

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



Fifteenth Quarterly Progress Report

April - June 2012

6, Avenue de la Mission

Kinshasa, DRC

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ACRONYMS

AFEMAC	<i>Association des Femmes Magistrates Congolaises</i> Association of Congolese Women Magistrates
CDF	Congolese Francs
CDJP	<i>Commission Diocésaine « Justice et Paix »</i> Diocesan Justice and Peace Commission
CEPROSOC	<i>Centre pour la Promotion Sociale et Communautaire</i> Center for Social and Community Advancement
CFMUDEMA	<i>Collectif des Femmes Musulmanes pour le Développement de Maniema</i> Action Group of Muslim Women for the Development of Maniema
COP	Chief of Party
CSM	<i>Conseil Supérieur de la Magistrature (CSM)</i> High Judicial Council
CSM-PS	CSM Permanent Secretariat
CSO	Civil Society Organization
DAI	Development Alternatives, Inc.
DCOP	Deputy Chief of Party
DRC	Democratic Republic of Congo
EFRPJ	<i>École de Formation et de Recyclage du Personnel Judiciaire</i> School for the Training and Redeployment of Judicial Staff
EU-PAG	<i>EU Programme d'Appui à la Gouvernance</i> European Union Governance Support Program
FOMEKA	<i>Fondation Monseigneur Emmanuel Kataliko</i> Monsignor Emmanuel Kataliko Foundation
FY	Fiscal Year
HBM	<i>Haki za Binadamu</i> Space for Human Rights
IDLP	<i>Institut pour la Démocratie et le Leadership Politique</i> Institute for Democracy and Political Leadership
LBA	Lubumbashi Bar Association
LDFC	<i>Ligue pour le Droit de la Femme Congolaise</i> Congolese Women's Rights League
MOJHR	Ministry of Justice and Human Rights
NGO	Non-Governmental Organization
OCET	<i>Œuvre Communautaire pour l'Éducation pour Tous, Bukavu</i> Community Action for Education for All, Bukavu
PCC	Pilot Court Coordinator
PCPC	Pilot Court Program Coordinator
PROSADEF	<i>Promotion de la Santé, des Droits de la Femme et Enfant</i> Promotion of Health, Women's, and Children's Rights,
RD	<i>Rôle Disciplinaire</i> Disciplinary Case
SGBV	Sexual and Gender-Based Violence
TGI	<i>Tribunal de Grande Instance</i> First Instance Court

UCB	<i>Université Catholique de Bukavu</i>
	Bukavu Catholic University
USAID	United States Agency for International Development
VISO	<i>Vision Sociale</i>
	Social Vision

EXECUTIVE SUMMARY

COMPONENT 1

- With the help of ProJustice, the *Association des Femmes Magistrats du Congo* (Association of Women Magistrates of Congo, AFEMAC) created a list of Congolese female magistrates seeking job promotions and sought the assistance of ProJustice to officially present the document to the First President of the Supreme Court of Justice and the President of the *Conseil Supérieur de la Magistrature* (High Judicial Council, CSM).
- This quarter, ProJustice provided supplies and equipment to the Bukavu Disciplinary Board, which was assigned a permanent office at the central courthouse by the First President of the court. In addition to providing these materials to the Bukavu board, ProJustice also supported Disciplinary Board hearings in Lubumbashi and Bukavu.
- During the quarter, ProJustice also worked to develop a communication plan for the CSM. The consultant hired to develop the communication strategy started work in June 2012. This work will include a survey of approximately 1,000 people in Kinshasa, as well as similar studies in Bukavu and Lubumbashi.

COMPONENT 2

- On May 8, 2012, ProJustice supported the *École de Formation et de Recyclage du Personnel Judiciaire* (School for the Training and Redeployment of Judicial Staff, EFRPJ) in organizing a ceremony to present certificates to 18 staff (11 men, 7 women) who received ProJustice training in office operations and computer literacy.
- From May 21-22, 2012, 14 Peace Court magistrates (all women) participated in a training workshop in Lubumbashi, supported by ProJustice. During two days of sessions, the new magistrates studied how to write an opinion. During the sessions, the trainers employed a participatory methodology and focused on practical exercises, using case exercises developed by the trainers.
- To develop the 2013 budget for the judiciary, ProJustice collected data from June 26-28 from court officials as well as from the secretaries who worked for court clerks and prosecutors in South Kivu Province. In Maniema Province, the data collection process was carried out from June 28-30.

COMPONENT 3

- On April 26, 2012, the United States Ambassador to the Democratic Republic of Congo (DRC), the Honorable James Entwhistle, visited the Lubumbashi courthouse to see the support provided by ProJustice at the site. Ambassador Entwhistle viewed several elements of the project's support, including the information kiosk, information displays, the fee sheet for judicial procedures, file folders, and other items. At the end of his visit, Ambassador Entwhistle praised the work being done by the project, emphasizing that the judiciary is the foundation for the successful development of the DRC.
- ProJustice provided typewriters and typewriter ribbons to courts and offices in its four pilot sites. A total of 40 typewriters were distributed in each of the pilot sites. The machines were officially handed over to the judicial authorities by ProJustice staff.
- During the quarter, ProJustice also provided support for mobile court hearings in rural areas and central prisons of each of the provincial capitals. A total of 864 cases were processed, and 187 cases were closed in the four pilot sites (1,051 total).

COMPONENT 4

- During this reporting period, the ProJustice grants team organized a grant management training for four new partner organizations based in Kinshasa and Bandundu. A total of 14 people attended these trainings, 6 in Kinshasa (4 men, 2 women), and 8 in Bandundu (5 men, 3 women). The four new grantees signed grant agreements on this occasion.
- On June 29, 2012, the Minister of Gender, Family, and Youth met with a ProJustice delegation composed of the Chief of Party (COP) and Component 4 leader. One of the priorities of the meeting was the certification of the ProJustice sexual and gender-based violence (SGBV) pictorial flip chart. ProJustice representatives delivered a short presentation on legal and judicial assistance activities supporting women, minors, and victims of SGBV. ProJustice representatives also requested that the Minister strengthen transparency of ministerial activities and donor activities.
- From April to June 24, 2012, ProJustice grantee *Œuvre Communautaire pour l'Éducation pour Tous* (Community Action for Education for All, OCET) conducted awareness-raising sessions for a total of 299 persons (168 women, 131 men) in Bukavu. During these sessions, OCET spoke about the requisite conditions for a fair hearing (impartiality and the independence of the judiciary), the universality of human rights, the functioning of justice in Congo, the rights and duties of citizens according to the Congolese Constitution, and the right to a fair trial.

WINDOWS OF OPPORTUNITY

- The renovation works at the Kindu Justice Palace were completed on April 16, 2012 and officially presented to the judicial authorities.

1. QUARTER 15 – ACTIVITIES AND RESULTS

1.1. COMPONENT 1: SUPPORT THE ESTABLISHMENT OF NEW JUDICIAL INSTITUTIONS

1.1.1. Component 1A: Establish Transparent Procedures for the Recruitment, Selection, Discipline, and Promotion of Magistrates

Transparent, Merit-based Criteria for the Recruitment, Selection, Discipline, and Promotion of Magistrates Adopted and Implemented by the CSM

Participation of Women in the Magistracy

Despite treaties, resolutions, international conventions, and constitutional and statutory provisions advancing the status of women, female magistrates are underrepresented in the CSM and the judiciary in the Democratic Republic of the Congo (DRC). Only 4 of the 133 members of the CSM are women, and none of the members of the CSM Permanent Secretariat (CSM-PS) are women. Only 2 of 26 members of the Supreme Court are women. Of the 215 courts and prosecutor's offices of the DRC, only 5 are headed by women. No women serve at the High Military Court or in the office of the Prosecutor General of the Armed Forces of the DRC.

One of ProJustice's primary tasks is to establish transparent mechanisms for recruitment and promotion of magistrates. If this is successful, the DRC will have more competent magistrates and better justice overall. An important part of this effort is increasing female representation.

The *Association des Femmes Magistrats du Congo* (Association of Women Magistrates of Congo, AFEMAC) created a list of Congolese female magistrates seeking job promotions and sought the assistance of ProJustice to officially present the document to the First President of the Supreme Court of Justice and the President of the CSM (*See Attachment 1 for list*). The presentation occurred on June 27, 2012 during a meeting between ProJustice and the President of the CSM. During the meeting, ProJustice highlighted the importance of AFEMAC's proposals. The President of the CSM subsequently pledged to focus on proposals to promote female magistrates in the provinces.

With the support of ProJustice, AFEMAC is becoming more active and organizing activities to support leadership development of female magistrates. During this quarter AFEMAC held two key activities. The first event, held April 27, 2012, focused on ethics within the magistracy, as well as capacity building of female magistrates to hold positions of responsibility within the judiciary. ProJustice also provided technical support to AFEMAC for a June 21–22, 2012 seminar with female magistrates of Kinshasa on gender, justice, and combating impunity for sexual and gender-based violence (SGBV).

AFEMAC's objectives for the seminar were to:

- Contribute to the strengthening and improvement of the administration of justice;
- Improve female magistrates' knowledge of SGBV;
- Brainstorm better legal and judicial methodologies to ensure equity in SGBV-related cases;
- Create focal points to ensure commitment to the defense and promotion of women's rights.

Technical Assistance to CSM Disciplinary Boards

The majority of magistrates in the DRC have limited knowledge regarding laws providing for disciplinary proceedings against magistrates who are in violation of their code of ethics. The disciplinary boards, an organ of the CSM meant to 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.

The internal regulations of the CSM provide that disciplinary boards should each be granted \$10,000 annually to cover their operating costs, but the Congolese Government has never allocated money to these bodies. In addition to the lack of state funding, heads of jurisdictions and offices (presidents of the courts and public prosecutors) generally ignore disciplinary procedures. To help overcome these deficiencies, and promote a more functional and ethical magistracy, ProJustice has been providing technical and financial assistance to disciplinary boards in each of the four pilot sites.

This quarter, ProJustice provided supplies and equipment to the Bukavu Disciplinary Board, which was assigned a permanent office at the central courthouse by the First President. The Disciplinary Board is now equipped with chairs, tables, cabinets, a desktop computer, printer, and other smaller items. All disciplinary cases of judges and documentation related to the activities of the Disciplinary Board are now filed properly. Magistrates and lawyers must request documents directly from the office now, ensuring greater confidentiality of records.

In addition to providing these materials to the Bukavu board, ProJustice also supported Disciplinary Board hearings in Lubumbashi and Bukavu this quarter.

Lubumbashi Disciplinary Board

In April 2012, ProJustice supported hearings of the Lubumbashi Disciplinary Board. In May 2012, the Board rendered decisions on each of the four cases heard in April.

1. RD (Rôle Disciplinaire, Disciplinary Case) 07/CPD/2012: CSM vs. A Deputy Public Prosecutor at the Lubumbashi Appeals Court

Breaches of Discipline:

The judge was accused of the following actions:

- The magistrate reportedly signed a warrant for removal of two prisoners from Kassapa Central Prison, and summoned them to a hearing at the prosecutor general's office in Lubumbashi, despite each already serving a five-year sentence pronounced by the Lubumbashi *Tribunal de Grande Instance* (First Instance Court, TGI) for robbery.
- At the hearing, the magistrate assisted the two prisoners in escaping from custody.

Decision of the Board: The magistrate was suspended for three months without salary.

2. RD 09/CPD/2012: CSM vs. A Judge at the Lubumbashi Katuba Peace Court

Breach of Discipline: In a case where the defendant was accused of fraud in the amount of \$690,000, the judge fixed bail at 40,000 Congolese Francs (CDF, approximately \$43), flouting the seriousness of the offense and ignoring a prohibition on granting bail for offenses relating to misuse of public funds.

Decision of the Board: The board fined the magistrate one-third of one month's salary.

3. RD 08/CPD/2012: CSM vs. A Deputy Public Prosecutor at the TGI of Kolwezi

Breaches of Discipline:

The magistrate was accused of the following actions:

- In a note addressed to the police chief of the detention center operated by the TGI of Kolwezi, the magistrate ordered the release of a defendant awaiting transfer to Dilala Central Prison in Kolwezi. The magistrate allegedly received \$600 for this action from the defendant.
- The magistrate reportedly refused to obey the instructions of his superiors and the rules of procedure regarding the release of a defendant under a provisional arrest warrant.

Decision of the Board: The magistrate received a formal written reprimand.

4. RD 010/CPD/2012: CSM vs. A Judge of High Court of Kolwezi

Breach of Discipline: The judge reportedly left his jurisdiction without leave or the authorization of his supervisor.

Decision of the Board: The board ruled that the facts of the accusation had not been adequately established, and the magistrate was not disciplined.

Bukavu Disciplinary Board

In June 2012, ProJustice supported hearings of the provincial Disciplinary Board of Bukavu. The following 10 cases were heard by this board:

1. RD 08/CPD/2012: CSM vs. A Judge at the Uvira Peace Court

Breach of Discipline: The magistrate is accused of holding 26 criminal case files without acting on them. Some are more than two years old. The Board took this case under advisement and will decide it within the statutory time limit.

Decision of the Board: As of this writing a decision has not been rendered.

2. RD 09/CPD/2012: CSM vs. A Judge at the Uvira TGI

Breaches of Discipline:

The magistrate is accused of committing the following breaches of discipline:

- Returning a case file without complying with the statutory time limit.
- Signing an order to assign a case but not ensuring the order was received by the court secretariat.
- Allowing, as head of the jurisdiction, the execution of a judgment without any fee reference document signed in advance by the relevant official.

Decision of the Board: As of this writing, the case is in progress and a decision has not been rendered.

3. RD 010/CPD/2012: CSM and Complainant vs. A General Prosecutor of Bukavu

Breaches of Discipline:

The magistrate was accused of the following:

- Forgery of signatures.
- Two arbitrary arrests.
- Misplacing the complainant's file.

Decision of the Board: The magistrate was acquitted.

4. RD 011/CPD/2012: CSM and Complainant vs. A Prosecutor at the TGI/Uvira

Breach of Discipline: The magistrate opened a criminal case in a civil court and ordered the suspension of the case despite the complainant not having been heard.

Decision of the Board: The magistrate received a formal written reprimand.

5. RD 012/CPD/2012: CSM and Complainant vs. A Substitute for the Bukavu Military Auditor

Breach of Discipline: The magistrate allegedly abducted, tortured, and unlawfully detained the complainant for five days, including one day in the magistrate's residence.

Decision of the Board: The magistrate was acquitted.

6. RD 013/CPD/2012: CSM and Complainant vs. A First Substitute for the Bukavu Garrison Auditor

Breach of Discipline: The magistrate was accused of abusing his power and attempting to arbitrarily arrest a person.

Decision of the Board: The magistrate was acquitted.

7. RD 014/CPD/2012: CSM and Complainant vs. A Magistrate of the Bukavu TGI

Breach of Discipline: The magistrate is accused of a lack of impartiality in judgment.

Decision of the Board: The board took this case under advisement and will decide it within the statutory time limit.

8. RD 015/CPD/2012: CSM and Complainant vs. A Prosecutor at the TGI/Bukavu

Breach of Discipline: The magistrate was charged with making two arbitrary arrests.

Decision of the Board: The magistrate was acquitted.

9. RD 016/CPD/2012: CSM and Complainant vs. A Magistrate at the Uvira TGI (Kavumu district).

Breach of Discipline: The magistrate was charged with infringing the rights of the complainant by failing to comply with judicial procedures.

Decision of the Board: The case is ongoing, and a new hearing will be held.

10. RD 017 / CPD/2012: CSM vs. A Magistrate at the Bukavu TGI

Breach of Discipline: The magistrate is accused of making a judgment before suspending the appointment of a liquidator of an estate.

Decision of the Board: The case was taken under advisement.

Lessons Learned

ProJustice has noticed a higher number of disciplinary cases in the Bukavu Disciplinary Board as compared to other sites. The number of cases has increased since a number of documents relating to the discipline of magistrates have been made available with ProJustice support. These documents include a collection of legal texts, a collection of case law on discipline, a compendium of doctrines on discipline, a text on the practice of disciplinary proceedings of magistrates, and even a guide to the internal organization chart of the CSM. Lawyers, and even some individuals, consult them regularly. The availability of these documents has made it possible for lawyers and the population in general to address the improper conduct of some magistrates.

The disadvantage in this regard is that anyone losing a trial is now tempted to open a disciplinary case. Litigants often believe that if the magistrate is disqualified and discharged of the case, they will stand a better chance of having their trial reopened and receiving a favorable decision. ProJustice believes that the direct appeal procedure could be modified to decrease the number of disciplinary procedures, some of which have little foundation. ProJustice has approached the CSM-PS to suggest ways to limit the number of direct appeals for disciplinary matters, for example, by making the disciplinary appeal first go through the direct supervisor of the relevant magistrate.

Coordination Meetings between CSM and ProJustice

ProJustice holds regular coordination meetings with the CSM to ensure that activities and the organization in general continue to function as expected. On June 8, ProJustice organized a coordination meeting with the CSM to discuss the following topics (*See Attachment 2 for Meeting Notes*).

- Donors and partners coordination

ProJustice expressed concern about the potential duplication of its activities with other partners. ProJustice discussed that the CSM accepts all activities proposed by partners without coordinating the various programs. ProJustice suggested strengthening the coordination efforts of the CSM to ensure a better synergy among donors and partners. According to the CSM, there is no duplication of activities. According to the CSM, ProJustice's work on the database, the budget of the judiciary, and the communication strategy is well appreciated and is unique from the donor's other activities.

- General Assembly of the CSM

The CSM announced that the General Assembly will be held by mid-July 2012 and that it is relying on the continued support of ProJustice. As was done last year, ProJustice is ready to support the General Assembly, and has earmarked US\$30,000 from the FY (Fiscal Year) 2012 budget for this activity.

- Tripartite Advisory Board

A short presentation by the ProJustice Chief of Party (COP) highlighted the establishment of a tripartite CSM-Ministry of Justice and Human Rights (MOJHR)-United States Agency for International Development (USAID) committee. The tripartite committee will meet on a quarterly basis to discuss ProJustice activities and long-term goals. The COP was asked to draft terms of reference to further elaborate the objectives of the tripartite committee.

In closing, the CSM-PS reiterated its request for a study tour in the United States. Their previous study tour in Benin was beneficial, and they believe that another in the United States would prove even more fruitful. ProJustice will respond to this request after the adoption of next year's program and budget, but given the much more limited funds during the option years, the request is unlikely to be met.

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

To properly manage the careers of magistrates, the CSM must have reliable and comprehensive information. However, the CSM has had no database to keep track of information on magistrates' careers such as years in service, promotions, etc. What little information does exist is obsolete and usually unavailable.

Data Collection on Magistrates' Careers

As mentioned in the CSM-ProJustice coordination meeting, the database preparation of magistrates' career histories by ProJustice can continue as planned. There had been concern that a database being developed by the *European Union Programme d'Appui a la bonne Gouvernance* (EU Good Government Support Program, EU/PAG) contained duplicative elements. Following the meeting on June 8, 2012 with the CSM-PS, it is now clear that there is no duplication of activities. The database under preparation for ProJustice does not contain the same elements as that of EU/PAG; instead they complement each other. Because there is no duplication with other partner activities, the Component 1 team held a working session with the consultant who is in the process of correcting the current model.

To complete the database, ProJustice also urged the magistrates who have not yet filled out the questionnaire to do so as quickly as possible.

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

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

The last judiciary code in the DRC dates back to 1986. It contains outdated laws and impedes the work of magistrates and lawyers. ProJustice is currently recommending amendments to the code to include new laws, ordinances, orders, and circulars applicable to newly created judicial institutions such as the CSM, the Constitutional Court, the Court of Cassation (*Cour de Cassation*; the highest court of appeal), and juvenile tribunals. The project also held meetings with leaders in the Senate and National Assembly to explain the importance of codification and updating of the judicial code. The updated code will greatly facilitate the work of magistrates in the DRC.

The work of compiling the Judicial Code Compendium continues. Currently all circulars are included in the draft code. ProJustice continues its advocacy efforts vis-à-vis the President of the Republic, the Senate, and the National Assembly in support of the law on the organization and functioning of the constitutional court and the other pending laws.

During the quarter, ProJustice also worked to develop a communication plan for the CSM. The CSM General Assembly in May 2011 appointed the CSM Permanent Secretary as the official spokesman of the organization. This person had little, if any, experience in this area, either within the judiciary or externally. With this in mind, the component initiated this activity to provide the CSM with an effective communications strategy.

Develop a Legal Implement a Communications and Public Awareness Plan for the CSM

The consultant hired to develop the communication strategy for the CSM started work in June 2012. After attending several meetings between ProJustice and the CSM, the consultant initiated talks with the CSM-PS and the judicial authorities in Kinshasa. The consultant will conduct a panel survey of approximately 1,000 people in Kinshasa which will reflect the demographics of the population. On June 25, 2012, the consultant traveled to Lubumbashi for further discussions with the local judicial authorities regarding development of the communication plan. She will interview at least 300 people in Lubumbashi.

The consultant's firm carried out similar work in Bukavu from June 26–30, 2012.

ProJustice will analyze the survey results to better understand the knowledge and perceptions of lawyers and legal authorities about the CSM. This will assist in tailoring a communication strategy to improve the level of knowledge of the institution.

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

No activity to report for the period. The law on the organization and functioning of the constitutional court has not yet been signed by the President of the Republic. Hence, ProJustice cannot implement activities related to the Constitutional Court.

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

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

Enhanced Management Skills of MOJHR Staff

Staff Training for EFRPJ

ProJustice is striving to ensure the continuity and sustainability of its work in the DRC after the project ends by working closely with local partner organizations such as the EFRPJ. For more than 20 years, the administrative structure of this organization did not function properly. Many agency staff have never been trained in the use of modern equipment or technology. The project is working with the current staff and training them to take over project activities related to training judicial personnel.

Following the end of the training in office operations organized by the EFRPJ, with support from ProJustice in December and January, EFRPJ officials had asked ProJustice for further practical training opportunities. This would allow these staff members to reinforce the concepts learned.

To this end, ProJustice and EFRPJ developed a schedule for training courses beginning on April 2, 2012 and ending May 18, 2012. Seven staff members (all women) from the Ministry of Justice assigned to the EFRPJ participated in practical internships at the ProJustice office. The project worked with the participants on computer literacy, as well as different administrative tasks applicable to their work at the Ministry.

By the end of this course, the staff were expected to understand the following concepts:

- The functioning of the administrative aspects of an office
- Basic computer hardware and software use
- How to prepare a brief summary report

The seven interns indicated that they appreciated the training: they stated that this was the first formal training they had received since their assignment to the EFRPJ, and they said they had never received coaching in computer hardware/software or on how to manage an office.

Certificate Ceremony for EFRPJ Staff

On May 8, 2012, ProJustice supported the EFRPJ in organizing a ceremony to present certificates

to 18 staff (11 men, 7 women) who received training in office operations and computer literacy. The ceremony was chaired by Sylvain Dikango, secretary general of the MOJHR, along with Anne-Marie Mukuna, representative of USAID, and Nathaniel Tishman, ProJustice Deputy Chief of Party (DCOP). In remarks at the ceremony, Ms. Mukuna and Mr. Tishman expressed satisfaction with the work of the EFRPJ and its continued support of the MOJHR. The secretary general of the MOJHR thanked USAID for its support to the ministry, and expressed the desire to see similar activities conducted by ProJustice to strengthen the capacity of ministry staff. The secretary general said that it will require the training of a larger number of staff to sustain the achievements of the EFRPJ and the ministry. The event received widespread press coverage, including in *Le Potentiel*, Digital Congo, TV7, and other networks.

Meetings with the CSM-PS

In addition to the ongoing training of magistrates and CSM administrative staff, this month ProJustice held several meetings with the CSM-PS training division leader and trainer. The discussions with the CSM-PS training division leader focused on planning ongoing training of magistrates in the four pilot sites in July and August 2012, and the training of the CSM administrative staff. This meeting resulted in the selection of the following two modules:

- Ongoing training of magistrates: qualification of offenses, criminal association conduct of hearings, drafting of indictments, and preparation of judgments;
- Training of the CSM administrative staff: administrative procedures, management of administrative records, ethics and good professional conduct, administrative correspondence, legal concepts, and CSM functions and organization.

The meeting with Professor Boniface Loyopass, the selected CSM administrative staff trainer, covered plans for how to proceed with the training program. These meetings took place on June 14, 20, and 21, 2012. ProJustice was represented by Willy Lubin (Leader of Components 2 and 3) and Fabien Buetusiwa and Esaie Kabwit (ProJustice Pilot Court Program Coordinators, PCPCs).

Meetings with the School for the Training and Redeployment of Judicial Staff

On June 25, 2012, ProJustice invited the management staff of the EFRPJ to a meeting to discuss the framework of the capacity building program for non-magistrate judicial personnel. The discussions focused on activities such as planning the award ceremony for 25 non-magistrate personnel (20 men, 5 women) of the Bandundu Court of Appeal who completed the training program in March 2012. The director of the EFRPJ asked ProJustice for support in organizing the award ceremony, which will take place on July 3, 2012, in Kikwit, Bandundu Province. The director of the EFRPJ also expressed his appreciation for the ongoing support of ProJustice.



Magistrates of the Lubumbashi Peace Court attend training sessions on how to write of court judgments, May 21, 2012

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

Standardized Initial and Continuing Training Programs for Court Personnel

Training of Magistrates of Lubumbashi Court of Appeals

From May 15–19, 2012, 33 Court of Appeals

magistrates in Lubumbashi (22 women, 11 men) participated in a training workshop supported by ProJustice to strengthen the capacity of magistrates appointed in 2010 and 2011. The workshop was supervised by the CSM training unit, represented by Christian Kalumba, a CSM official. During the training, the magistrates reviewed the following concepts:

- General qualification of offenses
- Criminal participation
- Categorization of sexual abuse offenses
- Procedures for civil hearings
- Procedures for criminal hearings

Training of Lubumbashi Peace Court Magistrates

From May 21-22, 2012, 14 Peace Court magistrates (all women) participated in a training workshop in Lubumbashi, supported by ProJustice. During two days of sessions, the new magistrates studied the methodology of writing opinions. During the sessions, the trainers employed a participatory methodology and focused on practical exercises, using case exercises developed by the trainers.

Prior to the course, ProJustice carried out an assessment to check the magistrates' general level of knowledge. This evaluation revealed that most of the magistrates had not mastered the basics of criminal or civil law. This poses a real danger for litigants since these magistrates are already on the bench. Given this finding, the judicial authorities of Lubumbashi have requested support from ProJustice for training all 200 new judges in the area.

Activities with EFRPJ

Training Workshops for Clerks in South Kivu Province

From May 22-28, 2012, ProJustice trained 20 clerks (all men) in the jurisdiction of the Bukavu Court of Appeals. To facilitate participation and reduce costs, this workshop was held in Kalehe, a community closer to the assignments of the majority of the clerks. This workshop is a continuation of support to EFRPJ, including mentoring of new resident trainers. It was also an opportunity to respond to an urgent request made by the local judicial authorities to conduct a training program for clerks in the area. The Supreme Court of Justice supervised the workshop through the Chief of Staff of the Chief Clerk Nzuzi Nkete. Mr. Nkete provided coaching to the new local trainer, Floribert Bashi Bisimwa. The workshop lasted for 6 days, with 20 clerks traveling from remote areas of South Kivu Province, including the communities of Minova, Kalonge, Bunyakiri, and Nyabibwe. Following the workshop, each participant received copies of the training modules prepared by ProJustice on the practical management of clerks' offices.

Training Workshops for Clerks and Prosecutors' Secretaries in Maniema Province

ProJustice assisted the EFRPJ in organizing two training workshops for the clerks and prosecutors' secretaries in Maniema Province. These workshops were held in Kindu from June 18-23, 2012. In total, 15 clerks (all men) and 15 prosecutors' secretaries (13 men, 2 women) received training. Because resident trainers from Kindu were unavailable, Mr. Musafiri Denis, a ProJustice trainer from Bukavu, conducted the training for the prosecutors' secretaries. Mr. Nzuzi Nkete Albert of the Supreme Court of Justice in Kinshasa facilitated the training for the clerks. These two trainers were selected by the EFRPJ.

For six days, these local trainers delivered trainings on the practical management of prosecutors' offices. The Kindu judicial authorities attended the entire seminar and requested that the trainers focus on specific issues they identified. At the conclusion of these workshops, ProJustice distributed 30 complimentary training module copies to participants. (*See Attachment 3, Speech of Trainee Representative*)

Assistance to Law Schools

In the DRC, the university law system is viewed as the key element in an otherwise often non-functional system for preparing future leaders of the country. Through field visits, ProJustice staff have verified that professional gaps exist involving some current magistrates and are the consequence of poor academic preparation. One of the reasons for poor preparation is the lack of qualified teachers throughout the country. At the request of universities in the pilot sites, ProJustice decided to make staff experts available so that new courses could be offered when possible, including those on criminal law. The experiment to assist law schools is in its second year at universities in Bukavu and Kindu.

From April 2-13, 2012, ProJustice, in partnership with the *Université Catholique de Bukavu* (Bukavu Catholic University, UCB), provided training for future magistrates and lawyers (*See Attachment 4, Course Outline*). This activity is within the scope of support provided to universities in eastern DRC on how to manage the criminal aspects of SGBV.

A total of 120 people (70 men, 50 women) received the training. The participants all received a copy of the Congolese Criminal Code and the course syllabus for general criminal law prepared by ProJustice. After the course, ProJustice administered a comprehension test to the participants. Project staff will evaluate the results of these exams next month.

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

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

The budget allocated to the judiciary has always been an issue in the DRC. First, it is designed by people unaware of the realities of judicial institutions in the country. Judicial authorities generally are excluded from the budget drafting process, while the MOJHR and the Ministry of Budget remain in charge. Second, the unrealistically low amount allotted for the budget is not disbursed to its intended beneficiaries. Judicial institutions end up functioning every year without operating funds. To address this problem, ProJustice has drafted strategies so that an adequate budget can be designed and distributed to judicial institutions.

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

After the substantial increase in the judiciary budget (a 300 percent increase), the biggest challenge is improving the rate of execution of this budget. Generally, only the remuneration and allowances of judges and judicial staff have been paid as scheduled. For operating costs and investment at central institutions (located in Kinshasa), some expenditure areas have seen an execution rate greater than or equal to 100 percent of projected spending, with others seeing nothing.

As the previous Parliament did not approve a budget prior to its dissolution, the DRC did not have an official operating budget for the first five months of 2012. After the appointment of a new government, the budget process has been revived with the organization of a budget conference held by the Ministry of Budget. For this conference, the CSM budget focal point was called to testify and defend its budget. The ProJustice expert in finance and budget accompanied him on May 26, 2012. After filing the FY 2012 budget estimate, ProJustice held a meeting with the CSM budget focal point regarding responsibilities and mechanisms for effective fiscal management by the judiciary.

In the end, certain difficulties inherent in the functioning of courts, tribunals, and prosecutors offices are due to the absence of a strategic plan that clearly describes the strategic intervention of the judiciary, the problems in these areas, and the strategies put in place to solve these problems.

Advocacy and monitoring for increasing the rate of budget execution

The project provided budgetary execution support to the judiciary in April in three areas:

- Data collection on strategic budget planning. The project held two sessions (on April 16 and 22, 2012) with the CSM member in charge of training to collect and analyze budgetary data.
- Advocacy with other partners, including the technical reform committee of the Ministry of Finance to increase the judiciary's rate of budgetary implementation.
- The continuation of joint work with the expert on finance and budget from the good governance project managed by Development Alternatives, Inc. (DAI). The aim of this exercise is to increase the rate of implementation of the judicial budget. In addition to meetings on April 2 and 5, 2012 with DAI, ProJustice and DAI had several telephone conferences during the reporting period.

Development of Technical Memorandum on Judiciary Budget

With the assistance of ProJustice, the budget focal point of the CSM developed a technical memorandum regarding the judiciary budget and submitted it on May 28, 2012 to the Budget Ministry (*See Attachment 5, Judiciary Budget Technical Note*).

Advocacy for Increasing the Rate of Budget Execution

The ProJustice expert in finance and budget requested a meeting with the governor of Katanga Province to discuss budget estimates of the judiciary and request the provincial government to cover certain operating expenses of the Katanga judiciary. The office of the governor directed ProJustice to the provincial Ministries of Budget and Finance.

The Ministry of Budget acknowledged that Katanga Province has provisions in its budget for certain specific interventions to promote justice. Therefore some budget items for courts and offices are covered by provincial funding. But this information cannot be shared unless ProJustice formally requests this in writing, specifying that this information will be used solely to identify the areas needed to conduct advocacy on behalf of the judiciary.

The Ministry of Finance confirmed making disbursements every month to the First President of the Military Court to fund covert investigations. At the request of ProJustice, this ministry is ready to give the same funds to the First President of the Court of Appeals of Lubumbashi and the prosecutor general. Again the heads of courts and offices concerned need to prepare a formal request to the chief of staff of the provincial Minister of Finance.

Collection of Data to Develop FY 2013 Budget Estimates

- The first phase of data collection to develop the FY 2013 judiciary budget took place in Lubumbashi from May 21–25, 2012. The ProJustice expert in finance and budget met with clerks, accountants, and prosecutors’ secretaries to update the budget estimates for FY 2013.
- To develop the 2013 budget for the judiciary, ProJustice collected data from June 26-28 from court officials as well as from the secretaries who worked for court clerks and prosecutors in South Kivu Province. In Maniema Province, the data collection process was completed on June 28-30.

Ongoing Data Collection on Strategic Planning

- As mentioned previously, the project held sessions to collect and analyze budgetary data on April 16 and 22, 2012 with the CSM member in charge of training data.
- The first phase of data collection to develop the FY 2013 judiciary budget took place in Lubumbashi from May 21–25, 2012. The expert in finance and budget met with clerks, accountants, and prosecutors’ secretaries in Lubumbashi to update the budget estimates for FY 2013 as a means of finalizing the first phase of data collection.
- On May 23, 2012, the expert in finance and budget held a working session with the First President of the Court of Appeal of Lubumbashi. They discussed identifying strategic activities of the Katanga judiciary, key challenges, possible strategies to optimize the functioning of the judiciary, and constraints encountered by the courts and offices. All of these elements will be integrated into the training module on strategic planning for personnel and magistrates of the jurisdiction.
- During the data collection period, ProJustice collected information necessary for judges and judicial personnel to carry out financial and strategic planning. ProJustice plans to organize the training session in August 2012.

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

1.3.1 Component 3A: Enhanced Effectiveness and Transparency of Court Management Practices

More Streamlined and Transparent Court Management Procedures and Regulations Established and Implemented in Pilot Courts

Ambassador’s Visit to Lubumbashi

On April 26, 2012, the United States Ambassador to the Democratic Republic of Congo, the Honorable James Entwistle, visited the Lubumbashi courthouse to see the support provided by ProJustice at the site. During this visit, he was accompanied by David Mukendi (First President of the Court of Appeals), Caiphe Useni (Prosecutor General), and Jacques Bakambe (head of the Lubumbashi Bar Association), as well as Nathaniel Tishman (ProJustice DCOP) and Flory Okandju (ProJustice Pilot Court Coordinator for Lubumbashi). Ambassador Entwistle viewed several elements of the project’s support, including the information kiosk, information displays, the fee sheet for judicial processes, file folders, and other items. At the end of his visit, Ambassador Entwistle praised the work being done by the project, emphasizing that the judiciary is the foundation for the successful development of the DRC. He also expressed appreciation at seeing American tax dollars being put to good use to improve the functioning of the judiciary.

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 court process in the shortest possible time. Excessive delay results in witnesses forgetting details, absence or refusal of witnesses to appear, lost evidence, and prolonged pretrial detention of accused persons who may eventually be exonerated. Both victims and the public lose faith in the justice system if cases are not managed efficiently.

In the DRC, offices of court registrars and prosecutors' secretaries are understaffed, and personnel are ill-trained and ill-equipped and work in cramped, poorly lit, and poorly ventilated file rooms. Their registers are inaccurate because of poor maintenance, and file folders and shelves are in short supply or in a poor state of repair. Files are frequently lost, susceptible to theft or tampering, and incomplete. As a result it is impossible to screen cases to select those that are urgent or important and require early disposition.

The case filing system is in place in all pilot court jurisdictions supported by ProJustice. The implementation of this system still requires constant monitoring, however, to ensure that its methodology is internalized by the clerks.

In addition to the filing system of case records, ProJustice supports clerks in the daily management of criminal cases. The project has established a case management database to facilitate the monitoring of these cases until their closure. During the reporting period, the project continued to update this database as scheduled.

Provision of Basic Equipment to Courts

The pilot offices and courts require equipment for their operation. The availability of basic supplies and equipment is critical to the functioning of the courts and judicial offices. The MOJHR provides none of these supplies. The courts and offices have requested supplies from international organizations or purchased them using the fees they collect from justice services. Such sources are inadequate. Supplies provided are minimal and irregular, and when funds or supplies are obtained they are regularly pilfered by the receiver.

Accordingly, ProJustice provided typewriters and typewriter ribbons in the courts and offices in its four pilot sites. A total of 40 typewriters were distributed as follows:

- Bandundu, 10 typewriters
- Bukavu, 9 typewriters
- Kindu, 12 typewriters
- Lubumbashi, 9 typewriters

In addition to the typewriters, courts and offices in Kindu received 1,000 file folders and 250 archiving boxes during the reporting period.

ProJustice also worked during this quarter to plan workshops on the filing and archiving of case files for non-magistrate personnel in all four pilot sites. These workshops will be held in the fourth quarter of FY2012. The aim in implementing this program is to train leaders and prosecutors' secretaries on these procedures so that they can train their subordinates. These workshops are scheduled to train 40 clerks and prosecutors' secretaries.

Pilot Site Program Implementation Committees

ProJustice's approach to improving administration in the four pilot court jurisdictions is through community development and partnership. The various levels of courts and prosecutors' offices tend to function independently of one another in the pilot jurisdictions. For the pilot courts to succeed in their goals, the stakeholders must collaborate. Autocratic values, a hierarchical system, and lack of resources to support attendance at regular meetings lead to poor communication, disparate priority setting, lack of collaboration, and the absence of shared goals. Lawyers and civil society organizations (CSOs) working in the justice sector are commonly excluded from judicial operations and thus have little input into the system's management. Another problem is that most heads of jurisdiction (e.g., prosecutors general) lack the managerial skills to run integrated and democratic meetings.

To address these shortcomings, the project initiated regular planning meetings with all stakeholders. The Pilot Court Coordinators (PCC) facilitate meetings by setting agendas, booking meeting facilities, scheduling meetings, providing financial support for attendance, managing the meetings, and ensuring that minutes are taken, distributed, approved, and followed up on. ProJustice supported Program Implementation Committee meetings in each of the pilot sites during the quarter. (*See Attachment 6, Kindu Implementation Committee Meeting Notes*)

Table 1. Program Implementation Committee Meetings and Participants, April–June 2012				
Site	Date (2012)	Beneficiaries	Men	Women
Bandundu	April 20	Magistrates, clerks, prosecutors' secretaries, bar associations, CSOs	21	0
Bukavu	April 9		14	1
Kindu	April 14		13	1
Lubumbashi	May 14		14	0
TOTAL	-		62	2

In addition to the Program Implementation Committees ProJustice also supported meetings of non-governmental organization (NGO) networks within the justice sector in all pilot sites. (*See Attachment 7, Notes from Bukavu NGO Meeting, April 3, 2012*)

Table 2. NGO Meetings and Participants, April–June 2012				
Site	Date (2012)	Beneficiaries	Men	Women
Bandundu	April 21	CSOs	24	6
Bukavu	April 3 June 12		13	3

Table 2. NGO Meetings and Participants, April–June 2012				
Site	Date (2012)	Beneficiaries	Men	Women
Kindu	May 16		12	3
Lubumbashi	May 16		7	7
TOTAL	-	-	56	19

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

Inspection of Detention Centers

Under Congolese law, detention centers are under the governance of the prosecuting magistrates of the TGI. Detention centers typically contain 5 to 30 individuals and are operated by the Judicial Police, the Maritime Police, prosecutors' offices, and provincial prisons. A province normally has several detention centers within 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. Such authorities have little legal training and often exercise authority on a whim, without cause. Once detained, a detainee is subject to rules of which neither he/she, nor the arresting personnel, have significant understanding.

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

To remedy these situations, ProJustice PCCs provide funds for transportation and meals for the inspection team. PCCs also provide administrative assistance by including recommendations for improving the collection of relevant information on these inspections.

During the third quarter of FY2012, the project supported 179 inspections of prosecutors' offices and 91 detention center inspections in the four pilot sites. The following tables provide details as to the disposition of cases and the offenses for which detainees were held.

Table 3. Demographics and Dispositions of Detention Center Inspections, April–June 2012													
A= April M= May J= June Category		Number of Cases											
		Bandundu			Bukavu			Lubumbashi			Kindu		
		A	M	J	A	M	J	A	M	J	A	M	J
Cases	Men	42	32	27	68	71	59	60	110	140	44	44	46

reviewed	Women	2	2	3	1	9	1	4	1	3	2	3	1
	Girls	0	0	0	0	0	0	1	0	0	1	0	0
	Boys	0	0	0	11	13	8	15	6	7	3	5	5
	Elderly	0	0	0	0	0	0	1	0	1	0	0	0
	TOTAL	44	34	30	80	93	69	81	117	151	50	52	52
Cases transferred to prosecutor's office	Men	21	10	14	19	38	27	20	45	54	19	18	20
	Women	1	0	1	0	2	1	2	0	1	0	1	1
	Girls	0	0	0	0	0	0	1	0	0	1	0	0
	Boys	0	0	0	4	5	8	13	2	6	2	5	5
	Elderly	0	0	0	0	0	0	0	0	0	0	0	0
Cases with detention confirmed	Men	5	10	7	35	24	21	19	35	40	22	25	24
	Women	0	0	0	0	6	0	1	1	0	1	2	0
	Girls	0	0	0	1	0	0	0	0	0	0	0	0
	Boys	0	0	0	3	0	0	0	0	1	0	0	0
	Elderly	0	0	0	0	0	0	0	0	0	1	0	0
Cases with detainee released unconditionally	Men	4	1	3	14	9	11	21	30	41	3	1	2
	Women	0	0	0	1	1	1	2	0	0	1	0	0
	Girls	0	0	0	0	0	0	0	0	0	0	0	0
	Boys	0	0	0	3	8	0	1	4	1	1	0	0
	Elderly	0	0	0	0	0	0	1	0	0	0	0	0
Cases of sexual violence (NB: Not counted separately in inspection total)	Men	11	0	0	0	2	2	1	5	3	3	0	0
	Women	0	0	0	0	0	1	0	0	0	0	0	2
	Girls	0	0	0	0	0	0	0	0	0	0	2	2
	Boys	0	0	0	1	0	0	0	0	0	0	0	0
	Elderly	0	0	0	0	0	0	0	0	0	0	0	0
Cases with detainee	Men	12	11	3	0	0	0	0	0	0	0	0	0

held under provisional warrant	Women	1	2	2	0	0	0	0	0	0	0	0	0
	Girls	0	0	0	0	0	0	0	0	0	0	0	0
	Boys	0	0	0	0	0	0	0	0	0	0	0	0
	Elderly	0	0	0	0	0	0	0	0	0	0	0	0

Table 4. Number of Cases of Various Types, April–June 2012													
Charges	Bandundu			Bukavu			Kindu			Lubumbashi			Total
	A	M	J	A	M	J	A	M	J	A	M	J	
A= April M= May J= June													
Abandonment of family	0	0	0	0	0	1	1	0	0	0	0	0	2
Adultery	0	0	0	0	0	0	1	0	0	0	0	0	1
Armed robbery	0	0	0	4	0	2	0	0	1	0	1	1	9
Arson	1	0	0	0	0	0	0	0	1	0	0	0	2
Associating with criminals	0	0	1	3	0	8	0	0	0	0	0	0	12
Attempted murder	0	0	0	0	0	2	0	0	0	0	0	1	3
Attempted rape	2	0	0	0	0	0	0	0	0	0	0	0	2
Attempted robbery	4	0	0	0	0	0	0	0	0	0	0	0	4
Attempted theft	3	0	0	1	0	1	0	0	1	10	1	2	19
Attempted theft of confiscated property	1	0	0	0	0	0	0	0	0	0	0	0	1
Breach of trust/fraud	8	5	7	13	17	11	8	9	9	15	20	32	154
Cheating	0	0	0	1	0	0	0	0	0	0	0	0	1
Child abuse	1	0	0	0	0	0	0	0	0	0	0	0	1
Child abandonment	0	0	0	0	4	0	0	0	0	0	0	0	4
Concealing and handling stolen goods	2	1	1	2	4	2	1	1	1	2	3	5	25
Conspiracy of theft	0	0	0	3	0	0	0	0	0	0	0	0	3
Contempt of public authority	0	0	0	2	2	0	1	0	4	0	1	1	11
Death threat	0	0	1	0	1	1	0	0	0	0	0	0	3
Defamation	0	0	0	1	1	0	0	0	0	0	0	0	2
Destruction of property	1	0	2	2	2	1	1	4	0	1	7	6	27
Driving under the influence	0	0	0	0	0	0	0	0	0	0	2	4	6
Driving without a license	0	0	1	0	0	0	0	0	0	0	0	0	1
Embezzlement, misappropriation of funds, bribery	0	0	0	0	0	0	1	0	0	0	0	0	1

Excessive speeding, hit and run	0	0	0	1	0	0	0	0	0	0	0	5	6
Extortion with theft	3	2	0	15	18	18	25	8	7	4	35	1	136
Falsification of documents	0	0	0	0	1	0	0	0	0	0	0	0	1
Forgery	0	1	0	0	0	1	0	1	1	0	0	0	4
Gambling	0	0	0	1	0	0	0	0	0	0	0	0	1
Grievous assault	0	3	0	0	0	0	0	2	2	0	0	0	7
Homicide	0	0	0	0	0	0	0	0	0	2	0	0	2
Illegal occupation of land	0	0	0	0	0	0	1	1	0	0	0	0	2
Impersonation of a public official	0	0	0	0	0	0	0	0	0	1	0	0	1
Inciting minors to debauchery	0	0	0	0	0	0	0	0	0	0	0	1	1
Involuntary manslaughter	0	0	1	0	2	1	0	0	0	1	0	8	13
Littering	0	0	0	0	0	0	0	0	0	0	4	0	4
Minor assault	2	8	8	10	14	13	12	10	9	13	12	20	131
Public drunkenness/drinking under age	0	0	0	1	0	0	1	2	0	0	0	1	5
Public indecency	0	0	0	0	3	0	0	0	0	0	0	2	5
Rape	4	1	1	1	2	4	0	0	2	0	6	3	24
Rape (aggravated)	5	3	0	0	0	0	3	2	2	3	0	0	18
Rebellion	0	1	0	0	3	0	1	0	0	0	1	0	6
Robbery	4	4	0	18	14	6	1	0	0	1	11	12	71
Sexual harassment	0	3	1	0	0	0	0	0	0	0	0	0	4
Slander	5	1	1	0	4	1	4	4	6	1	3	2	32
Smoking cannabis	0	0	0	0	0	1	0	0	0	5	0	0	6
Threat of treason	0	1	0	0	2	4	0	1	0	0	0	0	8
Unlawful confinement/kidnapping	0	1	1	0	0	0	0	2	3	1	2	0	10
Unlawfully at large	0	0	0	0	0	0	0	0	1	0	0	0	1
Verbal threat	0	0	4	0	4	0	4	1	4	0	2	0	19
Civil cases transferred to civil court	1	0	0	0	0	0	3	1	1	5	5	6	22
TOTAL	47	35	30	79	98	78	69	49	55	65	116	113	834

Supporting Process Servers

Parties to court proceedings (accused, victims, and witnesses) must be served notice of trial if they are legally required to appear. In the DRC today, criminal trials frequently do not proceed because the parties are not served notice. The MOJHR does not give money to process servers working for court registrars to pay for process service or transportation. 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 transportation and reasonable compensation, process servers, understandably, do not serve the required documents.

To alleviate this problem, the ProJustice PCCs have begun screening court files to identify cases delayed because documents have not been served. If it appears likely that the cases will be moved to judgment as a result of the documents being served, the PCCs provide funds to process servers to do their work.

During the reporting period, the project supported process servers in each of the four pilot sites, assisting in a total of 411 cases (Table 5).

Table 5. Cases Supported in Each Pilot Jurisdiction, April–June 2012	
Site	Number of Cases
Bandundu	150
Bukavu	126
Kindu	135
Total	411

1.3.2 Component 3B: Enhanced Accessibility of Pilot Courts

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

Information Kiosks

The majority of the Congolese population is extremely poor, with few resources to pay for legal assistance. Most people do not know how to stay informed on the status of their cases. Judicial personnel often exploit this lack of knowledge to extort money from victims, often charging much more than actual mandated fees. The high cost of bribes and payoffs makes victims reluctant to pursue cases through the court system. To address the problem, ProJustice has constructed information kiosks that offer information about necessary steps in the legal process,

Table 6. Beneficiaries of Information Kiosks, April–June 2012		
Site	Beneficiaries	
	Men	Women
Kindu	15	0
Lubumbashi	349	199
Total	364	199

as well as the actual costs for judicial services. By doing so, information is more readily available to all Congolese, thus reducing the potential for corruption and extortion.

Since January 2012, two information kiosks have been functioning, one in Kindu and one in Lubumbashi. These kiosks provide information to citizens and guide them through the legal process, improving access to justice. During the quarter, 563 people benefited from these services.

Increased Number of Cases Involving Vulnerable Populations 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 hosting Peace Courts 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 diem, lodging, and facilities for up to 10 persons. ProJustice has developed sound business practices for the management of mobile court hearings, focusing on the costs and benefits. Bringing the practices and priorities of the mobile courts to the attention of the judiciary’s leaders consolidates these gains and ensures renewed efforts where they are needed. Without the assistance of ProJustice, mobile courts would not exist, as the MOJHR provides no funding for such sessions. ProJustice PCCs assist with the preparations, negotiations, and coordination of mobile court hearings, and in many cases directly manage activities on site.

Table 7. Cases Heard at Mobile Courts, April–June 2012

Site	Court of Appeals		Court of First Instance		Peace Court		Juvenile Court	
	Cases Processed	Cases Closed	Cases Processed	Cases Closed	Cases Processed	Cases Closed	Cases Processed	Cases Closed
Bandundu	-	-	86	19	52	37	64	17
Bukavu	29	25	64	1	-	-	64	1
Kindu	-	-	200	30	-	-	118	6
Lubumbashi	80	-	61	25	24	13	22	13
TOTAL	109	25	411	75	76	50	268	37

During the quarter, ProJustice also provided support for mobile courts held in central prisons of each of the provincial capitals. (*See Attachment 8, Report of Mobile Courts, Bagata, Bandundu Province, May 2012*)

Between the central prison hearings and rural sites, a total of 864 cases were processed, and 187 cases were closed in the four pilot sites (1,051 total) this quarter. The chart above provides details.

1.4 COMPONENT 4: INCREASED ACCESS TO JUSTICE FOR VULNERABLE POPULATIONS

1.4.1 Component 4A: Civil Society Capacity Building Assistance for Increased Access to Justice

Civil Society Capacity for Legal Aid and Awareness-Raising Strengthened

Distribution of Access to Justice Guide

In 2010, ProJustice helped create the *Access to Justice Guide in the Democratic Republic of Congo*, which aims to improve the capacity of CSOs and judicial personnel to effectively provide services and access to justice for vulnerable persons. On June 29, 2012 the ProJustice COP provided a copy to the Minister of Gender, Family, and Children during a meeting at her office to promote greater understanding of ProJustice’s access to justice activities.

Technical Assistance to CSOs

CSOs that advocate for human rights and judicial reform play an important role in providing legal advice and assistance to vulnerable populations. ProJustice provides CSOs in the DRC with small grants and technical assistance to improve their capacity to meet the tremendous challenges they face in carrying out their work on the ground.

To that end, ProJustice is providing technical support to the Law Faculty at UCB in its efforts to establish a legal clinic. The clinic will give the faculty an important role in promoting and protecting the rights of vulnerable people through organizing mediation activities, providing legal support, and raising public awareness of the relevant laws. With ProJustice funding, the legal clinic is ready to operate and will be launched on July 13, 2012. (*See Attachment 9, Request for Funding of Legal Aid Clinic, Catholic University of Bukavu*)



US Ambassador James Entwistle speaks with reporters following a tour of the Lubumbashi Bar Association Legal Clinic, with Jacques Bakambe, President of the Bar

ProJustice also organized a capacity building session aimed to strengthen the capacity of Kindu-based local NGOs on project cycle management, networking, and internal management. Twenty-five members of Kindu-based NGOs (19 men, 6 women) attended the training from May 14-18, 2012

Ambassador’s Visit to Lubumbashi Bar Association

On April 26, 2012, US Ambassador Entwistle visited the Lubumbashi Bar Association (LBA) to see the support provided by ProJustice to the LBA, a third cycle grantee. During this visit, he was accompanied by Jacques Bakambe, the head of the LBA; Olivier Kabeya, the director of the LBA’s

legal aid activities; Nathaniel Tishman (ProJustice DCOP); and Flory Okandju (ProJustice PCC for Lubumbashi). Ambassador Entwistle visited the legal aid clinics which operate with

ProJustice support and which focus on SGBV and environmental crimes. At the end of his visit, the Ambassador praised the work being done by the project, saying that the LBA was making a significant effort to bring justice to all Congolese, without distinction as to wealth.

1.4.2 Component 4B: Sub-Grants to CSOs

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

Grants Awarded During the Second and Third Grants Cycles

ProJustice awards small grants to pilot site CSOs for the development and implementation of projects providing legal services to vulnerable populations and carrying out awareness-raising, civic education, and advocacy strategies on access to justice. The grants program provides an opportunity for these organizations to strengthen their capacity while implementing key project activities. ProJustice requires all CSOs to sign a grant agreement prior to receiving funding. Following USAID approval of the grants, the CSOs implement their activities under the supervision of ProJustice staff, who conduct regular monitoring visits.

During this reporting period, the ProJustice grants team organized a grants management training for four new partner organizations based in Kinshasa, *Institut pour la Démocratie et le Leadership Politique* (Institute for Democracy and Political Leadership, IDLP) and *Ligue pour les Droits de la Femme Congolaise* (League for the Rights of Congolese Women, LDFC) and Bandundu, *Promotion pour la Santé de la Femme et Enfant* (Promotion of the Health of Women and Children, PROSADEF) and *Centre Pour la Promotion Sociale et Communautaire* (Center for Social and Community Advancement, CEPROSOC) on April 12 and 13, 2012, respectively. A total of 14 people attended these trainings, 6 in Kinshasa (4 men, 2 women), and 8 in Bandundu (5 men, 3 women). The four new grantees signed grant agreements on these occasions.

SGBV Pictorial Flip Chart

On June 19, 2012, the grants team worked with the Ministry of Gender, Family, and Youth on the SGBV pictorial flip chart, including making additional copies. The grants team prepared a draft foreword that will be submitted to the Minister of Gender, Family, and Youth for review.

On June 29, 2012, the Minister met with a ProJustice delegation composed of the COP and Component 4 leader. One of the priorities of the meeting was the official certification of the ProJustice SGBV pictorial flip chart. ProJustice representatives delivered a short presentation on legal and judicial assistance activities supporting women, minors, and victims of SGBV. ProJustice representatives also requested that the Minister strengthen transparency of ministerial activities and donor activities.

Monitoring and Evaluation of 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 regional staff and by Kinshasa-based personnel to prevent errors, fraud, and other problems and to ensure that any problems that do occur are handled swiftly. 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 this reporting period, the ProJustice grants team conducted a quarterly field visit to Bukavu and Kindu from May 11-17, 2012 and May 14-22, 2012, respectively. Based on evaluations and findings on the ground, ProJustice believes the activities are generally going well. An evaluation meeting of South Kivu grantees was held in Bukavu on May 15, 2012 to review the implementation of projects and share experiences and difficulties.

Grantee Legal Assistance to Vulnerable Populations

South Kivu Province

Vision Sociale (Social Vision, VISO)

(Grant Period: January 1–December 31, 2012)

- From April to June 2012, VISO provided legal aid to 12 detainees, 11 of whose cases are currently before the court. VISO also provided legal assistance to 14 detainees, of whom 5 obtained temporary release.
- VISO received 104 people (66 men and 38 women) at its legal clinic for legal information, advice, and requests for legal assistance. Fourteen cases were resolved informally by the organization, without referral to the court system

Fondation Monseigneur Emmanuel Kataliko (Monsignor Emmanuel Kataliko Foundation, FOMEKA)

(Grant Period: January 1–September 30, 2012)

- From April to June 2012, FOMEKA provided legal aid to 14 persons (10 men, 4 women). In total, the organization is supporting 11 cases (9 before the courts and 2 at the prosecutor's office).

Maniema Province

Haki za Binadamu-Maniema (Space for Human Rights-Maniema, HBM)

(Grant Period: February 2–November 30, 2012)

- From April to June 2012, HBM organized a workshop to create a network between NGOs and institutional partners working for the promotion of children's rights. Twenty persons (13 men, 7 women) attended the workshop.
- The HBM legal clinic provided legal assistance for 14 cases of children who were referred to the juvenile court.

Collectif des Femmes Musulmanes pour le Développement de Maniema (Collective of Muslim Women for the Development of Maniema, CFMUDEMA)

(Grant Period: February 2–November 30, 2012)

- From April to June 2012, CFMUDEMA opened a "Listening House", a center where female victims of mistreatment may consult social workers and psychologists and receive advice on their legal rights. During the reporting period, the center received 38 victims of abuse.

Katanga Province

Commission Diocésaine Justice et Paix (Diocesan Commission for Justice and Peace, CDJP/Kalemie)

(Grant Period: March 1–December 31, 2012)

- From April to June 2012, CDPJ provided legal assistance in 6 cases of sexual violence (all women) before the courts.

LBA

(Grant Period: March 1–December 31, 2012)

- From April to June 2012, the legal clinic of the LBA received 34 people (19 men, 15 women) seeking legal advice, and provided legal assistance to 8 persons. A total of 24 lawyers served clients at the clinic (21 men, 3 women).

Bandundu Province**PROSADEF**

(Grant Period: April 15–December 15, 2012)

- From April to June 2012, PROSADEF received 8 cases for legal aid before the courts.

CEPROSOC

(Grant period: April 15–December 15, 2012)

- From April to June 2012, CEPROSOC provided legal aid for 14 people (11 women, 3 men) and legal assistance to 45 people (16 women, 29 men) in the form of advice, guidance, or legal information.

Greater Public Awareness of Legal Rights and the Role of the Justice System**South Kivu****VISO**

(Grant Period: January 1–December 31, 2012)

- In April, VISO sent a letter to the Provincial Minister of Justice calling on him to improve conditions at the Bukavu Central Prison.
- In May, VISO sent a letter to the Provincial Ministry of Justice in which it drew the attention of the authorities to overcrowding in the Bukavu Prison and proposed transferring certain prisoners (civilians and those sentenced from 1 to 5 years) to the prison of Kabare.
- In June, VISO sent a letter and a report on the prison conditions to the Governor of South Kivu Province, the Provincial Ministry of Justice, the Prosecutor General, and the director of the prison.

FOMEKA

(Grant Period: January 1–September 30, 2012)

- From April to June 2012, FOMEKA organized presentations and discussions with local leaders on upcoming project activities in Ndolera, Kiliba, and Uvira. A total of 105 people (74 men, 31 women) participated in the sessions.
- FOMEKA produced and broadcast 24 radio programs on *Radio Impact/Luvungi* on several topics, including the role of women in society, inheritance rights according to the Congolese Family Code, conditions defining the validity of marriage in Congolese law, the crime of sexual violence, the conditions of arrest and detention, the normal time for case proceedings, methods of appeal, and execution of court sentences. The radio network covers the Ruzizi Plain (including Luvungi, Bwegera, Lubarika, Katogota, and Ndolera), and has an estimated average of 1,000 regular listeners per day.

OCET

(Grant Period: January 1–September 30, 2012)

- During this period, OCET broadcast 12 radio programs in Swahili and French on *Radio Neno la Uzima*, covering the city of Bukavu and its outskirts. These radio programs were about the rights and duties of citizens according to the Congolese Constitution and other international legal texts, and the right to a fair trial.
- From April to June 2012, OCET conducted awareness-raising sessions for 299 persons (168 women, 131 men). During these sessions, OCET spoke about the requisite conditions for a fair hearing (impartiality and the independence of the judiciary), the universality of human rights, the functioning of justice in Congo, the rights and duties of citizens according to the Congolese Constitution, and the right to a fair trial.

Maniema Province**HBM**

(Grant Period: February 2–November 30, 2012)

- From April to June 2012, HBM produced 13 radio programs on topics related to child protection laws and the fundamental requirements of a system of justice for minors. The various radio networks reach a potential audience of 800,000 people in Kindu and surrounding areas.

CFMUDEMA

(Grant Period: February 2–November 30, 2012)

- From April to June 2012, CFMUDEMA conducted 78 awareness-raising sessions in public settings in neighborhoods of Kindu (churches, schools, hospitals, markets, etc.), utilizing the ProJustice pictorial flip chart about violence against women and women's access to justice. A total of 5,521 people attended the sessions.
- During this period, CMUDEMA produced and broadcast 20 programs on *Radio Television Inter - Vient et Voir* and *Radio Haki Za Binadamu*, discussing various topics such as sexual violence laws and how victims can gain access to justice, as well as forced marriage and its social and legal consequences. The radio network covers the town of Kindu and the surrounding areas of Kailo, Pangi, and Kibombo with an estimated audience of up to 30,000 people.

Katanga Province**CDJP**

(Grant Period: March 1–December 31, 2012)

- From April to June 2012, CDJP produced and broadcast 19 radio programs on *Radio Kaoze* concerning the latest sexual violence laws and different forms of violence and the rights of victims of sexual violence. The station covers approximately 100,000 people in Kalemie and surrounding areas, including a portion of Moba region.
- In April, CDJP organized awareness-raising session in Musalala. Sixty people participated (48 men, 12 women) and discussed the challenges of providing support to victims of sexual violence.

LBA

(Grant Period: March 1–December 31, 2012)

- In April, the LBA conducted awareness campaigns at Tuendeleye High School on access to justice topics and the existence of the legal clinic, which is open every Monday, Wednesday, and Friday. The campaigns reached more than 1,000 students and 20 teachers.

Bandundu Province

CEPROSOC

(Grant Period: April 15–December 15, 2012)

- In June, CEPROSOC produced and broadcast 5 radio programs on *Radio Bandundu-FM* on the role of the legal clinic, access to justice, divorce in Congolese law, the parties in a court hearing, and the bail process. The station covers approximately 5, 200 people in Bandundu, and surrounding areas such as Kutu, Bagata, Mushi, and Kwamouth territories.

PROSADEF

(Grant Period: April 15–December 15, 2012)

- In June, PROSADEF held five awareness-raising sessions in public settings in Bandundu (churches and schools), utilizing the pictorial flip chart about violence against women and women's access to justice. A total of 307 persons attended the sessions (257 women, 50 men).

Kinshasa Province

LDFC

(Grant Period: April 15–December 15, 2012)

- In May, 2012, LDFC organized an awareness-raising campaign about the promotion of women magistrates in the DRC. One hundred people participated, including women magistrates, lawyers, students, and members of civil society. The exact gender breakdown for this activity is unknown, but organizers believe a minimum of 75% of attendees (75/100) were women.
- LDFC also organized a conference in Kindu on women magistrates' careers in DRC in June. Fifty people were present, including judges, law students, and members of civil society. The exact gender breakdown for this activity is unknown, but organizers again believe a minimum of 75% of attendees (38/50) were women.

1.5 WINDOWS OF OPPORTUNITY

RENOVATION WORKS AT THE KINDU COURTHOUSE

The renovation works at the Kindu courthouse were completed on April 16, 2012 and officially presented to the judicial authorities, including the First President and General Prosecutor. As ProJustice had already organized a ceremony on January 25, 2012, to present the first portion of the works to the authorities and to the population, no additional event was held. The final payment to the contractor was made on June 30, 2012 after ProJustice ensured that there was no problem with the final work. This payment was held according to a clause in the contract specifying that the final payment would be made 75 days after completion of the works.

2. STAFFING/MANAGEMENT UPDATES
PROJECT OFFICES UPDATE

Position	Comments
Kinshasa Office Staff	
Finance Assistant	Selected candidate started on April 27, 2012
Security Guard	Selected candidate started in early May 2012
Regional Office Staff	
Administration and Finance Assistant, Bukavu	Selected candidate started on June 18, 2012