

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**



**Eleventh Quarterly Progress Report
April-June 2011**

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

INDEX

INDEX	i
ACRONYMS	ii
EXECUTIVE SUMMARY	1
Component 1	1
Component 2.....	1
Component 3.....	1
Component 4.....	2
Windows of Opportunity	2
QUARTER 11 ACTIVITIES AND RESULTS.....	3
COMPONENT 1: SUPPORT THE ESTABLISHMENT OF NEW JUDICIAL INSTITUTIONS	3
Component 1A. Establish Transparent Procedures for Recruitment, Selection, and Promotion of Magistrates	3
Component 1B. Establish Transparent Organizational Procedures for New Judicial Institutions	4
COMPONENT 2: Enhance EFFECTIVE AND TRANSPARENT MANAGEMENT OF THE JUDICIARY AND MINISTRY OF JUSTICE.....	6
Component 2A. Strengthen Management Skills of Justice Institution Personnel and Training Institutions	6
Component 2B. Enhance the Skills and Qualifications of Court Personnel.....	9
Component 2C. Improved Budget and Resource Management by the CSM and MOJHR...	12
COMPONENT 3: MORE EFFECTIVE, TRANSPARENT, AND ACCESSIBLE COURT OPERATIONS IN PILOT JURISDICTIONS	13
Component 3A. Enhance the Effectiveness and Transparency of Court Management Practices.....	13
Component 3B. Enhance the Accessibility of Pilot Courts.....	21
COMPONENT 4: INCREASED ACCESS TO JUSTICE FOR VULNERABLE POPULATIONS	23
Component 4A. Capacity Building Assistance to Civil Society for Access to Justice Activities.....	23
Component 4B. Sub-grants to CSOs	25
Windows of opportunity	29
CSM General Assembly	29
STAFFING/MANAGEMENT UPDATES.....	31
Project Offices Update.....	31
QUARTER 11 PROBLEMS AND REMEDIAL ACTIONS	32
MEDIA COVERAGE OF PROJECT ACTIVITIES.....	33
SUMMARY OF PLANNED ACTIVITIES FOR the UPCOMING QUARTER	34
PERFORMANCE MONITORING PLAN TABLE.....	34

ATTACHMENTS

1. Practical Guide for Disciplinary Procedures
2. USAID Snapshot on the CSM General Assembly
3. Summary of ProJustice Planned Activities for July-September 2011
4. PMP for Third Quarter of ProJustice Activities (April-June, 2011)

ACRONYMS

ASEARO	<i>Association Etudiants Auditeurs Radio Okapi</i> (Student Association of Radio Okapi Listeners)
CAA	<i>Compagnie Africaine d'Aviation</i> (African Aviation Company) <i>Commission Diocésaine Justice et Paix</i> (Diocesan Commission for Justice and Peace)
CEPROSOC	<i>Centre Pour la Promotion Sociale et Communautaire</i> (Centre for Welfare and Community)
CFMUDEMA	<i>Collectif des Associations des Femmes Musulmanes pour le Développement du Maniema</i> (Collective of Associations of Muslim Women for the Development of Maniema)
CSM	<i>Conseil Supérieur de la Magistrature</i> (High Judicial Council)
CSO	civil society organization
DFDC	<i>Dynamique Femme Pour le Développement du Congo</i> (Women's Dynamic for the Development of Congo)
DIILS	Defense Institute of International Legal Studies
DRC	Democratic Republic of the Congo
EFRPJ	<i>Ecole de Formation et de Recyclage du Personnel Judiciaire</i> (Institute of Judicial Training and Retraining)
EU-PAG	<i>Programme d'Appui du Gouvernance de l'Union Européenne</i> (European Union Governance Support Program)
FOMEKA	<i>Fondation Monseigneur Emmanuel Kataliko</i> (Monsignor Emmanuel Kataliko Foundation)
FY	fiscal year
HIV/AIDS	human immunodeficiency virus/acquired immune deficiency syndrome
LDFC	<i>La Ligue pour les Droits de la Femme Congolaise</i> (League for the Rights of Congolese Women)
MOJHR	Ministry of Justice and Human Rights
NGO	non-governmental organization
PACT	Program Action Plan Committee
PCC	Pilot Court Coordinator
PGI	<i>Parquet de Grande Instance</i> (Prosecutor's Office of the Court of First Instance)
PROSADEF	<i>Promotion de la Santé des Droits de la Femme et Enfants</i> (Promotion of the Health of Women's and Children's Rights)
PS	Permanent Secretariat
RAPPE	<i>Réseau d'Associations pour la Protection et la Promotion de l'Enfance au Maniema</i> (Network of Associations for the Protection and Promotion of Children in Maniema)
RTNC	<i>Radio Television Nationale Congolaise</i> (Congolese National Radio and Television)
SDE	<i>Service de Documentation et d'Etudes</i> (Documentation and Study Service)
SOS-IJM	<i>SOS Information Juridique Multisectorielle</i> (SOS Multi-Sectoral Legal Information)
TGI	<i>Tribunal de Grande Instance</i> (Court of First Instance)
TP	<i>Tribunal de Paix</i> (Peace Court)
UNHAS	United Nations Humanitarian Air Service
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 provided substantial support to the High Judicial Council (*Conseil Supérieur de la Magistrature*; CSM) to finalize the drafts of the *Judiciary Modernization Plan*, the *2011–2016 Judiciary Road Map*, the *Code of Ethics for Magistrates* (including appointment and promotion criteria for magistrates), and the preliminary draft judiciary budget for 2012 for distribution during the CSM General Assembly. All of these documents were adopted during the General Assembly.
- The project finalized the *Disciplinary Proceedings Guide for Magistrates* and prepared the document for printing. A total of 4,000 copies were printed at the time this report was written, and the project expects to distribute these to magistrates throughout the Democratic Republic of the Congo (DRC) during the next reporting period.
- During the reporting period, ProJustice held three coordination meetings with the CSM. The meetings focused on evaluating results of the ongoing partnership between ProJustice and the CSM and preparations for the CSM General Assembly.

COMPONENT 2

- ProJustice provided ongoing support to training workshops for current and newly-assigned judges, trainings for clerks and prosecutors' secretaries, the Law Faculty of the University of Kindu, and for the initial training for a second group of 1,000 newly-recruited magistrates.
- ProJustice worked with the CSM Permanent Secretariat on several issues including improving the organization of the second session of the initial training for judges.
- From June 14 to 18, 2011, ProJustice supported the Institute of Judicial Training and Retraining on a mission to evaluate the impact of the project's training program in Bandundu Province, particularly in the communities of Kikwit, Kenge, Idiofa, and Bulungu.

COMPONENT 3

- Project staff trained court registrars and prosecutors' secretaries on the case management system being implemented in each of the four sites - Lubumbashi on May 20, 2011, Bukavu on May 20, 2011, Kindu on May 24, 2011, and Bandundu on June 15, 2011.
- ProJustice conducted workshops in Lubumbashi, Bukavu, and Kindu on the reform of Congolese law to address impediments to the speedy processing of criminal cases. Attendees included 19 registrars, secretaries, prosecutors, lawyers, and magistrates (16 men and 3 women) in Lubumbashi on June 16, 2011, and similar numbers in Kindu (June 21, 2011) and Bukavu (June 25, 2011), totaling 34 people (29 men and 5 women).
- The project issued requests for quotations for the construction of information kiosks at the Lubumbashi and Kindu courthouses. ProJustice is currently awaiting submission of quotes from vendors and will complete the procurement in the next quarter. Project staff facilitated a meeting in Lubumbashi on June 21, 2011 with 10 civil society organization (CSO) representatives (six men and four women) to discuss the provision of volunteers needed to operate the information kiosks.

COMPONENT 4

- ProJustice held workshops in Bandundu City (June 5–11, 2011) and Kikwit (June 19–26, 2011) in Bandundu Province for CSOs on project cycle management, networking, and community participation in access to justice activities. Thirty CSOs were invited in Bandundu, and a total of 32 people participated (24 men and 8 women). In Kikwit, 36 people participated (25 men and 11 women), representing 30 CSOs.
- The project supported open houses from June 27 to 30, 2011, at the Bandundu Court of First Instance (*Tribunal de Grande Instance*), the Prosecutor’s Office of the Court of First Instance (*Parquet de Grande Instance*), the Bandundu Court of Appeals, and the Prosecutor General’s office. Approximately 500 people participated in the event.
- During the quarter, ProJustice sub-grantee CFMUDEMA (Collective of Associations of Muslim Women for the Development of Maniema/*Collectif des Associations des Femmes Musulmanes pour le Développement du Maniema*) organized four workshops for training trainers on the use of the illustrated flip books on sexual violence and gender; these were attended by a total of 32 participants (20 women and 12 men). Following the training, CFMUDEMA organized awareness-raising campaigns using the flip books in, among other locations, churches, schools, hospitals, and markets, and through this campaign reached the impressive total of 3,839 people (2,045 women, 1,433 men and 361 children).

WINDOWS OF OPPORTUNITY

From May 16 to 26, 2011, ProJustice supported the CSM’s third annual General Assembly. The assembly included debates on issues such as magistrates’ career track, the judiciary budget, and disciplinary proceedings for magistrates who violate the code of ethics. The assembly adopted several resolutions concerning the organizational structures of the Ministry of Justice and Human Rights and the CSM. In addition, the draft 2012 budget for the CSM was adopted, subject to final revision.

QUARTER 11 ACTIVITIES AND RESULTS

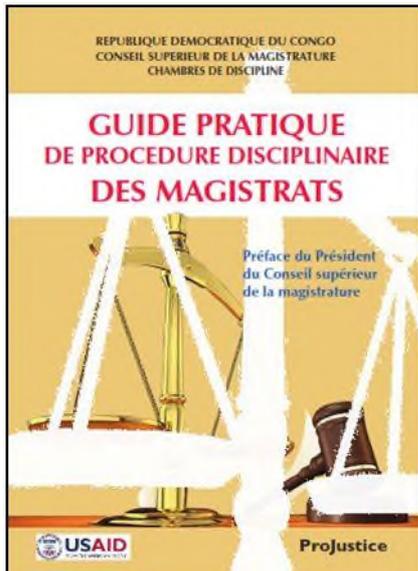
COMPONENT 1: SUPPORT THE ESTABLISHMENT OF NEW JUDICIAL INSTITUTIONS

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 the Democratic Republic of the Congo (DRC) have limited knowledge regarding laws providing for disciplinary proceedings against magistrates in violation of their codes of ethics. 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 internal regulations of the High Judicial Council (*Conseil Supérieur de la Magistrature*; CSM) provide for disciplinary boards to be granted \$10,000 annually to cover their operating costs, but the Congolese government has never allocated money to these bodies.



The Disciplinary Proceedings Guide for Magistrates.

To address these issues, ProJustice prepared and distributed draft copies of the *Disciplinary Proceedings Guide for Magistrates* (*Guide Pratique de Procedure Disciplinaire des Magistrats*) to all disciplinary boards in the four pilot provinces to improve understanding and enforcement of the disciplinary rules. A total of 4,000 copies were printed when this report was written, and the project expects to distribute them to magistrates throughout DRC during the next reporting period (see Attachment 1).

ProJustice provided financial support for the CSM National Disciplinary Board hearing held on April 16, 2011, originally scheduled for April 9. The disciplinary board heard two judges' cases. The first case involved the First President of the Bas-Congo Court of Appeals, who was accused of having passed a ruling in a case for which he was not part of the panel, and of remaining in Kinshasa without prior authorization. The second case involved a magistrate in the Kinshasa/Assosa Peace Court (*Tribunal de Paix*; TP). The magistrate was charged with insubordination and found guilty by the Kinshasa/Gombe Disciplinary Board. The magistrate filed an appeal of this decision with the National Disciplinary Board. Both of these cases were taken under advisement, and the project expects decisions to be rendered in July 2011.

In June, ProJustice worked on plans for two disciplinary board hearings initially scheduled to take place in Bandundu City on June 27 and 29, 2011. One hearing was for two civilian magistrates; a magistrate of the Bandundu Court of Appeals sued for breach of trust and a deputy public

prosecutor charged with criminal abortion. The other hearing was to consider the case of the Chief Prosecutor of Mushie, who was accused of corruption. However, these hearings have been postponed to early July due to financing difficulties. The disciplinary board included military magistrates as judges, but US government regulations preclude ProJustice from directly funding support to military magistrates. The project usually partners with the Defense Institute of International Legal Studies (DIILS) to provide such funding, but DIILS was unable to provide financing for the military magistrates in this case. ProJustice is working with the president of the disciplinary board to look for other ways to support this hearing.

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.

Data Collection on Magistrates' Careers

ProJustice is continuing to assemble the career surveys of magistrates in each of the pilot sites in order to examine the current career system. As of the close of this reporting period, all records have been collected and the project expects to complete work on the database by March 2012.

Workshops on Magistrates' Careers

ProJustice conducted workshops in the previous quarter 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 lack of understanding of the roles of the CSM and Ministry of Justice and Human Rights (MOJHR), and magistrates' lack of knowledge of disciplinary procedures. Participants were also able to give concrete suggestions to improve the system, such as making the criteria for appointment of magistrates to the TP, Court of First Instance (*Tribunal de Grande Instance*; TGI), and Constitutional Court include a minimum of 5, 10, and 15 years of professional experience, respectively.

In this quarter, these criteria were included in the draft resolution on merit-based criteria for magistrate recruitment adopted by the CSM General Assembly, held from May 16 to 26, 2011, in Kinshasa. For more details on the CSM General Assembly, see section 1.3.

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

During the reporting period ProJustice held three coordination meetings in Kinshasa with the CSM and project staff.

The first coordination meeting was held on April 13, 2011, and focused on evaluating results of the ongoing partnership between ProJustice and the CSM. During the meeting, ProJustice encouraged members of the CSM Permanent Secretariat (PS) to plan future activities in a more transparent manner, as this would facilitate support from both ProJustice and other partners. The project conveyed to the CSM its interest in collaborating on the development of future agendas, to ensure the greatest possible efficiency in the operations of the organization. ProJustice also discussed with the CSM PS connecting the office to the internet and installing a networked printing system. The project plans to pay the monthly Internet subscription for the first 3 months, following which the CSM will be responsible for the charges. The CSM has committed to assume this expense at that time.

As the European Union Governance Support Program (*Programme d'Appui du Gouvernance de l'Union Européenne*; EU-PAG) project is considering similar support, ProJustice scheduled a meeting on June 29, 2011, with EU-PAG to discuss plans and ensure that there is no duplication of activities. The meeting emphasized the need to increase communication and coordination between EU-PAG and ProJustice, in the interest of both the two partners and of the CSM. Following this meeting, the partners agreed that ProJustice would install internet service at the CSM President's office and the network printer at the CSM PS office. EU-PAG, in turn, would install internet service at the CSM PS office.

The second coordination meeting with the CSM PS was held on May 9, 2011 to prepare for the then-upcoming CSM General Assembly. ProJustice assisted the members of the CSM PS in finalizing the program and identifying other needs for the assembly. The final coordination was held on May 11, 2011 to finalize all logistical details and prepare additional documents to be distributed to the participants, including a newly-printed directory of all CSM members.

DRC Judicial Code Compendium

ProJustice's work on the compilation of the Judicial Code Compendium has been suspended pending the adoption by both Houses of Parliament of the Law on the Constitutional Court, the Law on the Procedure before the Court of Cassation, and the Law on the Functioning of Jurisdictions, as well as their promulgation by the President. ProJustice believes that the compendium will be more useful if it contains the final versions of these laws. All other aspects of the compendium have been completed other than the inclusion of these laws.

Provide financial and technical support for the 2011 CSM General Assembly

From May 16 to 26, 2011, the CSM held its third annual General Assembly, for which ProJustice provided technical, financial, and logistical support to ensure smooth functioning of the activities (see Attachment 2).

ProJustice helped the CSM to prepare the drafts of the *Judiciary Modernization Plan*, the *2011–2016 Judiciary Road Map*, the *Code of Ethics for Magistrates* (including appointment and promotion criteria), and the preliminary draft judiciary budget for 2012, all of which were submitted to the CSM and adopted during the General Assembly.

ProJustice is now prioritizing the completion of the *Judiciary Modernization Plan and Road Map*, following amendments submitted at the CSM General Assembly. In addition, the project completed two resolutions, one focusing on the method of appointment and promotion of judges, and the other on the adoption of the Code of Ethics.



Adolphe Muzito, Prime Minister of the DRC, receives a copy of the CSM Members Directory from Daniel Dobrovoljec, ProJustice Chief of Party, during the CSM General Assembly in Kinshasa.

Financial support for the CSM General Assembly was provided through the Windows of Opportunity Funds. ProJustice provided all civil magistrate members of the CSM with briefcases for the General Assembly containing relevant documents for the meeting, including the above-mentioned drafts, copies of the DRC constitution, and other relevant materials. The project printed 10 banners to publicize the event throughout Kinshasa, prepared a directory for all CSM members, and supported the organization in publicizing the assembly in local and national print and broadcast media.

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

ProJustice is awaiting the promulgation of the Law on Organization and Functioning of the Constitutional Court. The project expects this to occur in July 2011, but the timing will ultimately depend on the progress of the bill with the office of the President.

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 this training. 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 implementing the training. 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 training of magistrates.

In Quarter 11, ProJustice worked with the CSM PS on several issues, including improving the organization of the second session of the initial training for judges. In early June, ProJustice worked with the PS to prepare the training program for justice sector personnel for fiscal year (FY) 2012. The training plan includes assessments of the training needs of magistrates and non-magistrate personnel, a tentative training calendar, and workshops to build capacity in identified areas.

2.2 Enhance Management Skills of MOJHR Staff (Staff of National Training Institutions, such as the Institute of Judicial Training and Retraining and the Documentation and Study Service)

Partnership with EFRPJ

Training institutions for magistrate and non-magistrate personnel in DRC are extremely weak due to lack of capacity, lack of resources, and mismanagement. The Institute of Judicial Training and Retraining (*Ecole de Formation et de Recyclage du Personnel Judiciaire*; EFRPJ), the body responsible for training non-magistrate personnel, is currently unable to manage training activities on its own. ProJustice believes that the new director does not have sufficient understanding of the issues of judicial training to be effective. The administrative officials responsible for the career management of clerks and prosecutors' secretaries have not supervised the field work of these agents for more than 20 years. Given this, the project's support for the EFRPJ is essential.

The MOJHR has asked all partners of the EFRPJ, including ProJustice, to work more directly with the management of the EFRPJ, to ensure that they are involved not only in implementation but also at all levels of planning and programming. Both partners and the MOJHR authorities recognize that the choice of a new management team is a critical step in achieving better results. Political pressure continues to make this a challenge, however, and the current leadership team is being maintained to the detriment of the interests of the EFRPJ.

ProJustice assisted the EFRPJ during the reporting period in organizing the implementation of its quarterly activities, including preparing the training program, working in partnership with staff trainers, and drafting the administrative documents for trainings.

On May 27, 2011, ProJustice organized a workshop with the EFRPJ on the status of ongoing training for court clerks and prosecutors' secretaries. The Chairperson of the EFRPJ and leaders of six divisions (six men and one woman) participated in the workshop. The discussions focused on the general functioning of the EFRPJ and how to make activities operate as efficiently as possible. EFRPJ personnel's lack of strategic and technical skills have made it difficult for the EFRPJ to assert leadership in training activities. ProJustice will continue to work directly with the management of the EFRPJ to build their capacity and independence.

ProJustice participated in two additional meetings in May 2011 relating to the EFRPJ:

- On May 9, 2011, ProJustice met with a delegation from EU-PAG, including Victor Yeni, a former DRC Attorney General, and Dario Quintavalle, the head of the criminal registry of the Court of First Instance of Rome in the Italian Ministry of Justice. The meeting focused on the new management structure of the EFRPJ and the planned government training institute for magistrates.
- On May 24, 2011, ProJustice held a meeting with the new Coordinator of the DRC project of the Belgian non-governmental organization (NGO) *RCN Justice et Democratie* (RCN) to discuss collaboration in training activities and support to the EFRPJ. The Brussels-based program manager of RCN's central office also participated in the meeting.

During the first two weeks of June, ProJustice supported the EFRPJ in scoring the pre- and post-training tests and analyzing evaluations of the workshops that took place in Lubumbashi from March 21 to April 1, 2011 and Kindu from April 28 to May 2, 2011. Following the scoring of the

tests, the project prepared certificates of participation and diplomas for 53 clerks and prosecutors' secretaries (43 men and 10 women); these documents were signed by the head of the EFRPJ on June 27, 2011, and will be delivered to the participants in the Katanga and Maniema provinces in August 2011.

On June 23, 2011, ProJustice participated in a working meeting with the head of the EFRPJ and RCN to discuss the training calendar for justice sector personnel and activities for FY 2012. As RCN is currently operating in Bas-Congo and Kinshasa Provinces, no programmatic overlap is likely for these activities.

In early May 2011 ProJustice hosted work meetings with judicial staff involved in training court personnel to assess the impact of training programs. On May 12, 2011, ProJustice met with the First Secretary of the General Secretariat of the Prosecutor General of the Republic, Alexis Amisi Omtete. As Mr. Amisi is the supervisor of prosecutors' secretaries throughout DRC, the meeting addressed broad issues relating to job performance of these staff. Mr. Amisi hopes to organize a training workshop in Kinshasa for chief prosecutors' secretaries who work in each of the provinces. The workshop would cover new legislation and instructions regulating the DRC General Prosecutor's office. The chief secretaries are expected to provide coaching and mentoring to their staff since they are the direct supervisors of each prosecutor's secretariat office. ProJustice is seeking support from counterparts and partners for the EFRPJ to organize this training session in Kinshasa.

On May 13, 2011, ProJustice met with the Chief Clerk and General Secretary of the Supreme Court of Justice, Albert Tamba. Mr. Tamba is the supervisor of court clerks throughout the DRC. The meeting focused on larger strategic issues relating to the ongoing training for clerks and the need to consider initial training for new recruits.

Both Mr. Tamba and Mr. Amisi expressed interest in accompanying the ProJustice team to Bandundu Province to assess the impact of the training programs. The project subsequently conducted an evaluation mission with these staff in June, details of which can be found in Section 2.3.

ProJustice Work with the SDE

The workload of the Documentation and Study Service (*Service de Documentation et d'Etudes*; SDE), the body responsible for training magistrates, has increased significantly with the installation of 1,000 new magistrates, as the magistrates in the recent cycle have only been partially trained. The SDE plans to implement a multi-year continuing education program.

As part of our mentoring and coaching activities to strengthen the institutional capacity and ensure the implementation of training activities, the project met with the SDE senior management team on May 26, 2011 to evaluate current and past activities. ProJustice also used these meetings to work on a training plan for new magistrates for 2012. The discussions focused on practical methods of extending our successes from the pilot provinces to other provinces not directly covered by ProJustice support.

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)

The training of the judiciary is a priority of the Congolese government, and training is a requirement for judiciary personnel. The Minister of Justice recently reiterated this at a meeting of the Joint Judiciary Committee. To date, however, less than a third of Judiciary personnel in the four pilot provinces have benefited from ProJustice training sessions. The installation of 1,000 new magistrates across the country has significantly increased the workload of prosecutors' secretaries and clerks, leading to greater judicial delay. The new magistrates installed in the 2010 cycle are still in critical need of additional training, and the CSM does not yet have an administrative structure capable of managing these sessions.

During the reporting period, ProJustice provided support to ongoing training workshops for current and newly-assigned judges, ongoing trainings for clerks and prosecutors' secretaries, the Law Faculty of the University of Kindu, and for the initial training for a second group of 1,000 newly-recruited magistrates.

Initial Training for Judges

In April 2011 ProJustice continued its participation in the initial training of 1,000 new magistrates. On April 5, 2011, Willy Lubin, ProJustice Component 2 Leader, provided training in Kinshasa to 180 new magistrates (140 men and 40 women) on the ethics and responsibilities of magistrates. In response to a special request from the CSM, Professor Lubin provided training on the same subject from April 7 to 10, 2011, to 65 magistrate candidates (60 men and 5 women) in Kisangani. In both Kinshasa and Kisangani, Component 2 worked with the magistrate candidates on sessions relating to their professional duties and responsibilities, including independence, impartiality, integrity, loyalty, and professional incompatibilities and prohibitions.

Following the training, the new magistrates seemed to understand the substance and importance of the materials covered. Their main concern remained about their working conditions once they are assigned as magistrates to various territories.

It was extremely difficult to implement this training session because of poor working conditions; there were too many participants on several occasions, and electrical power cuts were frequent, leading to courses being taught by mobile phone flashlight. The magistrate candidates participated in spite of these challenges, however, clearly expressing interest in the subjects being taught.

Ongoing Training of Clerks and Prosecutors' Secretaries in Kindu

ProJustice completed the training workshop on the third module of practical management of the clerks' and prosecutors' secretariats on May 1, 2011, in Kindu; 21 clerks and prosecutors' secretaries (19 men and 2 women) participated. Several participants from Punia had to travel to Kindu by motorcycle after their flights were cancelled, arriving on April 28, 2011, rather than April 26, 2011, as originally planned. As a result, the dates of the workshop were shifted to ensure complete training.

The clerks discussed subjects including the serving of warrants, the meaning of judgments and decisions, and the enforcement of judgments. For the prosecutors' secretaries, the workshop focused on record keeping, enforcement of judgments, and the calculation of sentences.

Following the training, ProJustice analyzed data and corrected the pre- and post-module assessments conducted during the training workshop for the Maniema clerks and prosecutors' secretaries held in Kindu from April 29 to May 1, 2011. The EFRPJ used the results of these assessments to determine which candidates earned a completion certificate.

On May 2, 2011, ProJustice supported the EFRPJ in providing completion certificates for candidates who successfully completed the above-mentioned course in Kindu. Twenty of the 21 trained clerks and prosecutors' secretaries were awarded certificates of completion for the three modules on practical management of clerks' and prosecutors' secretariats. As one of the participants was unable to attend a module, the candidate did not meet the requirements and was not awarded a certificate. As a courtesy, the candidate has been invited to complete a written test after reviewing course materials for this module.

At the same ceremony, the EFRPJ retroactively awarded participation certificates to four clerks and prosecutors' secretaries from Maniema (three men and one woman) who completed the train-the-trainers' workshop held in Bukavu from September 13 to 24, 2010.

Training in Bandundu: Assessment and Monitoring

The project assessed the impact of the training program on the ground following the completion of the first phase of the training programs for magistrate and non-magistrate court personnel. Regular evaluation and monitoring enables the project to better target areas of focus for future activities.

From June 14 to 18, 2011, ProJustice supported the EFRPJ on a mission to evaluate the impact of the project's training program in Bandundu Province, particularly in the communities of Kikwit, Kenge, Idiofa, and Bulungu.

The ProJustice and EFRPJ delegation consisted of:

- Alexis Amisi Omtete, the First Secretary of the General Secretariat of the Prosecutor General of the Republic, representing the MOJHR;
- Aundja Isia Wa Bosolo François, Principal Clerk at the Gombe Commune Court of Appeals, representing the Chief Clerk of the Supreme Court; and
- Willy Lubin, ProJustice Component 2 Leader.

The delegation reviewed all registers and other working documents of the clerks' offices and the prosecutors' secretariats of each court visited and corrected errors where necessary. The delegation noted significant improvement in register and document management, application of the law, and respect for deadlines among the clerks and prosecutors' secretaries trained with ProJustice support. The authorities stated that a regular inspection schedule would be prepared. The project inspected the work of a total of 81 non-magistrate personnel (51 clerks and 30 prosecutors' secretaries; 61 men and 20 women).

Eighteen magistrates (15 men and 3 women) participated in meetings with ProJustice during the evaluation (10 in Kikwit, 5 in Idiofa, and 3 in Bulungu). Thirteen of the magistrates had

participated in trainings supported by ProJustice, and three participated in additional sessions. The delegation noticed that many magistrates had copies of the Penal Code (prepared by ProJustice) on their desks.

Assistance to Law Schools

ProJustice organized a round table discussion on strategies to combat sexual violence with magistrates, lawyers, doctors, psychologists, and other Judiciary officials in Kindu (Maniema Province) from April 21 to 23, 2011, in collaboration with the American Bar Association Rule of Law Initiative. Ongoing sexual violence is a critical issue in eastern DRC, and it is essential to have strong cooperation between all actors who can have a positive impact on this problem. This includes a clear understanding of texts relating to sexual violence, such as the DRC Criminal Code, and basic laws relating to protection of children.

Approximately 70 participants attended the sessions (approximately 50 men and 20 women). Twenty-three of the participants attending were current magistrates, including the First President of the Kindu Court of Appeals, the Prosecutor General, and the Maniema Provincial Minister of Justice. The participants came from communities throughout Maniema Province, primarily Punia, Kasongo, and Kindu. Several experts delivered presentations during these sessions, followed by discussion and work in mixed professional groups. The participants used the opportunity to elaborate on problems and challenges in this area, develop strategies, identify lessons to be learned, and make recommendations.

Training on Ethics: Professional Conduct and Responsibilities of Magistrates

On April 25, 2011, ProJustice organized a training session for magistrates in Kindu on the “Ethical Responsibilities of Magistrates in Disciplinary Proceedings.” The workshop was targeted primarily at magistrates based in Kindu, Kasongo, and Punia who were among the 1,000 magistrates trained in 2010. Twenty-four magistrates (22 men, 2 women) participated in this session.

Marcel Wetsch’Okonda, ProJustice Component 1 consultant, had originally been scheduled to conduct a session on disciplinary proceedings for the participants, but was unable to attend due to flight cancellations. In his absence, Professor Lubin conducted the session.

Component 2 staff worked with the magistrates on sessions relating to their professional duties and responsibilities, including independence, impartiality, integrity, loyalty, and professional incompatibilities and prohibitions.

At the end of the training, all magistrates received copies of the materials covered during the sessions. Participants were given additional copies to distribute to their professional colleagues who were unable to attend the sessions.¹

¹ Further logistical complications included the fact that participants from Kasongo and Punia were unable to return home for four and five days, respectively, because their flights were cancelled by the United Nations Humanitarian Air Service. ProJustice arranged flights for them to Kisangani with African Aviation Company; participants were then asked to seek ground transportation from Kisangani. As a result, the project incurred additional transportation and lodging expenses.

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

The Congolese judiciary has been operating for decades without adequate financial resources. Since FY 2010, ProJustice has been involved in modernizing the judiciary's budgetary management. Administrative staff of courts, tribunals, and prosecutors' offices have been re-trained on management of the state budget and, for the first time, participated actively in the process of preparing next year's judiciary budget. The budget was reviewed and approved during the CSM General Assembly in May 2011 to enhance transparency of the budgeting process.

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



Magistrate participants at the 2011 CSM General Assembly, Kinshasa

During the reporting period, the project worked to develop the judiciary's budget in collaboration with the CSM in preparation for the General Assembly in May 2011.

The ProJustice judicial budget expert traveled to three of the pilot sites (Lubumbashi: April 29–May 3, 2011; Bukavu: May 4–5, 2011; Kindu: May 6–9, 2011) to collect the data needed to develop the estimates for the 2012 judiciary budget, meeting

judiciary personnel responsible for budget management in each site. Then the draft 2012 judiciary budget was developed in collaboration with the members of the CSM from May 10 to 26, 2011. The draft budget was presented to and discussed with the budget and finance committee of the CSM during the General Assembly. Decisions of the CSM General Assembly on the budget were monitored from May 16 to 26, 2011. ProJustice expects to complete revision of the forecasts based on the amendments made by the committee in September 2011.

In April 2011, ProJustice also conducted advocacy for the realignment of the actual budget allocated to the CSM PS by the Ministry of Budget. At the request of the CSM President, ProJustice worked with the current budget plan to assist in the annual realignment.

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

During the reporting period, the project worked with CSM authorities and staff in the pilot provinces to improve financial management and budget development skills. This included the following activities:

- Working sessions on budgeting with the President of the CSM in April and May 2011.
- Capacity building in South Kivu province, including the provision of computer equipment (one printer, one computer) for budget management at two pilot sites, the Bukavu Court of Appeals and the Uvira TP.

- Clarifying key principles of fiscal management to the budget and finance committee of the CSM on the budget submission process during the CSM General Assembly, from May 18 to 23, 2011, in Kinshasa.

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 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.

Project staff trained court registrars and prosecutors' secretaries on the case management system being implemented in each of the four sites. Eighteen people (13 men and 5 women) attended the training in Lubumbashi on May 20, 2011, while nine people (seven men and two women) participated in training in Bukavu on May 20, 2011, eight men participated in the training session in Kindu on May 24, 2011, and 20 people (14 men and 6 women) participated in the session in Bandundu on June 15, 2011. The sessions explained the case management system, with emphasis on delay reduction, and described the four-phase triage system consisting of the organizing cases into new file folders, classifying case folders, and the eventual archiving and registration of closed cases.

The training also supported other activities being carried out by ProJustice, such as the triaging of criminal cases to select active cases from among the pending cases to accelerate case progress.

Kindu

During the second and third triages, which were organized under the supervision of the PCC at the Kindu Court of Appeals from May 9 to 11, 2011, and May 27, 2011, the team was able to help with the closing of a total of 51 cases.

Bukavu

On April 7 and 8, 2011, in collaboration with ProJustice Component 4, the Bukavu PCC reviewed 146 files that had initially been identified by the Bukavu Bar Association as possibly vulnerable cases in which ProJustice intervention would be appropriate. As a result a reduced list of 68 cases was assigned to the bar association for follow-up with ProJustice support.

In preparation for the implementation of the new case classification system, the Bukavu PCC supervised the installation of 15 shelving units on April 13, 2011. Seven shelves are for the classification of active files and eight are intended for the archiving of closed files. These were distributed as follows:

- Classification shelves
 - Bukavu Court of Appeals (1)
 - Bukavu TGI (3)
 - Bukavu Prosecutor General's office (1)
 - Bukavu *Parquet de Grande Instance* (Prosecutor's Office of the Court of First Instance; PGI) (2)
- Archiving shelves
 - Bukavu Court of Appeals (1)
 - Bukavu TGI (4)
 - Bukavu Prosecutor General's office (1)
 - Bukavu PGI (2)

ProJustice also shipped two shelving units and two display cases to the Uvira TP on April 21, 2011.

From May 5 to 6, 2011, as part of the strategy for speeding up the process of closing cases, the PCC supervised a second triage of 60 cases for the Bukavu Bar Association. The purpose of this triage was to identify the cases that could be closed most rapidly.

Bandundu

From April 12 to 15, 2011, the Bandundu PCC audited and updated the new classification system that had been installed at the Bagata TP.

On April 15, 2011, ProJustice Bandundu staff hired two law students as interns to continue organizing cases into new folders and archiving closed files. After completing the process at the Court of Appeals, the two students were assigned to the Bandundu TGI.

On June 15, 2011, the Kinshasa Pilot Court Program Coordinator presented a workshop in Bandundu to 20 registrar staff (14 men and 6 women). The workshop covered a new classification system, case management practices, and a data tracking system.

Lubumbashi

Project staff completed the third-stage triage of criminal cases in Lubumbashi from May 18 to 20, 2011, selecting 75 cases at the Court of Appeals and both tribunals in Lubumbashi. ProJustice believes it can successfully close these active cases between now and September 2011.

In June, ProJustice organized 41 active case files in Lubumbashi and moved them into new file folders to further the project's case management activities. The project also organized 204

archived Court of Appeals case files in Bandundu during this time. Additionally, project staff audited the classification of active files at each of the three court levels in Bandundu and Lubumbashi.

Pilot Site Program Action Plan 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 civil society organization (CSOs) that have little input into the system's management. A secondary problem is that most heads of jurisdiction (e.g., prosecutors general) 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.

Project staff facilitated Program Action Plan Committee (PACT) meetings for 24 participants in Bandundu on April 8, 2011, and for 16 participants in Lubumbashi on April 22, 2011. The Bandundu Coordinator also facilitated a one-day workshop on April 9, 2011, with 22 participants to identify legal impediments to the closure of cases. This represents the beginning of a consultation process on this issue which will be extended to the other pilot sites in the next reporting period.

The Kindu PCC facilitated a similar meeting on April 12, 2011, with 20 representatives of all jurisdictions including the First President of the Kindu Court of Appeals and the Prosecutor General. The meeting covered similar subjects to the session in Bukavu.

The Bukavu PCC facilitated the first Bukavu PACT meeting of the fiscal year on April 15, 2011. Ten representatives of the various jurisdictions attended the meeting. The PCC reviewed ProJustice's quarterly activities, purchases and repairs to be completed, status of the installation of an information kiosk at the courthouse, delay reduction strategies, and priorities for the project's third quarter.

ProJustice facilitated monthly planning and coordination meetings of judicial stakeholders in Bandundu on May 20, 2011, with 22 participants (21 men and 1 woman); in Lubumbashi on May 20, 2011, with 14 participants (13 men and 1 woman); in Bukavu on May 20, 2011, with 10 participants (all men); and in Kindu on May 24, 2011, with 15 participants (all men). During the meetings, committees drafted new terms of reference and selected chairpersons. ProJustice also discussed increasing attendance, broadening representation, and improving the facilitation of the meetings by project staff.

Project staff facilitated coordination meetings in Bandundu (22 participants; 18 men and 4 women) and Lubumbashi (19 participants; 17 men and 2 women) on June 14 and 23, 2011, respectively. These meetings addressed delay reduction activities, activity plans for Component

3, budget constraints and other subjects raised by participants. Similar meetings occurred in Kindu and Bukavu on June 21 and 24, 2011, and were attended by a total of 32 participants (30 men and 2 women). ProJustice financed the attendance of two members of the CSM PS, one attending the coordination meeting in Bukavu and the other the meeting in Lubumbashi.

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 MOJHR provides none of these supplies. 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 or supplies are obtained they are regularly skimmed off by the receiver.

To address this issue, ProJustice is supplying \$300 worth of paper and pens to the courts and offices in each jurisdiction. The PCCs purchase and distribute these supplies directly to each of the offices to ensure the funds are spent on supplies, and that the supplies 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 should become redundant with the passing of a new judiciary budget.

ProJustice distributed these supplies to the courts and offices in Bandundu on April 8, May 20, and June 14, 2011; in Lubumbashi on April 19, May 12, and June 13, 2011; in Bukavu, on May 18 and June 23, 2011; and in Kindu on May 25 and June 21, 2011. A total of 108 reams of paper, 22 boxes of pens, and 20 registers were distributed.

Internet Access

In each of ProJustice's pilot provinces, 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. ProJustice also plans to install Internet connections in Bukavu (South Kivu Province) in July. The feasibility of Internet connections in the other two pilot provinces (Bandundu and Maniema) is currently being determined.

Anti-Corruption Conference in Kikwit

In collaboration with other NGOs, ProJustice supports efforts, activities, and networking essential to success in the provinces, and improving justice as a whole in the region. Under this initiative, the ProJustice office in Bandundu collaborated with Development Alternatives Incorporated and Anti-Corruption Watch for Central Africa/DRC (*Observatoire de Lutte contre la Corruption en Afrique Centrale/RDC*) in a conference in Kikwit from June 6 to 8, 2011, focusing on the management of public finances and the fight against corruption. The PCC for Bandundu delivered a presentation on perceptions about legal fees and the fee schedule sanctioned by Congolese law.

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

Congolese criminal laws remain a consistent cause of judicial delay, as they have become outdated and out of touch with the country's current conditions. Existing laws stem from the Belgian colonial era and were based on an infrastructure that could sustain the application of these laws. This is no longer realistic, as infrastructure is in disrepair and progress is encumbered by complex legal requirements that hinder progress on the treatment of criminal cases. There is likely to be little immediate progress on the part of the government to improve the infrastructure or to undertake a review of its own criminal laws. As such, the project is supporting the MOJHR and the government in the process of creating legal amendments that will eliminate the obstructions referenced above.

ProJustice staff conducted a workshop in Lubumbashi on June 16, 2011, on the reform of Congolese law to address impediments to the speedy processing of criminal cases. Attendees included 19 registrars, secretaries, prosecutors, lawyers, and magistrates (16 men and 3 women). Project staff facilitated similar workshops in Kindu and Bukavu on June 21 and 25, 2011, where participants discussed potential changes to Congolese laws. The Kindu and Bukavu workshops were attended by a total of 15 magistrates, 7 lawyers, and 12 registrars/secretaries (29 men and 5 women).

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 territory, most in relative proximity to the provincial courthouses. Local police provide security, at times supported by trusted detainees.

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 detained, 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.

To address this situation, 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 April

ProJustice supported 38 inspections of detention centers in Bandundu and Lubumbashi from March 7 to April 24, 2011. Magistrates conducted 14 inspections in Bandundu from April 11 to 23, 2011, reviewing 21 cases (20 men and one woman). In 11 cases the detentions fell within the legal limit of 48 hours, and the detainees were held, with the remaining 10 held under valid warrants. Note that some detainees were charged with multiple counts and/or multiple offenses, and as such, the numbers in the following tables do not necessarily correspond with the number of cases reviewed.

In Lubumbashi, magistrates conducted 24 inspections from April 1 to 24, 2011, and reviewed 47 cases (43 men and 4 women). As a result, 12 detainees were freed, 16 had their cases transferred to the Prosecutor's Office for future court dates, and 19 were held under warrant for ongoing investigation.

The following table indicates the charges faced by detainees in Bandundu and Lubumbashi.

Number of Cases and Dispositions by Detention Center Inspections, April 2011

Category	Number of cases	
	Bandundu	Lubumbashi
Assault/Intentional bodily harm	3	7
Attempted escape		1
Breach of trust	1	5
Breaking and entering		5
Destruction of property	3	2
Failing to assist person in danger		1
Fraud involving property	3	
Illicit gambling	4	
Incitement to immoral behavior		1
Obstruction of justice		1
Possession of stolen goods	2	2
Public insult		3
Removing property markers		2
Swindling		2
Theft	2	14
Threatening	1	
Willful damages	2	1

Inspections in May

The project provided financial support for the ongoing inspections of detention centers. Fourteen inspections were carried out in Bandundu and 13 cases were reviewed (12 men and 1 woman). Of

these, five cases were transferred to the prosecutor for prosecution and eight detainees were detained on provisional warrants. In Lubumbashi four inspections supported by ProJustice reviewed the cases of 12 detainees (9 men, 2 young offenders, and 1 woman). Of these, one was transferred to the Prosecutor’s Office for prosecution, five were confirmed in detention, five were released without conditions, and one was detained on a provisional warrant. The project supported four inspections in Bukavu, on April 25, April 29, May 18, and May 20, 2011 to address 81 cases (72 men, 3 women, 1 female young offender, and 5 male young offenders). Of these, 28 men were referred to the Prosecutor’s Office, 13 were released without conditions, and the remainder were confirmed in detention. The project supported three inspections in Kindu (May 16, 20, and 27, 2011) which reviewed 40 cases (32 men, 2 women, and 6 young offenders). Of these, three were released conditionally, one was released unconditionally, 13 were transferred to the Prosecutor’s Office, and 23 were confirmed in detention.

Number of Cases and Dispositions by Detention Center Inspections, May 2011

Category	Number of cases	Number of cases	Number of cases	Number of cases
	Bandundu	Bukavu	Lubumbashi	Kindu
Accomplice to theft				1
Assault/Intentional bodily harm	3	10	4	10
Breach of trust	2	9	4	1
Contempt		3	1	
Corruption of minors				1
Destruction of property		1		
Falsification of property title		1		
Homicide		6		
Indecent assault or indecent exposure	1			
Public insult		1	1	5
Rape	4			3
Rebellion		2		
Receiving stolen goods		1		
Swindling		4		7
Theft	3	40	2	10
Threatening		3		2

Inspections in June

ProJustice supported four inspections at detention centers in Bandundu and six in Lubumbashi, reviewing 105 cases involving 91 men, 10 women, and 4 young offenders. As a result, 38 cases were transferred to the Prosecutors’ Offices for prosecution, 13 prisoners continued to be detained under warrant, 28 prisoners were confirmed to be in detention appropriately, and 26 prisoners were released without conditions.

ProJustice supported two inspections in Bukavu on May 27 and June 24, 2011 to review 64 cases (52 men, 3 women, 9 young offenders). Of these, 14 prisoners were freed, 37 cases were transferred to the Prosecutor’s Office, And 13 prisoners were confirmed to be in detention appropriately.

Six rounds of inspections occurred in Kindu on May 30, June 3, 6, 10, 13, and 17, 2011. Thirty-four cases (28 men, 6 women) were reviewed.

- 9 cases were transferred to the Prosecutor’s Office;
- 21 prisoners were confirmed in detention appropriately;
- 2 prisoners were freed.

Number of Cases and Dispositions by Detention Center Inspections, June 2011

Category	Number of cases	Number of cases	Number of cases	Number of cases
	Bandundu	Bukavu	Lubumbashi	Kindu
Adultery			1	
Assault/Intentional bodily harm	1	5	17	10
Breach of trust	3	1	15	7
Corruption of minors				1
Defamation	1			
Destruction of property		3	3	1
Driving while impaired		1		
Extortion	1	9		
Failure to pay				1
Kidnapping		1		
Misappropriation of funds	1			
Non control of animal stock	1			
Physical harm				1
Public insult	3	1	3	
Rape	1	5	1	1
Receiving stolen goods	1	1	4	
Swindling	2		3	2
Theft	16	31	19	7
Threatening	3	4	3	
Unlawful disposition of real estate			2	
Vagrancy		11		

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. 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 MOJHR 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 may be vast and travel may 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 that are 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 April, ProJustice had 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 7 days in advance, to ensure required parties are served in time to compel their appearance before the courts.

On May 10, 2011, ProJustice provided financial support to the Kamalondo TP (Katanga Province) to process 52 cases towards closure. On May 25, 2011, in Kindu, project staff selected 20 criminal cases at the TGI and 10 at the Court of Appeals that would receive financial assistance for the service of court documents.

On May 25, 2011, the Bukavu PCC supervised the fourth triage of 20 cases at the TGI and 10 cases at the Bukavu Court of Appeals. Each jurisdiction was granted \$5 per case towards the cost of serving court documents. This financial support helps to reduce delay by moving the cases forward.

Component 3B. Enhance the Accessibility of Pilot Courts

Courthouses at all pilot sites are in disrepair. They have been ‘improved’ over the years in haphazard fashion, resulting in a maze of corridors and rooms that is extremely difficult to navigate, particularly for the visiting public. Access is either denied or hindered for People seeking recourse to justice are either denied access or their progress is hindered. Clear signs indicating the whereabouts of justice personnel would help overcome these impediments.

In Lubumbashi, on April 18, 2011, the PCC completed a survey on signage needs at the courthouses, which identified the need for 113 signs. His counterpart in Bandundu completed a similar survey on April 20, 2011, identifying the need for 77 signs.

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 do not know how to remain informed on the status of their cases if their 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.

ProJustice will be installing an information kiosk at the Lubumbashi courthouse before August 2011. To this end, project staff facilitated a meeting on May 20, 2011, with the representatives of nine local NGOs to ensure their participation in staffing the kiosk and to share a draft description of their expected tasks. A subsequent meeting on June 21, 2011, with 10 CSO representatives (six men and four women) discussed volunteers’ terms of reference, selection and training of volunteers, and materials to be offered at the kiosks.

ProJustice issued requests for quotations for the construction of information kiosks at the Lubumbashi and Kindu courthouses. The project is currently awaiting submission of quotes from vendors and will complete the procurement in the next quarter.

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

Given their low priority for justice personnel and particularly magistrates, vulnerable populations are regularly marginalized in the judicial system. Mobile courts can help bring justice to these people, and ProJustice has developed sound business practices for the management of mobile courts, focusing on their costs and benefits for these courts. Bringing these practices and priorities to the attention of the judiciary’s leaders consolidates these gains and ensures renewed efforts where they are needed.

The Bukavu and Kindu PCCs briefed attendees at the PACT meetings on new policies for mobile courts, emphasizing ProJustice's focus on serving indigent and vulnerable populations and the need to organize mobile court hearings that provide the greatest benefit at the lowest cost possible. The PCCs also clarified the need to provide equal benefits (such as per diem, lodging, and transport) to all mobile court magistrates and personnel.

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 MOJHR 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

ProJustice supported mobile court hearings in Bandundu from February 23 to April 23, 2011. These sessions were specifically targeted to resolve 108 outstanding cases involving young offenders. Of these, 61 cases were adjudicated and closed, while the remaining cases were either remanded for judgment or for trial.

The project provided administrative and financial support for mobile court hearings conducted by the Fatundu TP (Bandundu Province) beginning on June 17, 2011, and continuing through the time of submission of this report. As of the time of writing, the court has registered 50 cases for trial.

Lubumbashi

In Lubumbashi, ProJustice supported two mobile sessions of the Kasapa TP at the Kasapa Prison on April 9 and 21, 2011, to process three young offender cases. Of these, two were remanded for judgment and one adjudicated. The Lubumbashi TGI held mobile courts at the same prison on April 9 and 23, 2011, to process 28 sexual violence cases. Of these, 12 cases were adjudicated and the remaining 16 remanded for trial.

On May 10, ProJustice provided financial support to the TP in Kamalondo (Katnaga Province) to help process 52 cases towards closure.

ProJustice provided financial assistance to the Lubumbashi Court of Appeals for 14 days of mobile court sessions in Kamina from May 10 to 24, 2011, to address 50 cases, of which the court subsequently closed 29. The project provided similar assistance to the Lubumbashi TGI for 4 days of mobile courts on May 7, 14, 21, and 28, 2011, at the Kasapa Prison, closing 16 of 39 cases addressed by the court. Project staff also financed eight mobile court hearings of the

Lubumbashi Juvenile Court from April 28 to May 21, 2011, at the Kasapa Prison to address 20 cases: three were adjourned for judgment and the remainder remanded for further trial.

Similarly, the TGI held three mobile courts at the Kasapa prison (Katanga Province) from June 1 to 26, 2011, to address 15 cases, of which 8 were closed. Four cases involving members of vulnerable populations were adjudicated.

South Kivu

On May 5 and 6, 2011, the PCC identified 60 cases of violence against vulnerable persons and asked the Bukavu Bar Association to assist in processing them. The Bukavu PCC also met with the President of the TGI on May 16, 2011, to organize mobile court hearings at the Bukavu Central Prison to address 39 cases of sexual violence and 83 juvenile cases.

The Bukavu TGI held mobile court hearings twice a week at the central prison from June 2 to 26, 2011, to process 122 cases, of which 10 were adjudicated. Thirty-nine cases involved sexual violence charges and 83 pertained to minors.

Maniema

In May 2011 ProJustice financed a mobile court hearing at the central prison in Kindu to address 54 cases, of which 25 were adjudicated and one was remanded for judgment. The remaining 28 are still pending.

The Kindu TGI held mobile court sessions at the Kindu central prison on June 1, 3, 8, 10, 15, 17, and 22, 2011, to process 28 cases, of which 11 were adjudicated and 17 were remanded for trial.

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 Associations and/or Law Faculties) Capacity for Legal Aid and Awareness-raising Strengthened

Access to Justice Guide

In November 2010, ProJustice organized a ceremony in Kinshasa 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. On May 7, 2011, ProJustice provided seven copies of the guide to the management of the EFRPJ.

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 on the ground. In addition to awarding small grants to enable CSOs to carry out their activities, ProJustice also provides technical assistance to help them to

carry out their activities effectively 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 June 2011 ProJustice held workshops for CSOs on project cycle management, networking, and community participation in access to justice activities. The workshops were held in Bandundu City from June 5 to 11, 2011, and in Kikwit from June 19 to 26, 2011. Thirty CSOs were invited in Bandundu, and a total of 32 people participated (24 men and 8 women). In Kikwit, 36 people participated (25 men and 11 women), representing 30 CSOs.

From May 5 to 11, 2011, the project organized a midterm evaluation of activities implemented by three grantees based in Bandundu City: the Student Association of Radio Okapi Listeners (*Association Estudiantine d'Auditeurs de Radio Okapi*; ASEARO), Promotion of the Health of Women's and Children's Rights (*Promotion de la Santé des Droits de la Femme et Enfants*; PROSADEF), and the Center for Welfare and Community (*Centre Pour la Promotion Sociale et Communautaire*; CEPROSOC). On June 10 and 11, 2011, ProJustice also organized the monitoring of activities carried out by two Uvira-based grantees: the Monsignor Emmanuel Kataliko Foundation (*Fondation Monseigneur Emmanuel Kataliko*; FOMEKA) and Caritas/Uvira.

Open-House Days in Pilot Courts

The Congolese population is largely unaware of the organization and function of the judicial 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 supported Open Houses from June 27 to 30, 2011, at the Bandundu TGI, the PGI, the Bandundu Court of Appeals, and the Prosecutor General's office. Approximately 500 people participated in the event, though the informality of the events made it unrealistic to count the precise numbers and note the gender balance.

Fast-Track Mechanism

Court proceedings in DRC are often subject to long delays, leading to a backlog of cases 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 (for sexual violence cases) and the Lubumbashi TP (for children in conflict with the law).

Between January 21 and June 2, 2011, ProJustice supported the Lubumbashi TGI and its Juvenile Court in organizing 24 hearings. Of the 80 cases registered and processed during these hearings, three were subsequently tried, 29 were taken under advisement, and 48 were still being examined by magistrates at the time of writing. Considering the financial, logistical, and material support provided by ProJustice (including supplies, transportation fares, meals for magistrates and clerks, and lawyers for parties without access to counsel), the number of closed cases is insignificant. This experience has shown that support provided to a court should be coupled with conditions to enable the court to achieve its mission, including buy-in on the part of all parties concerned, appropriate staffing levels of magistrates, and the absence of excessive delaying tactics on the part of lawyers.

Component 4B. Sub-grants to CSOs

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

Grants Awarded during the 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 approval of the grants by the United States Agency for International Development (USAID), partners implement their activities under the supervision of ProJustice staff, who conduct regular monitoring visits.

No new grants were awarded by ProJustice during the reporting period as the second grant cycle has nearly ended and the selected sub-grantees are continuing to implement scheduled activities on the ground. An additional cycle of grants is anticipated for the next fiscal year.

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. 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, are handled swiftly. Sub-grantees are subject to both scheduled and unscheduled monitoring visits by the ProJustice 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 May 5–11, 2011, Philippe Luanghy, ProJustice Grants Finance Assistant, conducted an evaluation visit of Bandundu-based CSOs (CEPROSOC, ASEAROs and PROSADEF).
- From June 5 to 11, 2011, Jean Bosco Habibu, Bukavu Office/Program Manager, conducted evaluations in South Kivu for the closeout of Uvira-based CSOs (FOMEKA and Caritas/Uvira).
- From June 11 to 16, 2011, Flory Okandju, ProJustice Lubumbashi Office/Program Manager, conducted monitoring and evaluation of the Kalemie-based Diocesan Commission for Justice and Peace (*Commission Diocésaine Justice et Paix*; CDJP-Kalemie).

Grantees' Activities Providing Legal Assistance to Vulnerable Populations

ProJustice grantees implemented activities in each of the four pilot provinces during the reporting period, including the following activities for the reporting period:

Katanga

Diocesan Commission for Justice and Peace

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

- CDJP-Kalemie provided legal assistance to 12 female victims of sexual violence who confronted defendants at the Kalemie TGI.