateway to transparency of court operations. While the Implementation Plan's goal in pertinent part is the adoption of a standard methodology for use by court registries, the registries are not currently standardized. EROL guided the Working Group through its work in creating new court registries, which will become the backbone of the court administration framework of the new judicial structure. EROL assisted the Working Group in process mapping the various registry methodologies so that appropriate common denominators can be identified for standardization of necessary operational components. Drafts of new registry plans have been circulated to court units for comment, and a regional workshop is planned for July 2012 as part of the implementation process. It is anticipated that the methodology and strategy of the Registries Working Group will be adapted in accordance with EROL's multi-

faceted approach to the Implementation Plan. EROL's support of implementation working groups also included participation in the inaugural meeting of the Court Administration Working Group. EROL advised this group with establishing organization, setting objectives, and prioritizing timetables.

Court administration is the overarching function of the KJC Secretariat, whose responsibilities and activities encompass all key components of the Implementation Plan, in addition to the long-term management of the judiciary. EROL initiated a collaborative effort with the KJC to support the Secretariat's comprehensive review of its organizational structure and functions in an effort to strengthen the infrastructure, thereby facilitating court administration capacity under the new court framework. EROL's mentoring activities are simultaneously promoting sustainability of judicial reforms while strengthening the court administration capacities of the Secretariat and subordinate court units. This process will be accelerated in July 2012 when EROL provides technical expertise in large-scale court administration. EROL anticipates that this concentrated effort will result in pivotal recommendations for significant process improvements and improved effectiveness through organizational refinements. Additionally, EROL is in the final stages of selecting eight Regional Court Liaisons who will be assigned to each of the new Basic Courts under the new court structure. After orientation and training, the RCLs will operate as part of an EROL/KJC cadre providing direct assistance to the courts, KJC, and KJC Secretariat with the execution of the Implementation Plan. In particular, the RCLs will hold a key role in promoting the sustainability of court administration reforms encompassed by the Implementation Plan.

In April 2012, EROL sponsored two execution-planning sessions and two follow-up sessions for personnel of various District, Municipal, and Minor Offense Courts. The sessions brought together court personnel (five to six representatives from each court, including judges and court support staff from all levels) who will need to work closely in order to achieve Implementation Plan objectives once the consolidation into Basic Courts and subordinate courts is complete. The wide-ranging session required participants to identify tasks, timeframes, and considerations about staff, training, and resources. In the first two meetings, EROL facilitated brainstorming and planning sessions aimed at identifying problems and tasks that required resolution through each phase of the Implementation Plan. Judges and support staff members were encouraged to express concerns that required attention by the KJC. Relying on information gathered during the meetings, participants generated detailed tasks and concrete steps to address each identified concern.

Also in this quarter, EROL led a Change Management for Leaders Workshop for members of the KJC, directors of KJC Secretariat departments and members of working groups dealing with judicial transfer and court administration issues. EROL built on this event by conducting additional leadership seminars for presiding judges and administrators in all courts in Kosovo and as well as execution planning seminars in each Basic Court region. In May 2012, EROL and the KJC jointly sponsored a Transition Planning Workshop, at which over 125 judges, administrators, and court staff received updates from the KJC on the process for transition to the new court structure. Participants also drafted court action plans to guide courts in their execution of the Implementation Plan, identified resource requirements, and formulated a preliminary strategy for coordination with the KJC during the transition process.

EROL is supporting the KJC's response to a mandate from the Kosovo Assembly requiring development, implementation, and enforcement of a code of ethics applicable to all members of the Council. EROL produced a comprehensive concept paper that will inform the KJC's ethics-related objectives this year. EROL will help the KJC draft a new code that identifies and guides Council members to core values that, when adhered to, will protect the judicial institution and the public. Importantly, the ethics code will promote public confidence in the judiciary by providing assurances to the public that Kosovo's governing bodies will be held accountable for maintaining a high level of professionalism. In Q2, EROL will support the KJC's drafting process, with the goal of submitting a final code for adoption in the fall.

USAID/EROL efforts to institutionalize and improve standards of ethics and conduct in the judiciary resulted in a jointly-funded Study Tour to the United States. At the request of the Office of Disciplinary Council and in support of collaborative efforts with ECLO/Human Dynamics to improve ethics and discipline policies and protocols within both the KJC and KPC, EROL co-sponsored with the KJC and ODC a Study Tour to the United States. The purpose of the Study Tour was to familiarize council members, KJC Secretariat staff, the President of the Supreme Court, and inspection staff of the ODC with mechanisms and resources aimed at verifying the integrity and lifetime behavior of judicial candidates, promoting ethical behavior among judges, and taking disciplinary measures in cases of misconduct among judges (and prosecutors).

The initial design of the Study Tour and preliminary contacts with host institutions were completed in Year 1. During Year 2 Q1, EROL worked with the United States Federal Judicial Center (FJC), the Administrative Office of the U.S. Courts (AO), and the Minnesota Judicial Branch (MJB) to arrange and deliver a program of meetings with judges and staff responsible for vetting, education, training, consultation with, and review of allegations of misconduct on the part of judges. Each of these institutions identified relevant speakers and session facilitators from among judges, judiciary and disciplinary committee support staff, and attorneys, including prosecutors, and each institution worked with EROL staff and consultant to develop a robust program of activities supported by briefing books with translated materials, including all relevant policies, codes and laws that were discussed during the ethics discipline systems discussions. All speakers were provided with briefing books with background on the goals and objectives of the Study Tour, as well as Kosovo ethics codes and relevant excerpts of laws and regulations, to familiarize them with the Kosovo context prior to presentations. Host institutions, and in some cases speakers, donated their time as well as institutional resources, including space, host institution background materials, and copy/printing of specially prepared delegation materials in English and/or Albanian (translated by EROL). EROL managed and coordinated with U.S. host institutions all program logistics prior to and during the Study Tour.

In Washington, the delegation spent a day with senior staff of the FJC, the research and training arm of the U.S. federal judiciary. FJC staff provided an overview of education and training programs and training programs specifically aimed at providing ethics education and training to judges and court staff, and also explained how FJC programs are integrated with AO and U.S. Federal Judicial Conference resources and activities as part of a comprehensive effort to support judges and court staff to exercise their duties in an ethical manner in accordance with Judicial Conference policies and enacted legislation. The delegation also met with Counsel to the Federal Judicial Conference and Senior Counsel of the AO to learn about the specific resources provided to judges to help them handle ethical dilemmas and ensure proper financial disclosure and to receive an overview of the disciplinary process as outlined in federal legislation. The Circuit Executive and Judicial Clerk to the Chief Justice of the U.S. Circuit Court for the District of Columbia made a presentation and answered questions about procedures for addressing allegations of misconduct and processing complaints. Judge John Tunheim of the U.S. Federal Court for the District of Minnesota explained the process of judicial appointments and led a discussion of the importance of and elements reviewed to determine the integrity of judicial candidates in the U.S. federal judiciary and in select state court systems. Finally, the group attend a briefing and private tour at the U.S. Supreme Court and received a private tour of the Supreme Court.

In Minnesota, participants attended sessions devoted to the substance and enforcement policies and procedures of the MJB's code of ethics for court staff. They also participated in presentations and interactive discussions sessions on the mission, authority and procedures of the Board of Judicial Standards, procedures for processing of claims, and case study exercises on evaluation of alleged misconduct and application of specific sanctions. Following this half-day overview, the group met with a justice of the Supreme Court of Minnesota to discuss judicial review of ethics cases, as well as the importance of confidentiality as an ethics standard and the nexus between ethics and public confidence.

Office of Disciplinary Council inspectors also attended a lengthy session devoted to policies, structures, resources, and procedures applicable to ethics, investigation, and discipline for prosecutors and other attorneys. A former EULEX prosecutor from the Minnesota, Paul Scoggin, and a former investigator of attorney misconduct, who had also visited Kosovo previously, led an interactive discussion, including tricky topics such as handling pressure from political figures and institutional leaders regarding specific cases.

In addition to meetings directly related to ethics and discipline, members of the delegation were also exposed to other issues that may influence judges' behavior, including personal safety in and outside of the court, court and judge performance data, and public and media access to court data, court proceedings, and judges' personal financial and other information. These sessions were designed to allow participants to understand how judicial ethics resources, as well as appointments and disciplinary policies and procedures fit within the larger context of the judiciary and court system as part of an overall system that balances judicial independence and accountability through a variety of counter-weights (e.g., heavy investment in the upfront vetting process followed by minimal oversight but ample resources for individuals to obtain assistance in identifying and addressing ethical dilemmas in the U.S. federal judiciary) and trade-offs among resources to achieve a court system, in which individuals act responsibly and misconduct is addressed in a swift and effective manner (e.g., adjustments to internal operational, budgetary, and policy procedures, as well as a rapid review of disciplinary complaints in the Minnesota State system).

In Year 2 Q2 and beyond, EROL will follow up on topics covered during the Study Tour during the course of revisions to the Law on the KJC and ethics codes and disciplinary regulations, as well as with efforts – in collaboration with ECLO/HD (per the USAID-ECLO integrated work plan) to improve disciplinary procedures and criteria and procedures for appointment of judges and prosecutors. Additionally, EROL will translate the most relevant materials received during the Study Tour for study tour participants and will work with the KJC to develop an action plan based on the lessons learned and outcomes of the Study Tour.

As the lead advisor to the working group developing amendments to justice-sector laws, EROL reviewed, edited, and compiled comments and proposals regarding the amendments. These efforts required close coordination with officials of the KJC, KPC, Ministry of Justice, and representatives of the international donor community. EROL coordinated the first of several planned workshops in Peja on June 14-16, 2012. The objective of the workshop was to amend and finalize the following judicial-sector draft laws:

- Law on Courts
- Law on the Kosovo Judicial Council
- Law on State Prosecutor
- Law on the Prosecutorial Council of Kosovo
- Law on the Special Prosecution Office of the Republic of Kosovo

The 3-day session was chaired by Ismet Kabashi, Chairperson of the Kosovo Prosecutorial Council and Chief State Prosecutor. Other members of the working group included representatives from the U.S. Embassy, Ministry of Justice, EULEX, Kosovo Prosecutorial Council, Supreme Court, and an independent expert. Work with the LOC and LKJC was postponed to a future drafting session in Q2 because of the time needed to address the prosecution laws (see below). USAID/EROL reached a tentative agreement with the members of the Kosovo Judicial Council and the other members to postpone entry into force of the justice-sector laws so that they correspond to the date of entry into force of the Law on Courts.

EROL also hosted a 3-day seminar on Public Relations and Public Information Skills for spokespersons and senior leaders of the KJC, Supreme Court, KPC, Constitutional Court, Office of the President, and the Kosovo Judicial Institute. Participants engaged in increasingly complex exercises and scenarios aimed at building basic public relations skills such as press release drafting, strategic communications planning and execution in crisis situations, television interviews, and press conferences. Spokespersons also learned to develop targeted messaging and branding and the importance of community outreach in building public confidence and participation in the justice system. Participants were filmed before and after introduction of new material and had opportunities to prepare for a variety of public relations activities related to high-profile cases, crises, and typical day-to-day court situations that attract news media attention. EROL identified three participants who were invited to become co-trainers in future programs; they will receive assistance and mentoring to develop and deliver similar seminars for colleagues in their institutions, as well as for judges, court staff, and other justice officials in the regions. EROL anticipates collaborating with those trainers to deliver public relations training as part of preparations for the transition to the new court system, and as a medium for introduction of communications standards in the Model Courts Program.

## 1.2 KOSOVO PROSECUTORIAL COUNCIL

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During this reporting period, EROL supported the KPC in three focal areas: ethics, justice-sector regulations/amendments, and public relations. While navigating limitations on assistance to the KPC regarding “operations and training,” EROL strengthened its coordination with the U.S. Department of State, U.S. Department of Justice, and other donors and implementers. The KPC has grown to view EROL as an invaluable go-to resource during the Council’s restructuring efforts in advance of the new court structure. Because the KPC Secretariat often requests direct technical assistance from EROL in a variety of ad hoc issues, EROL will need to coordinate more than ever with USAID to clear any proposed assistance on regulations and policies in Year 2.

EROL is supporting the KPC’s meet its responsibility to develop and enforcement codes of ethics that will be applicable to members of the Council, prosecutors, and the prosecutorial administrative staff. In this reporting period, working in collaboration with the KPC and other international donors, EROL accomplished the following results in this important sphere:

- ✓ Conducted a KPC Codes Drafting Workshop
- ✓ Conducted a Training for Trainers (TOT) Workshop to build the KPC's capacity for implementation of the Codes, to be done in coordination with the Kosovo Judicial Institute
- ✓ Completed KPC Codes of Ethics Manual/Commentaries Workshop to build the KPC's capacity for sustainability of the Codes
- ✓ Reviewed, revised, and prepared final drafts of proposed Codes for submission to the Council
- ✓ Submitted three proposed Codes of Ethics and the three Manuals/Commentaries to the Council for consideration and adoption

This issuance of the Codes of Ethics for Council members, frontline prosecutors and the support staff of the prosecutorial system will represent an unmistakable strengthening of the prosecutorial institutions of Kosovo. The release of the Codes will serve as a critical foundation for the public's confidence in the efficiency and effectiveness of the prosecutorial system of Kosovo. The Codes promote excellence in public service through the pursuit of identified core values and provide assurances to the public that the membership of governing bodies are accountable for maintaining a high level of professionalism, which will promote public confidence in governmental institutions. Moreover, the Codes will become a basis for a good understanding of the strong dedication, superior qualifications and excellent work of the Council, prosecutors, and the prosecutorial support staff.

EROL initiated the project with a three-day KPC Codes of Ethics Drafting Workshop in Gjilan during the week of May 22, 2012. A draft of the mandated codes was prepared by a working group composed of EROL advisors, KPC members, prosecutors, a representative of the Kosovo Prosecutors Association, and international donor counterparts from the U.S. Department of Justice, ECLO, and EULEX. The working group considered a comprehensive concept paper delivered by EROL, which furnished a baseline for the group's deliberations. The workshop produced a set of proposed codes designed to simultaneously provide strong, enforceable ethics-related guidance to employees of the Kosovo prosecutorial system, and to strengthen public confidence in the institution. In order to strike a balance, the proposed codes provide appropriate due process entitlements for governed employees who are scrutinized for code violations, as well as other safeguards to ensure that prosecutors operate in an environment of independence and impartiality without fear of unsubstantiated, retaliatory claims of misconduct. The due process and aspirational features of the codes were deemed to be essential to their sustainability.

In order to assist the KPC in its preparation for implementation, EROL conducted a two-day KPC Codes of Ethics Training of Trainers Workshop in Pristina during the week of June 4, 2012. In addition to EROL facilitators, the participants included a specially selected group of prosecutors who will assist in the implementation of Codes of Ethics for KPC members, prosecutors, and prosecutorial support staff. As a further step toward implementation, EROL conducted a three-day KPC Codes of Ethics Manual/Commentary Workshop in Pristina for members of the KPC Code Drafting Working Group. In addition to EROL facilitators, and the working group, participants in the workshop included international counterparts from the U.S. Department of Justice, EULEX and ECLO, as well as representatives from the Kosovo Office of the Disciplinary Prosecutor and the Kosovo Prosecutors Association. The purpose of the workshop was the drafting of annotated governance manuals for each Code of Conduct for consideration of the KPC for adoption as supplementary guidance for individuals subject to the Codes, as well as for the purpose of educating the public and journalists. It is anticipated that the draft Manuals/Commentaries will be a preliminary "first effort" and that they will be supplemented and refined in future editions. Ideally, the Manuals/Commentaries will provide application examples and other guidance that will assist the regulated employees to comply with the Codes of Ethics, facilitate the evaluation of alleged violations of the Codes, and serve as an education document for the public and media by providing realistic guidance.

At the workshop, EROL assisted the KPC in developing its vision for implementation of the codes, which involves the codes (as viewed within the overarching framework of related policy resources, such as disciplinary policies and procedures, position descriptions, and so forth), the Manuals/Commentaries, a dedicated ethics resource office (or officer) to provide advisory opinions and other guidance when an employee, supervisor, or manager is evaluating recourse for an ethical dilemma, and continuing ethical training efforts, as well as public outreach.

At the request of the KPC Chair, Anita Mihailova, ECLO's Key Expert for Support to the KJC and the KPC Project, submitted comments regarding the drafts of the proposed Codes in terms of whether they conformed to European standards for ethical regulations. In her comments, Ms. Mihailova described the EROL effort in the KPC Codes of Ethics Project as "very successful," adding that "[t]his approach has enabled the representatives of prosecutors and the KPC members and supporting staff to be involved directly in the process of drafting."

Draft Manuals/Commentaries for each of the three codes will be refined by EROL, and then circulated for comment before finalization. Finally, EROL assisted the KPC with the process of review and revision that will generate final drafts of the Codes and Manuals/Commentaries that will be submitted to the Council for its consideration and approval at a session to be held on July 13, 2012. Thereafter EROL will continue to provide support and training to the KPC within the scope of EROL's mandate and during the KPC's implementation of the Codes, which will be a great benefit not only to the Council, prosecutors, and members of the prosecutorial support staff, but also to the civil society of Kosovo.

The KPC's decision-making remains shortsighted, regularly based on a combination of rapid legal analysis and assessment of the political landscape rather than on established long-term goals and objectives. The Council and prosecution system as a whole is struggling to keep up with transition requirements. In this environment, EROL has had to balance the necessity to force attention on the KPC's serious deficits in governance infrastructure and decision-making against with the day-to-day pressures on the Council to meet compelling time-sensitive priorities. More mentoring is needed to equip the KPC and KPC Secretariat with strategic governance and operational and management capacities so that a more holistic approach is utilized with the Council's transition and planning activities. In Q2 and Q3, to the extent possible EROL will provide technical assistance aimed at assisting the KPC to develop a 3-5 year strategic plan and a practical annual workplan to guide the KPC's internal activities, reform objectives, and collaboration with the donor community.

During Year 2 Q1, EROL supported the KPC's analysis of regulations and legislation concerning the appointment of new prosecutors, and the requisite transfer of current prosecutors to appropriately staff the new court structure established pursuant to the new Law on Courts. EROL shifted its role from being the primary author of draft regulations and administrative instructions, to that of an advisor in a planned and participatory drafting process. This is a step toward the wider goal of preparing a cadre of skilled professionals who are adept with legislative drafting competencies.

In this realm, EROL engaged short-term technical expertise to assist the KPC (and other legal institutions) address deficiencies in justice-sector laws. Collaborating with officials of the KJC, KPC, Ministry of Justice, and representatives of the international donor community, EROL coordinated the first of several planned workshops in Peja on June 14-16, 2012. The objective of the workshop was to amend and finalize the following judicial-sector draft laws:

- Law on Courts
- Law on the Kosovo Judicial Council
- Law on State Prosecutor
- Law on the Prosecutorial Council of Kosovo
- Law on the Special Prosecution Office of the Republic of Kosovo

KPC Chairman and Chief State Prosecutor, Ismet Kabashi, who served as chair of the sessions, initially lead an examination of the Law on the KPC. Issues discussed by the working group varied from technical to substantive changes in the law. EROL representatives raised a number of concerns which focused on vital parts of the law. For example, Article 5 of the LKPC is not harmonized with Article 65 of the Constitution. This law states that five non-prosecutor members of the Council are to be elected by the Council itself, whereas Article 65 of the Constitution provides for all members of the KPC to be elected by the Assembly of the Republic of Kosovo. After a lengthy discussion on the issue, the proposal of the EROL team was approved and Article 5 of the LKPC was modified. During the first part of the workshop, USAID/EROL representatives succeeded in incorporating the proposal for an additional article in the LKPC – Article 36 – which will provide a prosecutor the right to appeal to the Supreme Court for non-dismissal sanctions issued by the Council. The new article postpones the execution any sanction until the Court has reached a decision. Other amendments examined by the working group included the Council's quorum and disciplinary voting procedures, the Secretariat Director, the annual budget, and the transfer and promotion of prosecutors.

The second law reviewed by the working group was the Law on State Prosecutor. The group resolved some issues with terminology, clarified minimum criteria for Appointment of Prosecutors and special criteria for appointment of the Chief State Prosecutor, and instructed the MOJ to reformulate the law to make clear that the legal competency to sign protocols for international cooperation rested solely with the MOJ and not the State Prosecutor.

Some issues remained unresolved at the end of the workshop, in particular with various parts of the Law on the Special Prosecution Office (SPRK) of the Republic of Kosovo. Disagreement and ambiguity focused on the subject matter and exclusive jurisdiction of the SPRK, and the formation of a Special Chamber within the Serious Crime Department of the future Basic Courts. A smaller sub-working group was asked to analyze and propose solutions regarding a Special Chamber of the Serious Crimes Department and a second Special Chamber for Privatization. In Q2 – Q4, USAID/EROL will coordinate more drafting workshops with the MOJ, provide comments and invite participants for future sessions of the technical group.

The process in Peja highlighted the need for USAID/EROL to expand legal drafting training and technical assistance to all justice-sector institutions. EROL will conduct a 2-day drafting workshop for representatives of these respective bodies in mid-July.

In Year 2, EROL increased support and training to the spokesperson of the KPC. Through regular meetings with the KPC Spokesperson, EROL's Public Information Officer identified capacity building needs for the KPC in the area of media relations and development of PR competencies, policies and protocols. On April 24-26, 2012 EROL provided training in public relations and crisis communications in support the strategic communications planning for all justice-sector counterparts. The 3-day training taught spokespersons and institution leaders how to deal with high profile crisis situations through a variety of interactive mock interviews and in-class reviews. Participants learned the importance of outreach activities, dealing with barriers of public access to the justice system, the role of court websites and social media.



In the reporting period, EROL helped the KPC evaluate whether to develop its own web presence which would be separate from but linked to the existing State Prosecutor website. On April 27, EROL organized a web strategy and website development workshop for the KPC, during which staff from the KPC Secretariat worked to develop requirements and specifications for the Council's first website. With guidance from EROL experts, the KPC developed initial requirements with enough flexibility for the site to grow to include citizen-centered content and user-friendly functionality such as online complaint forms and links for victims of crimes. Mr. Shkelzen Maliqi, KPC Secretariat Director, stated he was "grateful for the opportunity (EROL provided) to actually sit down and talk

with my staff, the KPC spokesperson, the IT officer, and others whom I rarely have time to talk to at length about issues that impact our image and how we communicate with the public."

In Year 2, EROL will include the KPC spokesperson in additional PR and public outreach training and technical assistance. Specifically, EROL plans to assist the KPC to develop a regulation or instruction to guide media relations, public outreach and other public information activities, including release of information about specific trials or release of confidential or identifying information related to victims and/or witnesses of crime. By the end of Year 2, EROL expects to have assisted the KPC to develop its Public Relations Strategic Plan, as well as any secondary legislation necessary to guide public relations in the future.

### 1.3 MINISTRY OF JUSTICE

In Year 2 Q1, EROL assistance to the Ministry of Justice continued to focus on capacity building for the Department of International Legal Cooperation (DILC) and the Litigation Department, as well as assistance to the MOJ for concrete legislative drafting activities specifically related to the justice system. EROL expanded activities with the MOJ, primarily in the areas of public policy analysis and development with the Department for Legal Affairs (DLA), and enhanced ability of DLA and DILC to provide quality legal services for the government and citizens of Kosovo. For example, during the DILC workshop on international legal cooperation in civil matters presented by EROL in Year 1 Q4, participants strongly suggested the need for training for judges who handle the MOJ's requests in this area. Based upon that suggestion, EROL, in collaboration with the Kosovo Judicial Institute (KJI) and the Kosovo Judicial

Council (KJC), presented two two-day workshops for judges dealing with requests for international legal cooperation. This activity is reported in the section on the KJI.

EROL will assist DILC develop an administrative instruction to provide a legal basis for the policies, procedures, templates, and forms developed jointly by EROL trainers and participants of the Year 1 International Legal Cooperation training workshops and incorporated into the International Legal Cooperation Practice Manual. EROL will use the drafting of the instruction as an opportunity to train DILC attorneys in policy analysis and legal drafting and will therefore support a Policy Analysis and Instruction Drafting Seminar. As necessary, following an assessment of research and reference material needs, EROL will also provide the Department with reference materials on issues related to ILC.

As described above, EROL – with guidance and approval from USAID and in cooperation with the U.S. Department of State, other USAID implementers, and EULEX – began to provide technical assistance to the MOJ (and other stakeholders KJC, KPC, KJI) with policy analysis, technical drafting, and definition/terminology reconciliation associated with proposed amendments to the LOC, LKJC, LSP, and LKPC. EROL facilitated one 3-day policy analysis and drafting workshop in Year 2 Q1. EROL is assisting the MOJ with technical drafting comments for each law, and will develop a terminology matrix to assist stakeholders in tracking needed definitions, conflicts in definitions and usage of terms across laws, and agreeing to common terms and definitions across all three drafting languages (Albanian, Serbian and English).

Each year, based upon the European Commission’s annual Progress Report, the government prepares a Legislative Program, which sets forth the draft laws that will be prepared by each ministry. In the government’s Legislative Program 2012, 10 draft laws are assigned to the MOJ, including the Draft Law on State Advocacy and the Draft Law on Justice Academy. EROL made a successful formal proposal to the DLA to provide technical assistance to the working group, appointed by the Minister pursuant to the provisions of the Regulation of Rules of Procedure of the Government of the Republic of Kosovo (Reg. No. 09/2011), to prepare the Draft law on State Advocacy. The draft law, which will address the function of providing legal advice and representation to ministries and public authorities, provides an opportunity for expanding and professionalizing this critical governmental activity, as specifically foreseen in the Contract with USAID. However, EROL views its role more broadly to include capacity building for MOJ legal officers in the areas of public policy analysis and legislative drafting. Presently, the function of government representation is performed by the Division for Judicial Litigation of the DLA, a division which is woefully understaffed and poorly managed.

EROL retained Senior Judge Richard Gebelein, a former Attorney General of the State of Delaware with direct experience in overseeing government representation, to help the MOJ develop a draft Law on State Advocacy. Judge Gebelein prepared an Analysis of Policy Alternatives for a Draft Law on State Advocacy that reviewed the Croatian, Albanian, and Delaware laws as representative examples of three differing approaches, and presented three models of government representation, including a list of public policy issues requiring resolution. He then presented the Analysis at a one-day workshop attended by MOJ representatives and 21 stakeholder representatives, including, for example, representatives from several ministries, CiviKos, EULEX, USAID KLP, and the Kosovo Police. Judge Gebelein guided the group through a public policy analysis of the three models and the identified policy issues.



Based upon that analysis, Judge Gebelein prepared a first draft of the Draft Law on State Advocacy. Over the course of two-day MOJ working group meeting supported by EROL, and one additional day at the MOJ, that draft was reviewed and modified by the working group, which included legal officers from the DLA, embedded EULEX MOJ advisers, a former Chief Justice of the Supreme Court, representatives from the KJC and the KPC, and a lawyer in the Division for Judicial Litigation. Judge Gebelein’s initial draft, with working group track

changes, was prepared at the end of the quarter. Further work on the Draft Law will be carried out at the beginning of Q2.

Through drafting assistance, EROL is building institutional capacity for policy analysis and legislative drafting on the basis of public policy analysis. For example, as part of the process of drafting the Law on State Advocacy, EROL sought not only to improve technical drafting capabilities but also to engage the MOJ in stakeholder analysis by encouraging the MOJ to bring together stakeholders to discuss alternative models and their implications for the system of representation of the GoK in litigation. This approach compliments the government's rules for development of new laws and amendments, which mandates policy analysis but contains enough loopholes that sponsors of legislation rarely conduct in-depth policy analysis or review of alternatives. EROL will seek to maximize such analysis for each law, on which assistance is provided.

At USAID request, EROL prepare detailed comments on the Concept Paper entitled, "Transformation of the Kosovo Judicial Institution into an Academy of Justice," which was prepared for the MOJ by the German International Cooperation (GIZ). The intended purpose of the Draft Law on Justice Academy is to replace the independent KJI with a justice academy under the direction of the MOJ. The policy and practical implications of the draft Law are being addressed at the donor level, and EROL will continue to provide ad hoc support when requested.

Central to the efficient, effective, and professional operation of any law office is the capacity to supervise the lawyers in the office and report on the office's activities. The Director of the DLA and the Acting Director of the DILC separately requested assistance from EROL to upgrade their respective databases and case tracking systems. EROL agreed to undertake a preliminary assessment of their current systems, and at the same time, made it clear to the Director of the DLA that development of a new database and case tracking system in the area of government representation would depend on policy choices made in the Draft law on State Advocacy. Taking advantage of their presence in Kosovo to work on website design and development for the KJC and the KJI, two STTAs from Synergy performed extensive database and case tracking system preliminary needs assessments for the DLA and DILC. The preliminary needs assessment reports reveal that the current systems of the two departments were developed on an ad hoc basis, and are quite primitive. The reports also list the further meetings and interviews needed to complete the assessments, which will be completed during Q2, and will include specifications for inclusion in an RFP to solicit a local information technology firm to build the systems. Once developed, the database and case tracking systems will improve the quality of the work of the lawyers and legal officers by permitting thorough supervision, and will improve the operations of the Government by permitting data collection and reporting by ministry and case type.

Through its work with the DILC in connection with the Year 1 workshop for legal officers on international legal cooperation in civil matters, EROL learned from the Acting Director that the Department, at any given time, is working on up to 100 case files that contain either highly confidential information or information that would pose a serious security risk to individuals or institutions were it to be made public. The Acting Director expressed concerns that these files were being kept in a simple metal cabinet with an inadequate lock, and requested that EROL supply a secure fireproof cabinet to permit proper storage of the files. EROL suggested that the provision of the cabinet would depend on DILC's development of a protocol addressing access to the files, as well as to the storage cabinet. In association with the Acting Director, EROL developed a comprehensive sensitive case file use and storage protocol, and delivered a high-quality fireproof secure storage cabinet to the DILC.

To ease the international community's process of legislative drafting, EROL will continue to provide training to legal specialists from MOJ, the Assembly, Prime Minister's office, and other ministries. Additionally, USAID has directed EROL to conduct a needs assessment and develop a Legal English Language Program for legislative drafters. If approved by USAID, EROL will develop and deliver the training course to the MOJ and new counterparts identified by USAID.

#### 1.4 CHAMBER OF NOTARIES

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EROL has worked closely with USAID/Kosovo to adjust our approach to supporting the Chamber of Notaries. As this component was originally conceived, EROL was to assist the Chamber in all start-up activities and then provide assistance throughout the project to ensure the Chamber's efficient functioning in service of the needs of the public.

The 2008 Law on the Notaries has been years in development with assistance from USAID and the Swiss Agency for Development and Cooperation (SDC). Enacted as part of a broad strategy to reduce Kosovo's daunting judicial

backlog, several problems with its enactment were recognized soon after the law was passed by Parliament. USAID eventually agreed with the SDC that the SDC would take the lead in supporting the Chamber of Notaries.

More recently, USAID and EROL re-engaged with the SDC and attended a working group meeting at which the partners agreed that EROL would support the KJC to identify the needs of the courts and citizens emerging from the transition process and develop plans to address these needs. EROL will work closely with USAID to provide support to the courts in implementing the plan and will react flexibly to unforeseen issues arising from the introduction of the new system.

EROL continues to monitor the launch date for the notary system and is incorporating issues associated with the transition into activities with the KJC. For example, EROL highlighted content related to the notary system for the KJC's new web portal and court websites during the KJC Web Strategy and Web Portal Development Workshop in March 2012 and during website development follow up meetings with the KJC.

We will continue to work to ensure the success of the notary system by providing assistance to the Kosovo Judicial Council (KJC) so that the courts are able to support the new system and to properly inform the public of resulting changes in the role of the courts. Additionally, EROL will assess how the Law on Notaries and its amendments will impact the court staff's ability to perform specific duties such as verification and validation of documents, and will assist the courts to develop policies, procedures, and court visitor information. EROL will work with the KJC to develop content for informational materials that can be easily distributed in the courts, as well as content and functionality for the KJC web portal or a temporary KJC website devoted to the transition to the new notary system to assist court visitors to identify and find notaries.

## 1.5 OFFICE OF THE PRESIDENT OF THE REPUBLIC OF KOSOVO

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During Q1, EROL continued to support the Office of the President (OP) to strengthen the institutional capacity of the President's Office Legal Department to build legislative drafting and analysis capability through training and development of a guide to be used to train staff of the Legal Department in the future. EROL completed a technical assessment of the legislative activities performed by the OP in order to develop a training program that will train OP staff how to comply with constitutional requirements and internationally best practices when engaged in the legislative drafting process. Following the assessment, EROL prepared training materials, including a curriculum, case studies, power point slides and handout materials. EROL's legal drafting expert will conduct two-day training program for approximately 20 legal officers in Peja on July 19-20, 2012. As USAID's request, EROL has expanded the scope of training program to include legal officers from other justice sector institutions that engage in legal drafting activities.

EROL plans to build upon the training program through future activities designed strengthening the legislative review capacities of the Office of the President. Last year upon PO request, EROL started preparations for organizing a training for the legal staff of the PO as to how to conduct a thorough review of the legislation at a professional level of proficiency and support the establishment of a more efficient and effective standard practice for reviewing the enacted legislation. While the team has undertaken some preparatory work, such as preparing the scope of work for the STTA and collecting relevant information from the PO), the team is still in the process of identifying qualified and professionally competent trainers who would be able to deliver the desired outputs. USAID has asked EROL to put this activity on hold until a determination is made about whether it would over-empower the President's Office to conduct such reviews.

Further support of the Office of the President focused on improving how the OP communicates with citizens on matters involving but not limited to the judicial and prosecutorial appointments. EROL invited two representatives from the Office of the President to participate in public relations skills and the crisis communication training. At the 3-day workshop, participants were empowered through interactive methods to demonstrate, practice and develop various skills and techniques that are imperative when dealing with crisis or implementing successful public relations campaigns on matters involving justice sector.

Finally, the EROL team worked with PO to finalize an agenda and participant list for a future conference regarding the President's constitutional role in securing the independence of justice sector institutions. EROL initiated planning in late 2011 for a national conference on rule of law reform aimed at kicking off public awareness activities related to the transition to the new court system. The conference is intended to showcase judicial reforms to date, educate the

public about the transition to a new court structure and what it means for them, and brand the transition as a transformation of the judiciary into a court system characterized by excellence and integrity. USAID asked EROL to postpone the conference and move slowly with PO activities until after the USAID-PO Women's Conference in October 2012.

## OBJECTIVE 2: INCREASE THE EFFICIENCY OF COURT OPERATIONS

EROL had initially planned on implementing the MCP in the remaining lower-level courts based on the court organization mandated under earlier law. However, with the availability of additional funding from the Norwegian Government, the program will be expanded to all remaining courts in Kosovo including the Supreme Court, Court of Appeals and courts created by the new Law on the Courts. The additional funding will also enable EROL to return to the Phase 1 courts to provide additional training and support in the implementation of the model court standards.

### 2.1 ASSESS AND AMEND MODEL COURTS PROGRAM STANDARDS AND PROCEDURES

EROL continued to work with model courts to develop comprehensive checklists, based on the nine MCP standards. With transition under the LoC on the horizon, EROL is utilizing the model court best practices to train other courts on change management and procedural changes. STTA Mike Dobbins conducted change management for KJC and court staff. The program was designed to present change management leadership and change management change concepts to all courts, and to assist senior leaders with tools to help focus on those critical elements of leadership (e.g. planning, communications, participatory processes) to successfully implement the LoC and MCP. The program was divided by positions; the judges and administrators attended the program that combined both the change management leadership principles and change management concepts. The local courts focused on change management concepts and exercises designed to solicit their involvement in identifying tasks and steps necessary for implementing the changes. The local court programs included staff from all levels of the organization.

### 2.2 SELECT AND IMPLEMENT MODEL COURTS PROGRAM IN THE COURTS

The selected eight courts participating in Phase 2 of the MCP (Phase 1 being the original 10 courts under JSP) are:

- District Court in Prishtinë
- Supreme Court of Kosovo
- District Court in Gjilan
- Municipal Court in Lipjan
- Municipal Court in Viti
- Municipal Court in Suharekë
- Municipal Court in Istog
- Municipal Court in Rahovec

The MCP includes both court facility refurbishment and re-engineering of court administration processes that are designed to work in concert to generate sustainable improvements in court operations and services. The operational improvements focus on increasing access to the courts; improving transparency by increasing the number of the courtrooms, thereby eliminating the practice of trying cases behind closed doors; grouping similar operational functions in the same areas of the courthouse; and creating central filing offices as a means for promoting better file control. Central filing offices and offices through which citizens must file documents are typically refurbished with glass windows and waiting areas so court users can be received in an orderly fashion and can see how their documents are handled. Other changes may include the addition of ramps to provide accessibility to the disabled, translation booths in courtrooms, areas for confidential discussions between parties and their lawyers, and cells to hold defendants in compliance with applicable human rights standards.

In Year 1 Q4, EROL began a competitive proposal procurement process for indefinite quantity subcontracts for A&E services. EROL published an announcement for local firms to submit proposals to compete for and be awarded an A&E IQC subcontract of the indefinite quantity type; all proposals were submitted in Q1 Y2. A total of 23 companies obtained a RFP Application Package; of which a total of five (5) firms submitted proposals. STTA George Martin, Architecture & Engineering Adviser, assisted EROL's review of proposals submitted in response to the RFP. The

proposals were evaluated and ranked on technical and cost criteria, and the three highest-ranked firms were selected to receive indefinite quantity subcontracts. As part of the RFP procedures, the winning proposal was selected as the Task Order 01 awardee.

Task Order 01 is the design for the Pristina District Court (PDC). EROL met with the PDC senior management to inform them about the design phase and the process by which the design will take place. The A&E firm conducted site visits. EROL then finalized the Task Order and submitted to the firm for signature.

## OBJECTIVE 3: IMPROVE PROFESSIONALISM OF JUSTICE SYSTEM ACTORS

### 3.1 KOSOVO JUDICIAL INSTITUTE (KJI)

Progress on some planned activities with the KJI was hampered by uncertainty resulting from the KJI's decision to prepare a draft Law on Judicial and Prosecutorial Academy, not to be confused with the MOJ's draft Law on Justice Academy. Because the draft Law maintains the independence, composition, and much of the programming of the KJI, the motivation for its preparation has been difficult to discern. For example, EROL's efforts to work with the KJI to prepare a new three-year strategic plan was put on hold by the KJI pending a determination of the Institute's future. Likewise, EROL's efforts to assist the KJI with developing a modern interactive education institution website and associated database failed to move beyond the design phase for the same reason. Nevertheless, EROL achieved significant progress on several fronts.

Building on the success of last year's international legal cooperation training for the MOJ, EROL approached the KJC and the KJI with a proposal to conduct a similar training for judges who handle civil cases involving issues of international legal cooperation. EROL's proposal complied with USAID's agreement with ECLO/EULEX which assigned civil matters to EROL and criminal matters to ECLO/EULEX in the realm of international cooperation training. The KJC and KJI agreed to the proposal, and the two trainers who had presented the initial course to the Department for International Legal Cooperation (DILC) returned to Kosovo to present two 2-day workshops, one in Pristina for 14 judges, and one in Peja for 10 judges. Prior to the workshop, the trainers prepared a loose-leaf updatable bench reference manual for use by judges on a day-to-day basis, as well as a full training curriculum conforming to the module format required by the KJI in its Faculty Handbook. In addition, the KJC identified one judge in each venue to receive training of trainers (TOT) training in advance of the workshops. These two judges were then able to participate as co-trainers in the workshops. Another sign that sustainability concepts have taken root with stakeholders, the KJI selected one of its full-time trainers to also receive TOT-specific training and serve as a co-trainer in both workshops. The trainer is expected to replicate the training for other judges through the KJI's Continuous Legal Education Program (CLEP). At the workshops, judges received training on the substantive law, as presented in the bench reference manual, and on the procedure for updating the manual. Following the workshops, the participants received a manual update prepared by the international trainers. Finally, the trainers prepared a detailed trip report reviewing the workshops and suggesting specific possible future activities, including a joint training for judges and DILC legal officers.

Article 22 of the Constitution of the Republic of Kosovo provides that human rights and fundamental freedoms guaranteed by several international covenants and conventions, including the European Convention for the Protection of Human Rights and Fundamental Freedoms and the International Covenant on Civil and Political Rights, are directly applicable in Kosovo, and, in the case of conflict, have priority over national laws and sub-legal acts. Article 53 provides that the human rights and fundamental freedoms guaranteed in the Constitution, including those provided in the covenants and conventions listed in Article 22, must be interpreted consistent with the decisions of the International Court of Human Rights (ICtHR). Members of the Kosovo Chamber of Advocates are beginning to raise alleged violations of these human rights and fundamental freedoms in criminal cases in the national courts, thereby forcing prosecutors to respond and judges to decide the issues. Because much of the jurisprudence of the ICtHR is accessible only in French or English, it is very difficult for Kosovo legal professionals to litigate international human rights and fundamental freedoms issues. In this context, it is easy to recognize the positive benefits associated with training judge and prosecutor candidates, as well as interested sitting judges and prosecutors, in legal English. At the KJI's request, EROL developed a legal English program to be taught in the CLEP and the Initial Legal Education Program (ILEP). EROL arranged to have an experienced international English (ESL) instructor and an experienced

national English language instructor work with the KJI to develop legal English courses at three levels: lower intermediate, intermediate, and advanced for legal research.

The instructors developed a full legal English TOT course module, and, through a comprehensive English language proficiency examination, identified 12 potential TOT students. The duration of the TOT was 27 hours, and 10 students successfully completed it. The students were then divided into three groups and assigned the task of preparing legal English course modules for the three levels. Through a series of course design mentoring sessions and course development workshops conducted over 22 days and consuming approximately 50 hours, the instructors guided the groups of students in the preparation of three full and complete course modules.

The KJI plans to retain the students to present the modules in the ILEP and CLEP, and EROL will present the advanced English for legal research course to other legal professionals that do not participate in KJI's programs, including, for example, the legal advisors at the Constitutional Court.

At USAID's request (and outside of the scope of activities with the KJI), EROL expanded the work for the two legal English instructors to complete a legal English needs assessment of the Office of the President, the Office of the Prime Minister, the National Assembly, the MOJ, the KJC, and the KPC. Using a questionnaire with open ended questions, the instructors interviewed representatives of these institutions to determine the benefits of legal English programming in the areas of public policy analysis and legislative drafting. The report found that because all the institutions engage in public policy analysis and legislative drafting on the basis of interaction with international experts, the inability of legal officers and policy makers to converse in English and analyze concept papers, draft laws and other documents prepared in English creates a significant handicap. The report concludes that the institutions would profit from a multi-level legal English program designed to improve English language proficiency on a graduated basis.

The KJI is the primary education institution responsible for preparing judge and prosecutor candidates through the ILEP, and providing continuing legal education (CLE) for sitting judges and prosecutors through the CLEP. The Law on Courts and the Law on State Prosecutor foresee that CLEs will become mandatory for judges and prosecutors in 2013. The KJI is the obvious institution to verify CLE attendance and compliance of judges and prosecutors. The KJI also intends to establish a full legal resource library and center. The KJI's present website does not conform to modern education institution specifications in terms of accessibility and ease of use, and does not support on-line course registration, course evaluation, etc. The KJI's present database is not comprehensive from a programmatic standpoint, and does not support reporting of CLE credits. The KJI has requested EROL's assistance in designing and developing a new website and supporting database so that the Institute can fulfill its mission. EROL arranged for experts in database development and website design and strategy to conduct a workshop for KJI representatives. Following the workshop and additional assessment interviews, the experts prepared two reports, a "KJI Web Strategy Plan," and a "KJI Website Development Plan." The reports are designed to support the development of a new website once the outcomes of the Draft Law on Justice Academy and Draft Law on Judicial and Prosecutorial Academy are settled. The "KJI Website Development Plan" sets forth website development criteria and specifications for inclusion in an RFP to be used to solicit a local information technology firm to actually construct the website and database. The new website and associated database will greatly improve the KJI's ability to provide high quality legal resource material to legal professionals of all types in Kosovo, including professional associates, government lawyers, jurists employed in commerce and industry, and members of the Chamber of Advocates, as well as judges and prosecutors.

### 3.2 CONSTITUTIONAL COURT

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The Constitutional Court, although not part of the Kosovo judiciary, plays a special role in the interpretation of the Constitution and in the vindication of human rights. The Court "is the final authority for the interpretation of the Constitution and the compliance of laws with the Constitution" (Article 112.1), and is specifically competent to decide referrals from individuals alleging violations by public authorities of their individual rights and freedoms (Article 113.7). Many of the judges on the Constitutional Court are academicians, and have no experience as judges. Therefore, much of the legal analysis and decision drafting is performed by the Court's legal advisors and legal researchers. Intensive training for the legal advisors and legal researchers in legal analysis and decision drafting was provided by EROL in Year 1. Although the Court is only in its fourth year of existence, it is progressively developing a body of decisional law, which, under the Constitution, is binding on all persons and all courts and institutions in Kosovo in similar cases. Because the Court is called upon to render decisions in highly publicized and politicized cases, it is routinely charged in the media as being overtly political. Accordingly, media relations is becoming a core function of

the Court. In Q1, EROL retained the services of the spokesperson for the Minnesota Supreme Court, who has additional experience as a news reporter, to conduct a workshop on media relations, crisis communications, and public relations for judicial institution public spokespersons. The General Secretary and public spokesperson for the Constitutional Court attended the workshop.

Given their academic backgrounds, Constitutional Court judges have little interest in, and will not benefit significantly from traditional judicial training programs and courses. Rather, they can and do benefit from an exchange of ideas and judicial philosophies presented in a high-level conference format. With this concept in mind, EROL approached the President of the Constitutional Court with the proposal that EROL support an international conference to be sponsored by the Court, and the President agreed. From a list of possible conference topics presented to the President by EROL, the President selected the applicability in the courts of Kosovo of universally accepted human rights. Given the emphasis in the Constitution on human rights and fundamental freedoms, including human rights guaranteed in international covenants and conventions, as interpreted by the ECtHR, the choice was a particularly good one. The President emphasized that the conference would be for national judges, prosecutors, and criminal defense attorneys (advocates), as much as for the judges and legal advisors of the Constitutional Court. This emphasis is important because human rights, as guaranteed to persons accused of a crime, are not self-vindicating in the courts, and require effective enforcement occasioned by the insistence of advocates and fair and impartial decision making by judges.

In conjunction with the President, EROL developed a conference agenda of presentation topics and speakers. The conference, entitled “Direct Applicability of Universally Accepted Human Rights in Kosovo – The New Imperative in the Practice of Law,” was presented over one and one half days in June 2012 at the Swiss Diamond Hotel. It featured a keynote address by the President covering the title of the conference, and addresses by an international judge of the Court with 10 years of experience as a judge on the ECtHR (“Using European Court of Human Rights and Constitutional Court Judgments in Practice”). Other topics addressed at the conference included the roles of the U.S. criminal defense attorney and judge in human rights cases; the scope of Articles 22 and 53 of the Kosovo Constitution; the role of precedent and the scope of Article 116.1 of the Constitution; and the use of precedent to build human rights case law. The conference also featured two panel discussions on the topics presented, which included, as panel members, the Chairman of the KJC, the Chief Prosecutor of Kosovo, the Ombudsperson of Kosovo, and the President of the Kosovo Chamber of Advocates, in addition to the conference speakers. The panel discussions were followed by an opportunity for questions and comments from the audience.

The conference was well attended by the target audience: eight Constitutional Court Judges (the present complement), 12 Constitutional Court legal advisors and legal researchers, 24 national judges, four sitting prosecutors (participation underwritten by the Constitutional Court), 12 members of the Chamber of Advocates, the Chairman of the KJC, the Chief Prosecutor and three other staff of the KPC, 12 representatives from international organizations, the Dean of the University of Pristina Law Faculty, and representatives from USAID and EROL. The conference achieved its goals: the presentations were professional, substantive, informative, and provocative; the panel discussions allowed for a diverse elaboration of the important subjects under discussion; the audience participation events permitted the advocates to make the case for the importance of the enforcement by the courts of human rights in criminal cases to the Chairman of the KJC and the judges in attendance; and the judges of the Constitutional Court were exposed to new ideas and judicial philosophies.

The Dean of the Pristina University Law Faculty and the Editor-in-Chief of the Law Faculty journal, “E Dreita,” have tentatively agreed, with support from EROL, to publish the presentations delivered at the conference in a special issue of the journal. In this way, the audience for the important topics discussed at the conference can be expanded by providing copies of the special issue to law faculties, government institutions, civil society organizations, international organizations, judges, prosecutors, and advocates.

In 2011, the Constitutional Court, with assistance from the United Kingdom through an East – West Management Institution project, published a “Bulletin of Case Law 2009 – 2010,” containing summaries of all the Court’s decisions rendered in 2009 and 2010, and a subject matter index guide to those decisions. While all the Court’s decisions are published on its website, the website does not offer a searchable database. Therefore, the Bulletin represents the only feasible way for law faculty professors, legal professionals, government representatives, and the public to search the Court’s decisions. This year, the Court requested assistance from EROL in the preparation of the case summaries and subject matter index. EROL agreed to prepare the summaries, subject to the understanding that the Court, with technical assistance from EROL, would develop the capacity to prepare summaries of 2012 cases as they are rendered, thereby avoiding the need to seek assistance from a donor or implementer in 2013. In Year 1, EROL

prepared a case summary protocol and template, and trained legal advisors on their use during a two-day workshop on legal analysis and decision drafting. During this quarter, EROL completed and submitted to the Court, in Albanian and English, summaries of the 93 decisions rendered by the Court in 2012, accompanied by improved subject matter indexes. The Bulletin will be published by the Court during Q2.

## OBJECTIVE 4: INCREASE CITIZEN AWARENESS AND ROLE IN ENSURING THE DELIVERY OF JUSTICE

### STRATEGIC ACTIVITIES FUND

All the institutions of the justice sector have found it difficult to develop public outreach programs that effectively explain their role in the government and publicize their successes. EROL originally proposed supporting the creation of public-private partnerships linking CSOs with justice sector institutions in ways that would inform the public about the role of justice institutions and how to use justice services while at the same time build relationships between the partners. In addition, EROL planned to build the capacity of CSOs and local alliances of civil society groups to advocate for judicial reform and perform general watchdog functions. A small grants program (grants under \$50,000) was the proposed vehicle for delivering this assistance. Since project inception, EROL staff has completed a grants manual that incorporates all of the latest changes to USAID's grant making rules, have identified and mapped Kosovar CSOs that are interested in the justice sector, and have produced a detailed RFA to support EROL's original grant program.

In Year 2, EROL will assist in the development of Kosovo's CSO community by supporting the goals of USAID FORWARD. Based on the USAID FORWARD initiative, USAID plans to use host country systems and partners to build sustainable partnerships and effective programs. To that end, EROL will develop a grant program for NGOs/CSOs focusing on 1) court monitoring; and 2) public awareness and outreach initiatives aimed at increasing transparency and fairness among justice institutions. Grant and sub-grant activities to be carried under the court monitoring component will focus on expanding the community of organizations and individuals engaged in court monitoring activities in Kosovo, as well as equipping them with the necessary tools used to monitor activities in the courts, with the overall goal of exposing more people to the court system and creating avenues for citizens to promote justice sector reforms and improved court performance. This will be accomplished by the recipient through sub-grants to local community groups, higher educational institutions, schools, and initiative groups to carry out court monitoring projects, including but not limited to court monitoring aimed at enhancing court-community relations. The objectives of the public awareness and outreach initiatives component include: enhancing citizens' understanding of the court system and the roles played by individual professionals in the court system in order to increase constructive public engagement in the justice system and rule of law reforms; and improving the public's understanding of (i) basic ethics and conduct concepts as they apply to judges, court staff, prosecutors, advocates, litigants, and other members of the public; and (ii) specific behaviors that are appropriate and inappropriate during interactions between justice sector professionals and the members of the public.

In June 2012, EROL assisted USAID develop an RFA that will support USAID FORWARD objectives by soliciting proposals for grants in court monitoring and anticorruption, and public outreach. EROL will also work closely with USAID during the grantee selection process and after the grants are awarded, EROL will provide technical support and training to grantees in program and financial management. Finally, EROL will support the program by conducting surveys to determine baseline perceptions on the operations of courts in Kosovo; outreach campaign for minority populations; providing assistance to the KJC and KPC with creating comprehensive communication strategies for their respective offices, including procedures and protocols regarding all external and internal communications; as well as by undertaking more cross-cutting public outreach campaigns, along with website development for the KJC, KJI and KPC.

As grant funding will be provided directly to award recipients by USAID, EROL's budgeted grants program will be de-funded by \$700,000. The remaining \$125,000 will be used by EROL to provide technical assistance and training, as well as to conduct surveys that will provide baseline data on public perceptions of the courts. EROL will repeat the surveys as necessary to help assess the impact of outreach activities and guide ongoing work with the courts and future outreach programs. These surveys will also be used to inform court outreach activities. EROL will work closely with the courts to develop tailored outreach programs to address the particular needs and concerns uncovered by the surveys.

During Q2, EROL will administer the USAID FORWARD solicitation process. The SAF team will coordinate proposal intake, administer clarification requests of potential applicants, provide guidelines and answers to questions, assist in organizing the Technical Evaluation (TEC) panel(s), and provide other support as deemed necessary.

In Year 2, EROL will utilize the remainder of SAF funds (\$125,000) will be used to conduct court user surveys on a semi-annual basis. EROL will contract with a think tank or surveying/polling company to conduct surveys based on court user surveys utilized for the purposes of JSP. This approach will allow EROL to collect comparable data. Court user surveys will capture information about court visitors' perceptions of their concrete experiences in the courts. The first surveys will be conducted approximately six months prior to the transition to the new court system. Thereafter court user surveys will be conducted from using a representative sample for the entire country.

Under Component 2, EROL will also provide training to past, current, and future model courts on measuring court user satisfaction through development of surveys in order to capture more detailed information about specific services and departments for the purposes of evaluating new programs and initiatives and identifying successful practices. Courts will be encouraged to cooperate with sub-grantees on court monitoring activities that can also provide information about strengths and weaknesses of court facilities and infrastructure, access to justice, court management and administration and even judicial demeanor and compliance with law and procedure.

### **SUPPORT MINORITY OUTREACH**

In nearly all program components, EROL works with stakeholders to find effective and innovative way reach minority communities and meet minority representation requirements for inclusion and access to justice as required by law. For example, EROL has raised the issue of minority representation at meetings of the KPC when discussing appointment of new prosecutors. While the KPC has reserved positions for minority candidates, the Council struggles reach certain communities and consequently receives few minority applications. Similarly, EROL collected data to support the transfer of judges to the new Court of Appeals. The issue of minority community representation in the Kosovo Court system was front and center for the Steering Committee as it reviewed judicial transfer candidates.

In Year 2 Q1, EROL developed draft brochures that are designed to assist minority candidates for judicial and prosecutorial positions to apply for vacancies and/or entry into the ILEP program. The brochures target young representatives of minority communities and provide the steps one must take to become a legal professional in Kosovo. Brochures as well explains the process of diploma recognition/validation by Ministry of Education Science and Technology and process of diploma acceptance by SPARK – for students who graduated outside Kosovo and who might be interested to continue their legal studies and eventually be employed in Kosovo judicial institutions. Further, brochures explains briefly which are requirements requested for continuing legal education for individuals who finished bar exam and who might be interested to become judges or prosecutors according to the new law on courts. Also the information about notary profession is included. Revisions of the brochures continue and it is expected they will be ready for dissemination in Q3.

In Q2 recent process of dialogue between Pristina and Belgrade resulted in an agreement on the recognitions of diplomas. The EU confirmed that the European University Association will be asked to certify diplomas issued by universities of each country for use by the other in connection with further education and/or public employment. Since KJC is now fully operational, EROL will initiate discussions about reactivating minority committee within KJC which might play important role in drafting a long term policies for achieving KJC goals on minority representation in judiciary.

EROL will work with stakeholders to organize minority outreach campaigns that reach all the community languages in Kosovo. The campaign will involve civil society and media from the minority communities, and will make use of public radio and TV that has programs in minority communities languages, local radio and TV stations, other information and promotional tools, educational leaflets, public meetings, roundtables to inform about the new court structure and employment opportunities for candidates from minority communities in the court and prosecution system.

### **ADDITIONAL YEAR ONE ACTIVITIES: PUBLIC OUTREACH**

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In addition to activities described above, several developments have increased the need and demand for public relations, media relations, and public information capacities among counterpart organizations. For example:

- The LOC implementation plan includes development of public information offices in the Basic Courts and establishment of a new position of Public Information Officer to serve Basic Court.
- The Supreme Court hired a spokesperson and the Constitutional Court hired a new spokesperson.
- The KJC Secretariat hired an external relations officer.
- The KPC and KJC have faced numerous attacks by the press over issues related to specific cases, judicial and prosecutorial appointments, instances of corruption, and disciplinary cases. Nevertheless, in 2011, more courts organized end-of-year press conferences than ever before.
- In 2011, the media and civil society have been more than ever focused on justice-related issues, in particular transparency of courts and prosecutor's offices, and have organized many roundtables to discuss about the communication between courts and the public, and the Draft Criminal Procedure Code, which may include criminal liability for publication of inaccurate information about judges.

In this context, EROL has received requests from the KJC, KPC, and Constitutional Court for assistance in training their spokesperson and developing improved public information and public relations strategies, policies, and protocols. Additionally, the spokesperson of the Supreme Court has asked to be included in all EROL public relations and public information trainings. And, the KJI has expressed an interest in developing in-house, permanent public relations and training programs for presiding judges, court administrators, spokespersons, and others.

EROL continued to provide in Year 2 training, technical assistance, mentoring, and direct day-to-day assistance to improve public relations, media relations, and public information capacities of justice-sector institutions. On April 24-26, 2012 EROL organized the Advanced Training in PR Skills and Crisis Communications. The training was designed to help justice-sector institutions and their spokesperson, develop strategic communications plans and hone communication skills with special focus on crisis management and effective media relations.



Participants also learned the role of court information officers, the importance of outreach activities, and the role of court websites and social media. Participants were very satisfied with the that were topics covered, and requested that similar trainings be organized for prosecutors and for court presidents and judges so that senior decision-makers in the system understand how improved public relations and outreach efforts will facilitate increased transparency and public participation in the justice system. After the training, Ms. Antigona Uka from the Kosovo Judicial Council Secretariat stated, "I learned a lot about how to react with the media and the public, and what is the impression we give in the process. I particularly liked the example from the trainer about the decision in his office to print white-and-black brochures as an alternative to luxurious brochures to reduce court spending."

In the workshop, EROL identified participants that will make excellent PR trainers at future activities. EROL is designing a TOT program and training resources to mentor these professionals and prepare them to assume training responsibilities for justice-sector personnel and be involved in a long-term public relations training module for the KJI CLEP in later years of the program. Additionally, EROL will work to develop a specific Model Court training module for Model Courts public relations; development of Public Information Office policies, plans, and protocols; development of public information tools and content for court users and community outreach purposes; and public relations skills for court leadership, judges, court administrators, and staff, and court public information officers.

In Q2, EROL will provide training for approximately twelve (12) EROL counterpart organizations' representatives of senior management and spokespersons and public information officers in the role and function of PR offices. Through a series of 2-day workshops, officials from the KJC and KPC will learn how to position the PR office in the Council's respective organization structure, how to organize internal communication processes and establish effective internal communication protocols and procedures, and how these internal strategies directly impact external communication coming out of the PR offices.

In Q3, EROL plans to expand PR activities to include specific training for journalists through a series of five 2-day workshops for journalists in Pristina and journalist from regional media outlets, including from minority communities, who report extensively on justice and rule of law issues. EROL has identified the international expert who will co-facilitate with different local experts, journalism professors, and spokespersons of the justice institutions. Participants will enhance their knowledge of the justice system, prosecutorial processes, legal terminology; and the system transformation in Kosovo so they can accurately report the system changes to the general public in clear, objective manner.

## ENVIRONMENTAL REGULATION COMPLIANCE

In Y1, EROL completed eight draft Model Court Site Specific Environmental Compliance Plans (SSECP) and submitted them to USAID for comment. No additional environmental regulation compliance activities were completed this reporting period.

## STATUS OF BUDGET EXPENDITURES

As of June 2012, EROL had expended approximately \$3,342,683. Year 2 Q1 spending was approximately \$1,143,854. EROL anticipates the burn rate to continue to increase in Q2 in connection with the MCP A&E design work, court refurbishments, additional STTA requirements, and training activities. [Note: amounts are approximate as the June 2012 costs have not been finalized.]

## APPENDICES

### APPENDIX A: LIST OF REPORTS & DELIVERABLES COMPLETED IN YR2 Q1

By the end of Year 2 Q1, EROL had completed the following reports and deliverables:

#### OBJECTIVE 1

- Change Management Seminar for Judiciary and Court Leaders (April 12, 2012)
- Leadership/Change Management Seminar for Presiding Judges/Administrators (April 17&19, 2012)
- Change Management Seminar #1 for judges/administrators/court staff (April 20, 23-24, 2012)
- Change Management Seminar #2 for judges/administrators/court staff (April 26-27, 2012)
- Facilitator's Guide for Change Management Seminars
- KJC Judicial Ethics, Conduct & Discipline Study Tour (June 17-29, 2012)
- Participant Briefing Book for KJC Study Tour
- Briefing Book for Host Institutions and Speakers for KJC Study Tour
- Ethics Background Paper for KJC Study Delegation
- KPC Website Workshop (April 27, 2012)
- Concept Paper on Implementation of Codes of Conduct and Codes of Ethics (May 18, 2012)
- KPC Codes of Conduct Drafting Workshop (May 24-26, 2012)
- Code of Professional Ethics for Kosovo Prosecutors
- Code of Ethics for Kosovo Prosecutorial Support Staff
- Code of Professional Ethics Kosovo Prosecutorial Council Members
- KPC Code of Conduct Training of Trainers Workshop and Curriculum (June 4-5, 2012)
- KPC Council Codes of Conduct Commentary/Manual Drafting Workshop (June 7-9, 2012)
- Manual/Commentary for Code Of Professional Ethics for KPC Members (June 20, 2012)
- Manual/Commentary for Code of Ethics for Prosecutorial Support Staff (June 20, 2012)
- Manual/Commentary for Code of Ethics for Kosovo Prosecutors (June 20, 2012)
- Advance PR Skills and Crisis Communications Training (April 24-26, 2012)
- Analysis of Policy Alternatives for Draft Law On State Advocacy (May 2012)
- MOJ/Department of Legal Affairs Database Assessment Report (May 15, 2012)
- MOJ/Department for International Legal Cooperation Database Assessment Report (May 15, 2012)
- Initial draft of Law on State Advocacy (June 20, 2012)
- Rapid Need Assessment & Feasibility Study – Legal English Courses (June 2012)
- Protocol for use of Fireproof Security Cabinet (April 23, 2012)
- KJC Transition Planning Workshop #1 with Checklist/Action Plan/Concept Paper (June 1, 2012)
- KJC Implementation Plan Workshop #2 with Checklist/Action Plan/Concept Paper (June 28, 2012)
- Memorandum to President's Office on Submission of Simultaneous Applications by the Same Candidate
- EROL Memorandum on Draft Regulation on Judicial Appointments
- Four Laws Legal Drafting Workshop (June 14-16, 2012)
- Draft Comments on the Law on the Courts
- Draft Comments on the Law on the Kosovo Judicial Council
- Draft Comments on the Law on the State Prosecutor
- Draft Comments on the Law on the Kosovo Judicial Council

#### OBJECTIVE 2

- Change Management Seminar for Judiciary and Court Leaders (April 12, 2012)
- Leadership/Change Management Seminar - Presiding Judges/Administrators (April 17&19, 2012)
- Change Management Seminar #1 for judges/administrators/court staff (April 20, 23-24, 2012)
- Change Management Seminar #2 for judges/administrators/court staff (April 26-27, 2012)

- Advance PR Skills and Crisis Communications Training (April 24-26, 2012)
- Guide to Effective Public Relations and Crisis Communications for Spokespeople

### OBJECTIVE 3

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- Reference Manual (and Curriculum) on International Legal Assistance in Civil Matters
- International Legal Assistance In Civil Matters Workshop (May 15-16, 2012)
- International Legal Assistance In Civil Matters Workshop (May 17-18, 2012)
- International Legal Assistance In Civil Matters Workshop for Judges (May 2012)
- Legal English Program – Training Of Trainers Course (April 20-28, 2012)
- Kosovo Judicial Institute Website Workshop (April 18, 2012)
- Web Portal / Website Development Plan Template
- Web Portal/ Website Requirements and Specifications Template
- Web Strategic Plan Template
- Web Portal & Strategy Step by Step Manual
- Legal English Program Course Development Workshop & Mentoring Sessions (May 2012)
- Legal English Program Training Of Trainers (TOT) Course (April 16, 2012)
- Legal English Program Student Manual
- Legal English Program Legal Research & Analysis Module
- Legal English Program Lower Intermediate Module
- Legal English Program Intermediate Module
- Advance PR Skills and Crisis Communications Training (April 24-26, 2012)
- Constitutional Court Conference on Direct Applicability of Universally Accepted Human Rights in Kosovo (June 29-30, 2012)
- KCC Bulletin Case Summaries

### OBJECTIVE 4

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- USAID Forward RFA
- Radio Dukagjini Interview – EROL's Visar Morina and Secretary General of Constitutional Court (June 27, 2012)
- Speech for KPC Chairman KJC Transition Planning Workshop #1 (June 1, 2012)

### AD HOC REPORTS

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- Comments on GIZ Concept Paper – *Transformation of the KJI into an Academy of Justice*
- Terminology Inconsistency Matrix Four Laws and Constitutions
- Draft EROL Technical Comments on Law on Courts & Concept Paper
- Four Laws Policy Issue Identification
- STTA Trip Reports

APPENDIX B: SUMMARY OF YEAR 2 Q1 TRAINING AND CAPACITY BUILDING EVENTS

Yr 2 Q1 Training and Capacity Building Events							
Program/Event	Date	Total	Male	Female	Alb	Serb	Min/ Others
Change Management Leadership Training for Presiding Judges and Court Administrators	12/4/2012	33	29	4	32	0	1
Change Management Leadership Training for Presiding Judges and Court Administrators	17/04/2012	61	49	12	61	0	0
Kosovo Judicial Institute Website workshop	18/04/2012	9	4	5	8	0	1
Change Management Leadership Training for Presiding Judges and Court Administrators	19/04/2012	39	30	9	38	0	1
Change Management Leadership Training for Presiding Judges and Court Administrators	20/04/2012	50	22	28	49	0	1
Kosovo Judicial Institute Legal English Training - Train of Trainers (TOT)	20/04-1/06/2012	10	4	6	10	0	0
Change Management Leadership Training for Presiding Judges and Court Administrators	23/04/2012	91	56	35	87	0	4
Change Management Leadership Training for Presiding Judges and Court Administrators	24/04/2012	94	53	41	91	3	0
Advanced PR Skills and Crisis Communications Training	24-26/04/2012	19	8	11	19	0	0
Change Management Leadership Training for Presiding Judges and Court Administrators	26/04/2012	82	43	39	78	3	1
Change Management Leadership Training for Presiding Judges and Court Administrators	27/04/2012	85	56	29	83	0	2
Kosovo Prosecutorial Council Website Workshop	27/04/2012	4	3	1	4	0	0
Workshop for judges on International Legal Cooperation in Civil Matters.	15-16/05/2012	15	14	1	15	0	0
Workshop for judges on International Legal Cooperation in Civil Matters.	17-18/05/2012	11	10	1	11	0	0
Kosovo Prosecutorial Council Code Drafting Workshop	24-26/05/2012	9	8	1	8	0	1
Kosovo Judicial Council Transition Planning Workshop	1/06/2012	130	99	31	126	1	3
Kosovo Prosecutorial Council Train of Trainers (ToT)	4-5/06/2012	11	8	3	11	0	0
KPC Code of Ethics Manual/Commentary Workshop	7-9/06/2012	7	6	1	6	0	1
International Conference on Direct Applicability of Universally Accepted Human Rights in Kosovo	29-30/06/2012	95	65	30	71	2	22
	<b>Total</b>	<b>855</b>	<b>567</b>	<b>288</b>	<b>808</b>	<b>9</b>	<b>38</b>
	<b>Total</b>	<b>855</b>	<b>567</b>	<b>288</b>	<b>808</b>	<b>9</b>	<b>38</b>

EROL staff managed to include the total of 855 individuals during the first quarter of the second year of Program implementation. Evaluations were carried out for each course provided during this quarter with the aim of receiving feedback from participating individuals on the quality of the course.

During the month of **April 2012** EROL conducted eight Change Management for Leaders workshops for members of the KJC, directors of KJC Secretariat departments, members of the ad hoc working group established to address judicial transfers under the Implementation Plan of the Law on Courts, and members of the working group established to handle court administration and management issues related to the transition to the new court system. These workshops will serve as a platform for leadership seminars for presiding judges and administrators in all courts, and facilitated Implementation Plan Execution Planning Seminars grouped by future Basic Court regions.

On **April 18, 2012** EROL conducted a one-day workshop on database and website design and development for representatives of the KJI. The aim of the workshop was to encourage brainstorming and generate discussions on requirements for the new KJI website. STTA Atif Zuberi described the strategic framework and process for developing a web strategy and development plan for the new website. STTA Korina Kalopsidiotou provided analysis and a set of proposed recommendations for developing requirements and specifications of the website. The participants shared ideas of how the website can help achieve KJI goals and objectives through proper attention to content, structure, functionality, layout, integration and other design aspects. The KJI designated two representatives to remain in contact with the STTA Advisors in order share information and receive direct feedback on future design decisions made by the Institute. Information obtained by the STTA Advisors will form the basis of detailed specifications to be included in EROL's RFP for database and website development.

From **April 20 to June 1, 2012** EROL and the KJI kicked off the Legal English as a Second Language ToT course. 10 individuals, who had passed the proficiency exam, attended the training and agreed to the stringent attendance requirements for graduation from the program and eligibility to interview for teaching positions at the KJI.

The 3-day PR Skills training was held on **April 24-26, 2012** in the conference room of AAB RIINVEST University, which provided filming equipment and staff for the training purposes. Day one of the training, which was dedicated to handling crisis communications and high profile cases specifically for heads of justice sector institutions, was attended by the following, grouped by institution: KJC – Chairperson, Director of Secretariat, Spokesperson, External Relations Officer and two assistants; KPC – Director of Secretariat, Head of Performance Unit, Spokesperson, and Protocol Officer; Constitutional Court – Secretary General and Spokesperson; Supreme Court – President and Spokesperson; KJI – Program Coordinator and Assistant; Office of the President – PR Advisor and Anti-Corruption Advisor.

On **April 27, 2012** EROL conducted a web strategy and website development workshop for staff of the KPC Secretariat. KPC staff were extremely engaged and provided well-considered contributions both to development of the website architecture and to discussion of required resources to maintain and update the website, the need for public information policies and a KPC administrative instruction to facilitate development and implementation of the website. Participants actively discussed a range of options for website content and functionality. Initially, many of the ideas offered focused on internal users and

general information about the legal framework and institutional authorities of the KPC and departments of the KPC Secretariat. But, following extensive discussions, by the middle of the day, participants began to focus on target audiences and information that would be most useful to appreciated by citizens, who might come into contact with the prosecutorial system and/or the KPC such as victims of crime, witnesses, defendants and their families, individuals wishing to provide crime tips or file ethics and conduct complaints against prosecutors or staff.

On **May 15-18, 2012** EROL, in conjunction with the KJI and the Kosovo Judicial Council, presented two two-day workshops for judges on international legal cooperation in civil matters. Nineteen judges from Gjilan (2), Pristina (3), Mitrovica (3), Drenas (1), Lipjan (2), Podujeve (2), Glogovc (3), Kacanik (2), and Skenderaj (1), a judicial intern from Vushtrri, and a trainer designated by the KJI attended the workshop at the Hotel Sirius in Pristina. Ten judges from Peja (4), Deqan (2), Malisheve (1), Istog (1), Suhareka (1), and Prizren (1), and the trainer designated by the KJI attended the workshop at the Hotel Dukagjini in Peja. The curriculum presented on the two workshops was based upon a bench Reference Manual prepared by the STTAs.

On **May 24-26, 2012** EROL conducted a three-day Code drafting workshop for the Kosovo Prosecutorial Council. After gaining a real sense of the purpose and goal of the codes from STTAs Heikki Wendorf and Mike Cunniff, the working group got busy drafting each code, favoring three long extended days of work rather than a 4-day conference. The concrete drafting began with a simultaneous review of proposed KPC and Prosecutor Codes, first harmonizing the Preamble and Sections 1-5 of the KPC code with corresponding provisions of the Prosecutor Code, which was reviewed on May 24, 2012. After that, the working group proceeded with parallel provisions in the two Codes.

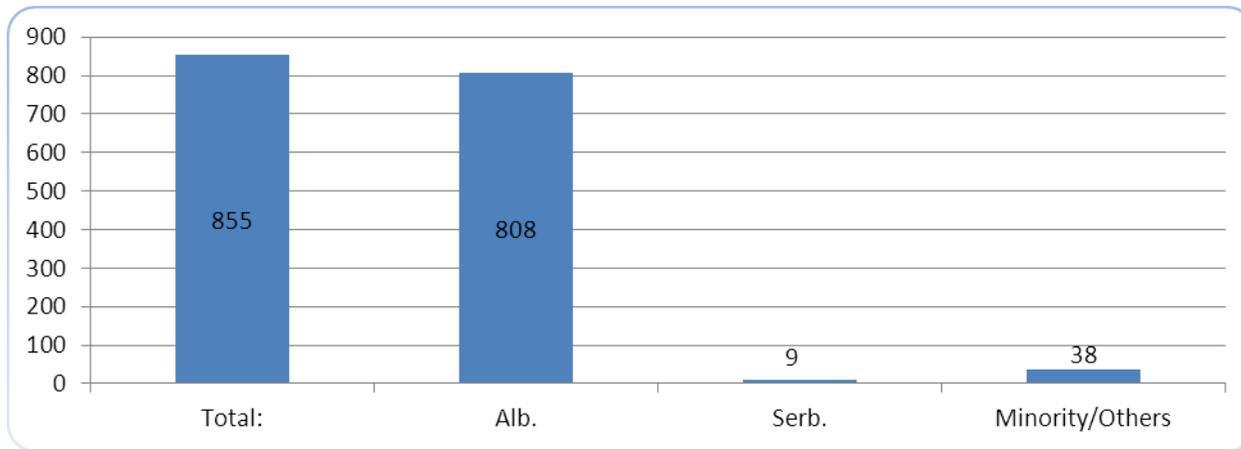
On **June 1, 2012** EROL conducted the workshop on the Transition Planning for the Kosovo Judicial Council. The participants were appreciative of the information provided and the need for detailed planning and collaboration among courts, and the resources and challenges faced by the KJC and KJC Secretariat in supporting the process. Data and recommendations collected from the participants regarding future tasks, planning and logistics will assist in a smooth transition to the new Law on Courts. Additionally information gleaned from the workshop participants will assist EROL staff in determining future training and other technical assistance that we can provide.

On **June 4-5, 2012** EROL conducted a two-day KPC Codes of Ethics Training of Trainers Workshop. Participants were specially selected among group of prosecutors who will assist in the implementation of Codes of Ethics for members of the Kosovo Prosecutorial Council, prosecutors, and prosecutorial support staff. The participants were carefully chosen for the Training of Trainers Workshop so that they were representative of senior and junior prosecutors, including two Chief Prosecutors. EROL coordinated the training activity with the Kosovo Judicial Institute, which has primary responsibility for training of judges and prosecutors, and KJI designated two participants, a Chief Prosecutor and a prosecutor, who routinely serve as KJI trainers to represent the KJI.

On **June 7-9, 2012** EROL conducted workshop on Codes of Ethics Manual/Commentary for the KPC. Participants included international counterparts from the U.S. Department of Justice, EULEX and ECLO, as well as representatives from the Kosovo Office of the Disciplinary Prosecutor and the Kosovo Prosecutors Association. The purpose of the Workshop was the drafting of annotated governance manuals for each Code of Conduct for consideration of the Kosovo Prosecutorial Council for adoption as supplementary guidance for individuals subject to the Codes, as well as for the purpose of educating the public and journalists. It is anticipated that the draft Manuals/Commentaries will be a preliminary, first effort and that it will be supplemented and refined in future editions.

On **June 29-30, 2012** jointly with Kosovo Constitutional Court EROL organized International Conference of Applicability of Universal Accepted Human Rights in Kosovo. The Conference was of the educational nature to raise awareness of Kosovo judges, prosecutors and advocates as well as public, of the Universal nature of Human rights and importance of raising and resolving the Human Rights issues in appropriate ways. The conference was attended by total of 95 participants with Male=65, Female=30 and ethnicity breakdown of Albanian=71, Serbian Minority Community=2, Minority Community=3, and Others=19.

With nineteen (19) events (Trainings, Workshops, Seminars and Conference) organized by all four components of EROL Program we had a total number of 855 individuals. Ethnicity representation on these events is provided under the **Figure 1**. – Ethnicity breakdown of EROL Capacity Building Events for Yr 2 Q1 with Albanian 808, Serbian Minority Community 9, Minority Community/Others 38 individuals participated.



**Figure 1** - - Ethnicity breakdown of EROL Capacity Building Events for Yr 2 Q1

Gender breakdown of EROL Capacity Building Events for Yr 2 Q1 represents satisfied representation between male and female government institution officials. EROL staff across all four components has managed to engage 288 or in percentage equal to 37.89% of female and 567 or in percentage 74.61% of male government officials (Please, see **Figure 2.** for reference) on capacity building events provided during the first quarter of the second year of Program Implementation.

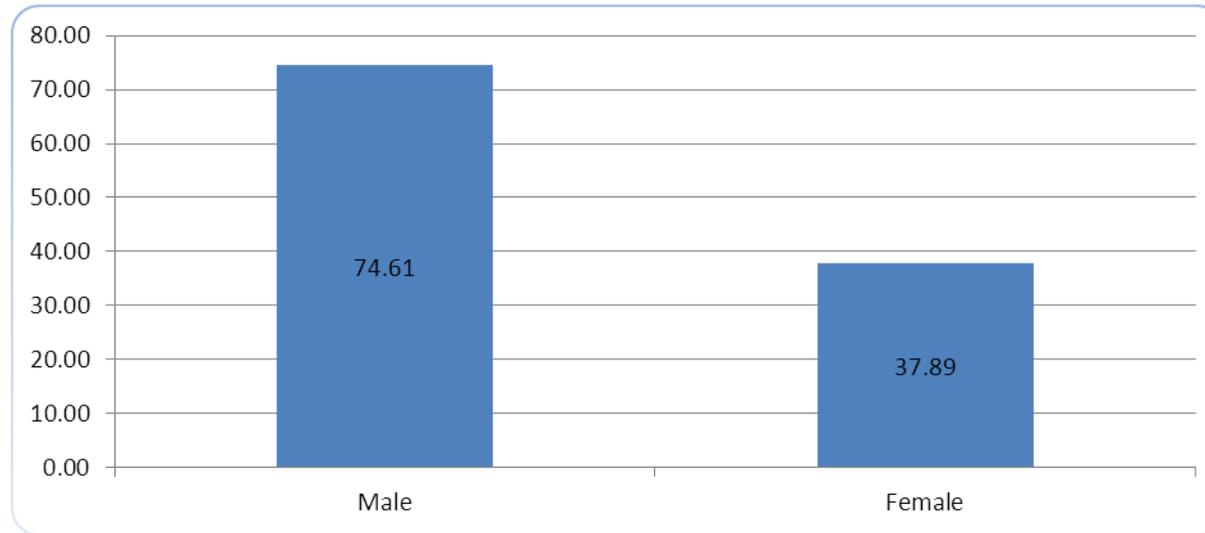


Figure 2 - Gender breakdown of EROL Capacity Building Events for Yr 2 Q1

Among participants that participated on EROL Program capacity building events there were Judges 203, Prosecutors 22, Court Staff 507, Executive Branch Sector Personnel 40, and English Language Professionals 10 and Others 73. (Please, see **Figure 3.**)

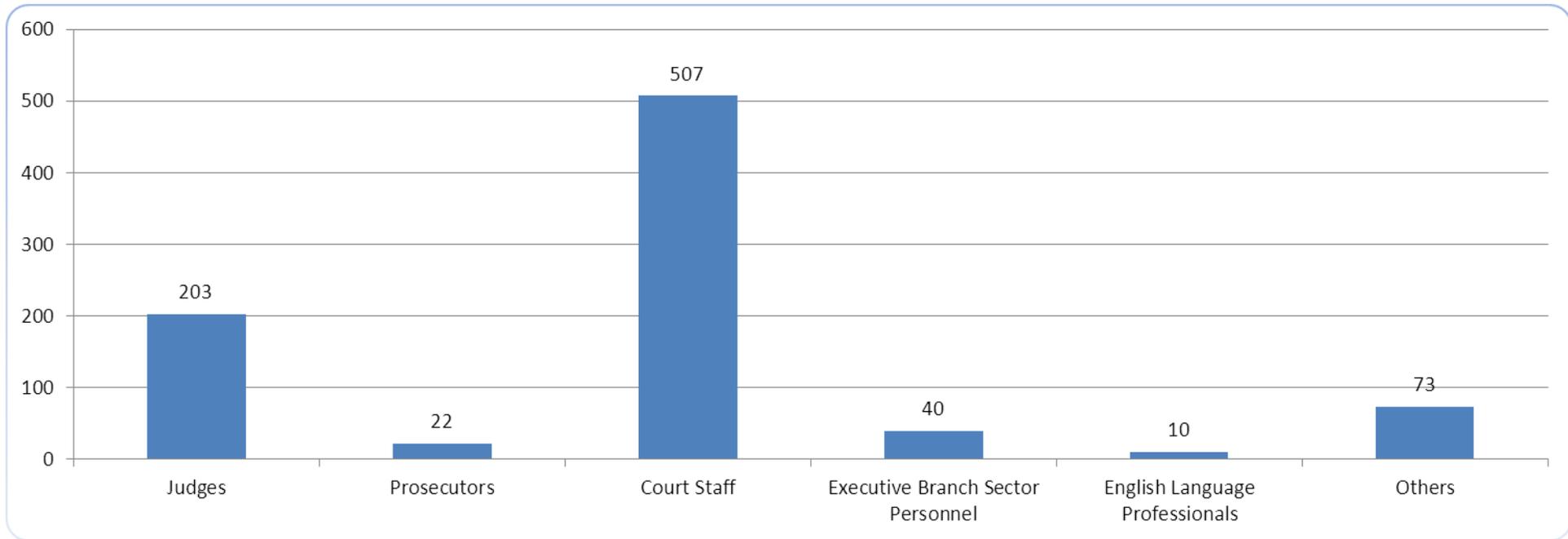


Figure 3 - EROL Capacity Building Events Yr 2 Q1 Participant divided by role

Evaluations have been carried out during all the courses. Here we present an overview of the evaluation results for EROL Program capacity building events for Year 2 Quarter 1. Issues considered were: 1. General aspects of the workshop; 2. Materials presented; 3. Duration; 4. Organization of events; 5. Lessons learned; and 6. Organizational aspects of events. Regarding the general aspects of the workshop, most of participants qualified it as very successful (38.2%), moderately successful (16.4%), successful (20.5%) and not very successful (2.4%). Materials presented during the workshop were evaluated very successful

(39.2%), moderately successful (27.4%), somewhat successful (9.5%) and not useful/not at all useful (0.8% and 0.5%). Duration of the workshop has been qualified with about right (61.8%), too short (11.6%) and with too long (5.1%). General opinion on the organization of the workshops presented following results: very good (45.8%), good (21.7%), satisfactory (7.4%) and poor/very poor (2.4% and 0.1%). Lessons learned have been evaluated with very successful (43.2%), moderately successful (25.1%), somewhat successful (7.4%) and not useful/not at all useful (1.3% and 0.5%). General organizational aspects have been qualified with very good (42.6%), good (21.4%), satisfactory (11.7%), and poor/extremely poor (0.8% and 0.3%). For illustrative details, please, see **Figure 4** – EROL Capacity Building Evaluations for Yr 2 Q1.

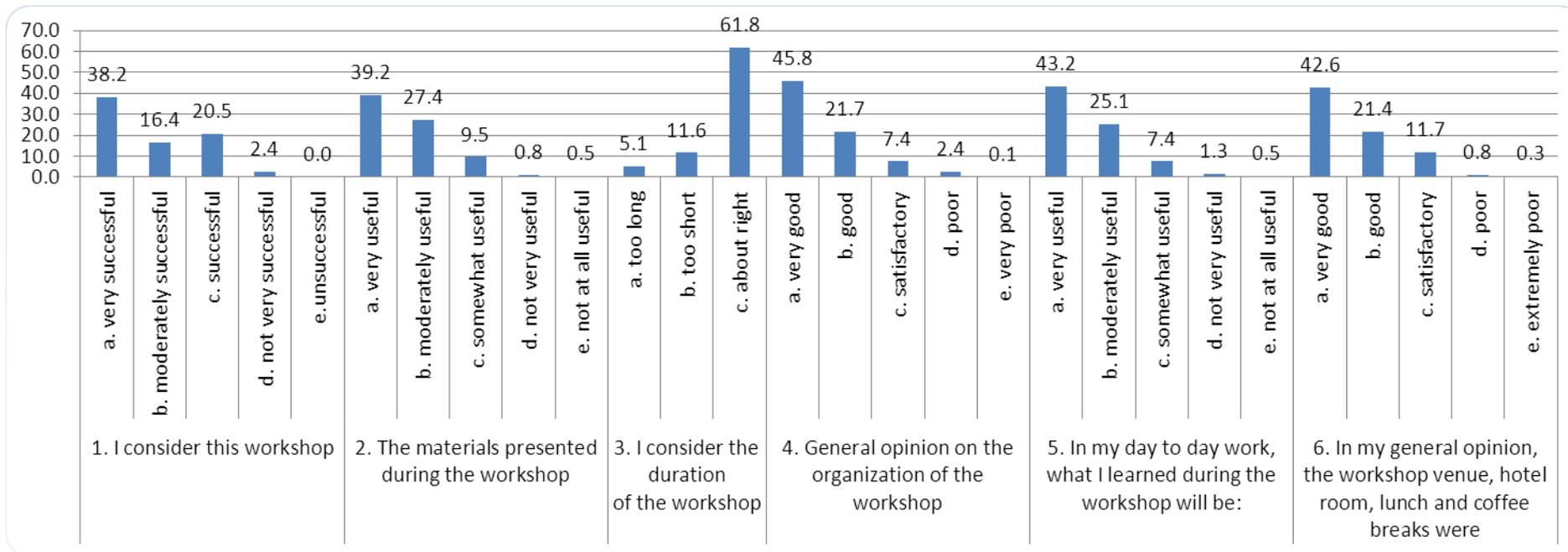
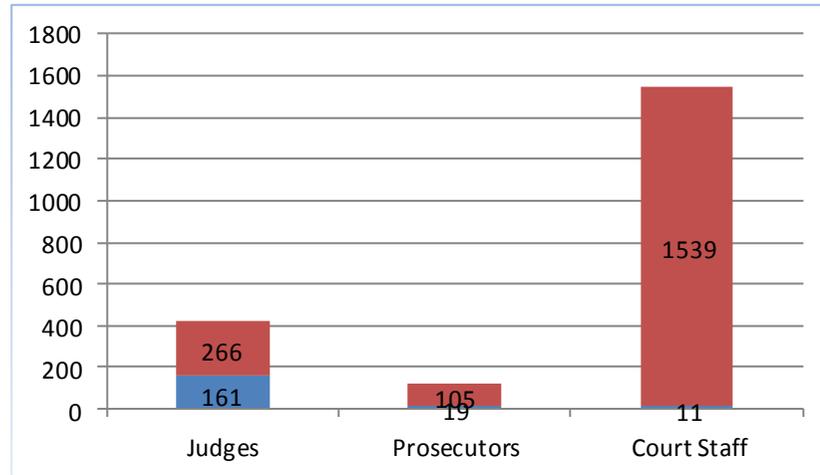


Figure 4 - EROL Capacity Building Evaluations for Yr 2 Q1

During the period Jan 1 – Jun 30, 2012 KJI provided Continuing Legal Education Program (CLEP) for sitting prosecutors, judges and court staff, including training courses for prosecutors, judges and other professionals working in the judicial system seeking promotion and to the newly selected candidates. The total of 191 individuals participated on the Continuing Legal Education Program (CLEP). Currently Kosovo Judicial system consist of total<sup>1</sup> = 1910 individuals with Prosecutors=105; Judges=266; and Court Staff=1539.

The total number of individuals trained during this period include Judges = 161; Prosecutors = 19; and Court Staff = 11 (Please see **Figure 5** for illustrative details)

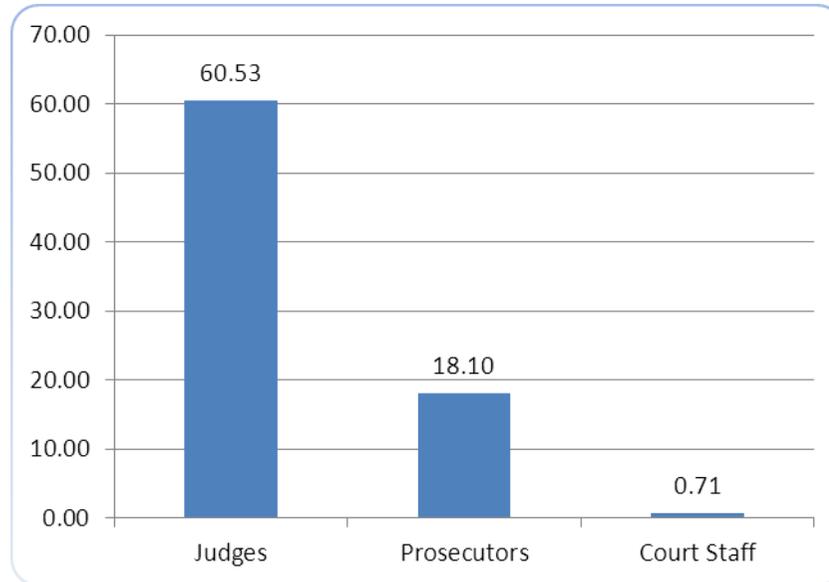


**Figure 5** – Total number of CLEP Participants for Jan 1 – Jun 30, 2012 vs total number of Judges, Prosecutors and Court Staff – Status June 30, 2012

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<sup>1</sup> Status on the total number of Kosovo Judicial System staff updated on June 29, 2012. Source: Kosovo Judicial Council and Kosovo Prosecutorial Council

Total percentage of Judges, Prosecutors and Court Staff participating on Continuing Legal Education program provides us with huge participation of Judges = 60.53%, Prosecutors = 18.10% and Court Staff = 0.71%. Targets set up with EROL Program for Year 2 anticipated participation of Judges = 15%, Prosecutors = 20% and Court Staff = 10%. Target for participating judges has been exceeded by 45.53% and with the target for prosecutors achieved by 18.10% of 20%. The challenge remains with Court Staff and the increase of their participation on the CLE Program in order to achieve target set with 10%. For illustrative details please, see **Figure 6**.



**Figure 6** - Total percentage of Judges, Prosecutors and Court Staff participating on CLE Program

Ethnicity breakdown of participants on the Continuing Legal Education Program (CLEP) includes Male = 144 and Female = 47 with Albanian = 188 and Minority Community = 3. Please, see **Figure 7**.

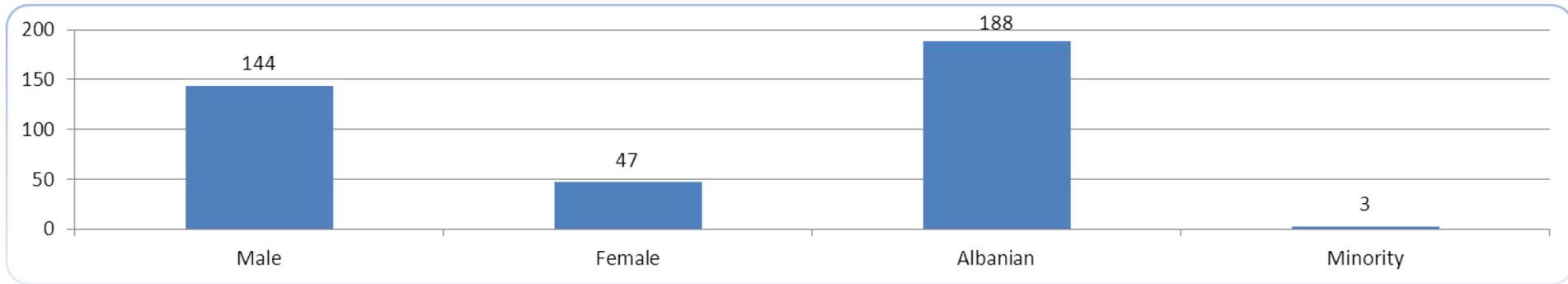


Figure 7 - Gender/Ethnicity breakdown of CLEP participants

APPENDIX C: MONITORING AND EVALUATION CHART

Result/Indicator/Unit of Measure		Definition/Rationale/Utility/Limitations	Baseline	Yr 1 Actual	Yr 2 Target	Program Year 2 Actual To date				Comments
						Q1	Q2	Q3	Q4	
<b>IR2: IMPROVED DELIVERY OF JUSTICE</b>										
1	% of citizens and court users satisfied with the justice system Unit: %. Disaggregated by sex, region, rural/urban, and minority groups.	Public opinion poll to determine whether reform has an impact on satisfaction with and knowledge of the justice system Country-wide opinion change takes time, and factors outside the program's manageable interest can arise, overwhelming program effects	TBD with first data collection	TBD after study	-Court User Survey;  -Citizen Satisfaction Survey.	Draft RFP for Court User Survey developed				To increase accuracy of results, the Program has proposed to separate the surveys into two separate activities. Draft RFP for <b>Court User Survey</b> has been developed and will be submitted to USAID for approval. RFP for <b>Citizen Satisfaction Survey</b> will follow in Y2Q2.
2.1.	<b>Increased capacity of justice sector professionals</b>									
2	# of justice sector personnel that received USG training Unit: #; disaggregated by sex and role	<b>Standard F output indicator.</b> Shows coverage when compared to the universe. Disaggregation by gender and minorities will measure against related targets. Also disaggregated by role (judges, prosecutors, court staff, etc.) Targets TBD in consultation with USAID/Kosovo as training plans are finalized.		M=177 F=64 O=6 T=247	M=TBD F=TBD O=TBD T=TBD	M=567 F=288 O=38 T=855	M= F= O= T=	M= F= O= T=	M= F= O= T=	During the first quarter of Year 2 implementation of EROL Program, staff managed to train total of 855 individuals with Male=567, Female=288 and Minority/Others=38;
3	% of judges (J), prosecutors (P) and court staff (S) participating in CLE  Unit: %; disaggregated by	Mission Custom outcome indicator. Shows extent to which continuing legal education has been institutionalized in the justice system. Also shows coverage (denominator is universe of individuals).		N/A	J=15% P=20% S=10%	J=60.53% P=18.10% S=0.71%	J= P= S=	J= P= S=	J= P= S=	During the period Jan 1 – Jun 30 2012, CLE Program has been attended by Judges=161 (60.53%), Prosecutors=19 (18.10%) and Court Staff=11 (0.71%)

Result/Indicator/Unit of Measure		Definition/Rationale/Utility/Limitations	Baseline	Yr 1 Actual	Yr 2 Target	Program Year 2 Actual To date				Comments
						Q1	Q2	Q3	Q4	
	sex and status									Male=144; Female=47
4	# of legal courses or curricula developed with USG assistance Unit: #	Output indicator. Legal courses or curricula improve skills and capacity of justice sector personnel or the general public regarding the legal system in Kosovo. Development could include significant modification of existing courses or new courses.		5	3	5				During the first quarter EROL staff developed five courses for KJI: <ul style="list-style-type: none"> <li>• International Legal Cooperation in Civil Matters Curriculum for judges</li> <li>• Legal English Program : <ul style="list-style-type: none"> <li>➢ TOT Module</li> <li>➢ Legal Research Module</li> <li>➢ Intermediate Module</li> <li>➢ Lower Intermediate Module</li> </ul> </li> </ul>

Result/Indicator/Unit of Measure		Definition/Rationale/Utility/Limitations	Baseline	Yr 1 Actual	Yr 2 Target	Program Year 2 Actual To date				Comments
						Q1	Q2	Q3	Q4	
5	# of executive branch sector personnel trained with USG assistance  Unit: # disaggregated by sex and role	Standard F output indicator. For the Office of the President, training in areas of administration, management or leadership skills or good governance practices.		9	6	2 <sup>2</sup>				Target for Yr 2 is 6 staff member of the OP. During the second quarter two OP officials have been trained. Unit #: Male=1; Female=1; Role: Advisor and PR Advisor;  EROL staff has undertaken technical preparations for organization of the legal drafting training for the legal personnel of the Office of the President. It is anticipated that the training will take place on July 2012.

<sup>2</sup> Office of the President Advisor and PR Advisor participated on the training “Advanced Public Relations Skills and Crisis Communication for justice institutions Spokespersons, Advisors and Leadership”. With this training EROL Program aimed to develop public relations skills of spokespersons, information officers, advisors and leadership of justice sector institutions to allow them to more clearly address the concerns of the public and increase public knowledge of justice sector reforms, improve their skills in handling high profile cases.

Result/Indicator/Unit of Measure		Definition/Rationale/Utility/Limitations	Baseline	Yr 1 Actual	Yr 2 Target	Program Year 2 Actual To date				Comments
						Q1	Q2	Q3	Q4	
6	# of USG-supported trainers receiving pedagogical training (ToT) for their role in KJI and other judicial trainings, and replicate skills learned  Unit #: disaggregated by sex	Output and outcome indicator. Must attend 80% of ToT training and pass post-test of knowledge, which may include observation of training practices as well as testing. In later program years training will taper for this audience.		0	10	13 <sup>3</sup>				Target for Yr2 is 10 Train of Trainers (ToT). Target achieved. Ten (10) ToT have graduated the Legal English Program.  Two judges and one fulltime KJI trainer completed TOT as part of International Legal Cooperation Workshops for judge.  Unit #: Six Male and Seven Female
7	Simple case studies of persons trained by EROL or EROL-trained instructors (e.g., judge, prosecutor, PR staff, KJI instructor)	Qualitative cases of trainees, identified through instructors, to discover training impacts on job performance and occupational behaviors. Range of roles: judge, trainee judge, other trainees. Depending on role studied, cases can include interviews, observations, job performance data or other relevant metrics.		0	10	No Activity to report for this quarter				The methodology employed to create simple case studies is under review. EROL will develop the simple cases studies and publish them in Y2

<sup>3</sup> Target for the Yr 2 Program implementation achieved and exceeded. Ten (10) Train of Trainers (4 Males and 6 Females) have been provided with the skills for the development of a cadre of judges, prosecutors, professional legal staff, capable of conducting research and reviewing English-language documents at a professional level of proficiency, and the establishment of a sustainable professional training course in English for Legal Research and Analysis for those audiences at the Kosovo Judicial Institute. In addition two judges and one fulltime KJI trainer completed TOT as part of International Legal Cooperation Workshops for judges

Result/Indicator/Unit of Measure		Definition/Rationale/Utility/Limitations	Baseline	Yr 1 Actual	Yr 2 Target	Program Year 2 Actual To date				Comments
						Q1	Q2	Q3	Q4	
8	KJI Scorecard rating of EROL's progress with KJI goals	Benchmark outcome indicator. Progress on tab "KJI" toward approved and consensed activities in consultation with USAID and stakeholders.  Total score possible: 68 over four years; cumulative in (#)		16	30(44)	11				Target for Yr 2 is adjusted from 12 to 30. Cumulative total for Yr 1 and Yr 2 = 44 points.  During this quarter most of the activities under KJI Scorecard are on the "Ongoing=1" status with total of 11 out of 30 points
2.2.	<b>Increased independence and accountability of the judicial system</b>									
9	Number of laws, regulations and procedures related to judicial independence supported with USG assistance  Unit: #	Standard F output indicator. Refers to laws, regulations and procedures that are official and have been passed or amended in accordance with the country's legal requirements. Laws, regulations and procedures lay out the legal basis for building judicial independence and provide one significant indicator of government commitment. Some laws may also cover transparency.		4	3	0				EROL staff is supporting MoJ Working Group with draft amendments to the four justice laws (Law on KPC, Law on Courts, Law on KJC, and Law on State Prosecutors). We expect those Laws to be adopted during third-fourth Quarter.
10	Number of regulations and procedures that improve judicial transparency adopted with USG assistance  Unit: #	Standard F output indicator. Refers to regulations and procedures that are official and have been passed or amended in accordance with the country's legal requirements. Laws, regulations and procedures lay out the legal basis for building judicial independence and provide one significant indicator of government commitment. Some regulations/		10	3	0				EROL staff participated on the Working Groups within KJC on drafting: <ul style="list-style-type: none"> <li>• The Regulation on KJC,</li> <li>• The Regulation on Appointment, Compensation, Disciplining and Removal of lay judges,</li> <li>• The Regulation on Appointment, Discipline</li> </ul>

Result/Indicator/Unit of Measure	Definition/Rationale/Utility/Limitations	Baseline	Yr 1 Actual	Yr 2 Target	Program Year 2 Actual To date				Comments
					Q1	Q2	Q3	Q4	
	procedures may also cover independence.								and Dismissal of Court presidents, • AI on Reimbursement of KJC members and other officials involved in committees and WG, • AI on Reimbursement and Manner of Engagement of the Committee and General Criteria for Compensation of Damage to Wrongfully Convicted or Arrested Persons.  All of the above listed documents are expected to be approved by the KJC during the third quarter.  EROL staff supported KPC efforts to amend various regulations, including: • Appointment of Prosecutors and • Transfer of Prosecutors to new Court of Appeals.  We expect those regulations to be approved during the second quarter.

Result/Indicator/Unit of Measure		Definition/Rationale/Utility/Limitations	Baseline	Yr 1 Actual	Yr 2 Target	Program Year 2 Actual To date				Comments
						Q1	Q2	Q3	Q4	
11	<p>Number of government media relations staff trained with USG assistance</p> <p>Unit:# Disaggregated by sex and office</p>	<p><b>Standard F output indicator.</b> Staff must be employed by government, and media relations must be at least one of their substantive responsibilities. A free, effective and informed press depends on government support for freedom of the press, and on responsible, responsive and professional government officials working with the press.</p>		10	10	19 <sup>4</sup>				<p>Target for Yr2 is 10 Media Relations staff. Target exceeded. Nineteen (19) Government Media Relations staff trained.</p> <p>Unit #: 8 Male and 11 Female; Judges=2; Court Staff=12; and Executive branch sector personnel=5</p>
12	<p>Constitutional Court scorecard rating of EROL's progress with CC's goals</p>	<p>Benchmark outcome indicator. Progress on tab "CC" toward approved and consensed activities, in consultation with USAID and stakeholders.</p> <p>Total score possible: 56 over four years; cumulative in (#)</p>		19	24(34)	20				<p>Target for Yr 2 is adjusted from 14 to 24. Cumulative total for Yr 1 and Yr 2 = 34 points.</p> <p>During this quarter most of the activities under CC Scorecard are on the "Ongoing=1" status with total of 20 out of 24 points</p>

<sup>4</sup> Target for this indicator has been achieved and exceeded. Nineteen (19) government officials have been trained with "Advanced Public Relations Skills and Crisis Communication for justice institutions Spokespersons, Advisors and Leadership" training. EROL Program equipped spokespersons, information officers, advisors and leadership of justice sector institutions with the skills to allow them to more clearly address the concerns of the public and increase public knowledge of justice sector reforms, improve their skills in handling high profile cases. Participants role on this training: Judges=2, Court Staff=12, and Executive branch sector personnel=5 with Male=8 and Female=11.

Result/Indicator/Unit of Measure		Definition/Rationale/Utility/Limitations	Baseline	Yr 1 Actual	Yr 2 Target	Program Year 2 Actual To date				Comments
						Q1	Q2	Q3	Q4	
13	Improved performance on scale considering key factors of an acceptable disciplinary system  Unit: Scale of 0-3	Outcome indicator. Based on key factors of an acceptable disciplinary system (including ensuring timeliness of disciplinary hearings, the presence of a system for processing complaints and adherence to that system, and a review of sanctions executed against sanctions imposed), a score of 0-3 will be assigned.		0	1	1				In preparation for efforts to improve resources available to judges and the effectiveness of disciplinary processes, a study tour to the US was conducted on the topic of ethics, conduct and discipline. Additionally, preparations were undertaken for an STTA to work with the KJC on the development of a Code of Conduct and Ethics.
2.3.	<b>More effective operations of the justice system</b>									
14	# of USG-assisted courts w/ improved case management  Unit: # Listed by site and type of court, as applicable	Standard F outcome indicator and defined by Model Court norms. KJC to provide operational definition of floor measurement for "improved case management."		10	20	0				8 MCP courts are scheduled for Y2
15	Ratio of all dispositions to new case filings in courts assisted by USG in the area of case management  Unit: Ratio	Standard F outcome indicator applied to the Model Courts. Shows whether backlogs are increasing. Speed and efficiency of the courts serve as proxies for effectiveness of the justice system and of justice sector actors as a whole.		N/A	3-5% Improved	No Activity to report for this quarter				Indicator to be reported Annually
16	% of cases heard and resolved within 24 months  Unit: %	Mission Custom indicator. Similar to standard indicator above, although this one has a 2-year span before being counted.		N/A	3-5% Improved	No Activity to report for this				Indicator to be reported Annually

Result/Indicator/Unit of Measure		Definition/Rationale/Utility/Limitations	Baseline	Yr 1 Actual	Yr 2 Target	Program Year 2 Actual To date				Comments
						Q1	Q2	Q3	Q4	
						quarter				
17	More efficient and professional Model Courts	Benchmark outcome indicator. Progress on scorecard toward measures to improve Model Courts in consultation with USAID and stakeholders. Each Model Court is subject to 9 standards and score range of 0-3 for each.  Total score possible: 540 over four years; cumulative in (#)		9	189 (351)	43				The MCP staff at the end of this quarter as per the MCP PMP <sup>5</sup> reporting needs requirements conducted interviews with the Presiding Judges and Court administrators with purpose of reviewing and assessing the MCP core standard compliance with courts operations. The assessment completed for the following courts: Gjilan DC , Viti MC, Lipjan MC, Istog MC , Suhareka and Rahovec MC. The assessment is evaluated based on the criteria's as described on the attached MCP scorecard

<sup>5</sup> APPENIX C Indicator 17; More efficient and professional Model Courts (Progress on scorecard toward measures to improve Model Courts in consultation with USAID and stakeholders. Each Model Court is subject to 9 standards and score range of 0-3 for each).

Result/Indicator/Unit of Measure		Definition/Rationale/Utility/Limitations	Baseline	Yr 1 Actual	Yr 2 Target	Program Year 2 Actual To date				Comments
						Q1	Q2	Q3	Q4	
18	Number of strategic plans for justice sector reform adopted with USG assistance	Standard F output indicator. EROL will work with several bodies to develop strategic plans for justice sector reform, matching priorities with tasks, establishing timelines and benchmarks, and including broad consultation among key stakeholders. Sub-plans for departments or divisions developed as deemed useful and necessary by stakeholders.		2	TBD	0				EROL and KJC Secretariat Director designed a KJC Strategic Planning Workshop for delivery in Q3. Concept agreed upon with a prospective STTA with appropriate expertise.  EROL supporting KPC Secretariat in developing strategic plan to cover 2013-2017 anticipated to be finalized and approved during Y2 of our Program.
19	Mean case disposition time in courts assisted by USG in the area of case management  Unit: Mean # months	Standard F outcome indicator. Median case disposition time is measured from filing to the date parties are notified of case resolution by the court. Courts as defined by specific jurisdiction. Tracking the mean case disposition time permits a better understanding of the overall disposition rate of the courts.		N/A	5% decrease	No Activity to report for this quarter				Indicator to be reported Annually
20	Improved administrative performance as defined from prosecutors' perspectives  Unit: % improved	Outcome indicator. Model Court and KPC activities should improve administrative performance. Measured through questionnaires given to sample of prosecutors.		N/A	TBD with Survey	No Activity to report for this quarter				No activity to report during this quarter
21	Kosovo Judicial Council scorecard rating of EROL's progress with KJC goals	Benchmark outcome indicator. Progress on KJC scorecard toward approved and consensed activities in consultation with USAID and stakeholders.  Total score possible: 84 over four years;		24	34(50)	16				Target for Yr 2 is adjusted from 20 to 34. Cumulative total for Yr 1 and Yr 2 = 50 points.  During this quarter all activities under KJC

Result/Indicator/Unit of Measure		Definition/Rationale/Utility/Limitations	Baseline	Yr 1 Actual	Yr 2 Target	Program Year 2 Actual To date				Comments
						Q1	Q2	Q3	Q4	
		cumulative in (#)								Scorecard are under the "Ongoing=1" status with total of 16 out of 34 points
22	Kosovo Prosecutorial Council scorecard rating of EROL's progress with KPC goals	Benchmark outcome indicator. Progress on KPC scorecard toward approved and consensed activities in consultation with USAID and stakeholders.  Total score possible: 44 over four years; cumulative in (#)		7	28(36)	11				Target for Yr 2 is adjusted from 12 to 28. Cumulative total for Yr 1 and Yr 2 = 36 points.  During this quarter several activities under KPC Scorecard are on the "Ongoing=1" status with several other activities to start during the second quarter. Currently the KPC Scorecard totals 11 out of 28 points
23	Ministry of Justice scorecard rating of EROL's progress with MOJ goals	Benchmark outcome indicator. Progress on MOJ scorecard toward approved and consensed activities in consultation with USAID and stakeholders.  Total score possible: 80 over four years; cumulative in (#)		15	28(44)	8				Target for Yr 2 is adjusted from 26 to 28. Cumulative total for Yr 1 and Yr 2 = 44 points.  During this quarter six activities under MoJ Scorecard are on the "Ongoing=1" status with several other activities to start during the second quarter. Currently the MoJ Scorecard totals 8 out of 28 points

Result/Indicator/Unit of Measure		Definition/Rationale/Utility/Limitations	Baseline	Yr 1 Actual	Yr 2 Target	Program Year 2 Actual To date				Comments
						Q1	Q2	Q3	Q4	
24	Chamber of Notaries scorecard rating of EROL's progress with CON goals	Benchmark outcome indicator. Progress on CON scorecard toward approved and consensed activities in consultation with USAID and stakeholders.  Total score possible: 26 over four years; cumulative in (#)		1	TBD	TBD				Per agreement with USAID, EROL will reduce its direct support to CON and will instead focus on support KJC's efforts to coordinate with CON as part of the LoC transition. Thus, this indicator should be removed.
25	Office of the President scorecard rating of EROL's progress with OP goals	Benchmark outcome indicator. Progress on OP scorecard toward approved and consensed activities in consultation with USAID and Kosovar stakeholders. Total score possible: 30 over four years; cumulative in (#)		9	12(18)	7				Target for Yr 2 is adjusted from 10 to 12. Cumulative total for Yr 1 and Yr 2 = 18 points.  During this quarter most of the activities under OP Scorecard are under the "Ongoing=1" status with total of 7 out of 12 points
2.3.1.	<b>Courthouse infrastructure improved</b>									
26	# of Court Improvement Plan refurbishment objectives achieved  Unit: cumulative #	Outcome indicator. Tracks the impact of the Model Courts' Fund in terms of rehabilitated or improved infrastructure projects. Achievement is equal to completing the plans and being rated as a "true model court" by raters.		0	16	0				8 MCP courts are schedule for implementation in Y2
IR3:	<b>STRENGTHENED MECHANISMS FOR CITIZENS TO REPRESENT THEIR INTERESTS AND HOLD THE GOVERNMENT ACCOUNTABLE</b>									

Result/Indicator/Unit of Measure		Definition/Rationale/Utility/Limitations	Baseline	Yr 1 Actual	Yr 2 Target	Program Year 2 Actual To date				Comments
						Q1	Q2	Q3	Q4	
27	# of page visits per month on the MOJ interactive website for pending legislation  Unit: # per month	Outcome indicator. The MOJ website invites citizen input on legislation. As citizen confidence increases, public participation and visits to website should increase. Difficult to determine whether increased knowledge of site or confidence is contributing to data. Website registration might request information on both.		N/A	250	No Activity to report for this quarter				No activity to report during this quarter
28	Number of USG-assisted Civil Society Organizations that engage in advocacy and watchdog functions.  Unit: #	Standard F outcome indicator. CSOs must be actively engaged in these functions, and be able to demonstrate that they are so engaged		0	4	0				USAID Forward RFA has been finalized and submitted to USAID for approval.
29	# of functioning Public Reception and Orientation Platforms (PROPs) in model courts  Unit: #	The PROPs increase transparency and access to information while ensuring that court users are oriented in new systems. To be counted, a PROP must meet TBD standards as tested by auditors posing as court users.		0	7(13)	No Activity to report for this quarter				
3.1.	<b>Increased Professionalism of Citizen Groups and Journalists to Monitor Government Activity and Influence Policy</b>									
30	# of USG-assisted campaigns to enhance public understanding; NGO support/media coverage of judicial independence and accountability	Standard F output indicator. Tracks inputs that strengthen those mechanisms focused on public understanding, NGO support and media coverage of judicial independence and accountability. Campaigns designed to support GOK initiatives. Definitions		N/A	TBD	No Activity to report for this quarter				No activity to report during the first quarter

Result/Indicator/Unit of Measure		Definition/Rationale/Utility/Limitations	Baseline	Yr 1 Actual	Yr 2 Target	Program Year 2 Actual To date				Comments
						Q1	Q2	Q3	Q4	
	Unit: #	must be shared/vetted with all NGOs involved. Targets TBD as grant TORs are accorded with USAID.								

## APPENDIX D: PMP SCORECARDS

## KOSOVO JUDICIAL COUNCIL SCORECARD

Kosovo Judicial Council Scorecard	Year 2					Description
	Target/Actual (per Quarter)	Target	Q 1	Q 2	Q 3	
Support drafting of implementation plan LoC	Completed					Yr 1 Target Completed.
Rapid assessment to identify focus of efforts (Action Plan)	Completed					Yr 1 Target Completed.
TA to KJC committees	Completed					Yr 1 Target Completed.
TA to KJC for building strategic alliances	2	1				EROL continued to assist KJC to build strategic alliance with Federal Judicial Center, Administrative Office of U.S. Courts, State Court Judges and Administrators in Minnesota during a U.S. judicial ethics study tour with a Kosovo Delegation of KJC, ODC, and Court representatives. EROL is supporting the KJC Secretariat through a comprehensive review of its organizational structure that will strengthen the infrastructure and ability of the KJCS to support administrative functions of the courts throughout Kosovo. EROL is providing significant oversight of the Implementation of the new Law on Courts through technical assistance and development of a methodology and strategic plan for ensuring successful implementation on January 1, 2013. Additionally, implementation-planning workshops were conducted for KJC, KJCS and national court administrators in order to strengthen internal strategic alliances between the Secretariat and subordinate court components/court leadership. National change management seminars were conducted for court administrators and presiding judges. The Regional Court Liaison Program is in the final stages of selecting the eight personnel who will be assigned to the Basic Courts. The KJC working group on court registries worked through the quarter and will enter the design phase during the next reporting quarter.
Support KJC in inter-Ministerial legislation working groups	2	1				EROL acted in an advisory capacity to the Work Group on Amendments to the Law on Courts, Law on the KJC, Law on the State Prosecutor, Law on Special Prosecutors, and Law on the KPC, and reviewed, edited, and compiled comments and proposals in collaboration with its counterparts. EROL staff also participated in work with the KJC Normative Committee during consideration of various KJC regulations and administrative instructions.
Support development of follow-on Strategic Plan	2	1				Needs Assessments H/R Database and judge H/R files for transfers under LoC underway.
Support HR functions of KJC						

Define and standardize staff job descriptions	2	0				No Activity to report for this quarter
Staff recruitment/selection standards in place	2	0				
Staff promotion standards in place	2	0				
Staff discipline/dismissal standards in place	2	0				
Internship programs functioning successfully	2	1				EROL hired two interns who provided significant support to the KJC's efforts with respect to the Implementation Plan.
Judicial selection procedures improved	<b>Completed</b>					<b>Yr 1 Target Completed.</b>
Judicial evaluation procedures improved	<b>Completed</b>					<b>Yr 1 Target Completed.</b>
Judicial promotion procedures improved	2	1				EROL provided substantial support to the KJC Steering Committee's effort to select judges for the Court of Appeals, a process that involved a lengthy and complicated data collection process. By mid-May, the KJC Implementation Plan Steering Committee had selected 32 judges for the Court of Appeals, including 4 judges from minority communities, as well as several alternate candidates that will replace any nominees who decline appointment, or are not appointed for any other reason.
Judicial disciplinary procedures improved	2	1				EROL initiated a collaborative effort with the KJC regarding the development of Code of Ethics for the KPC, and set a plan for review and potential review of the judicial code of ethics, including an assessment of the enforceability of the code in a disciplinary context. A comprehensive concept paper was completed during this quarter, and will form the backdrop for successful achievement of the KJC's ethics-related professionalization objectives. A KJC Code of Ethics Working Group has been established, a timetable has been proposed for various stages of the drafting process, and a July 2012 deadline has been set for submission of a draft to the KJC Normative Committee.
KJC database for judicial personnel in use	2	1				Database assessment is ongoing and EROL will be working with the contractors during Quarter 2.
Track legislation reviewed by legal office	2	1				EROL acted in an advisory capacity to the Work Group on Amendments to the Law on Courts, Law on the KJC, Law on the State Prosecutor, Law on Special Prosecutors, and Law on the KPC, and reviewed, edited, and compiled comments and proposals in collaboration with its counterparts. EROL staff also participated in work with the KJC Normative Committee during consideration of various KJC regulations and administrative instructions.
Track implementation of procedures for effective court admin						

Case flow, reception, assignment, management	2	1				EROL provided guidance to the KJC IP Working Group in its responsibility for creation of new court registries, which will become the backbone of the court administration framework of the new judicial structure. Standardized court registries will form the mechanism by which cases are initiated, assigned, transferred, tracked, and archived, as well as the gateway to transparency of court operations. While the Implementation Plan's goal in pertinent part is the adoption of a standard methodology for use by court registries, the registries are not currently standardized. EROL assisted the Working Group in process mapping the various registry methodologies so that appropriate common denominators can be identified for standardization of necessary operational components. Drafts of new registry plans have been circulated to court units for comment, and a regional workshop is planned for July 2012 as part of the implementation process. It is anticipated that the methodology and strategy of the Registries Working Group will be adapted in accord with EROL's multi-faceted approach to the Implementation Plan.
Case files and records standards and procedures	2	1				Working group on Court Administration conducted its inaugural meeting. Work is ongoing.
Attention to court users	2	1				Draft Strategy Plan for KJC Web Portal under review.
Transparency and information access	2	1				
Increased and more effective use of automation						
Assess IT needs, CMIS' contributions/gaps, and failure to use	2	1				KJC determined that CMIS has failed, and that CMIS will be replaced by another automated case management system. EROL is providing support to the KJC Registries Working Group, which is process mapping a new standardized registry system that will substitute for the CMIS system during development of the electronic methodology, which will be based on the manual registry methodology. EROL is also assisting the KJC Logistics Workgroup in assessing needs, including IT requirements, in the newly formulated Basic Courts and subordinate court units that will become effective in 2013 under the new court structure.
Provide recommendations for system operation	2	1				Web portal assessment under review.
Minority outreach efforts						
Draft minority access assessment	2	1				Draft report on Minority access submitted to USAID for approval.
Draft outreach campaign	2	1				EROL hosted a 3-day Seminar on Public Relations and Public Information Skills for spokespersons and senior leaders of the KJC, Supreme Court, KPC, Constitutional Court, Office of the President, and the Kosovo Judicial Institute. EROL anticipates collaborating with those trainers to deliver public relations training as part of preparations for the transition to the new court system, and as a medium for introduction of communications standards in the Model Courts Program.

Draft requirements for translator program	2	0				No activities to report for Q1.
<b>TOTAL:</b>	<b>34</b>	<b>16</b>	<b>TBD</b>	<b>TBD</b>	<b>TBD</b>	

## KOSOVO PROSECUTORIAL COUNCIL SCORECARD

Kosovo Prosecutorial Council Scorecard	Year 2					Description
	Target	Q1	Q2	Q3	Q4	
Facilitate development of strategic plan	2	1				The KPC has set September 2012 as the due date for a complete Strategic plan. EROL has reviewed a draft plan and is leading international donor assistance to the Council's working group.
Facilitate development of annual plans	2	1				<b>YR 1 Target Completed. Activity to be continued in Years 2-4.</b> EROL will assist KPC develop 2013 workplan in conjunction with the Council's strategic planning.
Facilitate development of implementation plan and committees	2	1				The Implementation Plan has been completed, based on a simplified version of the draft developed by USAID/EROL
Instruction manual (SOP) with regulations, policies, procedures	2	1				Several administrative instructions have been developed, EROL will help assist the KPC execute a more holistic approach with regulations/instructions based on a long-term Strategic Plan.
Support implementation of SOP across KPC	2	0				Activity to be attained in Years 2-4. No SOPs has been developed.
Develop job descriptions/TORs for KPC Secretariat staff	2	1				Several job descriptions have been developed and EROL has engaged the KPC in this area while discussing strategic plans. ECLO is also providing assistance with this activity.
Train KPC in needs-based budgeting and justification	2	0				This area has not yet been engaged; once the KPC identifies specific needs through its Strategic Planning process, this area will be addressed.
Legislative drafting support: secondary legislation	2	1				EROL provided drafting advice/assistance regarding several regulations on appointment/transfer of prosecutors. EROL continues to serve as lead international coordinator in conjunction with GOK amendments to the four justice-sector laws.
Development of new staff training module	2	0				As TORs are not complete and the SOP has not yet been developed, this will be engaged in Y2 Q3-Q4.
Draft public relations strategy	2	1				EROL provided PR training to KPC spokesperson in YR2Q1 and will continue direct PR assistance in Q2. EROL conducted web strategy workshop for KPC.
Draft public relations training modules and materials	2	1				SOW completed and STTA approved by USAID. Training will be in Y2 Q2.
Train public relations staff	2	1				EROL conducted 3-day training for KPC staff/spokesperson, including organization of press conferences, drafting of press releases, etc. KPC staff included in web strategy workshop and weekly meetings with EROL PR Officer. More training approved/planned for Q2.
Support formulation of external/internal	2	1				

communication plans						
Incorporate public messages into overall outreach activity	2	1				
<b>TOTAL:</b>	<b>28</b>	<b>11</b>	<b>TBD</b>	<b>TBD</b>	<b>TBD</b>	

MINISTRY OF JUSTICE SCORECARD

Ministry of Justice Scorecard	Year 2					Description
	Target/Actual (per Quarter)	Target	Q1	Q2	Q3	
Legislative drafting						
Draft training modules	2	1				Workshop for representatives of Ministries, including the MoJ, and Judicial Institutions on public policy analysis and legislative drafting planned for Q2
Implement training program in legislative drafting	2	1				<b>Yr 1 Target Completed. Activity to be attained in Yr 2, Yr 3 and Yr 4.</b> One workshop completed on public policy analysis and development in year one, above workshop planned for second quarter
Draft legislative enactment plans	<b>Completed</b>					<b>Yr 1 Target Completed.</b>
Define guidelines for public participation	2	1				To be addressed in above workshop in Quarter two
Capacity development for public participation	2	1				To be addressed in above workshop in Quarter two
Support for secondary legislation drafting	2	0				<b>Activity to be attained in Yr 2, Yr 3 and Yr 4.</b> MOJ is not preparing secondary legislation for the Law on Courts, etc.
International Legal Cooperation Department (ILCD)						
Training needs analysis report	<b>Completed</b>					<b>Yr 1 Target Completed.</b>
Develop training modules for ILCD	2	2				Training Module developed and provided during the first year of Program implementation.
Develop international legal assistance manual	<b>Completed</b>					<b>Yr 1 Target Completed.</b>
Training MOJ officials in implementation of roles	2	2				<b>Yr 1 Target Completed. Activity to be attained in Yr 2, Yr 3 and Yr 4.</b> In year one, conducted 2-day workshop on International Legal Cooperation in Civil Matters and delivered Practice Manual to Ministry of Justice Officials; in Q1, year 2, prepared a comprehensive sensitive case file use and storage protocol, which was accepted for use by the Acting Director of the ILCD

Complete agreements with interested nations	2	0				The ILCD has not requested assistance in completion of the such agreements
Exchanges with EJM and EuroJust	2	0				No Activity to report.
Litigation Unit						
Training needs analysis report	<b>Completed</b>					<b>Yr 1 Target Completed.</b>
Develop training modules	2	0				EROL is supporting the MoJ in the preparation of the Draft Law on State Advocacy, which will create an authority that will replace the Litigation Unit. The Draft Law will likely include continues legal education requirement for the State Advocates. Upon the adoption of the Draft Law and the hiring of the state advocates, EROL will address the activities in this section.
Training in inter-Ministerial coordination for litigation	2	0				
Training in oral and written advocacy skills	2	0				
ToT for local trainers	2	0				
Training in administrative litigation	Yr3 and Yr4					
Training in civil litigation	Yr3 and Yr4					Yr 3 and Yr 4 Activity
Compilation of training into a reference book	2	0	0	0	0	This activity is related to the above training activities.
<b>TOTAL</b>	<b>28</b>	<b>8</b>	<b>TBD</b>	<b>TBD</b>	<b>TBD</b>	

CHAMBER OF NOTARIES SCORECARD

Chamber of Notaries Scorecard	Year 2					Description
Target/Actual (per Quarter)	Target	Q1	Q2	Q3	Q4	
Amendments to Law on Notaries drafted	2	1	1	1	1	This Scorecard will be updated to reflect EROL SOW modification.
Amendments explained to Assembly	2	0	0	0	0	
Amendments adopted	2	0	0	0	0	
Present draft legislation at founding assembly	2	0	0	0	0	
Support to develop a strategic plan for the Chamber	2	0	0	0	0	

Develop public relations strategy on Chamber of Notaries	2	0	0	0	0
Support creation of public complaint mechanism	2	0	0	0	0
Outreach to minority groups to participate in future exams	2	0	0	0	0
Study visits for notaries	2	0	0	0	0
<b>TOTAL</b>	<b>18</b>	<b>1</b>	<b>TBD</b>	<b>TBD</b>	<b>TBD</b>

## OFFICE OF THE PRESIDENT SCORECARD

Office of the President Scorecard	Year 2					Description
Target/Actual (per Quarter)	Target	Q1	Q2	Q3	Q4	
Report on justice-related competencies of OP	2	1				The report on Presidential competencies in the justice sector has been drafted. However, the amendment of the four justice sector laws, which is expected to be finalized by September 2012, necessitates the need for updating the draft report in Year 2 in order for its content to adequately and comprehensively reflect the legal changes made.
Establish working group per Project design TORs	Completed					Yr 1 Target Completed.
Support creation of coordination mechanisms	Completed					Yr 1 Target Completed.
Intra-governmental roundtables	Completed					Yr 1 Target Completed.
Draft PR strategy	2	1				The team has discussed the preparation of the PR strategy with OP in general terms, in particular how to improve the process of communication with citizens in the case of judicial and prosecutorial appointments using the PO official website as a tool for increasing the efficiency of the public communication process. During Q2 and Q3, EROL will assist the OP to create access to better quality legal information and communication related to OP justice sector constitutional competencies. The Strategy would provide more cost-effective, accessible and predictable legal information on matters involving but not limited to judicial and prosecutorial appointments. This activity will require a short term Communications Specialist to (i) develop a Communications Strategy and (ii) subsequently assist test, implement, review and improve the Strategy. In developing the Strategy, the STTA will consider communications (i) internally –

						that is, within the OP and (ii) externally – that is with state and non-state stakeholders and general public audiences.
Train public relations team members	2	2				Two representatives from the Office of the President have attended the advanced training on advance PR Skills and Crisis Communications, which was held on April 24-25-26, 2012 at the University AAB-RIINVEST in Prishtina
Include outreach messages in overall PR strategy	Yr 3					Year 3 Activity
Support drafting of written protocols/circulars/guidelines	2	1				EROL will support the PO in preparing the internal regulation for the organization of the PO, including the Legal Department. EROL has prepared the concept paper with highlights the importance for the OP in providing the subject assistance and it specifies the role/assistance of EROL towards accomplishing the requested activity.
Support agencies to implement protocols	2	0				EROL has undertaken preparatory activities to organize the Presidential conference aimed at energizing the judiciary (including court staff) around the transition to a new court structure by generating culture change and providing training on critical elements of the reforms and in-court action steps to be taken to achieve the goals and objectives of the Implementation Plans. The Conference will take place in Q3.
Train legal officers of OP	2	1				The team has undertaken all the technical preparations for the organization of the training on legal drafting for the legal personnel of the Office of the President, including the agenda and the training materials. The training will be carried out based on the applicable legislation and the manual for legal drafting and will take place in Q2. Following the training on legal drafting, EROL in cooperation with the OP will conduct the second in the series of trainings for the legal officers on review of parliamentary enacted legislation. The goal of this training is to improve the institutional capacity of the President's Office Legal Department in reviewing legislation adopted by the parliament prior to law promulgation ensuring thus a constitutionally-sound legislative process. This training will be delivered in Q4
<b>TOTAL:</b>	<b>12</b>	<b>6</b>	<b>TBD</b>	<b>TBD</b>	<b>TBD</b>	

## MODEL COURTS PROGRAM SCORECARD

Model Courts Scorecard								
<b>KEY STANDARD</b>	The Supreme Court	Pristina District Court	Gjilan District Court	Lipjan Municipal Court	Istog Municipal Court	Viti Municipal Court	Rahovec Municipal Court	Suhareka Municipal Court

1	Reorganize administrative duties between Presiding Judge and Court Administrator	0	0	1	1	1	1	1	1
2	Develop and implement a Court Training Plan	1	1	1	1	1	1	1	1
3	Maintain and updated open and closed case files accurately and chronologically	0	0	0	0	0	0	0	0
4	Develop and implement a plan for reduction of case backlogs in all types of cases	0	0	1	1	1	1	1	1
5	Develop and implement a plan for compliance with case processing time standards	0	0	0	0	0	0	0	0
6	Streamline procedures for effective procurement and use of court logistics and supplies	0	0	1	1	1	1	1	1
7	Enhance court communication with the public	0	0	1	1	1	0	1	1
8	Improve accessibility and security of court facilities	1	1	1	1	1	1	1	1
9	Ensure that court proceedings are open and that all that appear before the court have the opportunity to participate effectively	0	0	1	1	1	1	1	1
<b>TOTAL:</b>		1	1	1	7	7	7	6	7

EROL MCP PMP SCORECARD SCORING TABLE

Key	Score	Scoring Criteria
Reorganize administrative duties between Presiding Judge and Court Administrator	0	No formal description of court administrative responsibilities.
	1	Assessment of court administrative functions completed.
	2	Plan for division of responsibilities developed and implemented.
	3	Results of implementation reviewed, plan adjustments considered.
Develop and implement a Court Training Plan	0	No formal Court Training Plan.
	1	Assessment of training needs completed.
	2	Court Training Plan developed and implemented.
	3	Results of implementation reviewed.
Maintain and update open and closed case files accurately and chronologically	0	No written plan for file management.
	1	Status of current file management assessed and deficiencies noted.
	2	Plan for case record maintenance, updating, and routing with accountability noted adopted.
	3	Status of file management reviewed.
Develop and implement a plan for reduction of case backlogs in all types of cases	0	No formal plan for backlog reduction/prevention.
	1	Assessment of current case backlog completed.
	2	Plan for reducing backlog, with targets and responsibilities, adopted.
	3	Case backlog reassessment completed and changes to the plan undertaken.
Develop and implement a plan for compliance with case processing time standards	0	No formal plan for compliance with case processing time standards.
	1	Assessment of case processing procedures completed.
	2	Plan for timely processing of cases and compliance with time standards developed and adopted.
	3	Case processing procedures reassessed and changes to the plan identified.
Streamline procedures for effective procurement and use of court logistics and supplies	0	No procedures for effective procurement and use of court supplies developed.
	1	Inventory of court logistics and supplies completed.
	2	Plan for tracking and managing use of supplies developed.
	3	Evaluation of the supply and inventory system completed with problems identified.
Enhance court communication with the public	0	No organized public communication or community outreach.
	1	Identification of court outreach activities to enhance court/community relations.
	2	Plan for public communication and community outreach developed.
	3	Outreach activities monitored and changes made to the plan based on evaluation.
Improve accessibility and security of court facilities	0	Court is not safe and accessible.
	1	Facility evaluation completed for potential safety and accessibility improvements.
	2	Plan for improvements in facility safety and accessibility developed and construction activities started.
	3	Facility improved and reassessment completed.
Ensure that court proceedings are open and that all that appear before the court have the opportunity to participate effectively	0	Public access to court hearings is limited or haphazard.
	1	Barriers to access identified (including physical, language, gender, security, ethnic barriers).
	2	Plan for improvement to eliminate barriers to access developed.
	3	Accessibility reassessed and plan modified based on new information.

## CONSTITUTIONAL COURT SCORECARD

Constitutional Court Scorecard	Year 2					Description
	Target	Q1	Q2	Q3	Q4	
Needs Assessment - expertise and information needs of judges						<b>Yr 1 Target Completed.</b>
Support program and materials for CC judges drafted	2	2				EROL elicited and organized the presentations of eight formal presentations on substantive constitutional and legal issues for the international conference on Human Rights sponsored by EROL and Constitutional Court, on June 29-30.
Training modules developed for new CC judges	2	2				
Support attendance at regional or international conferences	2	2				
Needs Assessment - training needs for legal advisors	<b>Completed</b>					<b>Yr 1 Target Completed.</b>
Training modules developed for legal advisors	<b>Completed</b>					<b>Yr 1 Target Completed.</b>
Training provided to legal advisors	2	2				<b>Yr 1 Target Completed. Activity to be attained in Yr 2, Yr 3 and Yr 4.</b> Target for Yr 2 completed through the above conference
Exchanges with international jurists (visits to Kosovo or travel)	2	2				<b>Yr 1 Target Completed. Activity to be attained in Yr 2, Yr 3 and Yr 4.</b> Target for Yr 2 completed through the above conference, which included presentations by judge who served on European Court of Human Rights, two federal court judges from United States, and one lawyer from Ireland.
Preparation of research papers for conference	2	2				
Conference on constitutional jurisprudence and adjudication	2	2				
Internship program launched (year 2) and monitored (2-4)	2	0				The Constitutional Court administered, on its own, an internship program, and not requested any assistance from EROL in this regard
Materials created and distributed as bench references	2	2				EROL prepared summaries of the 93 cases decided in 2011, as well as a complete subject matter index, for inclusion in the Court's Bulletin of Case Law 2011, which will be widely distributed to judges and other legal professionals for use and reference manual.
Library needs assessed and materials procured	2	0				That Constitutional Court maintained, on its own, a full reference library and has not requested any assistance from EROL in this regard
Training module developed for internet research	2	2				The Legal English Program Legal Research Module, prepared in conjunction with KJI, will be offered to legal advisors and legal researchers with sufficient English language proficiency at Constitutional Court
Reference manual created and distributed	Yr 3					Yr 3 Activity

ToT in adult learning principles	2	2				Completed for the legal advisers in program year one.
Local and international trainers train advisors together	<b>Completed</b>					<b>Yr 3 Target Completed.</b>
Local trainers begin to train on their own	<b>Completed</b>					<b>Yr 3 and Yr 4 Target Completed.</b>
Deploying software for full-text searchable decisions online	Yr3-Yr4					Yr 3 and Yr 4 Activity
<b>TOTAL:</b>	<b>24</b>	<b>20</b>	<b>TBD</b>	<b>TBD</b>	<b>TBD</b>	

## KOSOVO JUDICIAL INSTITUTE SCORECARD

Kosovo Judicial Institute Scorecard	Year 2					Description
	Target/Actual (per Quarter)	Target	Q1	Q2	Q3	
Assessment of KJI structure and curriculum, and their degree of alignment with LoP and LoC	2	1				EROL completed and submitted to the KJI the assessment of the Continuing Legal Education Program (CLEP) curriculum. An STTA came to Kosovo and performed the background work necessary to prepare an assessment of the Initial Legal Education Program (ILEP) curriculum; that assessment was completed and submitted to the KJI during the 4 <sup>th</sup> quarter. Pending discussions regarding the transformation of the KJI into a judicial academy, the KJI has decided to suspend the preparation of a new strategic plan. The decision on the Judicial Academy is still pending.
Draft training courses	<b>Completed</b>					<b>Yr 1 Target Completed.</b>
Training of Trainers (TOT)						
Training of trainers program developed	2	0				The next ILEP for the judges and prosecutors candidates will likely begin in the fall; EROL will propose to conduct a TOT training for the instructors selected by KJI to participate on ILEP
ToT program carried out with KJI instructors	2	0				<b>Yr 1 Target Completed. Activity to be attained in Yr 2, Yr 3 and Yr 4.</b> The next ILEP for the judges and prosecutors candidates will likely begin in the fall; EROL will propose to conduct a TOT training for the instructors selected by KJI to participate on ILEP
English language TOT training						
Training of trainers program developed	2	2				Legal English Program TOT Curriculum, Legal Research Module, Lower Intermediate Module, Intermediate Module and International Legal Cooperation in Civil Matters Curriculum conducted and completed during Q1, courses to be presented in the CLEP and ILEP Programs.
ToT program carried out with KJI instructors	2	2				<b>Yr 1 Target Completed. Activity to be attained in Yr 2, Yr 3 and Yr 4.</b> Legal English

						Program TOT Curriculum, Legal Research Module, Lower Intermediate Module, Intermediate Module and International Legal Cooperation in Civil Matters Curriculum conducted and completed during Q1, courses to be presented in the CLEP and ILEP Programs.
Training program on OSCE recommendations prepared	2	1				OSCE reports have been analyzed and administrative staff shortcomings are being addressed in a Best Practices course developed
STTA provided in holding judicial conferences	2	0				With support from OSCE, the KJI will present a Judicial Conference for Prosecutors in 2012 and Judicial Conference for Judges in 2013; the KJI has decline EROL's offer of the assistance in the presentation of the such conferences.
Judicial conferences held	2	0				
Develop list of potential local and int'l partner institutions	<b>Completed</b>					<b>Yr 1 Target Completed.</b>
Support development of relationships with institutions	2	1				<b>Activity to be attained in Yr 2, Yr 3 and Yr 4.</b> Initial meeting with Federal Judicial Center Director of Research in Q4 of the year one; tentative plans to cooperate on legal resources
Support to attend international conferences	2	1				<b>Activity to be attained in Yr 2, Yr 3 and Yr 4.</b> EROL plans to support a study tour for KJI representatives to a legal education conference in the United States.
KJI website enhanced						
Include reference materials and legal information on site	2	1				A formal KJI Strategy Plan and a formal KJI Website Development Plan, including detailed specification and requirements for the development of the new comprehensive professional website, has prepared by EROL and submitted to USAID for review and approval. However, the development of the website is conditioned on the outcomes of the MoJ Draft Law on Justice Academy and the KJI Draft Law on Judicial and Prosecutorial Academy.
Develop test version of KJI website	2	1				
Develop draft database of trainees	2	1				
Develop distance learning demonstration course	2	0				Development of the distance learning demonstration course will accompany the development of the website
Distance learning platform and catalog deployed and in use	2	0				This activity is related to the KJI Strategy Plan and a formal KJI Website Development Plan
<b>TOTAL:</b>	<b>30</b>	<b>11</b>	<b>TBD</b>	<b>TBD</b>	<b>TBD</b>	