

PROJUSTICE

**USAID/PROMOTING AND STRENGTHENING JUSTICE IN THE DEMOCRATIC
REPUBLIC OF CONGO PROJECT**

**Indefinite Quantity Contract No. 263-I-00-06-00019-00
Task Order No. 263-I-01-06-00019-00**



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**Tenth Quarterly Progress Report
January-March 2011**

**Croisement Avenues Kalume et de la Gombe
Kinshasa, DRC**

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3. Workshop on Magistrates’ Career and Disciplinary Proceedings in Kinshasa : Final Report
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5. Report on the Inspection of Detention Center in Kalima, Maniema
6. ProJustice FY11 3rd Quarterly Calendar of Activities, April-June 2011
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ACRONYMS

AFEJUCO	Association des Femmes Juristes du Congo
ALFA	Action Large des Femmes Avocates
ASEARO	Association Estudiantine d’Auditeurs de Radio Okapi
CA	Cour d’Appel
CDJP	Commission Diocésaine Justice et Paix
CEPROSOC	Centre pour la Promotion Sociale et Communautaire
CFMUDEMA	Collectif des Femmes Musulmanes pour le Développement du Maniema
CSM	Conseil Supérieur de la Magistrature
CSO	Civil Society Organization
DFDC	Dynamique Femme pour le Développement du Congo
DRC	Democratic Republic of the Congo
EFRPJ	Ecole de Formation et de Recyclage du Personnel Judiciaire
FOMEKA	Fondation Monseigneur Emmanuel Kataliko
LDFC	Ligue pour les Droits de la Femme Congolaise
MOJ	Ministry of Justice and Human Rights
PACT	Program Action Plans
PCC	Pilot court coordinator
PROSADEF	Promotion de la Santé et des Droits de la Femme et de L’Enfant
RAPPE	Réseau des Associations pour la Promotion et la Protection des Enfants
RTG	Radio Télévision Groupe l’Avenir
RTNC	Radio Télévision Nationale Congolaise
SDE	Service de Documentation et d’Etudes
SOS-IJM	SOS Information Juridiques Multisectorielles
TGI	Tribunal de Grande Instance
TP	Tribunal de Paix
UNDP	United Nations Development Programme
USAID	United States Agency for International Development

EXECUTIVE SUMMARY

As ProJustice continued in its third year of operations, activities remained substantial and on schedule. Major accomplishments during the reporting period are outlined below.

Component 1

- ProJustice held workshops in Bandundu, Bukavu, Kindu, Kinshasa, and Lubumbashi on magistrates' careers and disciplinary proceedings.
- The project produced 300 copies of the organizational framework and structure of the *Conseil Supérieur de la Magistrature* (CSM). These will be distributed to all magistrates in the Democratic Republic of the Congo (DRC) once the framework receives parliamentary approval.

Component 2

- With the support of ProJustice, the School of Education and Retraining for Judicial Staff (*Ecole de Formation et de Recyclage du Personnel Judiciaire*, EFRPJ) organized training sessions in South Kivu Province (Bukavu, late February) and Katanga Province (Lubumbashi, late March). In a notable success, two new trainers who had participated in a previous series of ProJustice workshops facilitated these training sessions with the support of the project.
- ProJustice has been working at the national and local level to improve budget planning and management in the CSM and the Ministry of Justice and Human Rights (MOJ). In preparation for the 2012 budget, ProJustice has been closely monitoring and supporting the efforts of the pilot courts to develop budget projections for 2012.
- The Judicial budget was passed in January 2011 and reflected a 300% increase from the previous year owing to ProJustice support.

Component 3

- The project completed the installation of shelves at the courts and prosecutors' offices in Kindu. The Court of Appeals (CA) completed the reclassification, archiving, and reshelving of files for both criminal and civil cases.
- ProJustice funded 50 inspections of detention centers across the four pilot provinces in which the project is currently working.
- The project helped mobile courts in the four provinces review a total of 183 cases.

Component 4

- ProJustice completed the distribution of 717 copies of the *Practical Guide for Access to Justice in the Democratic Republic of Congo* in all pilot sites and in Kinshasa.
- Five civil society organizations (CSOs) in Katanga and Maniema Provinces signed grant agreements or extensions with ProJustice.
- Project grantees provided legal assistance to 106 people (49 men, 57 women) across the four provinces.

Windows of Opportunity

- The project helped launch the second training session for 1,000 new magistrates in Kinshasa, Lubumbashi, and Kisangani in March 2011. These sessions were directly funded by the CSM with the support of ProJustice and other partners, demonstrating increased sustainability of project activities.

QUARTER 10 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 CSM

Technical Assistance to the CSM Disciplinary Board

The majority of magistrates in DRC have limited knowledge regarding the applicable laws providing for disciplinary proceedings against magistrates in violation of the codes of ethics.¹ Disciplinary boards that adjudicate alleged breaches of ethics and professional conduct codes often come to inconsistent interpretations of how the laws should be enforced. Despite a national legal system, there is no consistent enforcement of disciplinary rules. In addition, the CSM Internal Regulations provide for disciplinary boards to be granted \$10,000 to cover their operating costs. Unfortunately, the Congolese Government has never allocated money to these bodies.

To address these issues, ProJustice prepared and distributed copies of the *Disciplinary Proceedings Guide for Magistrates* to all disciplinary boards in the 4 pilot provinces, to improve understanding and enforcement of the disciplinary rules (see Attachment 1). This quarter, ProJustice also provided technical and financial support to the disciplinary boards to improve their operational capacity. ProJustice supported three hearings organized by the Kinshasa/Gombe and Bandundu provincial disciplinary boards.

The disciplinary boards received technical and financial assistance from ProJustice during the reporting period, including provision of the *Guide*, case law references, and basic office supplies, among other items. The project also paid expenses of the magistrates facing charges, including lodging, transportation, and per diem, as needed. ProJustice has received a request to provide similar support to the National Disciplinary Board during the next quarter.

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

The system for selection, recruitment, promotion, and discipline of magistrates in the DRC is governed by the 2006 Law on the Status of Magistrates. Although this law establishes broad independence of the judiciary, it does not provide practical guidance on developing transparent criteria for the selection, promotion, and dismissal of magistrates. Therefore, ProJustice has been working closely with the CSM and holding workshops with magistrates this quarter in order to develop a more transparent career system for magistrates. With more transparent and merit-based criteria in place, Congolese judicial institutions will have more skilled judges capable of improving the quality of justice.

1. These include the Law on the Status of Magistrates (2006), the Law on the CSM (2008), and the CSM Internal Regulations (2009).

Data Collection on Magistrates' Careers

ProJustice developed criteria on magistrates' career history, to ensure that transparent and objective measures govern the appointment and promotion of magistrates. The project submitted these criteria for review in survey form to a total of 105 magistrates: 15 in each of the four pilot sites and 45 in Kinshasa. When the results are finalized, the ProJustice team will discuss them with the CSM.

As of the end of this reporting period, more than 80 percent of the survey forms had been returned to ProJustice. A data entry specialist has been identified and will input the information over the course of the next quarter. It has been difficult to gather survey information from certain jurisdictions, particularly the Bukavu Prosecutor General and the Kindu CA. ProJustice continues to put pressure on these jurisdictions to submit the information.

Workshops on Magistrates' Careers

ProJustice held workshops on magistrates' careers and disciplinary proceedings in each of the project sites, as follows:

- Kindu, January 18–20, 2011
- Bukavu, January 24–26, 2011
- Bandundu, February 22–24, 2011
- Lubumbashi, March 7–9, 2011
- Kinshasa, March 23–25, 2011.

The purpose of the workshops was to discuss the career system for magistrates, including selection, promotion, and discipline. Through these workshops, participants were able to identify the problems linked to the magistrate career system, such as the role of the CSM and MOJ and magistrates' lack of knowledge of disciplinary procedures. Participants were also able to give concrete suggestions such as making the criteria for appointment of magistrates to the Tribunal de Paix (TP), Tribunal de Grande Instance (TGI), and Constitutional Court include a minimum of 5, 10, and 15 years of professional experience, respectively. Further information on each of the Bandundu, Lubumbashi and Kinshasa workshops can be found in Annex 2 and 3.

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

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

Organizational Framework and Structure

ProJustice provided technical and financial assistance for the development of the organizational framework and structure of the CSM, which was adopted by the CSM General Assembly on June 13, 2009. As this document did not initially provide a complete framework for the organizational structure, ProJustice subsequently worked with the CSM to clarify the duties and responsibilities of each body of the CSM and to set the frequency of their meetings. The CSM Bureau adopted the revised document on December 23, 2010 and, with ProJustice support, the adopted framework was published in the DRC Official Gazette on February 2, 2011. As a result of these efforts, judicial and other institutions in DRC are now required to operate within the requirements as set forth in this framework and organizational structure. This will not only enable the CSM to

operate properly, but will also increase transparency as its publication has provided other institutions and the public an understanding of how the CSM operates.

ProJustice produced 300 copies of the CSM organizational structure document. This document will be distributed to all the CSM members who are serving in DRC during the next reporting period.

ProJustice will continue providing support to the CSM to recruit and hire the administrative personnel for the CSM. This activity had been delayed due to slow reactions in the CSM, but ProJustice is putting pressure on the CSM to continue with the recruitment in the coming quarter.

DRC Judicial Code Compendium

The most recent version of the DRC Judicial Code dates to 1986. During the past 25 years, several laws have been passed by the National Assembly and issued by Presidential decree but have not been incorporated in the Code. As such, magistrates do not have all laws in a single volume, which makes it difficult for them to enforce the law and for lawyers to defend litigants. ProJustice provided technical and financial support for the compilation of all laws relating to judicial matters in a single handbook called the *Congolese Judicial Code Compendium*, which is in process. The compendium will include the following topics:

- The organization and jurisdiction of courts
- Legal standards
- Enforcement of judgments and rulings before the courts
- The penal system
- International treaties and agreements relating to judicial matters ratified by the DRC.

During the current sessions of the Senate and National Assembly, ProJustice continued its work on compiling the Code. At the request of the Supreme Court, the three articles of the draft law relating to the organization and operation of the Constitutional Court (articles 48, 49, and 52) were adopted unanimously by the Senate. These articles will be submitted to the National Assembly when the legislative session resumes. The only remaining laws for the Senate and National Assembly to address are those on the organization and operation of courts and on regulating legal processes before the Court of Cassation. Once these laws receive presidential and parliamentary approval, the Congolese Judicial Code can be finalized. The Code will embody all the laws, rulings, regulations, and circulars of the DRC judicial system, and will be the only comprehensive and regularly updated legal reference handbook of the DRC judiciary. Once completed, the Code will be distributed to all magistrates in DRC.

Renovation of the CSM Permanent Secretariat Office

The final renovation work on the CSM Permanent Secretariat offices was completed during this reporting period. The completion of the renovation work will improve the CSM's ability to function as a professional organization. Renovated facilities will also increase the motivation of staff, as working conditions will be better. The stature of the organization will be raised among MOJ and other government officials, and physical renovations are likely to contribute to increased security and eliminate the danger of weather-related damage to CSM documents and equipment.

Developing Mutually Beneficial Synergies between ProJustice and Other Partners

ProJustice is not the only actor working to strengthen the Congolese justice system. Component 1 agreed to share the methodology and content of the workshops on Career and Disciplinary Proceedings for Magistrates with the United Nations Development Programme (UNDP) in the provinces where ProJustice does not operate. In order to respect the workshop objectives as designed and implemented by ProJustice, the UNDP Judicial Reform expert accompanied ProJustice to workshops in Bandundu and Lubumbashi during the reporting period. The first UNDP-supported workshop is scheduled to be held in Goma (North Kivu Province) in April 2011.

1.4 New Internal Operating Procedures and Organizational Structures for the Constitutional Court Adopted and Implemented

The law establishing the Constitutional Court was approved by Parliament, but when it was submitted to the Supreme Court, three articles were highlighted that needed changes. The amendments to the law were then re-voted and approved by the Senate. The law will be up for a final vote and approval when the National Assembly meets, possibly in May although the exact date is still uncertain. After this occurs, the law must then go to the President for final signature.

Once the law establishing the Constitutional Court is promulgated by the President, the court must be constituted within six months. In preparation for assisting the Court, ProJustice has already started preparing a plan and draft budget for the Court to operate properly once it begins to function. ProJustice also used the magistrate career workshops to collect views from CSM members on appointment criteria and procedures to be used by the CSM in designating the three members of the Courts, the DRC General Prosecutor, Chief General Counsel, and General Counsel of the Office attached to the Court.

COMPONENT 2: ENHANCE 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 Enhance Management Skills of CSM (Bureau, Secretariat, and New Management Units)

Under Congolese law, the CSM is responsible for training new magistrates. ProJustice has been working in close partnership with the CSM to improve their management skills and ability to conduct these trainings since the organization currently lacks the experience and financing required to function properly. In recent training events, ProJustice has been able to play a largely supporting role, allowing the CSM to assume the majority of the responsibility for the successful implementation of the trainings. The CSM's increased ability to manage training activities is a critical step in the development of an independent judiciary in the DRC and will strengthen the commitment of the CSM to the magistrates being trained.

At the beginning of February, ProJustice met with the CSM Secretariat, represented by Mr. Roger Eyanga, head of the CSM Information Unit. The meeting focused on the conception and organization of the initial training session for the second group of 1,000 new magistrates. During the meeting, ProJustice submitted a proposal for support to the CSM for the training, which was positively received. The financial support for the initial training of magistrates was made possible

through the Windows of Opportunity budget line item. More information about the initial training is reported under the Windows of Opportunity section of this report.

2.2 Enhance Management Skills of MOJ Staff (Staff of National Training Institutions, such as EFRPJ and *Service de Documentation et d'Etudes (SDE)*)

During this quarter, ProJustice provided intensive training to the new Director of the EFRPJ. With the departure of the previous director, the project had been concerned about the continuing ability of the school to effectively perform its functions. However, the project now believes the new director will be capable of managing the EFRPJ's ongoing training of judicial personnel, with the support of ProJustice.

EFRPJ organized training activities in South Kivu Province (Bukavu, late February) and Katanga Province (Lubumbashi, late March) with support from ProJustice. Details of these activities are set out below. In a notable success, two new trainers who had participated in a previous series of train-the-trainer workshops led by ProJustice facilitated these trainings with support and oversight from ProJustice. Having these trainers lead the majority of the training sessions is a key step in ensuring the sustainability of ProJustice activities following the project's eventual closure.

ProJustice delivered office equipment to EFRPJ on February 4, 2011. These materials will enable better management of the EFRPJ's records of training for judicial personnel. The ProJustice Chief of Party oversaw the ceremonial handover of equipment, which was also attended by the Secretary General of the MOJ, the Joint Justice Committee Coordinator, and a USAID delegation.

In partnership with the MOJ, ProJustice organized two working meetings during the first week of February with the heads of administrative sections responsible for non-magistrate personnel (clerks and prosecutors' secretaries): Mr. Alexie Amissi (First Secretary, DRC Prosecutor General) and Mr. Albert Tamba Tsana (Chief Clerk, Supreme Court). The purpose of these meetings was to involve key administrators more directly in ProJustice's training program and enhance their knowledge and professional development. The meetings focused on improving the school's training program and management of the training sessions. Subsequently, Mr. Amissi monitored training activities in South Kivu Province from February 21 to 26, 2011, and Mr. Tamba inspected activities in Katanga Province from March 19 to 24, 2011. This was the first time that either had had the opportunity to conduct such a mission.

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

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

Train-the-Trainers Workshop

From January 18 to 28, 2011, ProJustice conducted a train-the-trainers' workshop in Bandundu City for 16 clerks and prosecutors' secretaries (13 men and 3 women) operating within the jurisdiction of the Bandundu CA. Participants came from Idiofa, Bulungu, Kikwit, and Bandundu City. The purpose of the workshop was to provide pilot courts with a team of skilled trainers capable of ensuring ongoing training for their respective jurisdictions. In the past, these non-magistrate personnel would not have been capable of successfully organizing a training that would effectively teach participants skills that are essential to their professional functions. With

the support of ProJustice, the participants in this training are now expected to be capable of sharing their skills with their colleagues, creating a sustainable training mechanism.

The training course consisted of the following eight modules:

- Module 1: Issues related to training adults
- Module 2: General overview of training of trainers
- Module 3: Training needs assessment
- Module 4: How to prepare a training session
- Module 5: How to conduct a training session
- Module 6: How to evaluate a training activity
- Module 7: How to draft a training session report
- Module 8: Evaluation of the train-the-trainers workshop and next steps.

To add practice to theory, the participants conducted simulation exercises on lesson planning and training facilitation. Several participants stated that the training was a positive opportunity to meet colleagues and share job experiences.

ProJustice has now completed the train-the-trainers program for non-magistrate judicial personnel in all pilot sites and an effective team of EFRPJ trainers is now in place at each of the pilot sites. With the proper support, the trainers will be able to train their colleagues at a substantially lower cost than requiring participants to travel to Kinshasa for workshops of this nature.

Ongoing Training of Clerks and Prosecutors' Secretaries in Bukavu

Continuing the implementation of trainings for non-magistrate personnel, ProJustice assisted in the implementation of a training workshop on the key elements of criminal and civil proceedings from February 21 to 26, 2011. The workshop brought together 25 participants, comprising of 10 clerks (8 men, 2 women) and 15 prosecutors' secretaries (10 men, 5 women).

Three trainers affiliated with the project conducted sessions: Professor Willy Lubin, Component 2 Leader; Professor Mukendi Tshindja Manga, Catholic University of Bukavu; and Emmanuel Shamavu Murhimbo, Catholic University of Bukavu and Provincial CA.

On February 21, trainers conducted sessions on "Classification of Crimes." The participants learned principles of legality or lawfulness (legal elements), material elements (action and omission, attempt), the moral element (intent), and defenses based the facts of the offense (self-defense, an order by a legitimate authority, necessity).

On February 22, 23, and 24, Professor Manga taught classes on "Basic Notions of Criminal Procedure," covering the pre-jurisdictional phase, the trial phase, and the judgment/sentencing phase.

On February 24, 25, and 26, Professor Murhimbo taught classes on "Basic Concepts of Civil Procedure," covering the pre-trial phase, the trial phase and the post-trial phase.

It became apparent during the training that many of the clerks and prosecutors' secretaries do not know even the basic concepts of criminal and civil procedure. This has a detrimental effect on litigants, with errors leading to appeals and even dismissal of cases. The failure to follow

procedures contributes to judicial delay and at times impunity. The project will need to plan additional training on these substantive concepts, which are essential to the day-to-day responsibilities of these personnel. ProJustice, in partnership with the EFRPJ, plans to organize further workshops in the coming months in Bandundu City, Kindu, and Lubumbashi.

Training of Clerks and Prosecutors' Secretaries in Lubumbashi

Lubumbashi is the largest jurisdiction in the DRC after Kinshasa and demand for training is high. Judicial personnel lack basic knowledge in many areas, leading to inefficiencies and inconsistent application of procedures, often leading to serious consequences in cases before the courts. ProJustice helped organize two training workshops on "Practical Management of the Work of Clerks and Prosecutors' Secretaries" for 33 clerks and prosecutors' secretaries (25 men, 8 women) at the Prosecutors' Office of the Lubumbashi CA from March 21 to April 1, 2011.

Modules for clerks covered:

- Presentation of the registry
- Record keeping
- Recruitment
- Setting of hearing dates
- Methods and timing of citations and summonses
- Clerks' responsibilities prior to and following hearings
- Minute-keeping at hearings
- Drafting of preambles
- Organization of judgments
- Means of appeals
- Enforcement of judgments.

For prosecutors' secretaries, the workshop focused on:

- Organization and structure of the prosecutor's office, including the role of prosecutors' secretaries
- Duties of prosecutors' secretaries in investigations
- Arrest warrants
- Arrest procedures
- Custody and detention warrants
- Different elements of detention
- Duties of prosecutors' secretaries for those in protective custody
- Appeals and enforcement of sentences.

Two trainers who had participated in ProJustice's train-the-trainer sessions conducted the sessions with support from ProJustice. As this was the trainers' first opportunity to lead a workshop, they were supervised by Willy Lubin, Component 2 Leader, and former EFRPJ trainer, Kuzoma Kalusemesoko. Albert M. Tamba, Chief Clerk of the Supreme Court, provided additional supervision on behalf of the MOJ.

All participants received copies of the modules, teaching materials, and a copy of the ProJustice "Access to Justice in DRC Guide".

Assistance to Law Schools

Many of the current problems of the judiciary in DRC stem from academic deficiencies in universities, including lack of resources and shortage of qualified teachers. ProJustice is helping to alleviate these problems by making international experts available to universities in collaboration with local professors and officials. By supporting law schools in DRC, ProJustice aims to build the capacity of future magistrates, lawyers, and human rights defenders.

Component 2 provided technical support to the Law Faculty of Bukavu Catholic University for training on general criminal law for students of the 2010–2011 class.

From February 13 to 28, 2011, 177 participants (60 women, 117 men) attended 75 hours of classes. Lectures focused on key principles that guide criminal law, such as lawfulness or legality, equality, respect for human dignity, strict interpretation, and retroactivity. The concepts of attempt, complicity, excuse, and arguments for and against the death penalty were also addressed. Special attention was paid to the role and participation of women.

The ProJustice Chief of Party, Daniel Dobrovoljec, and Jessica Vapnek, Tetra Tech DPK Director of Major Projects (based in San Francisco), visited the class on February 18, 2011. Their visit provided an opportunity to meet and talk with students and perform a symbolic handover of the criminal law course syllabus prepared by ProJustice. At the end of the course, each participant received a copy of the syllabus for the course.

Certificate Award Ceremonies

During this quarter, ProJustice awarded certificates to participants in EFRPJ trainings in recognition of completion of courses and new skills developed. These certificates have a high degree of symbolic importance in DRC, as participants attach great importance to proof of having completed the trainings.

Bandundu

On January 13, 2011, ProJustice helped EFRPJ organize a certificate award ceremony in Bandundu for clerks and prosecutors' secretaries who obtained a passing mark of at least 60 percent after the three training modules on "Practical Management of the Clerk's Office and Prosecutors' Secretariat". Chaired by the General Prosecutor of the Bandundu CA, this ceremony was attended by local judicial authorities and representatives of other USAID-funded projects.

A total of 21 of the 34 participants were awarded certificates, including 12 of the 20 clerks (8 male and 4 female) and 9 of the 14 prosecutors' secretaries (7 male and 2 female).

Bukavu

On February 26, 2011, ProJustice participated in a graduation ceremony organized by EFRPJ in Bukavu. Certificates were awarded by EFRPJ to 25 of 32 trainees who attended the three training modules on "Practical Management of the Clerks' and Prosecutors' Secretariats", organized from December 14 to 18, 2009; from March 22 to 26, 2010; and from June 21 to 25, 2010. The 25 graduates (7 female and 18 male) were those who obtained an average score of at least 60 percent on the final exam for the modules.

Among the graduates, 13 are operating within the jurisdiction of the Bukavu CA, while the others are working for the Mwenga TP (one graduate), Kalehe TP (one graduate), Uvira TGI (two graduates), Uvira State Prosecutor's Office (two graduates), Uvira TP (one graduate), the

Kavumu Prosecutor's Secondary Office (two graduates), and the Kamituga Prosecutor's Secondary Office (three graduates).

Officials from the Bukavu CA, including the First President, General Prosecutor, Principal Clerk, and Divisional Secretary, participated in the certificate award ceremony. Additional attendees included the First General Secretary of the DRC Prosecutor General's office and EFRPJ representatives who travelled from Kinshasa for the occasion.

In addition, 16 clerks and prosecutors' secretaries (6 female and 10 male), were given certificates by the EFRPJ Director and the First Secretary of the DRC Prosecutor General on February 26, 2011. These certificates marked the official recognition of their participation in the training for trainers that took place in Bukavu in September 2010.

Continuing Training for Magistrates

ProJustice organized a training workshop from January 24 to 28, 2011 for 18 civil magistrates (all male) working within the jurisdiction of the Bandundu CA. This workshop was provided as part of the ongoing support that ProJustice has been providing to the SDE, the organization responsible for magistrates' training.

The workshop covered two major topics: what constitutes a fair trial and an overview of Congolese civil procedure.

SDE appointed two trainers to oversee the workshop:

- Mr. Kabongo Kamayi, a state prosecutor and magistrate assigned to the SDE, presented the module on what constitutes a fair trial.
- Mr. Vokayandiko Mbumba, who is a TGI president and magistrate also assigned to the SDE, led a discussion of special issues in Congolese civil procedure.

Both presentations used illustrative practical cases, which triggered fruitful discussions among the participants.

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

2.4 Judicial Budgets Adopted Through Transparent Procedures that Increasingly Reflect Real Operational Costs of Justice System Operations

The judiciary budget of the DRC has typically been prepared by the budget unit of the MOJ. However, this budget has rarely been based on the actual needs of judicial institutions. Three sources of law assign the budget preparation authority to the CSM.² Legally, the Minister of Justice and Human Rights can no longer intervene in the preparation of the budget for the judiciary. As the CSM is a new institution and has not yet recruited an expert in finance, ProJustice seconded Professor Frederic Kalala, the project's budget and finance expert, to the CSM to provide technical support during this quarter. With ProJustice technical assistance, the CSM was able to prepare a realistic budget based on provincial estimations of expenses, and the judiciary budget finally passed by the Parliament and approved by the President reflected a 300

2. Constitution of the DRC (2006), Law on the CSM (2008), and Internal Regulations of the CSM (2009).

percent increase over the previous year. The CSM has also developed capacity to prepare budgets for future years.

Since the passage of the budget, ProJustice has been working closely with government counterparts to ensure that the budgeted funds are actually disbursed. ProJustice saw this quarter that there was a gap between the funds allocated in the budget and the actual amounts given. ProJustice's expert met with the CSM Deputy Credit Manager and the CSM Chairperson to raise their awareness of the extent of the gap. The CSM First President was very thankful of ProJustice assistance and warning. He subsequently met with the Minister of Finance who said that the reason why the CSM budget request for the first quarter had not been met was purely of administrative and bureaucratic nature: A specific form is to be filled out by the spending units to receive the appropriate budgets. Component 1 Budget and Financial expert prepared a new presentation of the annual Judiciary budget to reflect the needed adjustments following the first quarter reduced allocation (see Annex 4).

Additionally, this quarter ProJustice started monitoring and supervising the preparation of the budget forecasts for the 2012 fiscal year.

2.5 Improved and More Transparent Financial and Resource Management Procedures Adopted and Implemented by the CSM and MOJ

ProJustice organized a budget management workshop in collaboration with the CSM in Kikwit (Bandundu Province) from February 7 to 9, 2011. The ProJustice finance expert facilitated the workshop, which was attended by 16 participants (6 female, 10 male). The benefit of the workshop is that budget preparation and fiscal management are part of the scope of work for clerks and prosecutors' secretaries.

As already seen, ProJustice has been working at the national and local level to improve budget planning and management in the CSM and MOJ. In preparation for the 2012 budget, ProJustice has been closely monitoring and supporting the pilot courts with the development of budget projections for 2012. This quarter, ProJustice also continued to provide assistance in preparing a consolidated budget for the 2012 fiscal year.

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

New File Classification System

The classification of court files is critical to the efficient operation of the courts, as the files record the progress of cases through the justice system. It is vital therefore that these records be available, easily accessible, maintained, and secured. More importantly, the management of criminal cases requires a deliberate and systematic monitoring of files to ensure that cases advance through the judicial process in the shortest possible time. Excessive delay results in memory loss of witnesses, absence or refusal of witnesses to appear, disappearance or

misplacement of evidence, and prolonged pretrial detention of accused persons who may eventually be exonerated. In addition, both victims and the public lose faith in the justice system.

In the DRC, offices of court registrars and prosecutors' secretaries are understaffed; personnel are ill-trained and ill-equipped, working in cramped, poorly lit, and under-ventilated file rooms. Their registers are inaccurate because of poor maintenance, and file folders and shelves are in short supply or poor state of repair. Files are frequently lost, susceptible to theft or tampering, and incomplete. In these conditions cases are selected for trial without the possibility of screening important cases to ensure their early disposition.

To address these deficiencies, ProJustice pilot court coordinators (PCCs) are installing shelves to accommodate a new file classification system, transferring active criminal cases into new file folders, and screening cases to identify those that can be accelerated towards judgment and closure. This quarter ProJustice has continued to review and prioritize cases for project assistance in all pilot jurisdictions. The prioritization process identifies active cases that undergo in-depth screening by the PCCs to determine how ProJustice can effectively intervene. Prioritizing cases is important for increasing efficiency of the case management strategies that ProJustice is implementing with the courts. ProJustice uses the following steps to review and prioritize cases for action:

- 1) ProJustice collects court data based on cases registered with the courts and prosecutors' offices to determine the number of active criminal and civil cases.
- 2) Stage one of the triage eliminates all civil cases and those cases registered at the prosecutors' offices, as these only deal with criminal cases.
- 3) Stage two of the triage eliminates all criminal cases registered before 2009 and after 2010. The project eliminates cases prior to 2009 on the assumption that these cases are unlikely to move forward. Cases registered after 2010 are eliminated because ProJustice may not have sufficient time to address these cases prior to the end of the project base years.
- 4) Stage three eliminates cases that have not had a court hearing within the six months prior to the triage, on the assumption these are not active cases.³

This prioritization process is scheduled for completion in April 2011. Once it is complete, ProJustice will have a manageable number of cases on which to provide assistance aimed at reducing court delay and implementing improved case-management techniques. In a time-limited project of this nature, it was never anticipated and would never be possible to address all the case files at the courts; the goal is to select a viable sample as to which real gains can be made, while also establishing systems that can be used for future rounds of case prioritizing and case disposition.

Kindu

On January 24, 2011, the project completed the installation of shelves at the courts and prosecutors' offices in Kindu. The CA completed the reclassification, archiving, and reshelving of both criminal and civil case files, with the assistance of project staff. ProJustice assisted the civil registrar to archive the TGI civil cases with new archive boxes and folders and helped with

3. This approach was developed jointly by ProJustice and judicial staff, with all agreeing on the reasonableness of the mechanism while also acknowledging the weaknesses of any strategy used to reduce the sample of cases to address.

the classification of all active civil cases with the new system. Project staff helped the TGI criminal case registrar with the classification of all active criminal cases.

In February, project staff completed a second triage of the 324 TGI criminal cases in Kindu (excluding pending cases in Punia) that were registered in 2009 and 2010. The team selected those cases that had had a court appearance within six months prior to the triage. This reduced the number of active criminal cases to 145. Similar work on the second triage of cases began at the CA. This baseline of active cases will be processed with the new case management system to facilitate the progression of cases toward closure.

In March, out of the 145 TGI cases (all criminal) that had been identified as active, 70 were scheduled for hearings at the Kalima mobile court. The second stage of triage identified 104 CA cases to be investigated to determine if there had been court hearings within the last six months. Similarly, ProJustice completed the third triage of 102 cases at the Punia TP; these are now ready for further processing by the PCC.

Bukavu

The Bukavu PCC supervised the third triage of criminal cases at the CA and the TGI from March 1 to 9 and at the Uvira TP from March 10 to 14. Among the 131 criminal cases registered at the CA during 2009 and 2010, 39 cases were closed, 28 were considered inactive, and 64 active cases were identified for further scrutiny. Of the 713 TGI criminal cases registered in 2009 and 2010, 403 were closed, 107 were deemed inactive, and 203 await further action. Of the 190 criminal cases from 2009–2010 at the TP, 42 cases were deemed closed, 33 inactive, and 115 as requiring further scrutiny.

Bandundu

In March, Bandundu began the triaging process. The PCCs facilitated meetings with the courts to review the procedures and the archiving of documents.

Lubumbashi

Lubumbashi has started stage one of the triage and will soon be in stage two. Lubumbashi has triaged some cases for the mobile courts, but the systematic process is yet to be initiated. The archiving shelves for Lubumbashi have not been ordered yet since the folders/file boxes are currently tied up in customs.

Pilot Site Program Action Plan (PACT) Committees

ProJustice's approach to improving the administration in the four pilot court jurisdictions is one of community development and partnership. For the pilot courts to succeed in their goals, all stakeholders must collaborate. However, the various levels of courts and prosecutor's offices function independently of one another in all jurisdictions. Autocratic values of the hierarchical system and the lack of resources to support attendance at regular meetings leads to poor communication, disparate priority setting, lack of collaboration, and the absence of unified goals. On the outside of these judicial operations are lawyers and justice-based CSOs that have little input into the system's management. A secondary problem is that most heads of jurisdiction (prosecutors general, etc.) lack the managerial skills to run integrated and democratic meetings.

To change this, the project initiated regular planning meetings with all stakeholders. The PCCs facilitate meetings by setting agendas, booking meeting facilities, scheduling meetings, providing

financial support for attendance, managing the meetings themselves, and ensuring that minutes are taken, distributed, approved, and followed up.

Twenty members of Bandundu's PACT/delay reduction committee met on January 14, 2011, to address topics including:

- The impact of the detention center inspections on delay reduction
- The impact of the distribution of office materials
- A review of the committee's objectives
- The report by the President of the TP on the recent mobile court session
- A review of recommendations from the December 2010 meeting.

ProJustice held a second delay reduction committee meeting on February 19, 2011 in Bandundu City to review the impact of the detention center inspections, the progress on young offender cases, the recent triage of active criminal cases, and the identification of laws that cause judicial delays. Following the meeting, the committee agreed to conduct a two-day workshop on these issues and planned to request funds for this activity from ProJustice.

The Lubumbashi and Bandundu PCCs held delay reduction committee meetings on March 12. The meetings reviewed the triage and archiving procedures established by ProJustice and reviewed above. Similar meetings did not occur in Bukavu or Kindu because of staff turnover in ProJustice but are planned for the next reporting period.

Monthly Basic Supplies to Pilot Courts

The availability of basic supplies such as paper, folders, and pens is critical to the functioning of the courts and judicial offices. The MOJ provides none of these supplies to Congolese courts. The courts and offices request supplies from international organizations or purchase them from the fees they collect from justice services. These sources are inadequate, supplies provided are minimal and irregular, and when funds are obtained they are regularly skimmed off by the receiver, who retains a portion of the funds or supplies.

To address this issue, ProJustice is supplying 300 dollars worth of paper and pens to each jurisdiction for the courts and offices. The PCCs purchase and distribute these supplies directly to each of the offices to ensure the funds are spent on supplies and they arrive where intended. The amount of supplies is sufficient to sustain operations at a basic level each month. The project is trying to have a budget from the Congolese Government to eventually provide adequate supplies. Component 3's activity of providing supplies is a stopgap measure that will hopefully be redundant with the passing of a new judiciary budget.

- On January 14, 2011, project staff distributed two reams of paper and a box of pens to each of the following: CA, TGI, TP, and TGI prosecutors' office in Bagata (Bandundu Province).
- On February 23, 2011, project staff provided pens and paper in Bukavu and Uvira (South Kivu) to the CA, Prosecutor General, TGI, and Uvira TP.
- On February 19, 2011, the PCC distributed the paper and pens to the CA, Prosecutor General, TGI, and Bagata TP during the Program Action Plan/Delay Reduction Committee meeting in Bandundu.
- The PCC in Katanga Province distributed supplies in February throughout Lubumbashi's courts and offices.

- The PCCs distributed the monthly supply of pens and paper to the courts and prosecutors' offices on March 12 in Bandundu, March 22 in Lubumbashi, and March 25 in Bukavu.

Internet Access

In each of ProJustice's jurisdictions, information technology lags far behind the basic standards of global connectivity. Prior to ProJustice there were no computers at the courthouses and connectivity to the Internet was nonexistent. The project has provided laptops to key personnel, but many changes must occur before it will be possible to realize the potential of technology in the Congolese justice system. Experience with e-mail and databases on the web will lay the groundwork for further interest in and motivation for the implementation of future technology innovations.

This quarter the project installed Internet connections at the Lubumbashi courthouse. This is providing courthouse users with greater access to electronic judicial documents and promotes networking.

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

Inspection of Detention Centers

Under Congolese law, the governance of detention centers is the responsibility of the prosecuting magistrates of the TGI. Detention centers typically contain 5 to 30 persons, and are operated by the Judicial Police, the Maritime Police, prosecutors' offices, and provincial prisons. A province can have several of these centers spread throughout its territories, most in relative proximity to the provincial courthouses. Local police provide security, at times supported by trusted detainees as well.

Any police authority has the power to place a person in detention. These authorities have little legal training, and they often exercise this authority on a whim without cause. Once admitted, the detainee is subjected to rules of which neither s/he nor the arresting personnel have significant understanding.

Prosecutors are legally bound to inspect these centers regularly to ensure due process and compliance with the legal rights of detainees. The required inspections occur infrequently however, generally because of lack of transportation for the inspecting magistrates and their administrative assistants. Without these inspections, detainees may languish in deplorable conditions (lack of food, sanitary facilities, privacy, or medical care) for months while being held illegally or unnecessarily. During this time, victims of crime and witnesses to the events may not be served or may disappear. Detainees who are guilty of their charges may be illegally released following the payment of a bribe.

In response to this, ProJustice PCCs provide funds for transportation and a meal for the inspection team, and provide administrative assistance including recommending improvements to the recording of relevant information on these inspections.

Inspections in February

On February 14 and 26, 2011 the project funded and conducted two detention center inspections for Bandundu's TGI. Six cases were reviewed, one involving a woman, five involving men. The charges included rape, threatening behavior, theft, assault, and fraud. The inspections resulted in

one person being released, two people being detained on warrants, and one person continuing to be held in detention. Two suspects were found to have escaped. Detention center officials told inspectors that they will follow up with the Congolese National Police to attempt to locate these suspects.

On February 8, 10, 17, 22, and 24, Lubumbashi’s prosecutor inspected detention centers operated by the Lubumbashi Judicial Police, the Kampemba and Katuba police stations, and the Lubumbashi special services. The inspections reviewed 99 cases, resulting in 24 detainees being released, 35 being scheduled for trial, and the remaining 40 being kept in custody. The 99 cases consisted of 81 men, 9 women, and 9 young offenders (one girl, eight boys) involving the following charges:

Category	Number of cases
Assault	14
Breach of trust	14
Civil infractions	3
Destruction of property	5
Disturbing the peace	1
Falsification of housing title	1
Fraud	1
Homicide	2
Public drunkenness	2
Rape	6
Slander/defamation	9
Swindling	5
Theft	34
Threatening	2

Inspections in March

In March, ProJustice funded 28 detention center inspections in Bandundu Province (4 inspections at each of 7 centers), reviewing 45 cases (2 women, 2 young offenders and 41 men); and 12 detention center inspections in Lubumbashi, Katanga Province (4 inspections at each of 3 centers), reviewing 136 cases (9 women, 9 nine young offenders and 118 men). Cases reviewed in the two provinces involved the charges presented in the following table. Note that some offenders were charged with multiple counts, explaining the disparity in offenders versus actual case numbers listed in the table below.

Category	Number of cases
Assault	6
Breach of trust	18
Burglary	1
Contempt	10
Destruction of property	7
Driving under the influence	2
Drug abuse	3
Failure to remain at the scene	1
Fraud involving property	1
Homicide	1
Indecent assault or indecent exposure	1
Intentional bodily harm	36
Kidnapping	1
Misappropriation of seized assets	1
Obstruction of justice	1
Public insult	6
Rape	4
Removing property markers	2
Swindling	2
Theft	49
Threatening	4
Vagrancy	3

On February 25, 2011, the ProJustice Kindu office completed an agreement with the Prosecutors' Office of the TGI to budget and schedule the inspection of detention centers beginning in March 2011. In March, the project financed the inspection of four detention centers at Kalima, Maniema Province, where eight adult cases were reviewed, including one woman (see Attachment 5). Four were freed, three were transferred to the Prosecutor's Office for investigation, and one was freed with a fine. The cases involved the following charges:

Category	Number of cases
Assault and battery	4
Attempted murder	1
Civil infractions	1
Murder	1
Rape	1
Theft	1

ProJustice financed four inspection tours of detention centers in Bukavu, South Kivu on March 7, 14, 21, and 25 to review 97 cases (76 men, 7 women and 13 male minors). Of the 97 cases reviewed, 19 detainees were freed, 15 were transferred to the Prosecutor's Office for investigation, and 63 were confirmed to remain in detention.

Supporting Process Servers

In civil and criminal matters parties to court proceedings must be served notice of trials if they are to be legally required to appear. Without notice they are under no obligation to appear. Criminal

trials frequently do not proceed because the parties (accused, victims, and witnesses) are not served notice. Process servers work for court registrars, who are not given the means by the MOJ to pay for process service or transportation (fuel for vehicles or public transport fares). Given the size of the provinces and poor road conditions, the territory to be covered by a process server can be vast and travel can be difficult. Without transport and reasonable compensation, process servers, understandably, do not serve the required documents.

To alleviate this problem, PCCs screen court files to find cases being delayed because documents have not been served. They then provide funds for the process servers to do their work if it appears likely that the cases will be moved to judgment as a result.

Until recently, ProJustice has only been able to support process servers for the mobile court hearings (listed below) organized by the project. In these cases, the process servers typically travel with advance parties to mobile court sites, sometimes up to seven days in advance, to ensure required parties are served in time to compel their appearance before the courts.

To move beyond mobile court hearings, on March 24 the Bukavu PCC provided \$190 to the Uvira TP to fund the service of notices in 38 cases identified in a recently completed triage.

Component 3B. Enhance the Accessibility of Pilot Courts

3.3 Reduction in Average Cost to Citizens of Minor Cases in Pilot Jurisdictions

The majority of the Congolese population is extremely poor, with few resources to pay for legal assistance. Most also lack the basic knowledge of how to remain informed on the status of their cases if the cases do get filed. Judicial personnel often exploit this lack of knowledge as a means of extorting money from victims, charging fees that differ substantially from actual mandated fees. The high costs make victims reluctant to pursue cases through the court system.

On February 2, Bukavu's PCC supervised the installation of nine lockable display cases/bulletin boards in front of the courtrooms, the CA registrars' offices, the TGI, and the offices of secretaries' to the Prosecutor General and TGI. On March 9, the PCC supervised the installation of a display cabinet and two cork notice boards at the Uvira TP. These now contain trial lists and other messages intended for courthouse practitioners. They will contain the lists of prescribed court fees within the next reporting period, in the hope of reducing opportunities for corruption.

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

Mobile Court Sessions

The pilot courts supported by ProJustice have jurisdiction over vast territories of DRC, with main courthouses located in the provincial capitals and smaller satellite locations for TPs in remote locations. Roads to rural areas are often impassable or nonexistent, requiring travel by air, all-terrain vehicle, and/or river. It is difficult for court personnel, parties, and witnesses to get from rural locations to provincial courthouses. The mobile court sessions are critical for providing access to justice and moving backlogged cases to judgment and closure.

The costs for mobile courts are significant, however. The average cost for 15 days of mobile court sessions can exceed \$8,000, including transportation, per diems, lodging, and facilities for

up to 10 members of a court party. Without the assistance of ProJustice, mobile courts would not occur, as the MOJ provides no funding for these sessions. ProJustice PCCs assist with the preparations, negotiations, and coordination for the mobile court hearings, and in many cases directly manage activities on site. Details of mobile court sessions held during the reporting period are given in the following paragraphs.

Bandundu

- Bagata TP, December 20, 2010–January 4, 2011. Mobile court sessions addressed 61 cases, including those of one juvenile, one woman, four elderly men in detention, and 55 men. The court closed 50 criminal cases and 11 civil cases.
- Bandundu, February 23, 2011–March 31, 2011. The Bandundu mobile court held sessions three times a week. The court rendered 16 decisions, and is expected to continue through April 23, by which time the court anticipates having completing 108 cases. The Bandundu PCC provided additional funding for bailiffs and process servers to work throughout the duration of the proceedings.

Lubumbashi

- Kamalondo TP, January 21 and 26, 2011. The court closed three cases (all young male offenders) heard during the mobile court sessions.
- Lubumbashi CA, Kalemie, February 15–28, 2011. The court closed 49 of 97 cases before the court.
- Lubumbashi TGI, Kassapa Prison, February 12/26 and March 12–16, 2011. The court closed 12 of 30 pending cases.

South Kivu

- Lemera and Luvungi TPs, March 7–17, 2011. The sessions processed 27 cases, of which 13 were decided (three family matters and 10 criminal cases) and 14 were adjourned for trial (seven adult criminal and seven young offenders).

Maniema

- The Kindu PCC funded 20 days of mobile court sessions for the Kalima TGI that ended on March 29. Of the 70 cases pending before the Court, 15 have been closed to date.

In addition to these sessions, on February 26, 2011 the Bukavu PCC convened a meeting for the Uvira TP President and Registrar on the new procedures for management of mobile courts funded by ProJustice.

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 Non-governmental Organizations, Bar Associations and/or Law Faculties) Capacity for Legal Aid and Awareness-raising Strengthened

Access to Justice Guide

In November 2010 in Kinshasa, ProJustice organized a ceremony at which the *Practical Guide for Access to Justice in the Democratic Republic of Congo* was presented. The project produced the Guide to facilitate access to justice for vulnerable populations by improving the ability of CSOs and judicial personnel to effectively provide services to populations who would otherwise be unaware of their rights. Ignorance of these rights and of the basic functions of judicial institutions is one of the primary limitations to accessing justice in DRC. By the end of March 2011, ProJustice had distributed 717 copies of the Guide to human rights and judicial advocacy CSOs, law schools, bar associations, court clerks, and prosecutors' secretaries in all pilot sites and in Kinshasa.

Bar Associations and Law Schools

Bar associations offer free consultations that play an important role in providing access to justice for vulnerable people who might otherwise not have legal representation. However, their task is often rendered nearly impossible, because lawyers appointed by the bar to represent these cases have no means to pay their fees, transportation costs, and other expenses incurred in the course of representation. ProJustice provides technical and financial support to the bar associations to strengthen their capacity and to identify critical problems and solutions where possible. The project's support includes activities such as "bar association days," conferences, and evaluation workshops on the state of the judicial system in the provinces.

On March 18 and 19, 2011, ProJustice provided financial and technical support to the Bukavu Bar Association which organized a bar association day with a theme of "Access to Justice in South Kivu Province: Status and Prospects." The main objective of the workshop was to raise awareness among judicial actors of the need to facilitate greater access to the justice system. The sessions were attended by 62 lawyers (42 men, 20 women). The workshop provided an opportunity to examine the state of the judicial system in South Kivu, and served as a platform to encourage lawyers' active participation in *pro bono* consultations and to discuss new strategies to facilitate access to justice for those who might otherwise be unable to access the system effectively.

Technical Assistance to CSOs

CSOs working in the field of human rights and judicial advocacy play an essential role in providing counseling, guidance, and assistance to vulnerable populations. While their efforts have been helpful, they require a great deal of institutional, financial, and technical support to translate their activities into effective work at the ground level. In addition to awarding small grants to enable CSOs to carry out their activities, ProJustice also provides technical assistance to help them effectively carry out their activities and to strengthen their capacity. Regular monitoring and evaluation of partner projects allows ProJustice to ensure the effectiveness of activities for the targeted populations.

In February and March ProJustice provided technical support to two CSOs based in Kindu: the Network of Associations for the Protection and Promotion of Children (*Reseau des Associations pour la Promotion et Protection de l'Enfant*), and the Collective of Muslim Women for the Development of Maniema (*Collectif des Associations des Femmes Musulmanes pour le Développement du Maniema*). This support assisted the CSOs in preparing new proposals, which were submitted to the Review and Evaluation Committee for consideration, and subsequently to USAID for approval.

On March 9, 2011, the project conducted a grants management training session in Kindu for the same two CSOs. The session was attended by six people (four male, two female).

Open House Days in Pilot Courts

The Congolese population is largely unaware of the organization and function of the judiciary system in DRC, the role of court personnel, and the various judicial services available to them. This ignorance leads to reluctance to seek judicial relief for issues that would be most effectively resolved in a legal setting. To address this issue, ProJustice conducted two open houses on January 27 and 28, 2011 in Lubumbashi in collaboration with the Lubumbashi CA and the office of the General Prosecutor. Visitors participated in guided tours of the Lubumbashi CA, the Prosecutor General's office, the Lubumbashi TGI, and the Kamalondo TP, and had the opportunity to meet and ask questions of the leaders of these institutions. Officials also conducted two additional focus groups to allow visitors to raise other questions and concerns. ProJustice estimates a total of 110 people participated in the two days of events.

Fast Track Mechanism

Court proceedings in DRC are often subject to long delays. Cases that are legally required to be handled quickly are also subject to delays, leading to an ongoing backlog and overall ineffectiveness of the system. ProJustice works with partners to develop strategies and techniques to reduce this backlog and promote a fast-track mechanism for cases concerning vulnerable populations, such as victims of sexual violence and children. Since January 2011, ProJustice has supported the implementation of this methodology in two pilot sites, the Lubumbashi TGI (sexual violence cases) and the Lubumbashi TP (children in conflict with the law).

Component 4B. Sub-Grants to CSOs

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

Grants Awarded during Second Grant Cycle

ProJustice awards small grants to CSOs based in each of the pilot sites, enabling them to organize awareness programs, civic education, advocacy strategies, and more. This program provides an opportunity for these organizations to build their capacity while simultaneously implementing key ProJustice activities. The project requires all CSOs selected for funding to sign a grant agreement prior to beginning activities as a means of ensuring compliance with the project goals, regulations, and expectations. Following USAID approval, partners implement their activities under the supervision of ProJustice staff, who conduct regular monitoring visits.

Five CSOs signed grant agreements or extensions with ProJustice during the reporting period.

Katanga

- Lubumbashi Bar Association, signed January 28, 2011
- *Commission Diocésaine Justice et Paix* (CDJP) Kalemie, signed January 31, 2011
- Dynamic of Women for the Development of Congo (*Dynamique Femme pour le Développement du Congo*, DFDC), extended agreement until August 2011, extension signed March 14, 2011.

Maniema

- Réseau des Associations pour la Protection et la Promotion des Enfants (RAPPE), signed March 11, 2011
- Collectif des Femmes Musulmanes pour le Développement du Maniema (CFMUDEMA), signed March 11, 2011.

These CSOs will implement legal assistance clinics, counseling, and guidance, monitoring of the judiciary, awareness-raising sessions, civic education, and other similar activities. By raising awareness, the goal is to increase the numbers of vulnerable persons resolving cases through the justice system.

Monitoring and Evaluation of Sub-Grants Program

A rigorous set of monitoring and evaluation standards are an essential part of ProJustice's strategy when working with sub-grantees. This monitoring is done at the field level by sub-office staff, and by Kinshasa-based personnel to ensure that errors, fraud, or other difficulties do not arise or if they do, that they are handled swiftly. Sub-grantees are subject to both scheduled and unscheduled monitoring visits by ProJustice staff and specifically the grants team, providing ProJustice the opportunity to review the progress of activities of each grantee, verify project documents, discuss potential issues directly with project staff, and strengthen their capacity where needed. During the reporting period, ProJustice organized the following monitoring and evaluation activities:

- From February 22 to 26, 2011, Philippe Luanghy, Grants Finance Assistant, monitored and evaluated two CSO partners based in Bandundu: *Centre pour la Promotion Sociale et Communautaire* (CEPROSOC), and *Association Estudiantine d'Auditeurs de Radio Okapi–Promotion de la Santé et des Droits de la Femme et de L'Enfant* (ASEARO-PROSADEF).
- From March 1 to 5, 2011, Liliane Ankwärpen, Grants Manager, monitored and evaluated the closeout of partner projects in Lubumbashi (DFDC and *Action Large des Femmes Avocatés* (ALFA).)
- From March 8 to 22, 2011, Philippe Luanghy monitored and evaluated completed partner projects awaiting closeout in Kindu (*Action pour la Promotion et la Défense des Personnes Défavorisées* and *Association des Femmes Juristes du Congo*, AFEJUCO) and activities implemented by CSO partners in South Kivu (*SOS Information Juridiques Multisectorielles* (SOS-IJM), Bukavu Bar Association, the *Fondation Monseigneur Emmanuel Kataliko* (FOMEKA), and Caritas Uvira).

On February 10 and 28, 2011, Jean-Bosco Habibu, Bukavu Head of Office, visited SOS-IJM for unscheduled monitoring visits. In the course of these meetings, Mr. Habibu uncovered an issue of fraud relating to rent payments for SOS-IJM's offices, an issue taken extremely seriously by the project. While the office had originally been rented at \$30 per month as per the grant agreement, ProJustice discovered forged contracts and receipts for \$50 per month. Confronted with this situation, ProJustice considered immediate termination of the grant agreement, but as SOS-IJM have been highly effective in implementing project activities, and no other suitable partner is available, the project decided to continue the agreement with the organization following an official letter of warning, correction of financial reports, a report to USAID, and a demand for immediate reimbursement of misused funds. While ProJustice would have been justified to immediately end the grant agreement with SOS-IJM, this would have prevented victims and other vulnerable populations from accessing services at the legal clinic, and the project felt that it would be irresponsible to leave potential beneficiaries with no means of accessing legal

assistance. ProJustice has instituted a rigorous program of monitoring SOS-IJM's expenses as well as those of other grantees.

Grantees' Activities Providing Legal Assistance to Vulnerable Populations

Notable activities related to providing legal assistance implemented by ProJustice grantees during this quarter are listed below.

DFDC, Lubumbashi

(Grant Period: February 15, 2010–February 15, 2011)

- The hearing unit of DFDC recorded a domestic violence charge of a police officer. The female victim was referred to the court system via the helpline.

ALFA, Lubumbashi

(Grant Period: February 15, 2010–February 15, 2011)

- From January through the end of the sub-grant in February, ALFA provided legal assistance to 24 female victims of sexual violence. Of these cases, 16 were completed, 2 were taken under advisement, and 6 remain in process. This represents a marked improvement from previous performance. ProJustice had previously felt that ALFA was not devoting sufficient effort to legal assistance activities and in November 2010 had asked the organization to provide legal support in at least 24 cases by the end of the project in February 2011, which was achieved.

FOMEKA, Uvira

(Grant Period: August 1, 2010–May 1, 2011)

- During this reporting period, FOMEKA provided legal assistance in 13 cases, of which 8 plaintiffs were women, in cases involving sexual violence, land issues, malicious destruction, and inheritance conflicts. Additionally, the foundation provided assistance in 17 cases, including those of 13 women before the Uvira TGI and TP.

Caritas Uvira

(Grant Period: August 1, 2010–May 1, 2011)

- Caritas Uvira provided counseling and guidance to 39 people (10 women and 29 men) during the reporting period. The organization also provided legal assistance in 5 cases at the Uvira TGI, with an additional 5 cases awaiting trial at the court.

SOS-IJM, Uvira

(Grant Period: October 1, 2010–September 30, 2011)

- During the quarter, SOS-IJM provided legal assistance in nine criminal cases, including two involving women. The cases involved theft, rape, and land disputes. Following referral to the organization's lawyer, the cases were forwarded to the Bukavu General Prosecutor's office and the court.

CDJP, Kalemie

(Grant Period: January 1, 2011–August 1, 2011)

- In March 2011, CDJP/Kalemie provided legal assistance in three cases of sexual violence, all victims being female, before the Kalemie TGI and one before the Military Prosecutor.

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

ALFA, Lubumbashi**(Grant Period: February 15, 2010–February 15, 2011)**

- Prior to the end of the sub-grant agreement in February 2011, ALFA broadcast a program about sexual violence on the Mwangaza television channel in Lubumbashi. The purpose of the broadcast was to educate the public on the issue and raise awareness of the penalties for sexual violence under Congolese law.

Ligue pour les Droits de la Femme Congolaise (LDFC), Kinshasa**(Grant Period: October 1, 2010–September 30, 2011)**

- During the quarter, LDFC hosted two television programs on Congolese National Radio and Television (*Radio Television Nationale Congolaise*, RTNC) focusing on the role of women within the Congolese judicial system. The two presenters were Ms. Angela Kipulu, Coordinator of the LDFC, and Judge Florence Boloko.

Caritas Uvira**(Grant Period: August 1, 2010–May 1, 2011)**

- In February and March 2011, Caritas organized awareness-raising campaigns in the villages of Kiliba, Runingu, Kawizi Sucrerie, and Kiliba Kabulimbo on the activities of the legal clinic and its role in the community. An estimated 350 people attended these sessions, including approximately 260 women.

FOMEKA, Uvira**(Grant Period: August 1, 2010–May 1, 2011)**

- During the reporting period, FOMEKA organized awareness-raising sessions on types of sexual violence, the role of paralegals in the judicial system, and the importance of legal assistance clinics. Four sessions were broadcast on RTNC-Uvira.
- FOMEKA also conducted a targeted awareness-raising session for the 13 members of the Mirungu Luvungi Market Management Committee (8 men, 5 women), who received information relating to criminal procedures and complaints.
- The organization hosted a panel discussion on March 26, 2011, on the functioning of the Congolese judiciary, the prosecutor general's office, the TGI, and the Uvira TP. The target audience was the leadership of Luvungi, Lubarika, and Katogota. A total of 22 people participated (12 men, 10 women).

SOS-IJM, Bukavu**(Grant Period: October 1, 2010–September 30, 2011)**

- During the reporting period, SOS-IJM moderated 12 programs on Radio Maendeleo in Bukavu. Programs covered various topics including justice in rural areas, the role of legal clinics, the right of access to justice, and the peaceful resolution of conflicts.

CEPROSOC, Bandundu**(Grant Period: December 1, 2010–August 31, 2011)**

- From March 15 to 18, 2011, paralegals from CEPROSOC held an awareness-raising session in Bandundu on the structure of the Congolese judicial system. The session was attended by 150 people (90 men, 60 women).

ASEARO-PROSADEF, Bandundu
(Grant Period: December 1, 2010–August 31, 2011)

- On February 21, 2011, ASEARO-PROSADEF organized an awareness-raising session at the University of Bandundu on sexual violence. The session was attended by 400 students (280 men, 120 women).

WINDOWS OF OPPORTUNITY
Initial Training of Magistrates

During the quarter, ProJustice supported the initial training of new magistrates in Kinshasa, Kisangani, and Lubumbashi. The most recent selection of magistrates was marred by numerous allegations of irregularities and favoritism, including selection of candidates based on subjective criteria. Notably, a group of unsuccessful candidates contacted USAID to complain and challenge the CSM’s selection of magistrates. ProJustice provided assistance to these magistrate candidates and were able to successfully reintegrate eight magistrates into the initial trainings though they had originally been excluded for reasons that were not clear. ProJustice will continue monitoring the existing initial training of new magistrates. In addition, ProJustice is committed to providing assistance to the CSM to the next recruitment of magistrates.

During the first two weeks of March, ProJustice supported the training of 780 new magistrates in Kinshasa, of which approximately 200 are women. Marcel Wetsch’Okonda, ProJustice Component 1 Consultant, provided three days of training sessions on “Disciplinary Proceedings in the Congolese Judiciary” and Willy Lubin, Component 2 Leader, trained the new magistrates on the ethical values and responsibilities of a good magistrate, including the need for independence, impartiality, and integrity, and he also addressed professional incompatibilities and prohibitions.

STAFFING/MANAGEMENT UPDATES
Project Offices Update

Position	Comments
Deputy Chief of Party	Started in mid-February
Driver	Started in January
Office and Program Manager, Maniema	Started in February
Pilot Court Coordinator for Maniema Province	Started in January
Two Pilot Court Program Coordinators for Kinshasa	Started in March
Two Administrative Assistants for Katanga and Bandundu Provinces	Started in January

QUARTER 10 PROBLEMS AND REMEDIAL ACTIONS

Problem encountered	Corrective action proposed/taken
Component 1	
<p>One of the major goals of the ProJustice project is to assist with the establishment of the Constitutional Court. However, since the start of the project, ProJustice has been waiting for the law establishing the Court to be passed by the Congolese Government. The law has been passed by the Senate but must still be adopted at the National Assembly and signed by the President. Once the law establishing the Constitutional Court is promulgated by the President, the Court must be constituted within six months.</p>	<p>Although the law establishing the Constitutional Court has not been officially signed by the President, ProJustice is still making preparations to ensure rapid assistance once the law is in place. ProJustice has already started preparing a plan and draft budget for the Court to operate properly upon approval. ProJustice also used the magistrate career workshops to collect views from CSM members on appointment criteria and procedures to be used by the CSM in designating the three members of the Court, appellate members, the DRC General Prosecutor, Chief General Counsel, and General Counsel of the Office attached to the Court.</p>
<p>ProJustice has been working closely with the CSM to develop its organizational structure and framework. On December 23, 2010, the CSM adopted the framework, but it must now recruit the administrative personnel to fill the positions within the CSM. This was originally slated for October 2010 in the ProJustice work plan, but unfortunately there have been delays within the CSM on recruitment of personnel.</p>	<p>ProJustice is working with the CSM to push forward the recruitment process. ProJustice will provide technical support in helping create a standard selection process. With ProJustice support, the project anticipates that most of the recruitment will happen during the next quarter.</p>
Component 2	
<p>The judiciary budget was passed by Parliament in January 2011. With the support of ProJustice, the budget was increased by 300% from the previous year to more accurately reflect the true operating costs of the justice sector. Although this was a major success, the actual disbursement of the budget must still be closely monitored. ProJustice found this quarter that not all of the funds allocated to the judiciary in the budget were actually being disbursed.</p>	<p>To combat this problem, ProJustice's budget and finance expert met with the CSM Deputy Credit Manager and the CSM Chairperson to raise their awareness of the extent of the gap between the allocated budget and the actual amount of authorized allocations for the first quarter. Through working closely with the bodies in charge of disbursing Government funds, ProJustice can help ensure that the budget is respected.</p>
Component 3	
<p>File folders and archive boxes were ordered from Kenya for the pilot courts as these items were not available locally. However, the goods have been stuck in customs for some time now, and only some of the supplies have been successfully delivered to some pilot courts.</p>	<p>ProJustice discovered that the Kenyan vendor had labeled the airway bill incorrectly, which caused some of the delay in customs. Therefore, ProJustice requested the vendor to send new labels with the correct information and hopes that this will clear up the issue in customs.</p>
Component 4	
<p>ProJustice uncovered an issue of fraud relating to rent payments for SOS-IJM's offices, one of ProJustice's grantees. While the office had originally been rented at \$30 per month as per</p>	<p>ProJustice considered immediate termination of the grant agreement, but as SOS-IJM has been highly effective in implementing project activities, the project decided to continue the agreement</p>

the grant agreement, ProJustice discovered forged contracts and receipts for \$50 per month.

with the organization following an official letter of warning, correction of financial reports, a report to USAID, and a demand for immediate reimbursement of misused funds. Terminating the grant agreement with SOS-IJM would have prevented victims and other vulnerable populations from accessing services at the legal clinic, and the project felt that it would be irresponsible to leave potential beneficiaries with no means of accessing legal assistance. ProJustice has instituted a rigorous program of monitoring SOS-IJM's expenses and the expenses of other grantees.

MEDIA COVERAGE OF PROJECT ACTIVITIES

ProJustice received press coverage of its events in print and broadcast media, as presented in the summary table below.

Press Summary Table				
Name of Press Outlet	Type (Radio, TV)	Date	Title of Article or Feature	Comments/Description
Radio Okapi	Radio	January 2011	Family Violence Kills a Woman in Kalima.	The report discussed mobile court sessions on sexual violence against women held in Maniema Province.
Digital Congo RTNC RT RAGA TV	Radio, TV	January 2011	Implementing the Careers and Disciplinary Proceedings for Magistrates (Bukavu)	Various reports discussed the “Careers and Disciplinary Proceedings for Magistrates” workshops conducted by the CSM in collaboration with ProJustice.
RTNC/Katanga Muangaza	Radio, TV	February 2011	Organizing Open Houses at the Lubumbashi Courthouse	Broadcasts on the Open Houses held at the Lubumbashi Courthouse.
RTNC Digital Congo RAGA TV	Radio, TV	February 2011	Training Clerks and Prosecutors’ Secretaries (Bukavu)	Clerks and prosecutors’ secretaries were trained on Civil and Criminal Procedure. The awarding of certificates to the court personnel took place after the train-the-trainers training.
RAGA RTNC Digital Congo UHURU Congo News	Radio, TV Daily News	March 2011	CSM Attend Careers and Disciplinary Proceedings for Magistrates Workshop	The impressions of the workshop attendees on the importance of the Careers and Disciplinary Proceedings for Magistrates and feedback from the workshops held in provinces.

SUMMARY OF PLANNED ACTIVITIES FOR THE UPCOMING QUARTER

Please see table of planned activities for the upcoming quarter in Attachment 6.

PERFORMANCE MONITORING PLAN TABLE

The Performance Monitoring Plan is presented in Attachment 7.