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EFFECTIVE RULE OF LAW PROGRAM

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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 2 (July 1, 2012 through September 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 Q2, and describes plans for Year 2 Q3.

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

This report is broken down into the following sections:

- summary of program progress to date and program highlights
- 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 broken down by the four programs (see above)
- brief description of steps taken to ensure environmental regulatory compliance
- updated information on the status of budget expenditures.

Following the main body of the report is a set of appendices that show the various deliverables, trainings, charts, and PMP scorecards.

PROGRAM PROGRESS AND PROGRAM HIGHLIGHTS

During the reporting period, EROL made significant progress on program activities as well as changes to key personnel. The acting COP was approved as COP, and a new key personnel position was approved – Senior Technical Advisor – with a start date in early October. Additional personnel and STTA were utilized to regain momentum on program activities. EROL is half way finished with Year 2 and is now well positioned, with outstanding local staff and component leadership, to make steady, consistent and significant programmatic progress.

EROL worked very closely with the KJC to develop strategies and tactics for implementing the tremendous changes being brought by the implementation of the Law on Courts (LoC). The KJC and EROL have truly developed the partnership mentality required to transition the courts from Municipal/District/Minor Office Courts to Basic/Branch and Appeals Courts with new jurisdictional capacities. EROL has worked with KJC to establish numerous working and sub working groups to address specific, detailed procedures. Over 200,000 cases must be inventoried, transferred and accounted for;

judges will be transferred; the public must know where their cases are; and EROL has worked with the KJC to develop the procedures and methods to accomplish that – on time.

While much of the focus is on KJC and the effort towards the implementation of the LoC, EROL's Model Court Program (MCP) has moved quickly to ramp up efforts to begin court facility refurbishment and implement MCP operational standards. Seven of the eight MCP courts' refurbishment designs are in the procurement process. Final designs have been approved for the Court of Appeals (currently the Pristina District Court facility) and the Supreme Court. The IQC holders for court refurbishment have been identified and EROL has requested consent to subcontract. EROL anticipates refurbishment of the Court of Appeals will begin in October. Implementation of MCP standards goes hand in hand with refurbishment, and EROL worked with model courts to ensure plans for administrative and procedural improvements are in place.

In addition, EROL has worked with the MOJ and other justice sector counterparts to review and amend those laws that generally govern their operations. These laws, known collectively as *the Five Laws*, deal with the new court and justice sector transition, and EROL counterparts are making significant, albeit measured, progress on amendments. In addition, the MOJ made progress on the Draft Law on State Advocacy; and, while not as strong and clear as EROL had proposed, it represents a marked improvement over the existing law, especially with respect to the independence and professionalization of the government representation function of the republic of Kosovo. As part of the effort to improve how laws are drafted and reviewed, EROL also worked with the OP, KJC and KPC legal staffs to develop legislative drafting skills. This effort will continue next Quarter with an additional focus on legislative review at the OP.

EROL also worked with counterparts as they moved forward with developing and adopting Codes of Conduct. The KJC and KPC have either finalized or are finalizing both their Codes of Conduct as well as developing/amending regulations on judicial and prosecutorial discipline. EROL is also working with the KCC as it works to develop a Code of Ethics for its judges.

Counterparts are working to increase their use of information management to improve how they do their work and how they interact with the public. The KJI is developing a Web Strategy in order to improve its 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. There is also a growing interest in improving the ways justice counterparts interact with the media public. EROL provided substantial support to the KPC and KJC for developing public relations strategies and exploring protocols for working with the media. Initial progress included the KPC drafting a draft strategic communications plan and training for KPC and KLJC Spokespersons. More intensive and focused training for the KPC, KJC and the OP was developed and will be conducted early next Quarter.

EROL now has a solid foundation for continued success. That foundation was built on focused and determined efforts to 1) openly and effectively communicate with USAID and EROL program counterparts, 2) reinvigorate initiatives that were lagging, 3) mentor and empower staff so they can provide substantial support to the program and our counterparts, and 4) develop true partnerships with justice sector institutions.

Much was accomplished this reporting period, and EROL looks forward to the work ahead.

CONTEXT: CHALLENGES & OPPORTUNITIES

There are a number of challenges the EROL program faced during the reporting period. For example, one of the challenges in working with the MOJ is the apparent absence on the part of senior MOJ officials of a genuine interest in changing the way that they make public policy decisions and prepare draft legislation. The process of preparing a draft law by encouraging working group members to draft on the fly during lengthy meetings is counter-productive and very inefficient. Furthermore, it discourages sound analysis in making policy choices and converting those choices into effective legislative language. In addition, the uncertainty created by the KJI's Draft Law on Judicial and Prosecutorial

Academy and the MOJ's Draft Law on Justice Academy has apparently been eliminated, at least to USAID's satisfaction, clearing the way for EROL to move forward with several activities with the KJI. EROL's relationship with the Director of the KJI has improved, but the working relationship with other KJI officials can be strained at times, in large part due to their unrealistic expectations of the speed with which EROL can complete complex activities.

EROL's relationship with the Constitutional Court is solid and positive. The primary challenge is to provide educational opportunities for the Judges of the Court in a context and venue that is not perceived as inappropriate. EROL was successful in this regard through the international human rights conference which was attended by all the Judges. EROL will look for additional opportunities for substantive education for the Judges.

Another challenge is increasingly necessary focus of the KJC on implementation of the Law on Courts. While the KJC has certainly responded positively and provided substantial support from, and direction to, its ranks regarding planning and decision making for counting, moving, and receiving thousands of cases, the sheer volume of cases to account for requires significant commitment of time and resources. This commitment to implementation of the LoC could cause a delay with other EROL supported initiatives, such as developing the long range strategic plan.

While EROL is tracking and working with our counterparts to reduce the potential impact of these challenges, there are a number of opportunities for EROL move forward with programs. First, counterparts are embracing information management as a tool to help improve operations. For example, EROL is working with the MOJ to develop and install database and case management systems for the proposed State Advocacy Office and the DILC. In addition, the KCC, with EROL support, is moving forward with development and installation of a website case decision database and search engine. EROL is also working closely with the KJC and the courts to utilize a case inventory system for identifying current pending cases and where they will go under the LoC

EROL is also taking advantage of EROL-ECLO/EULEX cooperation/collaboration to prepare a formal administrative instruction on international legal cooperation in civil and criminal matters (subject to approval by the MOJ); as well as conduct a workshop for DILC officials and legal officers in the negotiation and implementation of bi-lateral international legal assistance agreements.

Counterparts are also very interested in how they can improve their public relations and outreach capacities. EROL is supporting renewed efforts by the KPC, KJC and Office of the President to develop strategic communications plans and build the skills of their Spokespersons.

In addition, EROL is working with the KCC, KPC, and KJC on fully developing, implementing and strengthening their codes of conduct and ethics.

ACTIVITIES

OBJECTIVE 1: EFFECTIVE OPERATIONS OF JUSTICE SECTOR INSTITUTIONS

1.1 KOSOVO JUDICIAL COUNCIL

EROL is assisting the KJC with execution of the Implementation Plan for the new Law on Courts that will become effective January 1, 2013. At EROL's suggestion, and with the concurrence of the Working Group for Technical Assistance to the Steering Committee for the Implementation of the new Law on Courts (WG), the KJC Implementation Plan (IP) Steering Committee (SC) adopted a methodology to streamline the tasks required in the IP. The SC agreed to supplement the membership of the WG by inviting additional court and KJC Secretariat experts to participate in subgroups that were established in accordance with the categories outlined in the IP. The subgroup approach was designed to serve two important purposes. First, to ensure that specific action steps were developed to systematically and strategically plan for managing the work required in the IP. Second, through mentoring and coaching, EROL staff could begin the process of building capacity of its counterparts, including KJC Secretariat and Kosovo judiciary staff. Every

subgroup member was required to fully participate and encouraged to think creatively to find solutions to what, at times, seemed to be monumental and insurmountable goals. By demonstrating how to develop agendas, action plans, preparing meeting minutes, and most importantly, setting deadlines, EROL staff noted that subgroup members began to see that by being proactive, having a positive attitude, and a willingness to work hard, it would be possible to achieve the designated objectives. Momentum built as members became fully engaged, accepted responsibility, took ownership for their subgroup work, and saw immediate, positive results. It was gratifying for EROL staff and counterparts to witness negative energy turned to something positive and productive.

Although it delegated the technical aspects of the IP to the WG, the SC is ultimately responsible for accomplishment of all aspects of the IP. Broken down into categories, the responsibilities include: human resources (judicial and support staff), logistics and physical resources (including the Model Court Program), court administration (including transfer of cases), public outreach, and training. In addition to strategy sessions held within EROL, thirty-nine subgroup meetings and three workshops were conducted during the reporting period.

The SC spent a considerable amount of time addressing appeals filed by applicants who were not selected for the Court of Appeals. The SC also agreed upon and submitted to the KJC a Regulation on Reassignment and Transfer of Judges to the Basic Court and Branches of the Basic Courts and the Administrative Instruction on Appointment of Judges. The drafting of the Regulation and Instruction was accomplished at a two-day offsite workshop hosted by EROL. The recommendations for transfer and reassignment of judges were made based upon current workloads, as well as a calculation of the number of qualified judges required to fill the seats in the Serious Crimes Departments and other specialized Departments of the Basic Courts. The Regulation and Instruction were ultimately adopted by a vote of the full Council membership and have entered into force as of 7 September 2012. EROL staff proactively coordinated with the President of the EULEX Judges to establish an Ad Hoc Commission for Complaints with regard to the selection of the Basic Court Judges.

The HR Subgroup unanimously approved an organizational structure for administrative staff positions at each Basic and Branch Court in Kosovo, including written and diagram formats as well as the written criteria for assignment of positions. The Director of the Human Resources Department for the KJC Secretariat met the Department's goal of ensuring that no judicial employee lost his/her job under the new court structure. Additionally, the KJC Secretariat Legal Department provided a legal opinion regarding the approach to be taken for the Selection of Court Administrators in consideration of the fact that they are members of the Kosovo civil service system. It is anticipated that these submissions will be approved by the Steering Committee early in Year 2 Q3.

The Logistics and Physical Resources (LPR) Subgroup is responsible for, among other things, signage that will be used at court facilities, printing of court registry books, ensuring that each court facility has sufficient office furniture, equipment, and all necessary materials to begin operations under the new court structure. The LPR Subgroup began the procurement process for the printing of the new registry books. This step is significant because once the books are printed EROL will begin developing training programs and workshops to orient court staff to the use of the registries. While many of the remaining activities will not take place until later this calendar year, it is worth noting that the LPR Subgroup has given careful consideration to its responsibilities, and developed an action plan; therefore, they will be prepared to efficiently support the next phases of the IP.

The Court Administration (CA) Subgroup is responsible for the monumental task of identification and transfer of cases to appropriate courts and departments as required by the new court structure. The LoC reorganizes Kosovo courts into seven Basic Courts, a number of subsidiary Branch Courts that will serve as courts of first instance, the Court of Appeals that will act as a court of second instance and third instance, and the Supreme Court that will primarily retain responsibility for adjudication of matters requiring extraordinary legal remedies. In many situations, the transfer of cases will not involve physical movement because those cases will remain in the courthouse where the cases are currently filed. A proportion of the transferred cases will literally be moved from one courthouse to another.

A very elaborate and sophisticated action plan was devised and approved by the CA Subgroup. The action plan is a working document and will be continually updated as the transfer operation progresses and situations arise that require adjustments. Using a team comprised of EROL, KJC Secretariat, and court staff, more than 15,000 cases were identified as requiring physical transfer from one courthouse to another, and related data was entered into an EROL-designed Excel database during a three-week period of time. The next phase will involve preparing case files for physical transfer, as well as identifying and performing database entries of regarding cases that will not be physically moved.

The Working Group for Providing Technical Assistance to the Steering Committee for the Implementation Plan for the new Law on Courts (WG) completed its primary work of drafting 66 new registry books and guideline for use by the court registry offices under the new court structure.



The KJC working group drafting a new code of ethics.

At the request of the Kosovo Judicial Council Secretariat, USAID and EROL approved a scope of work (SOW) regarding an organizational assessment of the KJCS. The SOW provided for an assessment of current departments and offices of the KJCS, and preparation of a written assessment of those departments and offices. When conducting the organizational assessment, STTA Michael Dobbins utilized a simple mapping tool, and prepared a list of questions that was used during interviews of key staff members assigned to various departments or offices. STTA Dobbins conducted more than sixteen interviews from July 2, 2012, through July 16, 2012. The interviews were designed to gain an understanding

of the working relationship between departments and offices, and the scope of responsibilities and duties for each KJCS unit. After completing his research and performing some analysis, STTA Dobbins prepared a report concerning his findings regarding each department, office or unit of the KJCS. The reports included a brief summary highlighting the duties and responsibilities assigned, and outlined relevant issues and recommendations for each department, office or unit. Some recommendations identified processes or procedures that would benefit from further review. Other recommendations called for specific action that should be implemented sooner, rather than later. After discussions with EROL, the KJCS decided that, due to the time constraints imposed by the Implementation Plan for the new Law on Courts, it would be best to postpone further discussion and follow up actions regarding the assessment until Year 2 Q4 or early in project Year 3.

During this Quarter, EROL staff hosted a KJC Code of Ethics Drafting Workshop with the KJC Ethics Working Group. The Working Group developed a proposed Code of Professional Ethics for the Kosovo Judicial Council, which was considered by the Committee on Normative Issues at a joint meeting of KJC Committees during the week of September 10, 2012. Essentially, the proposed Code resembled the Code adopted by the Kosovo Prosecutorial Council, although it was adapted to conform to the duties and responsibilities of the Judicial Council, and revised to reflect the Judicial Council's policy outlook after consideration of comments made by members of the Working Group (including written comments submitted by EULEX). It is anticipated that the Code will be finally adopted early in Y2, Q3.

As EROL moves into Year 2 Q3 the focus will continue to be on the Implementation Plan for the Law on Courts. A greater emphasis will be placed on case inventory data collection and logistics, including the monumental task of ensuring that case files are transferred to the new Court of Appeals from the Supreme Court and all District Courts throughout Kosovo. EROL will engage the assistance of additional full-time temporary staff to ensure timely completion of this aspect of the Plan. Another major focus will be on conducting education and training programs for the newly appointed President Judges and Court Administrators to provide assistance and direction in leadership areas as they embark on their new assignments. EROL will provide support in helping to guide them through this next transitional phase. Additionally,

it is EROL's intention to provide each court with an electronic version of the case registries to be utilized in the Departments and Divisions of the courts. Therefore, EROL will prepare a training curriculum and conduct train-the-trainer programs for judges, administrators and staff.

EROL staff will resume work on drafting the Regulation for the Internal Organization of the Courts and begin work on the Internal Operations of the KJC Secretariat.

1.2 KOSOVO PROSECUTORIAL COUNCIL

EROL's support of the Kosovo Prosecutorial Council focused primarily on the development of (1) policies, protocols and regulations to guide the KPC's governance responsibilities, (2) a strategic plan, and (3) a public relations strategy. EROL's technical assistance continues to be prioritized in a significant way based on the Council's time-sensitive needs and staffing limitations. The KPC has much to complete in advance of the new court structure taking effect in January 2013. EROL's work is not only helping the Council satisfy transition deadlines but through hands-on mentoring EROL is also assisting the KPC to develop rules, regulations and procedures that will guide the day-to-day business of the KPC, support the needs of line prosecutors, and serve the long-term needs of the justice sector. EROL will also facilitate and participate in KPC working groups engaged in drafting and amending regulations so that the prosecution service is equipped to meet its obligations under the new system.

Legal Framework

In Year 2 Q1, EROL spent much effort supporting the KPC's efforts to develop three (3) codes of ethics applicable to members of the Council, front line prosecutors and prosecutorial administrative staff. The work paid off when the Council ultimately adopted each code on July 31, 2012. These Codes of Ethics are an important step in strengthening the prosecutorial institutions and they should serve as a critical foundation for the public's confidence in the efficiency and effectiveness of the prosecutorial system of Kosovo.

One key focus area for the KPC and EROL's assistance in Year 2 Q2 was the ongoing restructuring of the prosecution service and how to appropriately staff the new court structure with prosecutors and support personnel. In July, after assisting the KPC in amending and eventually adopting the **Regulation on the Process of Appointment of Prosecutors**, EROL was asked to aid the KPC to prepare for the new Court of Appeals by participating on the working group tasked with amending the **Regulation for the Assignment and Transfer of Prosecutors** in order to facilitate the Council's recruitment and selection of prosecutors, including minority candidates, for the new Appellate Prosecution Office.

The KPC needs to staff the new Appellate Prosecution Office with ten (10) prosecutors – four in the serious crimes department and six in the general department – with one slot in each department reserved for a minority representative in compliance with the Kosovo Constitution and other applicable laws and regulations.

In July, the KPC's commission reviewed 29 applications for positions in the serious crimes and general departments of the CoA, only four of which were recommended for the Appellate Prosecution Office. Moreover, only one out of the 29 applicants was a representative of a minority community. EROL observed the Council review applications and advised the Commission how the process could be made more efficient. Because, in the opinion of the Council, the process failed to produce qualified candidates for the Appellate Prosecution Office, the KPC decided to amend the regulation. The Chair identified several issues that needed to be addressed. First, the KPC had not anticipated that SPRK prosecutors would apply for the lower level appellate office, thereby creating "brain drain" in the SPRK. Second, the selection criteria overly emphasized statistical measurements such as years of service and caseload norms while *qualitative* measurements were nearly non-existent. The KPC sought to amend the regulation to address these concerns and achieve the KPC's often-stated goal of attracting and promoting young skilled prosecutors throughout the system.

Later in the quarter EROL participated in the working group tasked with amending the Regulation on Transfer and Appointment of Prosecutors. The working group essentially revamped the specific criteria in the regulation that addresses transfer of prosecutors to the Serious Crimes Department of the Basic Prosecution Office and the Appellate Prosecution Office, respectively. EROL persistently encouraged the Council to re-examine the criteria and create a balance so that qualitative information could be captured and weighted equally with statistical data that prevailed throughout the criteria. Chairman Kabashi agreed and systematically reviewed the itemized criteria in the draft regulation and proposed score adjustments to achieve more scoring balance between work experience and quality of work. At a full Council meeting on September 28, 2012, the scoring changes were discussed and the Council passed the new regulation with 7-0 vote (with 2 abstentions). The KPC has an urgent need to publish openings using the new criteria and solicit applications from prosecutors who seek to be appointed to the new Appellate Prosecution Office. The KPC Secretariat will publish the announcement for seven days with the new criteria. Applicants who applied previously need only supplement their application with new information at their discretion. Review of applicants will begin shortly in Q3 as the Council attempts to staff the new office as soon as practical.

A second significant regulation tackled by the KPC in Q2 involved the **Regulation on Transfer and Assignment of Prosecution Service Support Staff**. Transfer decisions not only impact prosecutors but they are equally imperative for prosecution support staff (e.g., professional assistants, secretaries, legal offices, typists, drivers, security, etc.). With consolidation resulting in Basic (and Branch) Courts, many staff need to be moved to support a yet-to-be-determined ratio of support vis-a-vis prosecutors. Budget constraints, qualifications of existing staff for promotions, and involuntary transfers to understaffed courts are all issues the Council and the office of the State Prosecutor need to solve. In collaboration with and at the request of the KPC, EROL organized a one-day drafting workshop for the working group tasked with developing the new regulation. The KPC-led session took place at the Amazona Hotel in Pristina on Friday, July 27. The working group of 12 persons (including international advisors) used several documents to form a starting point for discussion and drafting, including the exiting regulation for the transfer of prosecutors, the Regulation of Civil Servants, the Law on Civil Servants, as well as examples from Europe and the U.S. At the end of the workshop, the working group had developed a sound Regulation on Transfer and Assignment of Prosecution Service Support Staff. At the next full KPC meeting, the Council expressed gratitude to USAID/EROL for facilitating the process. After reviewing the draft, Council members made a few changes to the text and unanimously adopted the regulation.

Upon passage of the regulation, the OSP Secretariat, with help from Human Resources and Statistics departments, began the laborious task of deciding on the numbers and ratio of support staff (legal secretaries, administrative assistants, professional assistants) needed to support individual prosecutors under the new court structure. The KPC thoroughly discussed various factors that impact how to structure support staff pairings with prosecutors. Relevant factors include determining appropriate ratios/proportions, protecting against confidential leaks, budget constraints, redundancies and staff shortages. The KPC ultimately decided to phase out the positions of legal secretary, typists and professional associates in favor of legal officers, who will have advanced degrees and will be considered for promotion to the job of prosecutor after several years of experience. EROL is collaborating with ECLO to come up with new job descriptions to reflect these changes.

A final regulation revisited by the KPC in the quarter was the **Regulation on Performance of the Disciplinary Committee**. The working group sought EROL's advice about how to appropriately address cases in which prosecutors become subjects of disciplinary complaints for mistakes emanating from poor performance – often rooted in inadequate training – rather than for overt acts of misconduct; the Council feared that the inability of the Office of the Disciplinary Prosecutor (ODP) to distinguish mistakes from misconduct would have a chilling effect on prosecutors. As a member of the working group, EROL recommended the Council (1) define and distinguishing the deference between actual misconduct that requires discipline compared to a performance issue that arises when a prosecutor fails to meet job performance expectations and (2) explain types of corrective actions (e.g., training) that may be imposed as appropriate disciplinary measures. Much of EROL's work ended up in the final version of the amended regulation. The KPC postponed adoption of the regulation, however, until it has time to review, compare and harmonize the regulation with the

KJC's version of its disciplinary regulation. The two working groups will meet in October 2012, with adoption of the regulation expected in early Q3.

The Council expressed to EROL its desire to amend the existing regulation on **Prosecutors Performance and Evaluation** so that the quality of a prosecutor's work can be evaluated in addition to the statistical data that is currently reviewed. Chairman Kabashi noted that the PPE Unit is made up of non-lawyers who are not particularly capable to opine about a prosecutor's on-the-job performance. Instead, it was suggested that the regulation provide for a new commission consisting of prosecutors who will conduct qualitative reviews in addition to the unit's statistical analysis of norms. This issue will be further addressed in later in Year 2.

KPC Strategic Plan

EROL took the lead in Q2 and focused the Council's attention and energies on creating a two-year strategic plan. EROL prompted the KPC to identify and work through policy decisions regarding roles and responsibilities of the KPC, the State Prosecutor's Office and its subordinate parts. With the transition to the new court system nearly complete, the KPC's capacity to perform long-term strategic planning must become institutionalized; strategic planning – establishing a mission, vision, objectives, concrete goals and measurable performance indicators – will lead to better decision-making and should be viewed as the only acceptable means of planning by the Council.



KPC Chairman Ismet Kabashi gives his recommendations at the strategic planning workshop.

Due to its large size, EROL requested that the Council reconstitute the exiting KPC Strategic Plan Working Group to a smaller group comprised of key personnel who would focus on drafting a two-year strategic plan spanning 2013 through 2014. EROL also presented concerns that the KPC's September deadline for a completed plan was too aggressive if the Council was serious about having a workable plan, especially in light of the pending amendments of justice sector laws and other unknowns flowing from the new prosecution services structure. EROL stressed that quality was the goal, as was instilling proper processes aimed at improved governance and long-term sustainability. In the end, the KPC agreed to slow down the process and reconstitute the working group to a smaller, workable number consisting of members with occupational expertise in various subject matters (e.g.: budgets, HR, IT, training) and hold relevant positions in those subject areas.

EROL's next step, prior to approaching the KPC with a workable strategic plan framework, was to form a working group consisting exclusively of international advisors to the KPC. The International Advisor Working Group (IAWG) consisted of EULEX, ECLO, USDOJ and various short-term experts of those institutions. Over the course of a half dozen meetings facilitated by EROL, the IAWG created a framework for the KPC 2013-2014 Strategic Plan, including a detailed breakdown of strategic objectives, milestones and activities. The documents are organized in a way to guide the drafting process and deliberations.

In September, EROL conducted a two-day workshop for the entire KPC and appropriate members of the KPC working group designed to indoctrinate the Council toward an appropriate strategic planning mindset so that its deliberations would be meaningful.

With KPC leadership onboard, we believed that the working group members would be properly oriented of the methods and aims of the planning process. At the workshop, EROL presented eight major strategic objectives for discussion and

consideration. Other international advisors (EULEX and ECLO) presented examples of plans and outlined key elements to include in a plan. Technology, human resources and budgetary concerns received a lot of thoughtful discussion. Chairman Kabashi agreed with the approach stating, “[t]he KPC needs a Strategic Plan in order to assess the current situation, determine objectives and goals, identify deficiencies and improve policies, and identify the path and actions to improve the work of the KPC and the prosecutorial system. I consider this to be the biggest success of this workshop, determining the objectives. I thank USAID for the assistance... [and] we are hopeful for the continued cooperation of USAID.”

After buy-in from the KPC, EROL will begin facilitating the drafting process in Q3, conducting sessions with small groups of subject matter experts. Following the workshop, EROL conducted a coordination meeting with the KPC Secretariat to learn the near priorities of the Council and discuss next steps. At the KPC’s request, EROL narrowed the strategic plan objectives down to these 5 key themes:

1. Infrastructure Considerations
2. KPC Oversight Considerations
3. KPC Capacity Considerations
4. Transparency and Communication
5. Prosecutorial Strategy

Each category contains a series of sub-themes that will be addressed in the plan. Drafting of the plan will begin over the next several weeks with special subject matter working groups.

In collaboration with US/DOJ, EROL assisted the KPC working group tasked with developing a three-year **Strategic Plan for Inter-institutional Cooperation in Combatting Organized Crime and Corruption**. The working group consists of five members, including three prosecutors from the Special Prosecution Office of Kosovo (SPRK). Resident Legal Advisor Jon Smibert provided a draft strategic plan and recommended that the working group (1) identify a small number of important goals, (2) define responsibilities among various law enforcement bodies, (3) lay out the requisite steps to meet the goals and (4) develop a timeline that will help the KPC meet fall deadline. Ismet Kabashi, Chairman of the Council and the country’s Chief State Prosecutor, stressed that this plan is a critical priority for the European Union, and that the KPC is required to provide a final plan during the Government of Kosovo’s progress report to the EU Commission in September. With USAID approval, EROL provided logistical support for a two-day workshop on September 7-8 at which the KPC developed a draft of the strategic plan.

KPC Public Relations Strategy and Policies Development

The overarching purpose of EROL communication-related support is to enable the KPC to improve public access to and public confidence in the Kosovo justice system by increasing public knowledge and understanding of judicial and prosecutorial processes through proactive and interactive communications. EROL’s activities are designed to help the KPC (1) systematize internal communication within the judicial and the prosecution systems; (2) optimize justice system external communications with citizens and the media, and (3) formulate strategies and establish procedures to achieve goals (1) and (2).

With Public Relations Advisor Barbara Swann, EROL conducted several workshops for the KPC leadership, chief prosecutors, and spokespersons, many of whom will form the working group that will develop communication guidelines, internal policies and procedures and a strategic plan for promulgation and implementation by the Council.

Prior to the workshops, Barbara Swann and EROL met with KPC Chairman Kabashi to learn his views on media relations with prosecutorial services and the need of the KPC to create a public relations plan. Mr. Kabashi expressed frustration that the public and media do not delineate the difference between the prosecutorial service and the judiciary, viewing them as one in the same. He wants to develop a communication strategy that, in part, tells the story of the prosecutors (successes and failures) and highlights the differences between the work of the prosecutor and that of the judge.

Utilizing Ms. Swann's expertise, EROL developed a communications strategy planning concept paper which enabled KPC leadership and senior management to conduct respective internal/external environmental analyses and to identify gaps between organizational realities and the desired future. EROL conducted individual meetings and separate workshops with KJC and KPC leadership and senior management to facilitate collaborative thinking and consensus-building on internal and external communications strategies. To facilitate those processes, EROL compiled and created for both counterpart organizations media/public relations guidebooks which identify best practices in judicial and prosecutorial media/public relations and offer guidance on aligning institutional goals with PR priorities. In addition, EROL conducted separate follow-up strategy development sessions with KJC and KPC leadership and senior management to help the Councils identify their respective organizational communication vision, mission and goals, as well as target audiences, key messages and communication channels/tools.

Based on the information obtained in the strategy planning and development workshops, EROL drafted for review and consideration (1) a proposed KPC Instruction to coordinate internal communications between and among the KPC and the Kosovo prosecution offices and (2) a preliminary strategic communication plan components for review and consideration.

EROL communication-related activities in July also included separate workshops for KJC spokespersons/press judges and for KPC spokespersons/municipal prosecutors. The program agenda and practical exercises for both workshops focused on:

- Verbal and nonverbal communication skills
- Successful media interview techniques
- Constructing clear and concise media messages
- Message delivery and control

Spokespersons were provided with tips on proactively communicating with media, avoiding media interview traps, and utilizing transitional techniques for successful media interviews. Through the use of visual aids, PowerPoint presentations and group discussions, spokespersons gained a basic understanding of media characteristics. In practical exercises, they formulated media interview questions and engaged in role-playing exercises as journalists during videotaped simulated television interviews. The spokespersons were interviewed in simulated interviews that demonstrated "real life" media traps they might encounter. Spokespersons' substantive responses and non-verbal communication cues were critiqued afterwards.

With continued EROL support, KJC and KPC can each be expected to finalize and implement cohesive communication strategies which will enhance public understanding of the activities and functions of the Judiciary and the Prosecution and, over time, help to build public confidence in the new Kosovo justice system.

It is important for the Prosecutorial Council to have the capacity when appropriate to effectively respond to baseless allegations and daily criticisms by journalists, and to take proactive steps to communicate its mission and successes directly to the public at large. In Q3 and Q4, EROL will support critical steps in developing the KPC's capacity in this sphere by helping create internal and external communication guidelines and by training the Council's public relations staff. EROL will establish a KPC Public Relations Working Group focused on public relations, crisis communications and website development for KPC. EROL's expert technical assistance will assist the KPC Working Group draft communication policies, procedures, media guidelines and a strategic communications plan, including specially designed protocols to follow when crisis arise. By the end of Year 2, EROL expects to have assisted the KPC 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 Q2 of PY2, EROL continued to provide technical assistance to the MOJ in the preparation of the Draft Law on State Advocacy Office. EROL also completed assessments of the database and case management system needs for the

proposed State Advocacy Office and the Department for International Legal Co-operation (DILC). Those assessments produced thorough reports setting forth detailed requirements and specifications for the database and case management systems for inclusion in a request for proposals (RFP) to solicit a national firm to develop and install the systems. The reports were submitted to USAID for review and approval.

Draft Law on State Advocacy

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. In Q1, EROL made a formal proposal to the Department for Legal Affairs (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. EROL's proposal was accepted. Senior Judge Richard Gebelein, a former Attorney General of the State of Delaware with direct experience in overseeing government representation, as well as broad international rule of law experience, was retained to guide this activity.

In Q1, Judge Gebelein prepared for submission to USAID and DLA an Analysis of Policy Alternatives for a Draft Law on State Advocacy, and presented the Analysis at a one-day workshop attended by MOJ representatives and 21 stakeholder representatives. 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 a 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, Judge Gebelein and representations from EROL, embedded EULEX MOJ advisers, a former Chief Justice of the Supreme Court, a lawyer who represents civil society organizations, 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.

In Q2, the DLA, following further consideration of the working group's draft by an internal DLA committee, to which EROL was not given access, produced the first draft of the Draft Law on the State Advocacy Office. The first draft represented a much honed-down version of the work of the working group, and lacked clarity on important issues regarding the independence and competencies of the proposed State Advocacy Office. EROL immediately translated the draft from Albanian into English and Serbian, and forwarded the draft to USAID and the Kosovo legal Profession Program for review and comment. The DLA published the draft for public comment as part of the public consultation process mandated by Regulation No. 09/2011 – Rules and Procedure of the Government.

Judge Gebelein analyzed the draft and prepared detailed comments, including suggested amendments, and the comments were submitted to the DLA prior to the conclusion of the comment period. Notwithstanding repeated offers by EROL to review the comments, as well as comments submitted by OSCE, with the internal working committee, EROL was given no further access and had no further input into the drafting process. With only a couple of minor changes, which did not reflect EROL's comments, the initial draft was adopted by the DLA, approved by the Minister, submitted to the Government, and approved by the Government. It is pending consideration by the Assembly of Kosovo. Judge Gebelein submitted a detailed final trip report, as well as a detailed supplemental report setting forth the case management system needs of the proposed Office. Following USAID approval, the supplemental report was submitted to the Director of the DLA.

Even though the Draft Law on State Advocacy Office is not as strong and clear as EROL proposed, it represents a marked improvement over the existing law, especially with respect to the independence and professionalization of the government representation function of the republic of Kosovo. It also calls for the preparation of secondary legislation,

and if approved by the Assembly, EROL will seek to provide technical assistance to the Office in the implementation of the Law and the preparation of secondary legislation.

Draft Law on Justice Academy

The MOJ's component of the Government's Legislative Program 2012 included the Draft Law on Judicial Academy. According to a formal Concept Paper entitled, "Transformation of the Kosovo Judicial Institution into an Academy of Justice," prepared for the MOJ by the German International Cooperation (GIZ), the purpose of the Draft Law is to replace the independent Kosovo Judicial Institute (KJI) with a justice academy under the direction of the MOJ. In Q1, the significant policy and practical implications of the Draft Law were being addressed at the donor level. To assist in that effort, USAID requested that EROL prepare detailed comments on the Concept Paper for submission exclusively to USAID. EROL complied with the request. In Q2, EROL was advised by USAID that the Draft Law, as originally conceived by the MOJ, would not be prepared and submitted to the Government, and that EROL could safely proceed with activities at the KJI.

Draft Law on Amendments to the Five Laws

The Kosovo justice and judicial institutions as well as the embedded international donors in Kosovo have identified legal gaps, inconsistencies and difficulties in implementing of the following five justice sector ("the Five Laws") laws:

1. The Law on Courts
2. The Law on KJC
3. The Law on KPC
4. The Law on State Prosecution
5. The Law on Special Prosecution

Hence, the MoJ as a sponsoring institution for reforming the Five Laws, established and led a Working Group for amending of the aforementioned laws. The Working Group is composed of members of the MoJ, KJC, KPC, KJI, US Embassy, USAID and EULEX.

In a close cooperation with the USAID Kosovo, EROL Program was tasked to have a leading role among international donors in coordinating activities related to legal analysis and making all necessary arrangements for and supporting the substantive and logistical work of the Working Group for Amendment of the Five Justice System Laws.

After a series of meetings held at the MoJ, it was agreed that EROL Program organizes a retreat for the Working Group. The retreat was held in Peja from 13-16 June 2012 and the EROL Program has provided legal and logistical expertise and facilitated the discussion of the Working Group.

While in Peja, the Working Group finalized the Law on KPC and the Law on State Prosecution and accomplished a part in amending the Law on KJC and the Law on Courts. Substantial and technical changes were made on the competencies of the Council Members of the KPC, election of the Council Members, appointment of the Chairman of the KPC, transfer, promotion and discipline of prosecutors and so forth. The Working Group also agreed on amendments related to the Law on KJC where a similar logic was applied when discussing issues of transfer, promotion and discipline of judges as well as the competencies of the Council. A considerable part of the work was related to harmonizing the laws among each other, since occasionally they provided for conflicting provisions. The Law on Special Prosecution was discussed while in retreat, however serious complications were raised while aiming to fit the competencies and jurisdiction of special prosecutors with that of serious crimes department of the Kosovo courts.

Ministry of Justice with support from EROL hosted the 2nd Workshop for the finalization of the Package of Draft Laws on the Judicial System of the Republic of Kosovo on August 1 – 3, 2012 at Hotel Sirius in Pristina. All members of the Working Group for Amendments to the Five Laws attended the sessions of the Workshop. EROL provided technical and logistical assistance to the MoJ for the purposes of amending and harmonizing the five justice sector laws and suggested

recommendations in the form of concrete proposals and amendments to the Working Group for further improvement of the legislative texts and to ensure that the draft laws adequately reflect the identified problems in the past in terms of their implementation. The workshop proceeded with a general discussion of the package of laws on the judicial system of the Republic of Kosovo and with an overview of the Law on Courts. Members of the Working Group then discussed the Law on the Kosovo Judicial Council and gave an overview of Law on the Special Prosecutor. A number of issues triggered the attention of the Working Group in the course of the review of the package of laws such as the proposal for the establishment of a special chamber in the Pristina Basic Court, the calling by the Supreme Court of a General Session of all its judges to issue decisions that promote unique application of the Laws, transferring of judges, the remuneration of the Chairman of the KJC and the Director of the KJC Secretariat, including additional compensation, other than reimbursement for reasonable and necessary expenses, for other duties or employment from any other source etc. However, as it was the case with the Peja workshop, in many instances, it was unclear if members of the Working Group reached a consensus on proposed amendments. The MoJ is expected to finalize the draft package of laws in September by way of Governmental approval and forward them to the Assembly of Kosovo for parliamentary approval, a process that is fundamental for successful implementation of the judicial and prosecutorial reforms in Kosovo.

Database and Case Management System Needs Assessments and Reports

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 management 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 management system in the area of government representation would depend on policy choices made in the Draft law on State Advocacy Office.

In Q1, 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 management preliminary needs assessments for the DLA and DILC. The preliminary needs assessment reports revealed that the current systems of the two departments were developed on an ad hoc basis, and are quite primitive. The reports also listed the further meetings and interviews needed to complete the assessments. The reports were submitted to USAID for approval.

In Q2, following USAID approval, the preliminary assessment reports were submitted to the MOJ. Two STTA's from Synergy returned to complete the final assessments, and based on the supplemental trip report of Judge Gebelein and several meetings with MOJ officials, prepared detailed reports setting forth requirements and specifications for database and case management systems for the proposed State Advocacy Office and the DILC. The requirements and specifications will form the basis for an RFP to solicit a local information technology firm to develop and install the systems. Once developed, the database and case management systems will improve the quality of the work of the legal officers and state advocates by permitting thorough supervision, and will improve the operations of the Government by permitting data collection and reporting by ministry and case type of government representation cases.

1.4 CHAMBER OF NOTARIES

EROL is no longer providing direct support to the Chamber of Notaries. EROL is supporting KJC's effort to develop 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. Since these activities will be focused on KJC, this section will no longer be reported.

1.5 OFFICE OF THE PRESIDENT OF THE REPUBLIC OF KOSOVO

EROL has continued its assistance to the OP to strengthen the administrative capacities in the area of legal drafting and the legislative review, and to improve OP public communication with citizens on matters including but not limited to judicial and prosecutorial appointments. During this reporting period, EROL supported the OP in three areas: legal drafting, legislative review, and public relations.

Workshop on the Legal Drafting Process

In Year 2, Q2 EROL focused on supporting the development of the President's Office Legal Department to draft clear, concise and unambiguous legislation and to increase the administrative capacities of the OP legal staff in the drafting process according to applicable norms. This activity also coincided with the drafting of the four laws in the justice-sector, which is one of the activities being sponsored by the MoJ with direct support from EROL, which highlighted the need to expand the scope of the attendance of the beneficiary institutions (MoJ, the KJC and the KPC). In order to increase the provision of quality services in the legal drafting, EROL with USAID guidance and approval focused on supporting other justice sector institution staff, namely the KJC, the KPC and the MoJ, involved with legal drafting to increase their understanding of the legislative process and to strengthen the capacities for preparing well-constructed legislative drafts that help proposed legislation pass through parliament and facilitate its consistent interpretation by courts. For this purpose, on July 19-20, 2012 EROL conducted a two-day workshop on the most common matters related to legal drafting, including legislative techniques and principles. Through an interactive teaching methodology and practical case examples, the STTA Professor Howard Fenton provided an analysis of the legislative drafting process in Kosovo on a step-by-step basis. In this workshop, the participants were introduced with the legal basis for initiating the legislative process according to the applicable legislation governing the legislative initiative and legal drafting principles and techniques to ensure quality and consistency in the course of the drafting process.

Workshop on the Legislative Review

The Constitution of Kosovo empowers the President with the right to review legislation adopted by the Assembly of Kosovo prior to its promulgation. The Legal Department within the Office of the President employs approximately eight (8) legal officers tasked with, among other responsibilities, reviewing and analyzing legislation adopted by the Assembly of Kosovo to ensure that the enacted legislation is compliant with the 2008 Kosovo Constitution and consistent with the legitimate interests of the Republic of Kosovo. The President's Office Legal Department has requested technical assistance in developing standards and procedures for the review of legislation adopted by the Kosovo Assembly prior to its promulgation by the President of the Republic, and EROL began preparatory activities for hosting a workshop to support the administrative capacities of the President's Office Legal Department to conduct a thorough review of legislation at a professional level of proficiency, and to define efficient and effective standard practice for reviewing the enacted legislation. In order to improve further the formal communication between the President's Office and the Assembly of Kosovo when a referral of a law back is made for parliamentary reconsideration, EROL has contacted the Director of the Legal Affairs Department of the Kosovo Assembly Mr. Daut Beqiri to enable the attendance at the legislative review workshop of legal specialists engaged in the process of submission of laws enacted by the Kosovo Assembly for presidential promulgation.

Improving the Public Relations in the Justice Sector

Efforts continue to improve OP public communications with citizens on matters related to the judicial and prosecutorial appointments were made. EROL assistance to the OP includes improvements to public relations in the justice sector. EROL held consultative meetings with representatives from the OP to discuss possible ways of supporting the OP in the area of public communication in the justice sector in the manner that is consistent with constitutional mandates. EROL proposed conducting a needs assessment analyzing communication regulations (if any), relevant reports in the field of communication and development of questionnaires. EROL also suggested that the OP conduct a one-day workshop to discuss the current status of communication with the public in the field of justice and to assess the external

communication and/or suggest necessary improvements. With guidance and approval from USAID, EROL through the short-term technical assistance will develop guidelines for the permanent staff of the President's Office involved in the public communication sector.

OBJECTIVE 2: INCREASE THE EFFICIENCY OF COURT OPERATIONS

2.1 ASSESS AND AMEND MODEL COURTS PROGRAM STANDARDS AND PROCEDURES

To facilitate the implementation of the nine mandatory court administration standards in the eight MCP courts, EROL hired seven Regional Court Liaisons (RCL) who are assigned to what will become, under the new court structure, a Basic Court. Each RCL acts as the on-the-ground, day-to-day representative of EROL in the region served by the Basic Court. The main focus of each RCL is to work with Presiding Judges and Court Administrators to identify training and technical assistance that EROL can provide in support of the implementation of Court Management Standards and MCP requirements. After an intensive orientation program, which included follow up assignments to ensure a full understanding of the EROL project and the requirements of the position, the RCLs made site visits to court facilities in Pristina. The site visits were made in order to provide the RCLs an opportunity to compare courthouses before and after renovation, and to experience firsthand how the MCP utilizes architecture to facilitate adoption of core court administration standards that the RCLs will be responsible for introducing to new Model Courts. In addition, the Presiding Judge or Court Administrator from each region joined the RCLs for a portion of the orientation program so that they could be formally introduced and begin exercising their liaison responsibilities in a controlled context. In addition to their routine liaison responsibilities, the RCLs participated in data collection activities that will support mandatory case transfers under the Implementation Plan for the LoC; this also provided the RCLs with a detailed introduction to case registry operations, one of the key MCP standards.

EROL staff visited each of the MCP courts in order to meet with Court Improvement Teams (CIT); this included assisting the CITs in designing/completing Court Improvement Plans that will be used by each court during MCP implementation. EROL also held a two-day workshop to provide hands-on assistance to each CIT during the preparation of their Court Improvement Plan, and otherwise facilitated the refurbishment planning process.

EROL also conducted an assessment of the Model Court in Skenderaj/Srbica to determine compliance with the core standards and operating procedures at the court. The Court Administrator and the court clerks presented and demonstrated the process of court operations, with a focus on case management and the protocols of standard four – case backlog reduction. The leadership of the Skenderaj/Srbica Model Court offered a commitment to serve as a mentor court for the next phase of the MCP.

Next Quarter, EROL will focus on mobilization plans for the courts scheduled for refurbishment. Additionally, the staff will prepare curricula and conduct workshops on the model court standards. An emphasis will also be placed on revising the statistical reporting methods to increase efficiency, reinforce transparency, and improve customer service and public perception.

2.2 SELECT AND IMPLEMENT MODEL COURTS PROGRAM IN THE COURTS

EROL continued to increase the pace of MCP refurbishment procurements and design awards. During the reporting period, EROL awarded three design task orders – Pristina District Court, Kosovo Supreme Court, and Rahovec Municipal Court. In addition, EROL selected awardees (Task Orders issued the first week in October) for the Municipal Courts in Suharekë, Vitia, and Istog. The Request for Task Order Proposal (RFTOP) for Lipjan was also sent to the IQC holders.

In addition, EROL began and completed the court refurbishment IQC procurement process. The process included a pre-qualification process that resulted in six firms selected to receive IQC RFPs. EROL brought in SITTA George Martin to oversee the IQC procurement process. Of the six qualified CR firms bidding, four were selected. EROL submitted to

USAID a request for Consent to Subcontract with the four IQC winners. The initial Task Order #1 from the CR IQC will be refurbishment of the Pristina District Court.

MEDIATION (CONTINUATION OF SEAD ACTIVITIES)

When it ended on July 13, 2012 the Systems for Enforcing Agreements and Decisions (SEAD) Program operated independent mediation centers in Gjilan and Peja that accept cases referred by the courts as well as cases submitted directly by the parties. Since the opening of the mediation centers in July 2011, 94 cases have been referred by the courts pursuant to a Protocol on Referral of Cases to Mediation Centers promulgated by the Kosovo Judicial Council. No cases have been directly submitted by the public. Pursuant to a MoU between SEAD and the KJC, mediators' fees for court-referred cases were paid by the KJC and for non-referred cases by SEAD. EROL assumed the support for the development of mediation in Kosovo and mediation-related activities at least through March 2013, per agreement with USAID.

The SEAD Program also supported a Special Office of Authentic Document Enforcement to address the problem of significant backlog of authentic documents cases. While there is a sizable backlog of enforcement cases of all kinds, the great bulk of authentic documents cases are located in a few courts, and present common problems of enforcement (in particular the location of addresses of debtors). The Special Office ensures that the enforcement process is carried out in accordance with the law and in a professional and fair manner.

The mediation centers started under SEAD in Gjilan and Peja now receive support from EROL. The activities of the centers are overseen by former SEAD (now EROL) Legal Advisor for ADR. In addition, EROL hired the mediation center managers previously employed by SEAD on the same terms as their current contracts to manage the day-to-day functions of each of the centers. EROL also extend the leases for the mediation centers and assume all operating costs. All property in the mediation centers (equipment and furnishings) and well as one of the SEAD's vehicle was transferred to EROL.

The steady increase in cases referred to mediation is a result of initiatives taken to overcome the reluctance of judges as well as attorneys to encourage parties to try mediation and targeted marketing activities. EROL met with municipal court presidents as well as with individual judges (including enforcement judges and enforcement clerks) and hosted a meeting of the Peja and Gjilan mediators in mediation centers. Further, targeted outreach to individual users (such as insurance companies including SIGAL and micro-finance institutions including FINCA and AFK) has also generated cases. In addition, the EROL held meetings with the mediators associated with the Centers and encouraged them to participate in outreach efforts and to take their own efforts to promote themselves as mediators.

The following tables shows the cases referred to the EROL mediation centers during the reporting period:

	Gjilan		Peja	
	Qtr 2	To date	Qtr 2	To date
Cases reviewed by Project for potential referral	44	369	91	515
Cases selected by Project and judge for potential referral	44	271	69	279
Cases referred to mediation (based on agreement of parties)	7	58	5	36
Cases settled through mediation and approved by court	4	36	2	15
Cases not settled and transferred back to court	3	20	3	13
Cases in progress (agreement to mediate signed and mediator selected)	2	2	8	8

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 in the development of a modern interactive education institution website and associated database were delayed. Recently, EROL received formal approval from USAID to proceed with the development of the KJI website and database, clearing the way for the completion of a formal database needs assessment. Furthermore, EROL and the KJI agreed on the co-preparation of several full course modules for presentation in the Initial Legal Education Program (ILEP), and/or the Continuous Legal Education Program (CLEP).

Website and Database Design and Development

The KJI is, in essence, an education institution, responsible for the inception training of judge and prosecutor candidates through the ILEP, and continuing legal education (CLE) for sitting judges and prosecutors through the CLEP. The Law on Courts and the Law on State Prosecutor foresee that CLE will become mandatory for judges and prosecutors sometime in 2013. The KJI is the obvious institution to verify CLE attendance for judges and prosecutors. With technical assistance from an ECLO project, 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 the design and development of a new website and a supporting database.

During Year 2 Q1, through a subcontractor, Synergy, an STTA database expert and an STTA website design and development expert conducted 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.

During this reporting period, following USAID permission to proceed, the KJI Web Strategy Plan and KJI Website Development Plan were translated and submitted to the KJI, prompting a request that the Synergy STTA's return to Kosovo to meet with ECLO experts and KJI officials to complete the gathering of information about the resource center and other KJI activities to support the preparation of a final database design and development plan. Synergy STTAs will return early in Q3 to complete the needs assessment and prepare a final plan.

Educational Courses for Judge and Prosecutor Candidates, Sitting Judges, and Court Administration Staff

Implementation by the KJI of the next generation of the ILEP for judge and prosecutor candidates has been delayed by discussions regarding entrance examination eligibility criteria taking place in meetings of the MOJ working group considering amendments to the five principle justice-sector laws. Until those discussions are concluded and entrance examination eligibility criteria are set, the opening of the application process to sit for the competitive examination will not occur. The next iteration of ILEP classes may ultimately be delayed until Year 2 Q4. Nevertheless, during this Quarter, the KJI and EROL agreed that EROL will provide technical assistance to the KJI in the preparation of the following course modules to be delivered in the ILEP and/or the CLEP:

1. ***Case Management (Judge Candidates and Sitting Judges).*** The course will focus on the processing of individual cases by individual judges, in contrast to caseload management, which deals with court-wide systemic case processing issues and challenges. The training module is based upon the concept that if a judge takes responsibility for a case at an early stage of the proceedings, the judge will have an opportunity to manage the case in the most efficient manner possible. It will also emphasize the usefulness of a pretrial conference and scheduling order in managing cases.
2. ***Court Management (Court Presidents and Supervising Judges).*** The course will concentrate on a presiding judge's strategic management of the court over which he/she has responsibility. The centerpieces of the training module will be judicial independence (independence of the judiciary, and independence of the judges—as well as the related principles of impartiality and fairness), inspiring public trust and confidence in the judiciary, stress management, effective communication, the strengthening of practical leadership skills (including relevant human relations aspects), interpretation and application of statistical data for strategic (including applicable principles of caseload management) and performance evaluation purposes, executive team building (including the relationship of presiding judge, court administrator, and chief clerk) to facilitate court management, the benefits of cross training court administrative support staff, and related subjects.
3. ***Legal Writing and Reasoning (Judge and Prosecutor Candidates).*** This training-of-trainers course will focus on the subject of legal writing and reasoning skills to prepare KJI instructors for training judge and prosecutor candidates enrolled in the ILEP. The training module will orient the trainers to relevant interactive teaching techniques, a best practice for this sort of skills training objective, and include practical exercises that will promote excellence in legal writing, as well as written and oral reasoning in a way that will facilitate incorporation of legal writing and reasoning skill development into all KJI courses. We also propose to assist the KJI in presenting the Training of Trainers program on this subject.
4. ***Information Technology (Judge and Prosecutor Candidates).*** The focus of the course will be on the ways in which technology can improve the efficiency and effectiveness of the work of judges and prosecutors, including as a tool for organizing workload, organizing facts and legal support, project management, and in the organization and presentation of written submissions or decisions by the court. We envision that this module will require one training day, although a two-training day approach would be necessary if the KJI elects to include substantial practical exercises, which may be beneficial.
5. ***Communication Skills (Judge and Prosecutor Candidates and Sitting Judges).*** The course will be devoted to strengthening the communications skills of judges and prosecutors, particularly when dealing with parties, court staff, members of the public, and representatives of the news media. The training module will concentrate on skills ranging from active listening and validation, to the use of communications methods that are both respectful and respectable, conveying norms of professionalism in inoffensive language that is motivating, and related techniques.
6. ***Training for Court Administrative Support Staff.*** We propose to assist the KJI in the development of a training module for court administrative support staff. The course will focus on court administration standards mandated by the Kosovo Judicial Council, as well as customer service, communications skills, workload organization techniques, benefits of cross training, succession planning, and related skills. The training module

will introduce court administrative support staff to principles of court administration that are related to the implementation of the Law on Courts in 2013 and the Model Courts Program, as appropriate. This KJI course will be delivered in the context of EROL's collaboration with the Kosovo Judicial Council regarding implementation of the Law on Courts and overlapping aspects of the Model Courts Program.

7. **Mock Trial Exercise (Judge and Prosecutor Candidates).** EROL, in collaboration with one or more instructors to be identified by the KJI, and one or more representatives of the Kosovo Chamber of Advocates (KCA), will develop and present in the practicum segment of the ILEP a Mock Trial Exercise based upon a criminal case. One of the major objectives of the exercise will be to develop legal reasoning and trial strategy skills in a simulated trial setting, strengthening the participants' ability to apply substantive and procedural law as a legal proceeding evolves. The KCA will select some newly admitted members of the Chamber to act as defense counsel in the exercise.
8. **Judicial Ethics (Judge Candidates and Sitting Judges).** The course will focus on the application of ethical principles to the work of judges. The centerpiece of the course will be the idea that public trust and confidence in the judicial institutions of Kosovo are directly and inextricably linked to the behavior of judges. The basic method of instruction will build on a discussion of applicable ethical guidelines and other norms, and utilize realistic examples of potential ethical dilemmas to encourage the adoption of an ethical philosophy that will be utilized by the judge-attendees to guide their disposition of such dilemmas as they arise in their work as judges.

The Director of the KJI agreed to select KJI instructors to work with EROL in the preparation of these courses. With the assistance of KJI's Special Advisor, EROL completed the preparation of the Legal Writing and Reasoning ToT course. Preparation of the other courses will continue into the next Quarter.

3.2 CONSTITUTIONAL COURT

The Constitutional Court, although not part of the Kosovo judiciary, plays a special role under the Constitution 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). All but one of the national judges on the Constitutional Court are academicians with government experience, have no experience as judges, and are unfamiliar with the concept of judicial ethics. Much of the legal analysis and decision drafting for the Court is performed by the Court's legal advisors and legal researchers. 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. It is becoming increasingly important that legal professionals in Kosovo begin to use the decisions of the Court to support their arguments on issues being litigated in the national courts. 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.

Case Summaries

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 presently 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 Q4, 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. In Year 2 Q1, EROL completed and submitted to the Court, in Albanian and English, summaries of the 93 decisions rendered by the Court in 2012, accompanied by an improved comprehensive subject matter index. The Bulletin, containing EROL's summaries and index, was published by the Court during this reporting period, with appropriate attribution to USAID and EROL.

International Human Rights Conference

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.

At the very end of the previous Quarter, EROL supported the presentation by the Constitutional Court of a one and one-half day human rights conference entitled "Direct Applicability of Universally Accepted Human Rights in Kosovo – The New Imperative in the Practice of Law." The conference features a wide range of national and international speakers and was well attended by justice institution leaders, judges, prosecutors, and KCA members, as well as the Judges and legal officers of the Court. The Dean of the Pristina University Law Faculty and the Editor-in-Chief of the Law Faculty journal, "E Drejta," have 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. EROL began the process of collecting and translating the presentations. EROL and the President agreed upon the text of a "forward" to introduce the special issue.

Website Case Decision Database and Search Engine

The Constitutional Court publishes its decisions on its website, but does not publish the case summaries or subject matter index contained in the Bulletin of Case Law. Therefore, there is presently no way for the Judges and legal advisors of the Court, government officials, legal practitioners, or members of the public to use the website to search and locate decisions based upon the legal issues presented and decided. This shortcoming was mentioned repeatedly during the human rights conference. EROL offered to provide technical assistance to the Court in the development and installation on the website of a case decision and search engine database, and the President of the Court accepted the offer. Working through an experienced STTA, EROL conducted a thorough needs assessment and prepared a comprehensive report setting forth the requirements and specifications for the development and installation on the website of a case decision and database and search engine. The report was submitted to USAID for review and approval for distribution to the Court. The requirements and specifications can be included in the Court's pending RFP for a local information technology firm to host and manage the website. EROL will continue to support the Court to ensure proper development, installation, and testing of the database and search engine, and the provision of associated training. The search engine will directly support improved performance by justice system professionals, and will become a model for similar search engines that could be used to identify relevant Supreme Court decisions and even important decisions of the other national courts.

Code of Professional Conduct

EROL is working with the Constitutional Court to improve the professionalism of the Judges of the Court and enhance the trust and confidence of Kosovo institutions and the public in the decision-making of the Court. As a general rule, constitutional courts differ from general jurisdiction courts in a number of significant ways. First, constitutional courts often are not part of the judiciary and do not function in an appellate capacity. Rather, original cases come by referral from a number of different sources, including the legislative and executive branches of government, as well as from individuals raising human rights challenges. Often, the referrals present issues that are highly political and the subject of considerable public interest. Second, judges of constitutional courts are often untrained as judges or practicing lawyers, and instead come from the ranks of academia and government service. Therefore, judges of constitutional courts often have received no education or formal training in judicial ethics. The Constitutional Court is not atypical, except for the fact that, on a transitional basis, there are three international judges among the nine members. There is presently one vacancy for a national judge. Four of the remaining five national members, including the President of the Court, are academicians with experience in government service, and have not been judges in the Kosovo judiciary. The other national member has experience as a prosecutor and municipal court judge.

While ethical norms for judges of constitutional courts differ from ethical norms for general jurisdiction judges, as a result of their different competencies, there are important similarities, especially in the areas of independence, impartiality, fairness, confidentiality of deliberations, and absence of bias and inappropriate influence. The Constitutional Court is routinely accused in the media of succumbing to partisan political influence in its decision making. There have been unfortunate and damaging leaks of decisions made during deliberations before the decisions are formally announced. As a result, the reputation of the Court has suffered. The President of the Court has recognized the appropriateness and usefulness of the adoption of a code of conduct to guide the Judges of the Court, and has requested EROL's assistance in the preparation and presentation of a draft code of conduct.

A draft code of conduct is being prepared by United States District Court Judge John R. Tunheim, who will come to Kosovo at EROL's behest as an STTA, to present the draft to the Judges of the Court at a retreat tentatively scheduled for October 9 and 10, and to moderate the discussions at the retreat. Based upon those discussions, Judge Tunheim and EROL will prepare a final code of conduct for consideration and adoption by the Court.

Review of Rules of Procedure

Article 115.1 of the Constitution of the Republic of Kosovo requires that the Court "determine its internal organization, rules of procedure, decision-making processes and other organizational issues pursuant to law." Specific statutory authority to adopt rules of procedure is granted in Article 2.2 of the Law on the Constitutional Court of the Republic of Kosovo. The Rules of Procedure of the Constitutional Court of the Republic of Kosovo were duly adopted by the Court on November 23, 2010, and amended, with respect to Rule 18, by a Decision entered by the Court on July 8, 2011. The Rules of Procedure directly impact the work of the Judges, legal advisors and researchers, and officials of the Secretariat of the Court. They also implement provisions of the Constitution and Law on the Constitutional Court that directly impact the rights of citizens to seek redress of human rights violations through the Court. The Judges, legal advisors and researchers, and officials of the Secretariat have had sufficient experience in the application of the Rules to have identified issues, concerns, and problems, both procedural and substantive in nature. The President of the Court has agreed that a thorough review of the Rules is appropriate.

To facilitate that review, EROL requested that the President of the Court solicit written comments from the Judges, legal advisors and researchers, and officials of the Secretariat specifying issues they have identified and problems they have encountered in the application of the Rules. The President agreed that the comments received will be discussed during the second day of the retreat tentatively scheduled for October 9 and 10. Next Quarter, EROL will collect and translate the comments submitted to the President, consolidate the comments, and prepare an agenda for day two of the retreat to facilitate the discussion, consideration, and resolution of the issues and problems identified. EROL will facilitate the

discussion, and the Judges, legal advisors and researchers, and officials of the Secretariat selected by the General Secretary will be invited to attend and participate in the discussion. Based upon the discussion, EROL will prepare proposed amendments to the Rules of Procedure for consideration, further amendment, and adoption by the Court.

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

STRATEGIC ACTIVITIES FUND

As grant funding will be provided directly to award recipients by USAID, EROL's budgeted grants program was 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 is finalizing the RFP for the survey.

EROL provided assistance to the USAID FORWARD grant program. The focus of the grant program is use host country systems and partners to build sustainable partnerships and effective programs with CSOs in two areas: 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. EROL assisted USAID by providing administrative and technical support during the procurement process. EROL drafted the RFA and public announcement asking for applications. EROL was then part of the technical committee chaired by USAID to evaluate the eight proposals. The technical committee met four times in September to discuss about the proposals, and as result, a Tec Memo containing the consensus evaluation, commentary and scoring of the proposals was drafted.

PUBLIC RELATIONS & OUTREACH

PR Strategic Communication for KJC and KPC

The Public Information and Protocol Office within the KJC is seriously understaffed with one Spokesperson and one External Relations/Protocol Officer. The information coordinators in some of the courts Kosovo-wide are court staff



KJC Chairman Peci discussing the importance of public relations.

with no education or professional background in either journalism or public relations. The KPC has no communication office, so the Spokesperson in the Office of the State Prosecutors informs the public about the activities of the KPC. Also, there are no set procedures or protocols to guide the functioning of the KJC and KPC internal and external communication, or the relations between the PIO and court information coordinators for the KJC and the OSP Spokesperson and Prosecution Offices, or of the internal flow of organizational information/communications materials.

To assist the KJC and the KPC with developing improved public information and public relations strategies, policies, and protocols, EROL conducted a two-day workshop with the leadership and senior

management of the KJC Secretariat and District Courts, and a two-day work session with the leadership and senior management of the KPC and Chief District Prosecutors focusing on the management of effective internal and external communication. The three main goals of the workshops with the KJC and work sessions with the KPC were to 1) systematize internal communication within the judicial and prosecutorial systems, 2) optimize justice system communications with citizens and the media, and 3) formulate strategies and established procedures to achieve the first two goals.

Initially, EROL developed communications strategy planning concept papers and conducted a SWOT/GAP analysis, which enabled KJC and KPC leadership and senior management to conduct internal/external environmental analysis and to identify gaps between organizational realities and the desired future. Next, EROL conducted individual meetings and separate workshops for the KJC and work sessions for the KPC to facilitate collaborative thinking and consensus-building on internal and external communications strategies. To facilitate those processes, EROL compiled and created 1) Media/Public Relations Guidebooks that identify best practices in judicial and prosecutorial media/public relations and offer guidance in aligning institutional goals with PR priorities, 2) group exercises that focused KJC and KPC discussions on practical and practicable approaches for Kosovo relevant to community communication competencies, media relations, crisis communication management, and 3) 'Best Practices for Better Media Relations' PowerPoint Presentations that framed discussions in the context of overcoming negative media stereotypes and other communication barriers.

EROL created strategy development worksheets to assist KJC and KPC to work productively in identifying their respective organizational communication vision, mission and goals, as well as target audiences, key messages and communication channels/tools. Based on consensus agreement of KJC and KPC leadership and senior management, EROL drafted for review and consideration proposed KJC Regulations to streamline and systematize internal communications of the KJC and Kosovo Courts, as well as proposed KPC Instruction to coordinate internal communications between and among KPC and the Kosovo Prosecution Offices. Building on the outcome of the KJC and KPC strategy planning and strategy development workshops and work sessions, EROL drafted preliminary KJC and KPC strategic communication plan components for review and consideration.

EROL also organized a one-day workshop with the KJCS spokespeople, and administrators and clerks from district and municipal courts, and a one-day work session with Prosecution Spokesperson, Protocol Officer and Municipal Chief Prosecutors that focused on verbal and nonverbal communication skills, successful media interview techniques, constructing clear and concise media messages and message delivery and control.

Through the use of visual aids, presentations and group discussions, participants gained a basic understanding of media characteristics. In practical exercises, they formulated media interview questions and engaged in role-playing exercises as journalists during videotaped simulated television interviews. Participants' substantive responses and non-verbal communication cues were critiqued afterwards.

Law on Courts Implementation Plan Public Outreach Sub-Group

The Public Outreach Sub-Group (POSG) was established with the purpose of developing a public information and outreach plan, and carrying out the related activities. The main activity of the POSG during the reporting period was working with focus groups to help formulate and propose a key slogan for the new LoC public information and outreach campaign by the KJC, formulate and propose sub-messages for the campaign, propose a logo for the campaign, and propose a strategy to get the slogan and sub-message(s) out. To achieve this, EROL engaged three focus groups representing varying audiences and a focus group with media and civil society to test the messages developed with the first three groups, and a fifth session with representatives of leading Kosovo companies in the area of graphic design and corporate identity to discuss about the image, brand and logo of the KJC. The activity resulted in a final report submitted to the KJC with the proposed first and second tier slogan and message(s) and two types of logo that were designed pro bono by two companies, for the KJC to decide on and choose.

EROL also worked closely with KJC's External Relations and Protocol Officer and Personal Assistant to KJC Secretariat Director, members of the KJC Secretariat communications team, on how to develop messaging, how to engage in outreach with communities in addition to working closely with the media. This activity was part of strengthening of internal KJC capabilities in meaningful strategic communications that will help the KJC address the concerns of people more effectively and in a timely fashion, as one way to increase public trust and access to their courts.

SUPPORT MINORITY OUTREACH

In nearly all activities, EROL works with the consideration of including minority community representatives as practicable, and keeping a gender-balance of participants.

EROL is developing initiatives with stakeholders to organize minority outreach campaigns as part of the LoC general public information and awareness campaign to reach all the community languages in Kosovo. The campaign involves 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.

Next Quarter, EROL will conduct a two-day training session for journalists from the minority communities and will be held in Medija Centar in Caglavica. Also, EROL will organize a meeting with court staff and court users from minority communities to collect information regarding the production of court user materials.

ENVIRONMENTAL REGULATION COMPLIANCE

In Y1, EROL completed eight draft Model Court Site Specific Environmental Compliance Plans (SSECP) and submitted them to USAID for comment. During the reporting period, EROL submitted answers regarding specific site location questions for the Pristina District Court refurbishment plan. No additional environmental regulation compliance activities were completed this reporting period.

STATUS OF BUDGET EXPENDITURES

As of September 30, 2012, EROL had expended approximately \$4,900,000. During the reporting period, spending was approximately \$1,200,000. EROL anticipates the burn rate to continue to increase in Quarter 3 in connection with the MCP A&E design work, court refurbishments, additional STTA requirements, and training activities. [Note: amounts are approximate as the September 2012 costs have not been finalized.]

APPENDICES

APPENDIX A: LIST OF REPORTS & DELIVERABLES

By the end of Year 2 Q2, EROL had completed the following reports and deliverables:

OBJECTIVE 1

- Best PR Practices for Better Media Relations Workshop for KJC Senior Management and Court Leaders, Part I (July 20, 2012)
- Communicating Effectively with Media and Public Workshop for KJC Spokespersons and Court Information Coordinators (July 23, 2012)
- Best PR Practices for Better Media Relations Workshop for KJC Senior Management and Court Leaders, Part II (July 24, 2012)
- Best PR Practices for Better Media Relations Work Session for KPC Senior Management and District Chief Prosecutors, Part I (July 26, 2012)
- Communicating Effectively with the Media and Public Work Session for KPC Spokesperson and Municipal Chief Prosecutors (July 27, 2012)
- Best PR Practices for Better Media Relations Work Session for KPC Senior Management and District Chief Prosecutors, Part II (July 30, 2012)
- KJC Draft Regulation on Office of Communications Director
- KJC Draft Regulation on Public Information Office
- KJC Draft Strategic Communication Plan Components
- KJC Web Portal Development Plan
- KJC Web Strategy Plan
- KPC Draft Instruction on Organization of Prosecutorial Public Information Offices
- KPC Draft Strategic Communication Plan Components
- KPC Website Development Plan
- KPC Web Strategy Plan
- KPC Draft Instruction on Organization of Prosecutorial Public Information Offices
- KPC Draft Strategic Communication Plan Components
- KPC Website Development Plan
- KPC Web Strategy Plan
- Report on Focus Group Activity for the Development of the Law on Court Public Communication and Outreach Campaign Slogan and Message
- Comments on Proposed Draft Law on State Advocacy Office (July 30, 2012)
- Draft Law on State Advocacy Office
- Ministry of Justice State Advocacy Office Database Design and Development Plan (September 14, 2012)
- Ministry of Justice Department for International Legal Cooperation Database Design and Development Plan (September 17, 2012)
- Steering Committee Retreat on Reassignment and Transfer of Judges to the Basic Courts and Branches (August 31 – September 2, 2012)
- Regulation on Reassignment and Transfer of Judges to the Basic Courts and Branches of the Basic Courts

- Instruction on Appointment of President Judges and Supervising Judges
- Decision on Reassignment of Judges to Serious Crimes Department of the Basic Courts
- Decision on Reassignment of Judges to the Commercial Department of the Basic Courts
- Decision on Reassignment of Judges to the General Department of the Basic Courts
- Decision on Reassignment of Judges to the Administrative Department of the Basic Courts
- Decision on Reassignment of Judges to the Juvenile Department of the Basic Courts
- Decision on Reassignment of Judges to the Minor Offenses Department of the Basic Courts
- KJC Drafting Workshop on Code of Ethics
- KJC Draft Code of Ethics
- Transfer of Case Files Action Plan – Phase 1 (September 4, 2012)
- Transfer of Case Files Action Plan – Phase 2 (Pristina District Court)
- Policy Guideline on Reassignment of Non-Judicial Staff and Organizational Chart
- Steering Committee Decision for Supervision of the Implementation of the new Law on Courts (Regarding Policy Guideline on Human Resource issues including Criteria for Selection of Court Administrators)
- Steering Committee Decision for Supervision of the Implementation of the new Law on Courts (Regarding Court Registry List and Guideline)
- New Court Registries and Guidelines
- KJCS Organizational Assessment Report
- Legal Drafting Process Workshop for Legal Officers of OP, MoJ, KJC and the KPC (19-20 July 2012) including Compilation of the Primary and Secondary legislation governing the drafting process in the Republic of Kosovo

OBJECTIVE 2

- Court Improvement Team Action Plan Drafting Workshop (September 4-5, 2012)
- Draft Court Improvement Team Action Plans
- Final Court Improvement Action Plan for Gjilan District Court
- Final Court Improvement Action Plan for Municipal Courts of Lipjan, Viti, Istog, Suhareka and Rahovec
- Memorandum of Understanding between KJC and USAID Contractor Implementing the EROL Program

OBJECTIVE 3

- Constitutional Court Online Searchable Case Law Database Conceptual Framework (September 2012)

OBJECTIVE 4

- USAID Forward RFA (July 2, 2012)

AD HOC REPORTS

- STTA Trip Reports
- Weekly Reports (July 2012- September 2012)

APPENDIX B: TRAINING AND CAPACITY BUILDING EVENTS

Yr 2 Q2 Training and Capacity Building Events							
Program/Event	Date	Total	Male	Female	Alb	Serb	Min/ Others
Legal Drafting Training	19-20/07/2012	16	11	5	16	0	0
Best Practices for Better Media Relations (part 1)	20, 24/07/2012	21	17	4	21	0	0
Best Practices for Better Media Relations (part 2)	23/07/2012	13	9	4	13	0	0
Best Practices for Better Media Relations Working Sessions (part 1)	26, 30/07/2012	9	7	2	9	0	0
Best Practices for Better Media Relations Working Sessions (part 2)	27/07/2012	6	3	3	6	0	0
Court Improvement Team workshop	05-06/09/2012	32	22	10	32	0	0
Kosovo Prosecutorial Council Strategic Planning Workshop	20-21/09/2012	17	14	3	16	0	1
Quarter 2 Total		114	83	31	113	0	1
Life of Project Total		1,210	827	383	1,162	11	37

EROL staff managed to include the total of 114 individuals during the second quarter of the second year of Program implementation. Evaluations¹ were carried out for courses provided during this quarter with the aim of receiving feedback from participating individuals on the quality of the course.

¹ Please, note that during the EROL Program capacity building events we have had cases where participants didn't fill the evaluation forms or they didn't submit them.

On **July 19-20, 2012** EROL successfully conducted the two-day training on the process of legal drafting in Peja. The participants from the President's Office, the KJC, the KPC and the MoJ (mainly legal officers involved in drafting legal acts and professional responses) were introduced to the general principles and techniques of drafting legislation on the basis of the applicable legislation and the European standards on the review and drafting of primary and secondary legislation. The training was conducted in an interactive manner whereby a great part of the training involved drafting exercises as a method of advancing further the participants' practical skills in the preparation and review of legal acts. The total number of participant was 16 all Albanian nationality with Male = 11 and Female = 5.

On **July 20-24, 2012** EROL conducted the "Best PR Practices for Better Media Relations" workshop for senior KJC management. The workshop focus included the role of a modern public information office in a modern judicial system and core communication competencies, as well as crisis communication management. During this training EROL Program trained 21 participants of Albanian nationality with Male = 17 and Female = 4.

On **July 23, 2012** EROL team organized the workshop with KJC spokespeople, court information coordinators and court staff. The objective of this training was structured on the discussions and practical exercises focused on designing and delivering persuasive media messages; how to identify and avoid media traps, while using techniques to reiterate positive message, and how to act in front of cameras. The total number of participants was 13 of Albanian nationality with Male = 9 and Female = 4.

On **July 26, 2012** EROL team organized a working session with the KPC, attended by the Chief State Prosecutor, Chief District Prosecutors, Director of the SCO Secretariat, Spokesperson and Protocol Officer. The purpose of the session was to prepare the ground for the KPC to create the concept for public and media relations; draft protocols and procedures to guide both internal and external communication, and the role and function of PR offices. Total number of participants for this event was 9 of the Albanian nationality with Male = 7 and Female = 2.

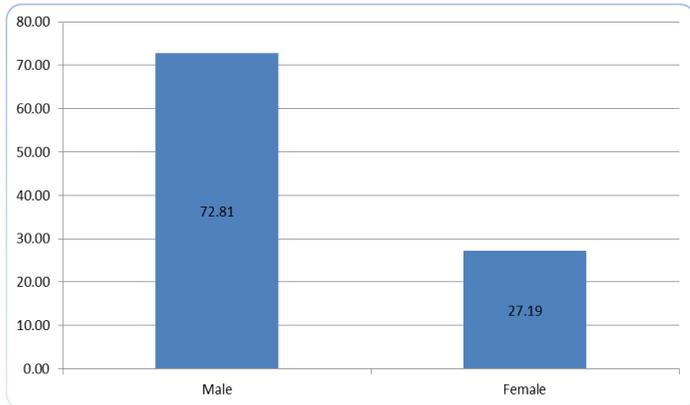
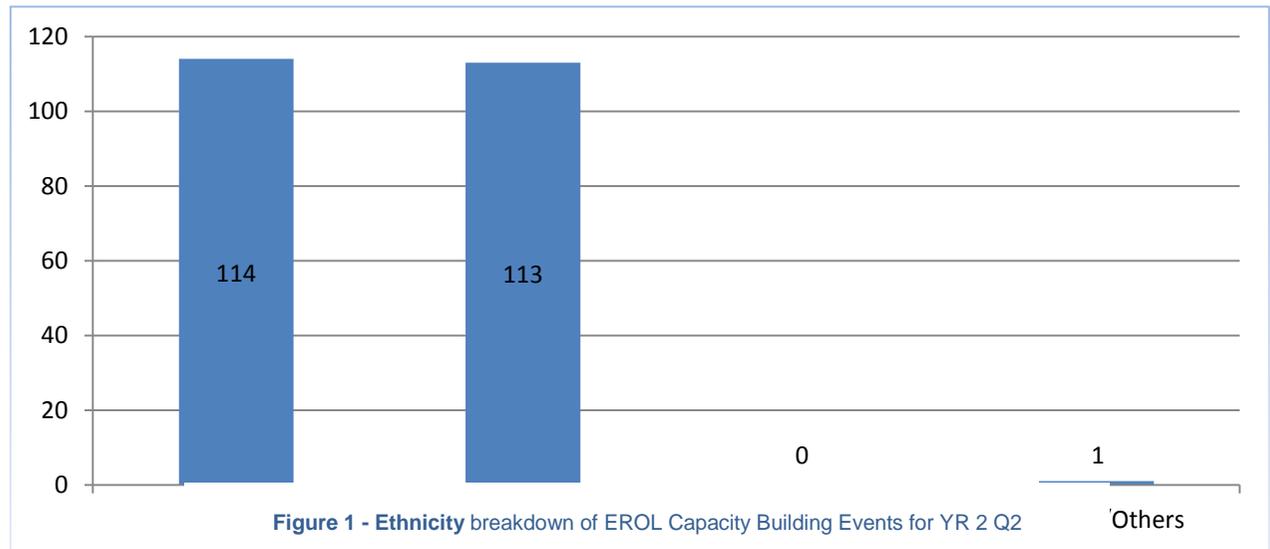
On July 27, 2012 the team held the working session with Chief Municipal Prosecutors. The objective of this training was to train Chief Municipal Prosecutors on public and media relations. The total number of participants for this event was 6 of Albanian nationality with Male = 3 and Female = 3.

On **Sep 5, 2012** EROL staff supported a drafting workshop for the development of a Strategic Plan for Inter-institutional Cooperation on Corruption and Organized Crime Matters involving the Kosovo Prosecutorial Council, ECLO, EULEX, USDOJ, the State Prosecutor's Office, the Office of Special Prosecutions, the Kosovo Anti-Corruption Agency, and law enforcement counterparts. This effort was a response to a donor study of the potential for improvement of multijurisdictional prosecution and investigation programs through strategic considerations. This event was attended by total of 32 participants of Albanian nationality.

On **Sep 20-21, 2012** EROL team collaborated with the KPC to coordinate the USAID/EROL-sponsored two-day strategic planning workshop held September 20-21. The workshop was attended by Council members and key members of the KPC's internal strategic plan working group. The workshop was designed to be highly participatory, with much time dedicated to moderated discussions that will provoke the KPC to think and plan strategically, and learn the benefits for doing so. EROL, EULEX and ECLO made presentations at the workshop. EROL created a Framework for the KPC's Strategic Plan, including a detailed breakdown of strategic objectives, milestones and activities. The workshop indoctrinated the Council toward an appropriate strategic planning mindset so that its deliberations will be meaningful. The documents were organized in a way to guide

the drafting process and deliberations. This event was participated by 17 participants, Male = 14 and Female = 3 with one member of Bosnian nationality and others Albanian nationality.

Capacity Building Events organized by all four components of EROL Program we had a total number of 114 individuals. Ethnicity representation on these events is provided under the **Figure 1.** – Ethnicity breakdown of EROL Capacity Building Events for Yr 2 Q2 with Albanian 113, and Minority Community/Others one individual participated.



Gender breakdown of EROL Capacity Building Events for Yr 2 Q2 represents satisfied representation between male and female government institution officials. EROL staff across all four components has managed to engage 31 or in percentage equal to 27.19% of female and 83 or in percentage 72.81% of male government officials (Please, see **Figure 2.** for reference) on capacity building events provided during the second quarter of the second year of Program Implementation.

Among participants that participated on EROL Program capacity building events there were 19 Judges, 15

Figure 2 - Gender breakdown of EROL Capacity Building Events for YR 2 Q2

Prosecutors, 31 Court Staff, 34 Executive Branch Sector Personnel, and 14 Legal Officers and Others 1. (Please, see **Figure 3**.)

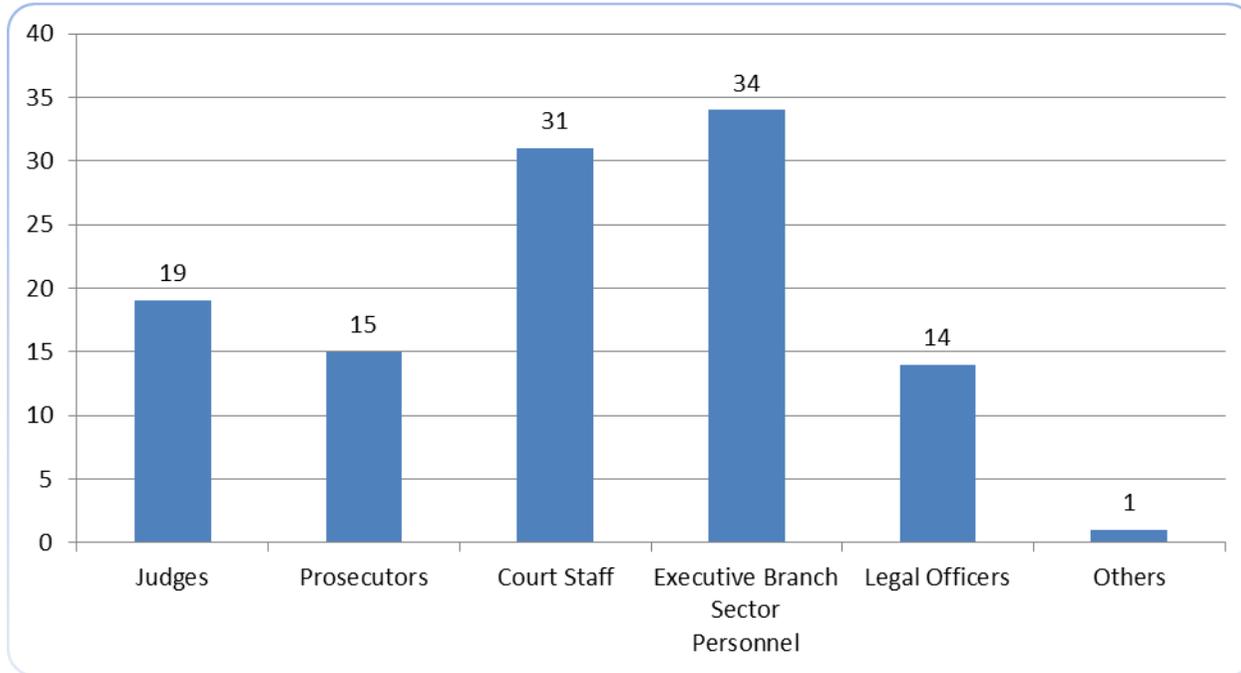


Figure 3 - EROL Capacity Building Events YR 2 Q2 Participant divided by role

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 two. 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 (54.4%), moderately successful (9.6%), successful (9.6%) and not very successful (1.8%). Materials presented during the workshop were evaluated very successful (56.1%), moderately successful (18.8%), somewhat successful (1.8%) and not useful/not at all useful (0.0% and 0.0%). Duration of the workshop has been qualified with about right (16.7%), too short (19.3%) and with too long (39.5%). General opinion on the organization of the workshops presented following results: very good (57.0%), good (11.4%), satisfactory (7.0%) and poor/very poor (0.0% and 0.0%). Lessons learned have been evaluated with very successful (47.4%), moderately successful (17.5%), somewhat successful (10.5%) and not useful/not at all useful (0.0% and 0.0%). General organizational

aspects have been qualified with very good (52.6%), good (20.2%), satisfactory (1.8%), and poor/extremely poor (0.9% and 0.0%). For illustrative details, please, see **Figure 4 – EROL Capacity Building Evaluations for Yr 2 Q2.**

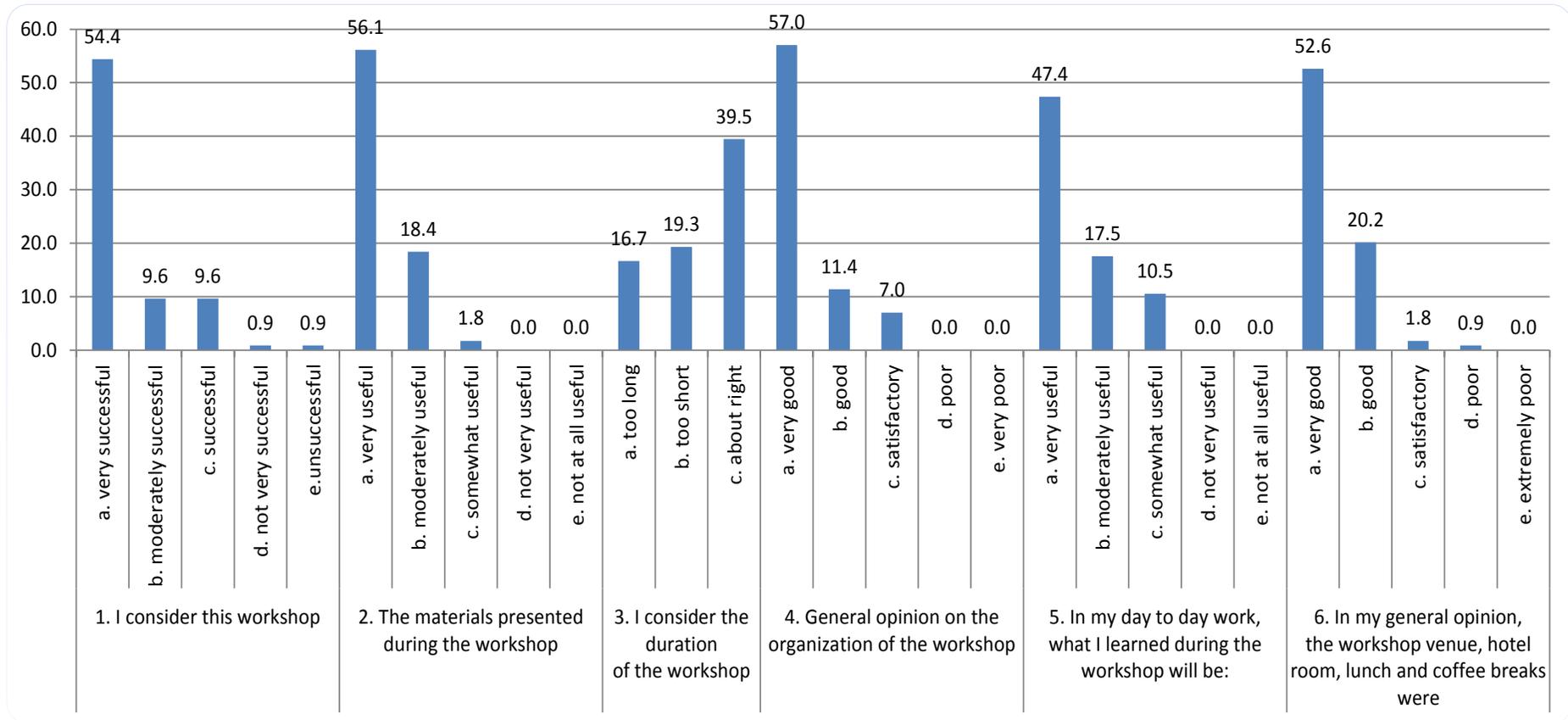


Figure 4 - EROL Capacity Building Evaluations for Yr 2 Q2

During the period Jul 1 – Sep 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 176 individuals participated on the Continuing Legal Education Program (CLEP). Currently Kosovo Judicial system consist of total² = 1910 individuals with Prosecutors=105; Judges=266; and Court Staff=1539.

The total number of individuals trained during this period include Judges = 130; Prosecutors = 27; and Court Staff = 19 (Please see Figure 5 for illustrative details)

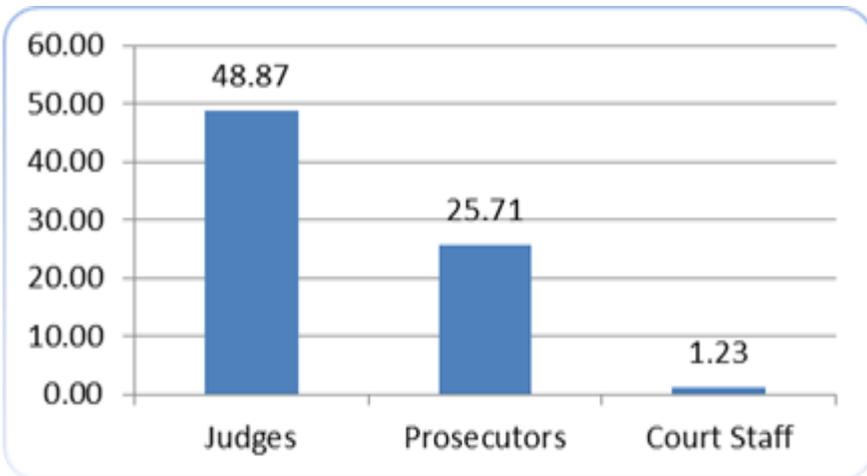


Figure 6 - Total percentage of Judges, Prosecutors and Court Staff participating on CLEP Program

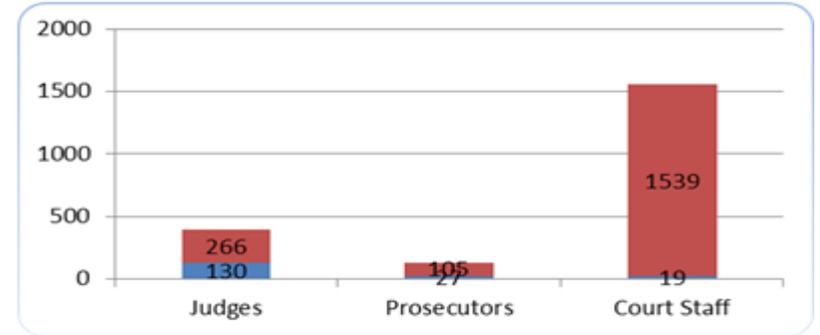


Figure 5 – Total number of CLEP Participants for Jul 1 – Sep 30, 2012 vs total number of Judges, Prosecutors and Court Staff

Total percentage of Judges, Prosecutors and Court Staff participating on Continuing Legal Education program provides us with huge participation of Judges = 48.87%, Prosecutors = 25.71% and Court Staff = 1.23%. Targets set up with EROL Program for Year 2 anticipated participation of Judges = 15%, Prosecutors = 20% and Court Staff = 10%. For illustrative details please, see Figure 6.

² Status on the total number of Kosovo Judicial System staff updated on June 29, 2012. Source: Kosovo Judicial Council and Kosovo Prosecutorial Council

Ethnicity breakdown of participants on the **Continuing Legal Education Program (CLEP)** includes Male = 123 and Female = 53 with Albanian = 175 and Minority Community = 1. Please, see **Figure 7**.

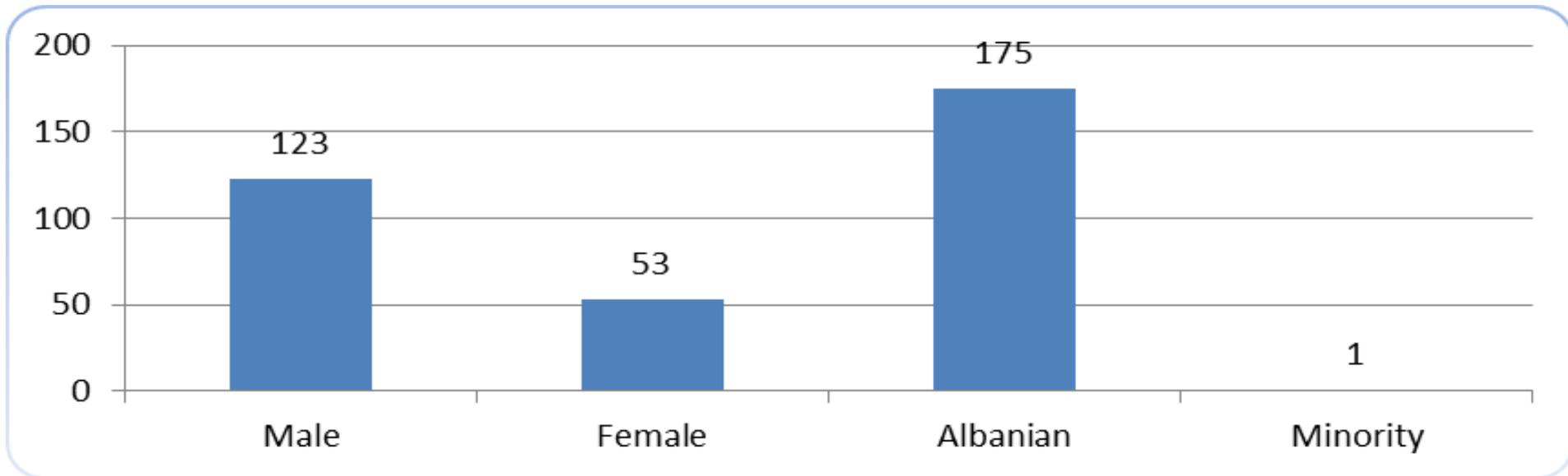


Figure 7 - Gender/Ethnicity breakdown of Continuing Legal Education Program (CLEP) participants

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				Comments
						To date				
						Q1	Q2	Q3	Q4	
IR2:	IMPROVED DELIVERY OF JUSTICE									
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	Draft RFP for Court User Survey developed			To increase accuracy of results, the Program has proposed to separate the surveys into two separate activities. Court User Survey will be conducted during Q3 through a surveying/polling company. RFP for Citizen Satisfaction Survey will follow the Court User Survey.
2.1.	Increased capacity of justice sector professionals									

Result/Indicator/Unit of Measure	Definition/Rationale/Utility/Limitations	Baseline	Yr 1 Actual	Yr 2 Target	Program Year 2 Actual				Comments
					To date				
					Q1	Q2	Q3	Q4	
2	# of justice sector personnel that received USG training Unit: #; disaggregated by sex and role		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=83 F=31 O=1 T=114	M= F= O= T=	M= F= O= T=	During the second quarter of Year 2 implementation of EROL Program, staff managed to train total of 114 individuals with Male=83, Female=31 and Minority/Others=1;
3	% of judges (J), prosecutors (P) and court staff (S) participating in CLE Unit: %; disaggregated by sex and status		N/A	J=15% P=20% S=10%	J=60.53% P=18.10% S=0.71%	J=48.87% P=25.71% S=1.23%	J= P= S=	J= P= S=	During the period Jul 1 – Sep 30 2012, CLE Program has been attended by Judges=130 (48.87%), Prosecutors=27 (25.71%) and Court Staff=19 (1.23%) Male=123; Female=53
4	# of legal courses or curricula developed with USG assistance Unit: #		5	3	5	No Activity to report for this quarter			No Activity to report for this quarter

Result/Indicator/Unit of Measure	Definition/Rationale/Utility/Limitations	Baseline	Yr 1 Actual	Yr 2 Target	Program Year 2 Actual				Comments
					To date				
					Q1	Q2	Q3	Q4	
5	# of executive branch sector personnel trained with USG assistance Unit: # disaggregated by sex and role		9	6	2	8			Target for Yr 2 is 6 staff member of the OP. Eight (8) legal officers from the Office of the President attended the workshop on the Legal Drafting process held in Peja from 14-16 July 2012.
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		0	10	13	No Activity to report for this quarter			Target for Yr2 is 10 Train of Trainers (ToT). Target achieved. Ten (10) ToT have graduated the Legal English Program. No Activity to report for this quarter
7	Simple case studies of persons trained by EROL or EROL-trained instructors (e.g., judge, prosecutor, PR staff, KJI instructor)		0	10	No Activity to report for this quarter	2			Two "Simple Case Studies" have been conducted. One with Constitutional Court training participant and One with Ministry of Justice training participant.

Result/Indicator/Unit of Measure	Definition/Rationale/Utility/Limitations	Baseline	Yr 1 Actual	Yr 2 Target	Program Year 2 Actual				Comments
					To date				
					Q1	Q2	Q3	Q4	
	include interviews, observations, job performance data or other relevant metrics.								The objective of these simple case studies was to examine training outcomes in the workplace.
8	KJI Scorecard rating of EROL's progress with KJI goals	Benchmark outcome indicator. Progress on tab "KJI" toward approved activities in consultation with USAID and stakeholders. Total score possible: 68 over four years; cumulative in (#)	16	30(44)	11	13			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.	Increased independence and accountability of the judicial system								
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	4	3	0	9			EROL staff participated on the Working Groups within KPC on drafting: - Regulation on the Appointment of Prosecutors' Process (July 4, 2012)

Result/Indicator/Unit of Measure	Definition/Rationale/Utility/Limitations	Baseline	Yr 1 Actual	Yr 2 Target	Program Year 2 Actual				Comments
					To date				
					Q1	Q2	Q3	Q4	
	significant indicator of government commitment. Some laws may also cover transparency.								<p>- Regulation on the Assignment and Transfer of the Support Staff (August 10, 2012)</p> <p>EROL staff participated on the Working Groups within KJC on drafting of following adopted documents:</p> <ul style="list-style-type: none"> - Regulation on "Reassignment and Transfer of Judges to the Basic Courts and Branches of the Basic Courts" - Instruction on "Appointment of President Judges and Supervising Judges" - Decision on "Reassignment of Judges to Serious Crimes Department of the Basic Courts" - Decision on "Reassignment of Judges to the Commercial Department of the Basic Courts" - Decision on "Reassignment of Judges to the General Department of

Result/Indicator/Unit of Measure	Definition/Rationale/Utility/Limitations	Baseline	Yr 1 Actual	Yr 2 Target	Program Year 2 Actual				Comments
					To date				
					Q1	Q2	Q3	Q4	
									<p>the Basic Courts”</p> <ul style="list-style-type: none"> - Decision on “Reassignment of Judges to the Administrative Department of the Basic Courts” - Decision on “Reassignment of Judges to the Juvenile Department of the Basic Courts” <p>All of the above documents are published under KJC (http://www.kgik-ks.org/?cid=1,205) and KPC (http://www.psh-ks.net/?page=1,27) websites.</p>
10	<p>Number of regulations and procedures that improve judicial transparency adopted with USG assistance</p> <p>Unit: #</p>	<p>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/ procedures may also cover independence.</p>		10	3	0	3		<p>EROL staff participated on the Working Groups within KPC on drafting:</p> <ul style="list-style-type: none"> - The Code of Ethics and Professional Conduct for members of the KPC (July 31, 2012) - The Code of Ethics and Professional Conduct for Prosecutors (July 31, 2012)

Result/Indicator/Unit of Measure	Definition/Rationale/Utility/Limitations	Baseline	Yr 1 Actual	Yr 2 Target	Program Year 2 Actual				Comments
					To date				
					Q1	Q2	Q3	Q4	
									- The Code of Ethics and Professional Conduct for Prosecutorial Support Staff (July 31, 2012)
11	<p>Number of government media relations staff trained with USG assistance</p> <p>Unit:# Disaggregated by sex and office</p>	<p>Standard F output indicator. 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	26 ³			<p>Target for Yr2 is 10 Media Relations staff.</p> <p>Target exceeded. During the second quarter 26 Government Media Relations staff trained.</p> <p>Unit #: 19 Male and 7 Female;</p>

³ Through series of Best Public Relation Practices for Better Media Relations workshops 26 Government Media Relations staff has been trained on the role of a modern public information office in a modern judicial system and core communication competencies, as well as crisis communication management; practical exercises focused on designing and delivering persuasive media messages; how to identify and avoid media traps, while using techniques to reiterate positive message, and how to act in front of cameras; create the concept for public and media relations; draft protocols and procedures to guide both internal and external communication, and the role and function of PR offices.

Result/Indicator/Unit of Measure	Definition/Rationale/Utility/Limitations	Baseline	Yr 1 Actual	Yr 2 Target	Program Year 2 Actual				Comments
					To date				
					Q1	Q2	Q3	Q4	
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	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>
13	<p>Improved performance on scale considering key factors of an acceptable disciplinary system</p> <p>Unit: Scale of 0-3</p>	<p>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.</p>	0	1	1	1			<p>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</p>

Result/Indicator/Unit of Measure	Definition/Rationale/Utility/Limitations	Baseline	Yr 1 Actual	Yr 2 Target	Program Year 2 Actual				Comments
					To date				
					Q1	Q2	Q3	Q4	
									development of a Code of Conduct and Ethics.
2.3.	More effective operations of the justice system								
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."	0	8	0	0			8 MCP courts are scheduled for Yr 2.
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	Indicator to be reported Annually	Indicator to be reported Annually			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	Indicator to be reported Annually	Indicator to be reported Annually			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				Comments
					To date				
					Q1	Q2	Q3	Q4	
17	More efficient and professional Model Courts								
	<p>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.</p> <p>Total score possible: 540 over four years; cumulative in (#)</p>		9	189 (351)	43	43			<p>The MCP staff at the end of this quarter as per the MCP PMP⁴ 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</p>

⁴ 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				Comments	
					To date					
					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	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 Yr 2 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	Indicator to be reported Annually	Indicator to be reported Annually			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 for this quarter			No activity to report during this quarter

Result/Indicator/Unit of Measure		Definition/Rationale/Utility/Limitations	Baseline	Yr 1 Actual	Yr 2 Target	Program Year 2 Actual				Comments
						To date				
						Q1	Q2	Q3	Q4	
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; cumulative in (#)		24	34(50)	16	16			Target for Yr 2 is adjusted from 20 to 34. Cumulative total for Yr 1 and Yr 2 = 50 points. During this quarter most of the activities under KJC Scorecard are on 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	14			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. Currently the KPC Scorecard totals 14 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.		15	28(44)	8	12			Target for Yr 2 is adjusted from 26 to 28. Cumulative total for Yr 1 and Yr 2 = 44 points.

Result/Indicator/Unit of Measure	Definition/Rationale/Utility/Limitations	Baseline	Yr 1 Actual	Yr 2 Target	Program Year 2 Actual				Comments
					To date				
					Q1	Q2	Q3	Q4	
									During this quarter several 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 12 out of 28 points
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	N/A	N/A	N/A	N/A	N/A	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
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	8			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

Result/Indicator/Unit of Measure	Definition/Rationale/Utility/Limitations	Baseline	Yr 1 Actual	Yr 2 Target	Program Year 2 Actual				Comments
					To date				
					Q1	Q2	Q3	Q4	
									Scorecard are under the "Ongoing=1" status with total of 8 out of 12 points
2.3.1.	Courthouse infrastructure improved								
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	8	0	0			8 MCP courts are scheduled for implementation in Yr 2.
IR3:	STRENGTHENED MECHANISMS FOR CITIZENS TO REPRESENT THEIR INTERESTS AND HOLD THE GOVERNMENT ACCOUNTABLE								
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.	N/A	250	Indicator to be reported annually	Indicator to be reported annually			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				Comments
					To date				
					Q1	Q2	Q3	Q4	
	Website registration might request information on both.								
28	Number of USG-assisted Civil Society Organizations that engage in advocacy and watchdog functions. Unit: #		0	4	0	0			-Developed USAID Forward RFA (July 2, '12) -Lunched USAID Forward RFA (July 4, '12)
29	# of functioning Public Reception and Orientation Platforms (PROPs) in model courts Unit: #		0	7(13)	No Activity to report for this quarter	No Activity to report for this quarter			No Activity to report for this quarter
3.1.	Increased Professionalism of Citizen Groups and Journalists to Monitor Government Activity and Influence Policy								

Result/Indicator/Unit of Measure	Definition/Rationale/Utility/Limitations	Baseline	Yr 1 Actual	Yr 2 Target	Program Year 2 Actual				Comments
					To date				
					Q1	Q2	Q3	Q4	
30	# of USG-assisted campaigns to enhance public understanding; NGO support/media coverage of judicial independence and accountability Unit: #		N/A	TBD	No Activity to report for this quarter	No Activity to report for this quarter			No Activity to report for this quarter

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	Q 4	
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	1			No activity to report this quarter.
Support KJC in inter-Ministerial legislation working groups	2	1	1			EROL continued to work with 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. EROL supported a workshop to make additional amendments as well as assist with the review, editing, and compilation of comments and proposals in collaboration with its counterparts.

Support development of follow-on Strategic Plan	2	1	1			EROL continued to support the KJC's effort with developing a strategic plan.
Support HR functions of KJC						
Define and standardize staff job descriptions	2	0	0			EROL worked with KJC to establish a human resources work group that has proposed organizational structures for each court.
Staff recruitment/selection standards in place	2	0	0			
Staff promotion standards in place	2	0	0			
Staff discipline/dismissal standards in place	2	0	0			
Internship programs functioning successfully	2	1	1			No activity to report this quarter.
Judicial selection procedures improved	Completed					Yr 1 Target Completed.
Judicial evaluation procedures improved	Completed					Yr 1 Target Completed.
Judicial promotion procedures improved	2	1	1			EROL provided substantial support to the KJC Steering Committee's effort to develop criteria for the selection/reassignment of Basic Court judges. The KJC Steering Committee approved 1) instructions for the appointment of president and supervising judges, and 2) regulations on reassignment of judges.
Judicial disciplinary procedures improved	2	1	1			EROL continued to work with the KJC on the development of a Code of Ethics for the KJC. The KJC Committee on Normative Issues and the Disciplinary Committee drafted a regulation on the performance of the Disciplinary Committee. Comments were received and further work on the regulations will occur next quarter.

KJC database for judicial personnel in use	2	1	1			Database assessment is ongoing and EROL will be working with the contractors during Quarter 3.
Track legislation reviewed by legal office	2	1	1			EROL continued to act 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.
Track implementation of procedures for effective court admin						
Case flow, reception, assignment, management	2	1	1			EROL has reinvigorated the model court program (MCP) improvement teams at 8 model courts scheduled for MCP initiatives this year. The procurement process for design and court refurbishment of the model courts is fully underway with 8 design tasks orders in progress, and 5 court refurbishment IQC contracts submitted to USAID for approval. Procedures for ensuring smooth transition to the new court structure under the LoC is well underway with working groups established and working on HR, court admin, public outreach, and logistics requirements.
Case files and records standards and procedures	2	1	1			
Attention to court users	2	1	1			Web portal assessments (web strategy and web development plans) have been submitted to the KJC for review.
Transparency and information access	2	1	1			
Increased and more effective use of automation						
Assess IT needs, CMIS' contributions/gaps, and failure to use	2	1	1			EROL, working with the KJC sub working groups, has developed a electronic case inventory system to account for all pending cases in the country so that complete and precise transfers of cases can be accomplished as scheduled.
Provide recommendations for system operation	2	1	1			No activity to report this quarter.
Minority outreach efforts						

Draft minority access assessment	2	1	1			Draft report on Minority access submitted to USAID.
Draft outreach campaign	2	1	1			EROL worked on drafting brochures - explaining the upcoming transition of the courts – for minority community citizens.
Draft requirements for translator program	2	0	0			No activities to report this quarter.
TOTAL:	34	16	16	TBD	TBD	

KOSOVO PROSECUTORIAL COUNCIL SCORECARD

Kosovo Prosecutorial Council Scorecard	Year 2					Description
	Target	Q1	Q2	Q3	Q4	
Target/Actual (per Quarter)						
Facilitate development of strategic plan	2	1	1			EROL developed a framework and conducted a workshop with the KPC and the working group tasked with finalizing a strategic plan. The KPC has identified five key objectives. Drafting of the plan will occur in Q3.
Facilitate development of annual plans	2	1	1			Yr 1 Target Completed. Activity to be attained in Yr 2, Yr 3 and Yr 4. EROL is assisting the KPC conduct preparatory work for the 2013 workplan.
Facilitate development of implementation plan and committees	2	1	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	1			A draft administrative instruction on public relations/communications was developed in Q2. Numerous regulations were drafted and/or amended.
Support implementation of SOP across KPC	2	0	1			Activity to be attained in Yr 2, Yr 3 and Yr 4. EROL assisted KPC draft/amend regulations concerning ethics, transfer of prosecutors and support staff, and discipline.
Develop job descriptions/TORs for KPC Secretariat staff	2	1	1			Job descriptions are being developed and revised as part of the strategic planning process, and in collaboration with ECLO.
Train KPC in needs-based budgeting and justification	2	0	1			EROL and the KPC examined this issue at length in the strategic planning workshop. Once the drafting process begins, the KPC will identify specific needs

						through its Strategic Planning process, this area will be addressed.
Legislative drafting support: secondary legislation	2	1	1			EROL provided analysis proposed legislation on salaries of public officials.
Development of new staff training module	2	0	1			The KPC has identified training as a key objective to be addressed in the strategic plan drafting process.
Draft public relations strategy	2	1	1			EROL has developed a draft public relations strategy, media guidelines and a crisis communication plan.
Draft public relations training modules and materials	2	1	1			EROL trained KPC staff/spokesperson.
Train public relations staff	2	1	1			EROL trained KPC staff/spokesperson.
Support formulation of external/internal communication plans	2	1	1			Draft communication plan is complete.
Incorporate public messages into overall outreach activity	2	1	1			EROL is working with KPC to draft external communication plan/guidelines.
TOTAL:	28	11	14	TBD	TBD	

MINISTRY OF JUSTICE SCORECARD

Ministry of Justice Scorecard	Year 2					Description
	Target	Q1	Q2	Q3	Q4	
Target/Actual (per Quarter)						
Legislative drafting						
Draft training modules	2	1	2			Yr 2 Target Completed. Legal Process workshop in Peja conducted during Q2.
Implement training program in legislative drafting	2	1	2			Yr 2 Target Completed. Activity to be attained in Yr 2, Yr 3 and Yr 4. Legal Process workshop in Peja conducted during Q2.
Draft legislative enactment plans	Completed					Yr 1 Target Completed.
Define guidelines for public participation	2	1	1			To be addressed in the preparation of secondary legislation for state advocacy

					office during Q3 or Q4.
Capacity development for public participation	2	1	1		To be addressed in the preparation of secondary legislation for state advocacy office during Q3 or Q4.
Support for secondary legislation drafting	2	0	1		Activity to be attained in Yr 2, Yr 3 and Yr 4. MOJ is not preparing secondary legislation for the Law on Courts, etc. This activity will be addressed in the preparation of secondary legislation for state advocacy office during Q3 or Q4.
International Legal Cooperation Department (ILCD)					
Training needs analysis report	Completed				Yr 1 Target Completed.
Develop training modules for ILCD	2	2	2		Training Module developed and provided during the first year of Program implementation.
Develop international legal assistance manual	Completed				Yr 1 Target Completed.
Training MOJ officials in implementation of roles	2	2	2		Yr 2 Target Completed. Activity to be attained in Yr 2, Yr 3 and Yr 4. 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	1		The ILCD has requested training in the negotiation of bilateral agreements. This training is planned for Q3 . Following the training, EROL will support travel by officials to negotiated bilateral agreements with interested nations
Exchanges with EJN and EuroJust	2	0	0		No Activity to report.
Litigation Unit					
Training needs analysis report	Completed				Yr 1 Target Completed.
Develop training modules	2	0	0		EROL supported the MoJ in the preparation of the Draft Law on State Advocacy Office, which pending adoption at the Assembly; the Office will replace the Litigation Unit.
Training in inter-Ministerial coordination for litigation	2	0	0		
Training in oral and written advocacy skills	2	0	0		The Draft Law will likely include continues legal education requirement for the

ToT for local trainers	2	0	0			State Advocates. Upon the adoption of the Draft Law and the hiring of the state advocates, EROL will address the activities in this section, in Q3 and Q4.
Training in administrative litigation	Yr3 and Yr4					Yr 3 and Yr 4 Activity
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.
TOTAL	28	8	12	TBD	TBD	

OFFICE OF THE PRESIDENT SCORECARD

Office of the President Scorecard	Year 2					Description
	Target/Actual (per Quarter)	Target	Q1	Q2	Q3	
Report on justice-related competencies of OP	2	1	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	1			As a result of the excessive burden of the PO public relations staff, EROL was advised to focus on conducting a needs assessment of the public relations in the justice sector, on the basis of which the STTA will draft guidelines that will improve the PO communication with citizens on matters involving but not limited to judicial and prosecutorial appointments. With assistance from the STTA, EROL will start the process of the PR needs assessment in Q3.

Train public relations team members	2	2	2		<p>Yr 2 Target Completed. 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.</p> <p>Furthermore, EROL is awaiting confirmation from the PO whether to organize a one-day workshop with the participation of the OP communication team to discuss the current status of communication with the public in the field of justice and to assess the external communication and / or to suggest necessary improvements</p>
Include outreach messages in overall PR strategy	Yr 3				Year 3 Activity
Support drafting of written protocols/circulars/guidelines	2	1	1		EROL is in the process of preparing a checklist, which will serve as a guiding document for the legislative review process..
Support agencies to implement protocols	2	0	1		<p>In this quarter, EROL has undertaken preparatory activities to conduct a two-day workshop on the legislative review process in the Republic of Kosovo. The workshop is intended to strengthen the capacities of the PO legal staff in reviewing legislation enacted by the Assembly of Kosovo prior to its promulgation by the President. The workshop has been scheduled for 27-28 October 2012.</p> <p>USAID asked EROL to postpone the high-level conference focusing on the President's constitutional role in securing the independence of justice sector institutions for the end of Q3 as a result of the PO International Women Conference, which will be held in October 4, 2012 in Prishtina. However, EROL has conceptualized the format of the Conference and has prepared the Conference agenda. EROL will commence with technical preparations right after the International Women Conference</p>
Train legal officers of OP	2	1	2		Yr 2 Target Completed. In July 2012, EROL conducted a two-days training in the legislative drafting process. The training was attended by the legal officers of the PO, the KJC, the KPC and the MoJ.

TOTAL:	12	6	8	TBD	TBD				
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MODEL COURTS PROGRAM SCORECARD

Model Courts Scorecard									
KEY STANDARD		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
TOTAL:		1	1	1	7	7	7	6	7

EROL MODEL COURT – PMP SCORING DESCRIPTION CRITERIA

Key Standard	Scoring	
	Score	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.

Key Standard	Scoring	
	Score	Criteria
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.

Key Standard	Scoring	
	Score	Criteria
	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.
	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	
Target/Actual (per Quarter)	Target	Q1	Q2	Q3	Q4	
Needs Assessment - expertise and information needs of judges						Yr 1 Target Completed.
Support program and materials for CC judges drafted	2	2	2			Yr 2 Target Completed. 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	2			
Support attendance at regional or international conferences	2	2	2			
Needs Assessment - training needs for legal advisors	Completed					Yr 1 Target Completed.
Training modules developed for legal advisors	Completed					Yr 1 Target Completed.
Training provided to legal advisors	2	2	2			Yr 2 Target Completed. Activity to be attained in Yr 2, Yr 3 and Yr 4. Target for Yr 2 completed through the above conference
Exchanges with international jurists (visits to Kosovo or travel)	2	2	2			Yr 2 Target Completed. Activity to be attained in Yr 2, Yr 3 and Yr 4. 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	2			
Conference on constitutional jurisprudence and adjudication	2	2	2			
Internship program launched (year 2) and monitored (2-4)	2	0	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	2			Yr 2 Target Completed. 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	0			The Constitutional Court maintains, 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	2			Yr 2 Target Completed. The Legal English Program Legal Research Module, prepared in conjunction with KJI, will be offered to legal advisers 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	2			Yr 2 Target Completed. Completed for the legal advisers in program year one.
Local and international trainers train advisors together	Completed					Yr 3 Target Completed.
Local trainers begin to train on their own	Completed					Yr 3 and Yr 4 Target Completed.
Deploying software for full-text searchable decisions online	Yr3-Yr4					Yr 3 and Yr 4 Activity
TOTAL:	24	20	20	TBD	TBD	

KOSOVO JUDICIAL INSTITUTE SCORECARD

Kosovo Judicial Institute Scorecard	Year 2					Description
	Target	Q1	Q2	Q3	Q4	
Target/Actual (per Quarter)						
Assessment of KJI structure and curriculum, and their degree of alignment with LoP and LoC	2	1	1			As result of donor opposition, the MOJ draft law on Justice Academy, which would have replaced the KJI with an MOJ Academy, will apparently not be approved and submitted to Assembly, therefore, EROL will proceed with activities at the KJI that will delayed as result of the uncertainty created by draft law on Justice Academy regarding status of the KJI. EROL will proceed to work with KJI, KJC, KPC to develop National Legal Education Strategy, this activity will take place in Q3 and Q4.
Draft training courses	Completed					Yr 1 Target Completed.

Training of Trainers (TOT)					
Training of trainers program developed	2	0	1		In conjunction with KJI instructors selected by the Director, EROL is preparing a TOT module on Interactive Teaching and Legal Reasoning and Writing to be offered to all KJI instructors. The course module will be completed in Q3.
ToT program carried out with KJI instructors	2	0	1		Yr 1 Target Completed. Activity to be attained in Yr 2, Yr 3 and Yr 4. The above TOT course will be presented in Q3 and/ or Q4
English language TOT training					
Training of trainers program developed	2	2	2		Yr 2 Target Completed. 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	2		Yr 2 Target Completed. Activity to be attained in Yr 2, Yr 3 and Yr 4. 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	1		OSCE reports have been analyzed and administrative staff shortcomings are being addressed in a Best Practices course developed. In conjunction with KJI instructors selected by the Director, EROL is preparing a course module on court administration staff best practices. The course module will be developed during Q3.
STTA provided in holding judicial conferences	2	0	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	0		
Develop list of potential local and int'l partner institutions	Completed				Yr 1 Target Completed.
Support development of relationships with institutions	2	1	1		Activity to be attained in Yr 2, Yr 3 and Yr 4. 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	1		Activity to be attained in Yr 2, Yr 3 and Yr 4. 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	1			KJI web design and web development plans have been prepared, approved by USAID and submitted to the KJI.
Develop test version of KJI website	2	1	1			
Develop draft database of trainees	2	1	1			Additional information regarding KJI activities and the legal resource center must be gathered in order to prepare database design and development plan. That information will be gathered and plan prepared during Q3. Then, EROL will, subject USAID procurement regulations, engage one or more national IT firms to develop and install the website and database. These activities were delayed due to uncertainty created by MOJ draft law on Justice Academy.
Develop distance learning demonstration course	2	0	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	0			This activity is related to the KJI Strategy Plan and a formal KJI Website Development Plan
TOTAL:	30	11	13	TBD	TBD	