

PROJUSTICE

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**7th Quarterly Progress Report
April-June 2010**

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ACRONYMS

AFEJUCO	Association des Femmes Juristes Congolaises
ALFA	Action Large des Femmes Avocates
ARAL	Arche d'Alliance
CEDAC	Centre d'Etudes, Documentation et d'Animation Civique
CMJ	Comité Mixte de Justice
COVER	Collectif des Volontaires Engagés pour la Renaissance du Congo
CSM	Conseil Supérieur de la Magistrature
CSO	Civil Society Organization
DFDC	Dynamique Femme pour le Développement du Congo (DFDC)
EFRPJ	Ecole de Formation et de Recyclage du Personnel Judiciaire
EU	European Union
FELEMA	Femme, Lève-toi et Marche
LIFDED	Ligue des Femmes pour le Développement et l'Education à la Démocratie
LIDPROVLDH	Ligue Congolaise Pour la Défense, la Promotion et la Vulgarisation des Lois et des Droits Humains en Milieu Rural
MoJ	Ministry of Justice
NGO	Non-Governmental Organization
OCET	Œuvre Communautaire pour l'Education pour Tous
PAG	Programme d'Appui à la Gouvernance
PMEP	Performance Monitoring & Evaluation Plan
REC	Review and Evaluation Committee
SDE	Service de Documentation et d'Etudes
SGBV	Sexual and Gender-Based Violence
UNDP	United Nations Development Program
USAID	United States Agency for International Development

1. EXECUTIVE SUMMARY

This 7th quarterly report of the USAID-funded ProJustice project implemented by DPK Consulting covers activities for the period April to June 2010. This report includes information on major achievements during the past quarter as well as analysis of trends and challenges in each component. The report will first detail achievements in each component and specific to Eastern Congo and then discuss staffing updates, overall issues and solutions, and media coverage of activities during the quarter.

COMPONENT 1

Work in Component 1 focused primarily on increasing the institutional capacity of the Conseil Supérieur de la Magistrature (CSM). After months of delay, the new CSM Permanent Secretariat (PS), the managing body of the CSM, officially took power in May 2010. This allowed ProJustice finally to work with the new CSM PS to increase their management capabilities. Major achievements of ProJustice this quarter included completing the organic framework and judicial modernization plan of the CSM. With ProJustice support, the CSM organized a series of workshops to present the judicial modernization plan to magistrates in the regions where the project's pilot sites are located.

ProJustice also continued finalizing the Code of Ethics and Professional Conduct for Magistrates, including incorporating comments from working group members. The final draft is expected to be completed in July and will be submitted to the CSM General Assembly for adoption.

COMPONENT 2

ProJustice continued to provide valuable training to enhance the skills and qualifications of court personnel. This quarter, ProJustice organized two on-going training sessions for magistrates in Katanga Province and non-magistrates in South Kivu Province. In addition, ProJustice played an active role in the initial training program for 1,000 newly selected magistrates. ProJustice staff took part in several meetings organized by the Ministry of Justice (MoJ) on the implementation of the initial training program. During the meetings, ProJustice offered technical support to identify any problems with the initial training of new magistrates carried out in Kinshasa and Lubumbashi and to devise solutions.

COMPONENT 3

The pilot court PACT committees continued their efforts to modernize the courts and address delay reduction. ProJustice has been organizing the committees, providing technical support and meeting some infrastructure and equipment needs. For example, this quarter ProJustice provided support for a new archive room in the Lubumbashi courthouse, which will improve records organization and increase storage capacity and accessibility of active records. ProJustice also implemented a budget training session in Bukavu and assisted with the logistics for the training sessions for new magistrates in Lubumbashi.

Several delay reduction activities also took place, including meetings of the judicial delay reduction committees. Three one-day delay reduction workshops each took place in Lubumbashi, Bukavu, and Bandundu for leaders in the justice community to discuss the issue of judicial delays. The Project also negotiated contracts with the Bukavu Bar Association to represent vulnerable accused persons and help move the cases forward. ProJustice supported three mobile court hearings in Bandundu, Maniema, and South Kivu Provinces in conjunction with Component 4 to provide needed access to justice for the community.



COMPONENT 4

ProJustice worked closely with its sub-grantees to monitor access to justice activities. With the technical support of subcontractor Global Rights, ProJustice organized three training sessions in Bandundu City for various civil society and human rights organizations implementing programs in Bandundu Province. The training sessions focused on the selection and appointment of magistrates in the DRC, legislation on sexual and gender-based violence (SGBV), and monitoring the justice system.

In addition, on April 22-24, with the financial and technical assistance of ProJustice, the Human Rights Institute and the Lubumbashi Bar Association organized a very successful seminar for lawyers and other members of the judicial community on access to justice.

WINDOWS OF OPPORTUNITY

The flexibility of the windows of opportunity line item allowed ProJustice to provide financial and technical assistance for the initial training program for new magistrates. The initial training started during the reporting quarter and will end by mid-July. ProJustice played a leading role in providing assistance for the organization of the program, especially in the Lubumbashi training center, where ProJustice staff supervised and monitored all training sessions.

SUPPLEMENTAL PROGRAM IN EASTERN CONGO

On May 24-28, ProJustice organized training activities in Bukavu, South Kivu Province, for magistrates and non-magistrate personnel. For the clerks and prosecutors' secretaries, this was the last training session on module 3, ending a complete program on court management.

ProJustice organized mobile court hearings in Sange, Luvungi, and Kampene in Maniema and South Kivu Provinces. Through its network of grantees, the project also provided legal assistance to various victims and launched a fast-track case mechanism in Bukavu.

2. QUARTER 7 ACTIVITIES AND RESULTS

COMPONENT 1: SUPPORT THE ESTABLISHMENT OF NEW JUDICIAL INSTITUTIONS

Component 1A. Establish Transparent Procedures for Recruitment, Selection, and Promotion of Magistrates

1.1 Transparent Merit-Based Criteria for Recruitment, Selection, Discipline, and Promotion of Magistrates Adopted and Implemented

By the request of the CSM PS, ProJustice has begun working on a career database of magistrates. This database will be the first to document the selection and promotion path of current and former magistrates. This is an important step for the new CSM PS to analyze whether the selection and promotion system of magistrates is transparent and merit-based.

During this reporting period, ProJustice has also been active in the training of the 1,000 newly appointed magistrates. See Result 2.2 for more information on the initial training of new magistrates.

1.2 New Career System for Magistrates Based on Transparent, Merit-based Criteria for Promotion

ProJustice continued work to finalize the “Code of Ethics and Professional Conduct for Magistrates,” which was first drafted in December 2009. On June 25, a meeting was held to prepare for the upcoming workshop on the code. In preparation for the workshop, ProJustice will review the opinions gathered from DRC magistrate surveys. The goal of the workshop will be to present the findings from the surveys to 11 CSM experts who were selected by the CSM President in October 2009. The panel of experts will decide what should be included in the final draft code. The final code will be presented at the CSM General Assembly for adoption.

Component 1B. Establish Transparent Organizational Procedures for New Judicial Institutions



Workshop on the CSM organizational structure.

1.3 New Internal Procedures and Organizational Structure of Judicial Council Adopted and Implemented

During this quarter, ProJustice successfully supported the establishment of a new organizational structure of the CSM in coordination with the EU-PAG project. On May 28 and 31, ProJustice and PAG jointly organized a workshop with the members of the CSM PS to formalize the CSM organic framework and structure. For the first time since the new CSM PS took office, the members of this body were able to

sit together with their administrative staff members. With ProJustice support, the CSM PS members shared ideas and reached a consensus on the CSM organizational chart. They also drafted the terms of reference for each CSM unit. The CSM organic framework and structure will enable the members to know who is doing what task and to identify units that need to be strengthened.

ProJustice and PAG also reported on the current state of the administrative structure of the CSM PS. This report allowed the PS to understand the number of administrative staff, the internal organization, and the operational modes of the CSM.

List of the CSM members: 2010 Edition

ProJustice continued work on the CSM members' list for 2010. The publication will be the first of its kind. Once completed, it will be a useful tool for organizing and conducting CSM activities. It will be reproduced and distributed to all magistrates and will enable them to know their current representatives at the CSM level.

The CSM 2010 General Assembly

There has been no decision made regarding the timing of the 2010 CSM General Assembly. This session should normally have been held in April, but for various reasons, including the lack of Government budget, the General Assembly has not yet taken place but is now scheduled to be held by mid-October. Several of ProJustice's activities mentioned above will need to wait for the General Assembly for final approval and adoption.

Component 1C. Strategic Planning and Policy Formulation Processes

An important achievement during this quarter was the the new draft CSM Strategic Plan. The draft plan was developed with ProJustice assistance in 2009. The plan sets out several short-, mid-, and long-term priorities for the CSM:

- Short-term
 - Financial autonomy
 - Discipline regime for magistrates
 - Partnership with civil society
- Mid-term
 - Improved basic working conditions
 - Establish a merit-based judicial career system for magistrates
- Long-term
 - Modernized justice services.

At the request of the CSM, ProJustice organized a two-day retreat April 30-May 1 to provide an in-depth review of the strategic planning process. At the end of the retreat, the new CSM PS members had taken ownership of the plan and were in the position to explain it to other CSM members to obtain their support.

A delegation of CSM officials and ProJustice staff presented the plan to CSM members in the provinces on the following dates:

- South Kivu Province: June 3-5
- Kinshasa Province: June 8-9
- Katanga Province: June 11-12

This process has shown ProJustice's commitment to working together with counterparts and ensuring counterpart buy-in. Throughout the process, the CSM PS members have displayed a keen interest in the planning process. They understand that once the final draft is adopted, it will constitute the road map for CSM activities over the next several years.

COMPONENT 2: MORE EFFECTIVE AND TRANSPARENT MANAGEMENT OF THE JUDICIARY AND MINISTRY OF JUSTICE

Component 2A. Strengthen Management Skills of Justice Institution Personnel and Training Institutions

2.1 Enhanced Management Skills of CSM (Bureau, Secretariat, and New Management Units) and MoJ Staff (Staff of National Training Institutions: EFRPJ, SDE, others)

The official handover of power from the old management team of the CSM (the CSM PS) to the new CSM PS occurred this quarter and allowed ProJustice to immediately begin working with the CSM PS on building management capacity. ProJustice has been working closely with the CSM PS and developing a collaborative relationship. The activities described in Component 1, relating to the new CSM organizational chart and strategic plan will enable the CSM PS to more effectively manage the institution. ProJustice also plan to have more management skills training with the CSM and MoJ in the coming quarter.

Component 2B. Enhance the Skills and Qualifications of Court Personnel

2.2 Standardized Initial and Continuing Training Programs for Court Personnel (Magistrates and Non-Magistrates)

During this quarter, ProJustice continued initial and ongoing training for magistrate and non-magistrate court personnel. Training sessions took place in Kinshasa and all four pilot sites.

Initial Training of Magistrates

ProJustice has been actively involved in the initial training of 1,000 newly appointed magistrates. ProJustice took part in a number of meetings with various partners, including the MoJ, the “Service de Documentation et d’Etudes” (SDE), the CSM, and the “Comité mixte de Justice” (CMJ) to plan the trainings. ProJustice is a key member of two committees that are in charge of preparing that initial training: the pedagogical committee, in charge of designing the training curricula, and the budget and logistics committee. Both committees met every other day throughout April. The initial training was launched on April 19, 2010, in Kinshasa.

The official launch of the initial training program in Lubumbashi took place on April 26 and 27. ProJustice staff supervised activities at the Lubumbashi training center for the initial training of new magistrates. ProJustice discussed training activities with the new magistrates, trainers, and the supervisor of the training center, including lessons learned. From these discussions, ProJustice and their Lubumbashi counterparts identified shortcomings in this first initial training session and are reprogramming the 2011 training session for the new magistrates. A planning meeting is scheduled for late July 2010.

ProJustice also distributed 170 copies of the updated Criminal Code and CDs containing over 40 pieces of Congolese legislation and legal texts. New magistrates will now have access to the relevant legal documentation that they need to do their work.

Continuing Training for Magistrates

From May 18 to 21, ProJustice organized a training workshop in Bukavu for the magistrates of South Kivu Province. This workshop dealt with two themes: fair trial and Congolese civil process. The workshop included 18 male and 2 female magistrates.

Under the supervision of ProJustice, two trainers led discussions on the following themes:

1. Congolese civil process, presented by the honorary advisor to the Supreme Court and former director of the SDE, Mr. Michel Nzamgi.
2. Ensuring a fair trial under Congolese legislation and international law, presented by the presiding judge at one of the Kinshasa Courts of Appeals and the magistrates' representative in charge of the SDE, Mr. Richard Mulamba.

The presentations were followed by a number of practical cases led by the trainers.

Continuing Training for Non-Magistrate Personnel

During the reporting period, ProJustice organized two workshops for clerks and prosecutors' secretaries, respectively, on May 24-28 in Bukavu, and June 21-25 in Lubumbashi.

Each workshop began with a test to determine the general level of understanding among the participants. Another test was administered at the end of the training to evaluate what the participants had learned. Attendees received certificates of completion at a ceremony marking the close of the workshop. Attendees thanked ProJustice for the training and USAID for providing financial support to make the training possible. The ceremony was presided over by the highest judicial authorities in South Kivu Province, the First President of the Bukavu Court of Appeals and the General Prosecutor. In Bukavu, the Province Governor, the highest political authority, was represented by the legal advisor of the provincial Minister of Justice.

The participants made a few recommendations for future trainings. They expressed the need for a mixed workshop with both magistrates and non-magistrates in order to harmonize practices. They also asked for some basic documentation such as legal codes, laws, and other tools to improve the quality of services offered by the courts. ProJustice will continue working with court personnel in the coming quarter to meet training needs.

Training for Law Students

In May and June 2010, ProJustice prepared and delivered a course on basic criminal law for the Bukavu Catholic University Law School. A total of 70 hours of classes were taught over a 12-day period using a training manual drafted and developed by ProJustice. In total, 50 women and 56 men took part in the course. Copies of the post-course evaluation are being reviewed by ProJustice.



Students at the Bukavu Catholic University Law School at a course delivered by ProJustice

2.2 More Qualified and Ethical Court Personnel

During the initial training for magistrates, Professor Télésphore Kavundja, Institutional Strengthening Specialist, conducted training sessions on the concept of a fair trial. According to the mid-term assessment carried out during the initial training process, the module presented by Prof. Kavundja was the most valued by the magistrates, both for its content and its practical utility.

Also see Section 1.1 above on the Code of Ethics and Professional Conduct for Magistrates.

Component 2C. Improved Budget and Resource Management by the CSM and MoJ

ProJustice has been actively recruiting for a Budget and Finance Specialist to carry out additional budget and resource management activities with the CSM and MOJ. One candidate was chosen at the end of June and will be starting in late July. Achievements in this area of the work plan will be described in the next quarterly report.

COMPONENT 3: MORE EFFECTIVE, TRANSPARENT, AND ACCESSIBLE COURT OPERATIONS IN PILOT JURISDICTIONS

Component 3A. Enhance the Effectiveness and Transparency of Court Management Practices

3.1 More Streamlined and Transparent Court Management Procedures and Regulations Established and Implemented in Pilot Courts, Including Budgeting, Financial and Resource Management, Court Management, and Public Outreach

During this quarter, ProJustice worked with courts in all four pilot sites to improve case management procedures. ProJustice used the PACT process to ensure that counterparts played an active role in identifying their own needs and solutions to modernize the justice system and improve case management.

Highlights of Pilot Site PACT Implementation

PACT committees continued meeting in the pilot sites to identify action plans to modernize the court system. The PACT process is one of the few opportunities for all of the chiefs of jurisdictions and stakeholders to come together on issues of mutual interest.

During this quarter, ProJustice accomplished the following activities based on the needs identified by the PACT committees:

- PACT committees in Bandundu, Kindu, and Lubumbashi completed drafting Access to Justice Guides
- ProJustice supported an IT training session in Uvira and Bukavu for court administrators
- ProJustice led a three-day training session on budgets in Bukavu
- PACT committees researched alternative solutions to provide access to justice
- ProJustice completed an inventory of available materials for a proposed law library
- In Kindu, ProJustice conducted an inventory of computer equipment and needs and installed required software.

While the PACT process has allowed key stakeholders to identify action plans for modernizing the court system, one of the challenges in the process has been the lack of operating funds in the courts. Many of the improvements identified by the PACT committees require funds that the government cannot provide. Although the project has supplied some funds for activities as described above, this is not a sustainable solution without government buy-in. For example, progress by the Bandundu planning committee was limited by the lack of financial support from the DRC Government. During the last month the PACT committee functioned without any funds from the government and relied on the ProJustice Pilot Court Coordinator to defray costs associated with travel, photocopying, paper, etc. Many of the PACT committees expect ProJustice to provide all of the funds for the operating costs of initiatives identified through the PACT process. ProJustice is faced with the challenge of maintaining enthusiasm for improving case management even though the PACT committees are discouraged by the fact that they cannot

carry out all of their desired initiatives. ProJustice will continue supporting these court improvement initiatives within the project budget.

Infrastructure and Equipment

The PACT process also helped identify the critical need for improved infrastructure and equipment in the pilot courts. The local government does not provide needed operating equipment and facilities. For example, there is a lack of basic supplies such as paper, file folders,



Current state of court archive records in Bukavu first instance court.

chairs, desks, etc. In addition, offices are overcrowded and some do not have electricity. Last quarter, ProJustice completed a detailed assessment of the primary needs in the courts such as basic shelves and file folders and developed action plans for procuring those items.

During this quarter, USAID granted approval for some needed procurements. ProJustice identified various vendors using a competitive procurement process. Local carpenters conducted on-site reviews to assess their ability to provide shelves for the pilot courts in Kindu, Bandundu, and Bukavu. A vendor has been selected, and ProJustice is awaiting final delivery of materials to build

wooden shelves for storing court records. New file folders have also been delivered to Bukavu, Lubumbashi, and Kinshasa.

ProJustice has also delivered computers to some court staff. However, electricity and internet access is a major problem, especially in Kindu. ProJustice found interim solutions to allow justice personnel to use their new laptop computers. The General Prosecutor's office used office space at the American Bar Association and two members of the Court of Appeal worked in the conference room of the United Nations Development Program (UNDP). ProJustice will continue working to improve electricity and internet access in Kindu courts.

ProJustice also provided support to renovate a court archive room in Lubumbashi. An official opening ceremony was held at the Lubumbashi courthouse in June to present the keys for the new archive room. The new facility will improve the court's storage capacity and access to active records. A bench was also installed at the courthouse entrance.



New court archive room in Lubumbashi.

The Bandundu Court of Appeals was allocated funds by ProJustice to install four computers in a designated room with three new ceiling fans. Twelve fans were also installed in the main courtroom. A similar need for equipment was identified at the Bagata Peace Court.

3.2 Reduction in Average Time from Case Filing to Disposition for Minor Cases without a Corresponding Increase in Time for Major Cases

Short-term strategies to address disposition times in the pilot courts were ongoing throughout the quarter. ProJustice also continued updating and verifying court data to support the pilot sites' delay reduction activities. Three delay reduction workshops were held in Bandundu, Bukavu, and Lubumbashi this quarter. A delay reduction workshop will also be held in Kindu in the next

month. As PACT committees and delay reduction committees addressed their local concerns it became evident that there was a lot of overlap in participants and stakeholders. Future work with the committees will look to combining their structures and mandates.

The following short-term delay reduction strategies were identified by all pilot sites:

- Supporting more mobile courts
- Supporting some bar association(s) with the clearance of delayed cases
- Covering the costs of serving notice for regular trials
- Covering the transportation costs of key witnesses
- Selecting a Trial Court Administrator to assist with the management of delayed cases
- Covering the cost of detention inspections
- Organizing a temporary satellite court at a larger detention center to dispose of backlogged cases
- Covering the costs of establishing a case management leadership committee.

Among the various strategies for delay reduction arising from delay reduction workshops, mobile courts are considered the most effective.

The following paragraphs outline some of the accomplishments from the three delay reduction workshops held this quarter in Bandundu, Bukavu, and Lubumbashi.

Bandundu

Several activities this quarter contributed to delay reduction in Bandundu Province:

- The second hearing of the Appeal Court's mobile court occurred in Kikwit.
- The mobile courts established an important new court rule that will permit only two adjournments.
- The General Prosecutor's office drafted an action plan to address delay reduction and meet its legislated requirement to inspect the detention centres on a regular basis.
- ProJustice worked with grantees in Bandundu to reprogram activities in order to focus on clients facing significant case delay.
- Bandundu pilot court cases were inventoried to reassess the number of cases that are registered, in process, etc.
- Bandundu's Bagata Peace Tribunal focused on delay reduction, the establishment of regular data collection, and the review of priorities.

Illustrating the impact of ProJustice's activities, the number of judgments issued by the First Instance Court in Bandundu increased from 3 in May to 15 in June, and the number of cases managed through the First Instance Court Prosecutor's office was doubled. In addition, based on the success of mobile court activities, the Bagata Peace Court in Bandundu Province requested the establishment of a mobile court.

Bukavu

A delay reduction workshop was held in Bukavu on May 22 with the leaders of the justice system to raise awareness of delay reduction issues. The workshop also explored the causes of delay and highlighted solutions for the delay reduction committee.

Bukavu's delay reduction committee including the First President of the Appeals Court, court clerks, members of the bar association, and state prosecutors met for the first time on June 18. At the meeting it was noted that the First Instance Court President was assuming active management of delayed cases and was sanctioning magistrates who needlessly delayed cases. The committee

agreed to meet again in late July to further discuss immediate activities to be taken on judicial delay.

ProJustice negotiated a contract with the Bukavu Bar Association to fund their expenses and court fees for representing vulnerable accused persons in the First Instance Court. The Bar Association and the provincial court coordinator identified 100 out of 700 criminal cases for which assistance will be provided. ProJustice also started work on identifying cases caught in judicial delays that were heard at the mobile Peace Court hearing in Punia in mid-June.

Lubumbashi

A delay reduction workshop was held in Lubumbashi on May 12. The workshop established a working group to discuss the creation of a permanent delay reduction committee. This was the first time its leaders gathered as one group to discuss delay reduction. Following the workshop, a staff member of ProJustice met with leaders of the justice system to establish a permanent delay reduction committee. The delay reduction committee established terms of reference with the justice system's major actors and prioritized the following delay reduction activities:

- Establishing mobile courts
- Ensuring the inspection of detention centers in a timely manner
- Holding mobile court sessions at the Lubumbashi prison
- Recruiting a volunteer clerk to update court registers
- Scheduling regular committee meetings
- Providing funds to ensure the service of court documents for criminal cases with priority for those detained in prison.

Component 3B. Enhance the Accessibility of Pilot Courts

3.3. Reduction in Average Cost to Citizens for Minor Cases in Pilot Jurisdictions.

ProJustice's pilot court coordinator in Lubumbashi worked with the clerk at the Peace Court to identify 380 pending criminal cases from 2004 to 2009 that were awaiting servicing fees. ProJustice assisted with developing a strategy to work with the court to address these cases.

3.4. Increased Number of Cases Involving Vulnerable Populations (Women, Children, Indigent) Resolved Through the Justice System in Targeted Jurisdictions, Including Outside the Provincial Capitals

The PACT and judicial delay reduction committees have identified mobile courts as the most effective means of reducing judicial delay and allowing more vulnerable populations to access the justice system. These mobile court hearings are necessary because most of the courts are centralized in the capitals of each province, and areas outside of the capital are not well connected by roads. Many cases in the outlying areas go unheard because people cannot access the courts and witnesses cannot be called.

During the April-June period, ProJustice supported three mobile court hearings in areas outside of the provincial capitals:

- The First Instance Court in Kindu implemented mobile court hearings in Kampene from June 4-17
- The Peace Court in Punia held mobile court hearing that started in Kowe on June 29 and ended on July 11

- A mobile court hearing was held by the Uvira Peace Court in Luvungi from June 15-26.

ProJustice also identified the need for mobile courts for the Uvira Court of First Instance and the Appeals Court in Bukavu. Bandundu also recommended financing a second series of mobile courts of appeals at Kikwit where a significant number of delayed cases have been identified. The president of the First Instance Court for Kipushi submitted a request to ProJustice to fund mobile courts in upper Katanga.



Mobile court session in Luvungi.

ProJustice will continue to support additional mobile court sessions, although there is still a lack of funds to support all of the court personnel needed for the sessions. Another challenge is the lack of fully employed and qualified jurists to address the large caseload burden. ProJustice is working with the courts to address some of these challenges.

COMPONENT 4: INCREASED ACCESS TO JUSTICE FOR VULNERABLE POPULATIONS

Component 4A. Capacity Building Assistance to Civil Society for Access to Justice Activities

4.1 Civil Society (including NGOs, Bar Association and/or Law Faculties) capacity for legal aid and awareness-raising strengthened

Education and training of CSOs on SGBV laws, court monitoring, and the judicial appointment process in the pilot jurisdictions

With the support of Global Rights, ProJustice organized three training sessions in Bandundu City for various civil society organizations (CSOs) and human rights organizations implementing programs in Bandundu Province. The training sessions focused on:

- The selection and appointment of magistrates in the DRC
- Legislation on sexual and gender-based violence (SGBV)
- Monitoring the justice system.

The first training session on the selection and appointment of magistrates took place from April 12-13. Fifteen participants and members of CSOs including seven women were present on the first day of the training. On the second day, 16 people, including 7 women, represented 16 CSOs based in Bandundu. The module discussed the role of magistrates, the procedure and criteria for the recruitment, appointment, and promotion of magistrates, and the importance of judicial independence from a gender perspective. The module also focused on strategies for the development and implementation of an advocacy campaign to increase the number of female magistrates in the DRC.

During the second training session, which took place from April 14-16, Global Rights' trainers taught the module on SGBV legislation for 16 participants, including 9 women, representing 16

Bandundu CSOs and human rights organizations. Participants learned about the concept of sexual violence, legal proceedings and offences related to SGBV, issues relating to the enforcement of Congolese legislation on SGBV, and advocacy efforts that can assist with enforcement.

For the third and last training session which took place from April 19-21, the trainers presented the module on court monitoring. Fifteen participants, including 9 women on the first day and 10 on the second, attended the training. The session covered the concept of monitoring, the types of justice system initiatives that can be monitored, the duties and obligations of court monitors, how to draft monitoring reports, and how to implement a court monitoring program.

Develop the capacity of the Lubumbashi Bar Association and Law Faculty to provide legal assistance and raise awareness

From April 22-24, the Human Rights Institute of the Lubumbashi Bar Association organized, with the support of ProJustice, a seminar on access to justice for the interns or *avocats stagiaires* (intern lawyers) and other members of the legal community including lawyers, justice officials, and civil society members. The seminar, whose objective was to assess the current status of access to justice activities in the province, was a success and attended by a large number of justice stakeholders and actors.

Technical assistance to law schools for the organization of legal aid activities

ProJustice has developed a working relationship with the Catholic University Law School in Bukavu to plan for an access to justice and judicial reform colloquium to be held in August 2010. ProJustice and the law school are also examining the possibility of establishing a legal clinic at the school.

Component 4B. Sub-Grants to CSOs

Since the launch of the second grants cycle, ProJustice has received 80 proposals, including 22 for the city of Kinshasa, 23 for Maniema Province, 21 for Bukavu-Uvira, 10 for Bandundu, and 4 for Katanga. The project has organized two meetings of the Review and Evaluation Committee (REC) to review the proposals submitted by CSOs based in Kinshasa, and Bukavu-Uvira. The REC recommended that two proposals from Kinshasa and three from Bukavu-Uvira be re-submitted with minor modifications to USAID for approval and grant funding.

4.2 Increased Number of Cases of Vulnerable Populations Resolved Through the Justice System

ProJustice carried out three mobile court sessions this quarter as described under Component 3. Other access to justice activities including free legal counseling and legal assistance implemented by ProJustice's grantees during April-June are listed below.

- In Bandundu, the legal clinic implemented by the *Ligue Congolaise Pour la Défense, la Promotion et la Vulgarisation des Lois et des Droits Humains en Milieu Rural* (LIDEPROVLHDH) worked on ten cases involving rape, arbitrary arrest, and other issues
- In Lubumbashi, the *Action Large des Femmes Avocates* (ALFA) provided legal assistance to four people whose cases are at the First Instance Court
- Also in Lubumbashi, the *Dynamique Femme pour le Développement du Congo* (DFDC) through its counseling service, assisted eight people including three female victims of sexual violence
- In Eastern DRC, ProJustice grantee *Femme, Lève-toi et Marche* (FELEMA) worked at the First Instance Court and main detention center in Bukavu to assist with 33 cases
- Also in Bukavu, ProJustice grantee *Collectif des Volontaires Engagés pour la Renaissance du Congo* (COVER) provided assistance to ten people.

4.3 Greater Public Awareness of Legal Rights and the Role of the Justice System

Grantees' Initiatives

From April-June, ProJustice grantees' public awareness activities focused on the organization of training sessions as well as the production and broadcasting of radio and TV programs on the Congolese population's legal rights vis-à-vis the justice system. A summary of the initiatives undertaken by those grantees in the project's pilot sites is provided below.

Bandundu

LIDEPROVLDPH conducted three information and awareness campaigns on the Congolese justice system for the populations of Idiofa, Banga, Musanga, Yasa Lukwa, and Kalanganda. The organization has also produced and broadcast a radio show on sexual violence for the same cities and towns.

Katanga

In Lubumbashi, ALFA broadcast a spot on sexual violence on the *Mwangaza* TV channel and aired a TV show on the legal impact of the law on sexual violence. ALFA has also organized a training workshop on sexual violence for 20 lawyers practicing in Lubumbashi.

DFDC produced a training manual on sexual violence which was used to train 17 trainers on providing psychological support to victims.

Maniema

In Kindu, the *Association des Femmes Juristes Congolaises* (AFEJUCO) implemented a legal clinic in Maniema and raised awareness among female merchants in Kampene on the different forms of SGBV. The organization also produced and broadcast five radio shows on sexual violence and other issues related to the protection of women and children's rights.



ProJustice staff visit the central prison in Bukavu where ProJustice grantees are assisting cases involving women and minors.

South Kivu

In Bukavu-Uvira, the Centre *d'Etudes, Documentation et d'Animation Civique* (CEDAC) organized two awareness activities on arbitrary arrest and the DRC justice system. As part of its advocacy efforts, the organization has also shared a list of CSO requests with local officials.

FELEMA has been working with the court and prison systems in Bukavu to defend the rights of victims including women and children. The organization provided advice and

assisted 33 people at the pretrial and trial stages.

Œuvre Communautaire pour l'Education pour Tous (OCET) implemented awareness activities and produced three radio shows on sexual violence in Swahili. This Projustice grantee also broadcast radio shows in Swahili on Maendeleo, Iriba, and Neno la Uzima radio stations. The



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shows focused on customary practices and the rights of women under Congolese national law and international agreements ratified by the DRC.

CEDAC organized awareness-raising activities on the Public Prosecutor's role in the DRC.

Arche D' Alliance (ARAL) has monitored trials at the First Instance and Peace courts in Uvira. The organization has also produced and aired four radio shows on access to justice.

COVER broadcast two radio shows on violations of women's rights. The organization also published a brochure on the protection of women's rights.

3. SUPPLEMENTAL PROGRAM FOR EASTERN CONGO

TRAINING PROGRAMS FOR MAGISTRATES AND NON-MAGISTRATE PERSONNEL

On May 18-21, Component 2 organized a training session on “fair trial” and “Congolese civil process” for magistrates in Bukavu. The workshop, supervised by the SDE, was attended by 18 male and 2 female magistrates.

On May 24-28, ProJustice organized training activities in Bukavu for magistrates and non-magistrate personnel. For the clerks and prosecutors’ secretaries, this was the last training session on module 3, ending a complete program on management of courts.

TRAINING OF LAW STUDENTS

In May and June 2010, ProJustice prepared and delivered a course on basic criminal law for the Bukavu Catholic University Law School. A total of 70 hours of classes were taught over a 12-day period using a training manual drafted and developed by Component 2 Leader, Willy Lubin. In total, 50 women and 56 men took part in the course. Copies of the post-course evaluation are being reviewed by ProJustice.

PACT AND DELAY REDUCTION COMMITTEES

In June, ProJustice supervised a PACT and delay reduction committee in Bukavu to review the short-term delay reduction strategies. The PACT committee in Kindu, Maniema Province, completed drafting Access to Justice Guides. South Kivu followed up with IT training in Uvira and Bukavu, a three-day training session on budgets in Bukavu, research on access to justice alternatives, the completion of an inventory of legal references for a proposed law library, and the completion of initial court data collection. PACT initiatives completed in Kindu included the collection of data, the inventory of computer equipment, and the installation of required software.

INCREASE ACCESS TO JUSTICE FOR VULNERABLE POPULATIONS

During the April-June period, ProJustice scaled up its assistance to reach the project’s objectives in the Eastern regions of the Congo. The supplemental funds available for Eastern DRC made possible the organization of three mobile court hearings in Sange, Luvungi, and Kampene as described above. Through its network of grantees, the project also provided legal assistance to various victims and launched a fast-track case mechanism in Bukavu.

PROVIDE PROJECT ASSISTANCE TO CARRY OUT INSTITUTIONAL STRENGTHENING WORK WITH CSOs IN MANIEMA AND SOUTH KIVU

ProJustice also provided a second tranche of funding to its Eastern DRC grantees to facilitate their implementing activities to protect the rights of vulnerable populations. ProJustice’s grantees in Kindu worked in partnership with courts to assist people during the mobile court hearings that took place in Maniema. The Bar Association in Kindu, the Catholic University Law School, and the courts in Bukavu benefited from ProJustice’s technical assistance during this quarter.

4. STAFFING/MANAGEMENT UPDATES

The ProJustice team started programming activities for Quarter 4 of the current fiscal year and for FY11. The quarterly action plan was submitted to USAID on June 25. The FY2011 work plan is scheduled to be submitted by early September 2010.

ProJustice's new Project Officer based in the DPK home office, Ms. Arum Lansel, visited the project from June 13-25. The main priorities of her trip were to finalize the budget realignment and begin planning for FY11. Ms. Lansel also visited DPK-ProJustice's regional office in South Kivu and took part in a number of activities of Components 3 and 4.

During the reporting period, four staff members have announced their resignations for personal reasons. Appropriate measures were immediately taken to replace the staff members by internal promotion or advertising the positions. A staffing Request for Approval is currently being drafted and will be submitted to USAID for approval.

PROJECT OFFICE HIRING UPDATE

The following table outlines the recruitment status of various positions:

Position	Comments
Kinshasa Project Office Staff	
Finance Manager	Position filled through internal promotion
Operations Manager	Position filled through internal promotion
M&E Coordinator	Job opening advertised immediately and position filled
Two Advisors: 1) Budget and Finance Specialist 2) Legal Advisor (consultant)	Tests organized in May, interviews in June. Two candidates have been chosen and scheduled to start in July
Finance Assistant	Tests and interviews organized for July
Driver	Candidate identified with tentative start date in August 2010
Pilot Court Coordinator in Lubumbashi, Katanga Province	One person recruited as a consultant on a trial basis
Component 1 Coordinator	Position to be advertised in July
Two Administrative Assistants for Katanga and Bandundu Provinces	Positions to be advertised in July

5. QUARTER 7 PROBLEMS AND REMEDIAL ACTIONS

In May 2010, the handover of power between the former and the new Permanent Secretariat of the CSM greatly facilitated ProJustice work, particularly in completing the CSM organic framework and the CSM Strategic Plan. The new Permanent Secretary rapidly emerged as a charismatic leader, highly respected by all his colleagues at the CSM. ProJustice activities facilitated the transition period and supported the new Permanent Secretary inception period.

The CSM and the MoJ failed to provide more precision on the date of the 2010 CSM Plenary session. This general gathering of all CSM members is normally held in early April each year. The CSM is now contemplating holding this session in October 2010 at the end of the judiciary summer vacation period, which is from August-October. The delay has seriously hindered planning of a number of ProJustice activities, notably the study tour to Benin. ProJustice has been working closely with the CSM PS to plan the General Assembly and will play an active role in its organization.

The lack of funds in the pilot courts continues to be a challenge for carrying out improved case management activities. However, ProJustice has been providing technical support in identifying short-term activities that can be supported financially by ProJustice or other funding sources. In addition, ProJustice has been working with the courts to find work-around solutions. For example, court personnel could not use computers provided by ProJustice due to the lack of electricity and internet access in Kindu. ProJustice provided support to finding alternate solutions such as other buildings where the staff could work in the meantime.

On May 14, ProJustice heard that the LIFDED/Cause Rurale legal clinic supported by the project under a grant was not operational. ProJustice grants team reacted immediately by going on a fact-finding visit to Bandundu to verify the information. Cause Rurale/LIFDED's representative in Bandundu was not able to produce adequate information about the people assisted by the clinic. Based on this finding, ProJustice sent a letter to the two organizations to inform them that the grant agreement will be terminated. As a remedial action, ProJustice has begun holding monthly meetings in all pilot provinces with sub-grantees to monitor progress. The project will also conduct regular surprise visits to the grantees' offices.



6. MEDIA COVERAGE OF PROJECT ACTIVITIES

ProJustice received press coverage of its events in print and broadcast media, as presented in the Press Summary Table below. This included coverage of training events, equipment handover ceremonies in Bukavu, the delay reduction workshop in Bandundu, the official presentation ceremony for the penal code compendium, and grantee activities.

PRESS SUMMARY TABLE				
Name of Press Outlet	Type (Radio, TV)	Date	Title of Article or Feature	Comments/Description
1. Radio Télé TAM TAM	Radio, TV	April 2010	The Lubumbashi Bar Association develops some well-thought out ideas on access to justice	The show reports on access to justice in the DRC after the USAID/ProJustice-sponsored seminar on access to justice with the Lubumbashi Bar Association.
2. RTNC Bukavu	Radio, T.V	May 2010	Magistrates keep on with continuing training	The program announces the continuation of the training on fair trial and Congolese civil process.
3. RTNC Bukavu	Radio, TV	May 2010	Feedback of the workshop on training for magistrates and EFRPJ	The program announces the School for Training and Retraining of Court Personnel (EFRPJ) training for clerks' offices and the prosecutors' secretariat (Third Module).
4. RTNC	TV	June 2010	The CSM commits itself to the path of modernization	The program announces the organization of the workshop on the Modernization of the CSM System, in Kinshasa.
5. Potentiel	Daily newspaper	June 2010		The article talks about the organization of the workshop on the CSM Strategic Plan.
6. APA	Daily newspaper	June 2010	The CSM sets up its Permanent Secretariat	The article announces the organization by the CSM Permanent Secretariat of a workshop relating to the CSM Strategic Plan.
7. RTRC Bukavu	Radio, TV	June 2010	The Permanent Secretariat consults with the CSM members on its modernization	The article introduces the new Permanent Secretary as well as the Permanent Secretariat Action Plan.
8. RTNC Lubumbashi	Radio, TV	June 2010	The CSM Strategic Plan presented in Lubumbashi	Feedback on presentations and speeches delivered by the Permanent Secretary at the workshop on the CSM Strategic Plan.



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7. SUMMARY OF PLANNED ACTIVITIES FOR UPCOMING QUARTER

Please see table of planned activities for upcoming quarter in Attachment 3.

8. PERFORMANCE MONITORING PLAN TABLE

In Attachment 4, the Performance Monitoring Plan is presented for the core program and for the supplemental program in Eastern DRC.