

ProJustice

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

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ACRONYMS

ACDFE	<i>Action Chrétienne pour le Développement de la Femme et des Enfants</i> Christian Action for the Development of Women and Children
ACDH	<i>Action Contre l'Impunité pour les Droits Humains</i> Action Against Impunity for Human Rights
AFEMAC	<i>Association des Femmes Magistrats Congolaises</i> (Association of Congolese Women Magistrates)
AJE	<i>Association des Jeunes pour l'Éducation</i> Association of Youth for Education
ALFA	<i>Action Large des Femmes Avocates</i> Comprehensive Action for Women Lawyers
ASEARO	<i>Association Étudiants Auditeurs Radio Okapi</i> Student Association of Radio Okapi Listeners
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
COP	Chief of Party
CSM	<i>Conseil Supérieur de la Magistrature</i> (High Judicial Council)
CSM-PS	CSM Permanent Secretariat
CSO	Civil Society Organization
DFDC	<i>Dynamique des Femmes pour le Développement du Congo</i> Women's Dynamis for the Development of Congo
DRC	Democratic Republic of Congo
EFRPJ	<i>Ecole de Formation et de Recyclage du Personnel Judiciaire</i> (School for the Training and Redeployment of Judicial Staff)
FY	Fiscal Year
JOP	Justices of the Peace
LDFC	<i>Ligue pour le Droit de la Femme Congolaise</i> (League for the Rights of the Congolese Woman)
LIDFED	<i>Ligue des Femmes pour le Développement et l'Éducation à la Démocratie</i> League of Women for Development of Education and Democracy
MOJHR	Ministry of Justice and Human Rights
NGO	Non-governmental organization
PCC	Pilot Court 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>



ProJustice

USAID (Bukavu Catholic University)
United States Agency for International Development

EXECUTIVE SUMMARY

COMPONENT 1: SUPPORT THE ESTABLISHMENT OF NEW JUDICIAL INSTITUTIONS

- The General Assembly of the Conseil Supérieur de la Magistrature (High Judicial Council, CSM) began as scheduled on April 20, 2013 and ended on April 30, 2013. ProJustice provided both technical and logistical support to the preparation and implementation of the assembly. ProJustice staff participated in the committees on Ethics and Discipline, Planning, and Information Management, and Finance and Budget. The project has developed the budget estimates for the CSM for Fiscal Year (FY) 2014.
- The Congolese Judicial Code was officially presented to the CSM at the Supreme Court of Justice on April 24, 2013. The Honorable James Entwistle, US Ambassador to the DRC, and Dr. Diana Putman, USAID Mission Director, presented the Code to the CSM President.
- On June 15, 2013, the President of the Democratic Republic of Congo (DRC) signed 30 reassignments and promotions for civilian and military magistrates and district attorneys. With these decisions, 21 percent of women judges currently in the magistracy were promoted.

COMPONENT 2: ENHANCE THE EFFECTIVE AND TRANSPARENT MANAGEMENT OF THE JUDICIARY AND THE MINISTRY OF JUSTICE AND HUMAN RIGHTS

- During this quarter, two meetings were held with the *Ecole de Formation et de Recyclage du Personnel Judiciaire* (School for the Training and Redeployment of Judicial Staff, EFRPJ); one on April 1 and another on May 15, 2013. The April meeting focused on planning the last training sessions for clerks and prosecutor's secretaries in Kindu. The meeting in May was used to assess the April training sessions and to announce the closeout workshop scheduled for August 2013.
- In April, ProJustice supported the CSM in organizing two training sessions for new judges in Kindu and Lubumbashi. These sessions focused on the functions of Justices of the Peace (JOPs). A total of 11 JOPs (9 men, 2 women) were trained in Kindu from April 15 to 18, 2013 and 36 (29 women, 7 men) from April 16 to 19, 2013 in Lubumbashi.
- On April 19, 2013, during the above mentioned training session, ProJustice presented the "Guide for Justices of the Peace" to judicial authorities in Katanga Province. The ProJustice Chief of Party (COP) delivered a presentation and distributed the code to each of the 36 participants.

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

- After previously outfitting the Bandundu Court of Appeals with magistrates' chairs, tables, and podium, in May 2013 ProJustice provided 10 benches for hearings. These will allow the public to comfortably follow court proceedings.
- ProJustice provided courts and pilot offices in Bukavu, Lubumbashi, and Kindu with a large batch of folders for archiving case files. These will assist in management of court records.

- During this quarter, the project helped process 457 cases in mobile court sessions at the central prisons and closed 58 cases at the 4 pilot sites.

COMPONENT 4: INCREASED ACCESS TO JUSTICE FOR VULNERABLE POPULATIONS

- ProJustice officially presented and distributed copies of the “Guide to the Organization and Operation of a Legal Clinic” to civil society organizations (CSOs) in Lubumbashi (April 12, 2013) and Bandundu (May 4, 2013). The project also provided copies of the guide to 28 non-governmental organizations (NGOs), 15 in Lubumbashi and 13 in Bandundu.
- On May 14, 2013, USAID approved the grant proposal for the additional grant submitted by the *Ligue pour le Droit de la Femme Congolaise* (League for the Rights of the Congolese Women, LDFC). LDFC signed the grant agreement and implemented activities in Kinshasa and Bandundu Provinces in mid-June.
- The project sent questionnaires on access to justice and the grants program for distribution to various partners in Bandundu, Lubumbashi, and Bukavu in advance of the lessons learned workshops.

1. ACTIVITIES AND RESULTS

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

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

Transparent, Merit-Based Criteria for Recruitment, Selection, Discipline, and Promotion of Magistrates Adopted and Implemented by the High Council of the Judiciary

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 of the DRC. Only 4 of the 133 members (3 percent) of the CSM and none of the members of the CSM Permanent Secretariat (CSM-PS), are women. Only 2 of the 26 members (7.6 percent) of the Supreme Court are women and of the 215 courts and prosecutors' offices of the DRC, women head only 5 (2.3 percent). 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. These mechanisms are intended to engage and motivate more competent magistrates and improve the justice system overall. A key component of this effort is to increase female representation. In order to achieve this goal, ProJustice has worked extensively with the *Association des Femmes Magistrates du Congo* (Association of Congolese Women Magistrates, AFEMAC).

Participation of Women in the Magistracy

On June 15, 2013, the President of the DRC signed 30 reassignments and promotions for civilian and military magistrates and district attorneys. With these decisions, 21 percent of women judges currently in the magistracy were promoted. ProJustice applauds the CSM for taking into account the list of women judges seeking positions of responsibility within the country, which was submitted in 2011 after a workshop on the involvement of women in the judiciary. Numerous women on the list were among those receiving promotions, including the following:

Table 1: Promotions of Female Magistrates			
Name	Previous Position	Position Requested	Actual Promotion
KIALA LEMBO Cécile	Substitut du Procureur Général/Kinshasa	Procureur Général affectée au SDE	Procureure Générale au Parquet Général de la Gombe
KITETE LOSAMBA	Juge au Tribunal de Commerce/Kinshasa	Président Tribunal de Commerce	Présidente du Tribunal de Commerce de Boma
MUJINGA BIMANSHA	Conseillère à la Cour d'Appel	Présidente à la Cour d'Appel	1 ^{er} Président à la Cour d'Appel
NZEBA KAPANGU Marie josée	Juge au Tribunal de paix	Présidente au Tribunal pour Enfants	Présidente du Tribunal pour Enfants de Matete
ZAHABU Mireille	Juge au Tribunal de Grande Instance/Kinshasa	Présidente du Tribunal de Paix	Présidente du Tribunal pour Enfants de Ngaliema
FUAKWANZO Gisèle	Substitut du Procureur de la République/Kananga	Procureur de la République	Présidente du Tribunal pour Enfants de Kananga
MUTOMBO BEBEL	Substitut du Procureur Général/Kinshasa	Procureur Général/Kinshasa	Procureure Générale
NIMA NIMA Stella	Présidente du Tribunal de paix/Gombe	Présidente Tribunal de Grande Instance	Présidente Tribunal de Grande Instance/Gombe
MAKONGA LENGE	Conseillère à la Cour d'Appel/Lubumbashi	Présidente à la Cour d'Appel	Présidente à la Cour d'Appel de Lubumbashi

From June 21-22, 2013, ProJustice held a seminar in Lubumbashi for female magistrates on issues regarding career advancement. Thirteen women and eight men attended the two-day seminar. The magistrates discussed the efforts needed to meet the challenges of their profession, what unions can do for career advancement, advocacy strategies that can be adopted, and proposals for strengthening the management authority of the CSM. They made several recommendations to various stakeholders, including:

- *Recommendations for female magistrates*
 - Show dedication by being competitive and by engaging in research;
 - Advocate overcoming any gender-based discrimination.
- *Recommendations for the CSM*
 - Ensure gender balance in the judiciary;
 - Provide concrete recommendations to the President of the Republic regarding gender balance in new assignments and promotions of magistrates.
- *Recommendations for AFEMAC*
 - Continue raising awareness of gender issues among female magistrates;
 - Promote collaboration between members;
 - Ensure the training of young colleagues.
- *Recommendations for wider magistrates' unions*
 - Incorporate statutory provisions to enforce gender balance in committees;
 - Take into account the requests of AFEMAC when making recommendations;
 - Popularize the merits of union membership for female magistrates.

Technical Assistance to CSM Disciplinary Boards

The majority of magistrates in the DRC have limited knowledge of laws dealing with disciplinary proceedings against magistrates who violate their code of conduct and ethics. Although a national legal system exists to deal with these issues, disciplinary rules are inconsistently enforced, even by the disciplinary boards (an organ of the CSM meant to adjudicate alleged breaches of ethics and professional conduct codes). Despite CSM internal regulations recommending the disciplinary boards each be granted \$10,000 annually to cover their operating costs, the Congolese Government has never allocated money to these bodies. This lack of state funding is often coupled with the fact that heads of jurisdictions and offices (presidents of the courts and public prosecutors) generally ignore disciplinary procedures. To help overcome these deficiencies, and to 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.

Lubumbashi Disciplinary Board

During this quarter, the Provincial Disciplinary Board of Lubumbashi ruled on two cases, supported by ProJustice, that were pending from March.

In the first case, *Rôle Disciplinaire* (Disciplinary Record, RD) 24/CPD/2012, a Counselor of the Lubumbashi Court of Appeals was prosecuted for having kept for a year, without the knowledge of

two other magistrates, a case file which was otherwise ready to be delivered. After an investigation and inquiry was conducted, the magistrate was convicted and fined a third of his monthly salary.

The Board then issued a decision in case number RD 25/CPD/2012, which dealt with a judge from the Commercial Court in Lubumbashi. The judge was charged with harassing a clerk to forward him a file when the pleadings from the litigants were not yet received and the clerk had not yet completed the minutes of the hearing. The board acquitted the magistrate.

ProJustice provided supplies and office equipment to the provincial disciplinary board in Bandundu on June 4, 2013. As of this writing, seven new complaints have been registered with the disciplinary boards. According to the First President of the Bandundu Court of Appeals and the President of the Provincial disciplinary board, this increase is due to the new visibility of the office following the provision of these items.

Progress has continued on the development of the disciplinary board case review. ProJustice has received expert commentary on disciplinary board decisions, and after editing, the document will be given to a second editor who will finalize the document before the graphic designer prepares it for printing.

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

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

Develop and implement a Communication and Public Awareness Plan for the CSM

During this quarter, the Planning and Management Commission established during the CSM General Assembly of April 20-30, 2013 elaborated upon the communication strategies prepared by ProJustice in the “Action Plan for the Communication Strategies of the CSM.” That same day, that the CSM General Assembly adopted the communication strategy and designated the prosecutors’ general as the focal points for the communication strategy in all provinces.

DRC Judicial Code Compendium

On April 24, 2013, the Congolese Judicial Code was officially presented to the CSM at the Supreme Court of Justice. The Honorable James Entwhistle, US Ambassador to the DRC, and Dr. Diana Putman, USAID Mission Director, presented the Code to the CSM President. The Code was distributed to all members present at the CSM General Assembly, the justices of the Supreme Court of Justice, and the Prosecutor General of the Republic. It was distributed to other judges in May and June.

On May 6, 2013, ProJustice held a working meeting with the CSM-PS to discuss the distribution of the Congolese Judicial Code to civil magistrates. Given the limited number of copies printed (1,500), more than half of the roughly 3,700 magistrates will not receive a copy. The CSM and ProJustice agreed that priority should be given to magistrates in the provinces with the greatest need, where magistrates work under difficult conditions with limited access to information.

Magistrates in the pilot courts in Lubumbashi in Katanga Province as well as in Bandundu, Maniema, and South Kivu Provinces all received copies of the code in June 2013. For other provinces,

including Bas-Congo, Equateur, Kasai Occidental, Kasai Oriental, North Kivu, Orientale, and Kinshasa, ProJustice will provide copies to all heads of courts and local government officials. This will allow magistrates to review the code when needed. This additional distribution has been temporarily suspended until the CSM's recent reassignment of magistrates to new positions is complete. The project plans to continue with distribution next month.

Provide Financial and Technical Support for the 2012 CSM General Assembly

The CSM General Assembly began as scheduled on April 20, 2013 and ended on April 30, 2013. ProJustice provided both technical and logistical support to the preparation and implementation of the assembly. ProJustice staff participated in the committees on Ethics and Discipline, Planning and Information Management, and Finance and Budget. In addition, the project has developed the budget estimates for the CSM for FY 2014 (**see Attachments 1 and 2 for two decisions of the CSM General Assembly**).

ProJustice also prepared working documents for all members attending the CSM General Assembly, including the Communication Strategy document, the law on the organization and functioning of the CSM, the law on the status of magistrates, the Rules of Procedure of the CSM, and badges for all members of the CSM, press, protocol, and invitees. The project updated the membership directory given to all CSM members and provided briefcases to attendees to carry the documents.

Using the Windows of Opportunity funds, the project supported the publication of the Code of Conduct and Ethics for Magistrates in the Official Gazette. ProJustice began distributing the code of conduct in April 2013 in Kinshasa.

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

The President of the Republic has not yet signed the law on the organization and functioning of the Constitutional Court and ProJustice cannot implement activities related to the Constitutional Court until this occurs. The project has led both formal and informal advocacy efforts for the proclamation of this law since 2010, but has been unable to achieve significant progress, largely due to the lack of political will on the part of the President and his advisors. In light of this situation, ProJustice has proposed alternative activities in this year's work plan to be implemented in the event that the law on the Constitutional Court fails to receive approval. The work plan was approved by USAID earlier this year and the implementation of alternative activities is being approved sequentially.

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

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

Enhanced Management Skills of the Ministry of Justice and Human Rights Staff

Meetings with the *École de Formation et de Recyclage du Personnel Judiciaire* (School for the Training and Redeployment of Judicial Staff, EFRPJ)

By working closely with local partner organizations such as the EFRPJ, ProJustice is striving to ensure the continuity and sustainability of its work in the DRC after the project ends on September 30. For more than 20 years, the administrative structure of the EFRPJ did not function properly. Many staff members of the Ministry of Justice and Human Rights (MOJHR) have never been trained in the use of modern equipment or technologies. The project is working with current EFRPJ staff by training them to take over project activities related to training judicial personnel, including on the use of such technology.

During this quarter, the project held two meetings with the EFRPJ, on April 1 and May 15, 2013. The April meeting focused on planning the last of the training sessions for clerks and prosecutors' secretaries in Kindu. The meeting in May was used to assess the April training sessions and to announce the closeout workshop scheduled for August 2013.

Meetings with the CSM-PS

ProJustice continues to meet regularly with the CSM-PS focusing on training judges. During this quarter, three meetings were held on April 3, April 8, and May 2, 2013. These meetings were used to plan training sessions for new JOPs in Kindu and Lubumbashi.

1.2.2. Component 2B: Enhance Court Staff Skills and Qualifications through Standardized Initial and Ongoing Training Programs for Court Personnel (Magistrates and Non-Magistrates)

Standardized Initial and Continuing Training Programs for Court Personnel

ProJustice works to support the mission of state institutions to build the capacity of the Congolese judiciary, through continuing education and other activities. The project helps the CSM and the EFRPJ organize courses for magistrates and clerks and prosecutors' secretaries. In this context, ProJustice supported four training sessions: two courses for non-magistrate court staff (clerks and prosecutors' secretaries) and two other training sessions for JOPs.

In April, ProJustice supported the EFRPJ in organizing two training sessions on practical management for clerks as well as for prosecutors' secretaries in Kindu. During these trainings, held from April 15-17, 2013, 9 clerks (7 men, 2 women) and 21 prosecutors' secretaries (18 men, 3 women) participated.

Training of Magistrates

In April, ProJustice supported the CSM in the organization of two training sessions for new judges in Kindu and Lubumbashi focused on the functions of the JOPs. A total of 11 JOPs (9 men, 2 women) were trained in Kindu and 36 (29 women, 7 men) in Lubumbashi. These training sessions were held from April 15-18, 2013 in Kindu and April 16-19, 2013 in Lubumbashi. After these sessions, training certificates were given to each participant.

Presentation of the *Guide for Justices of the Peace*

On April 19, 2013 ProJustice presented the “Guide for Justices of the Peace” to judicial authorities in Katanga Province, during the above-mentioned JOP training sessions. After the presentation by the COP, the code was distributed to each of the 36 participants.

1.2.3. Component 2C: Improvement of Budget and Resource Management by the CSM and Ministry of Justice and Human Rights**Judicial Budgets Adopted Through Transparent Procedures That Increasingly Reflect Real Operational Costs of Justice System Operations**

In April, support for the CSM primarily focused on technical support to the CSM General Assembly.

Revised Budget Estimates at the Request of the CSM

Between April 1-20, 2013, the ProJustice expert in finance and budget met with the CSM on multiple occasions. This led to revised budget estimates (originally developed in March 2013) that more accurately account for the separation of the Supreme Court into the Constitutional Court of Justice and the State Council. To adequately prepare for the operation of these new judicial institutions, the President of the CSM asked that the funds requested for the Supreme Court be tripled in the budget. Copies of the budget adopted by the CSM Finance Committee were given to each attendee of the General Assembly.

Amendments to the Budget by the Finance Committee

The ProJustice expert contributed to the development of resolutions relating to finance and budget in the judiciary budget forecast for FY2014. The Finance Committee integrated the following requests into the budget forecast:

- The remuneration of military and civilian auxiliary judges¹ at the average pay scale for magistrates in the jurisdictions where they serve
- Purchasing of 12 new suits (1 per month) for all heads of courts
- Purchasing of dress uniforms for heads of military courts
- Purchasing of two vehicles each for the first Presidents and the Attorneys General, one for official duties and the other for their families’ needs.

¹ Auxiliary judges are non-magistrates who are appointed by the courts to rule in a specific, usually highly technical, matter that may fall outside the competence of a regular magistrate.

Following consultation with the members of the Finance Committee, the latter three requests were removed from the budget, as it was considered that they would likely serve to discredit the document.

The Opening of Dedicated Bank Accounts for Courts and Offices

One of the requirements of the Government (Ministry of Finance and Budget) is for the courts and offices to open (where possible) a dedicated bank account through which budgetary allocations can be transferred, to ensure traceability. This plan was adopted by the magistrates at the 2012 CSM General Assembly. The ProJustice expert reminded Finance Committee members that the Government insists on seeing this occur for all transfers of funds approved under the Finance Act.

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

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

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

ProJustice provides support to courts in each of the four pilot provinces (Bandundu, Kivu, Maniema, and Katanga), as well as at the institutional level, to strengthen their managerial capacity. This support aims at improving the administrative offices of the courts to better organize services and to make these services more functional, competitive, and reliable for the benefit of justice sector officials, litigants, and the general population.

This quarter, ProJustice provided support in several areas, including the following.

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 secure. More important, 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, the 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. Personnel are ill-trained, 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 and to select those that are urgent or important and require early disposition.

During the reporting period, the project conducted audits of 107 case files in each of the pilot sites (Table 2). In general, court staff have mastered the filing system, with ProJustice staff discovering only minor errors in a small number of case files.

Table 2. Case Files Audited, April-June 2013				
Site	April 2013	May 2013	June 2013	Total
Bandundu	-	-	-	-
Bukavu	25	34	-	59
Kindu	18	-	-	18
Lubumbashi	15	15	-	30
TOTAL	58	49	-	107

Software Development for Management of Court Records

To facilitate the traceability of case records in the court registries, ProJustice finalized the review during the quarter of the JudiciairePro case management software. The program is based on an Access 2007 database and VB.NET (Visual Basic DotNet) programming language. The program will allow for streamlined management of criminal and juvenile cases. ProJustice will monitor and support the use of this program.

Through the use of JudiciairePro, the courts will be able to provide statistical data relating to criminal and juvenile cases far faster than is possible with the current system. After the original version was developed, the project asked for revisions to the software and for comments from court officials in Bukavu and Lubumbashi. The designers then improved the software.

This quarter, the project successfully completed the test of the case management database software in Bukavu and Lubumbashi. ProJustice will support the CSM to roll out the software to courts in the other provinces in the project’s final quarter.

Judicial Archiving Charter

In the DRC, although there is officially a National Archives Center based in Kinshasa, the reality is that the department is barely functional for several reasons. It lacks operational funds, and the few records that are maintained are stored in premises and under conditions that are inadequate. The judicial archives are in a similar dilapidated condition.

Following the work of the expert archiving consultant in late 2012, the judicial archiving charter has been approved by the CSM and its annex on the retention schedule will be finalized in July 2013.

Provision of Case File Archiving Folders

This quarter, ProJustice provided courts and pilot offices in Bukavu, Lubumbashi, and Kindu with a large batch of folders for archiving case files, to assist in management of court records. In total, the project provided:

- 1,100 folders in Bukavu;

- 1,000 folders in Kindu; and
- 1,500 folders in Lubumbashi

Partitioning of the Magistrate’s Offices at the First Instance Prosecutor’s Office in Kindu

Work on the partitioning of the First Instance Prosecutor’s Office in Kindu was 90% complete as of the end of this quarter. The final evaluation will be completed in July 2013 when ProJustice staff visit Kindu.

Facilities of the Courtroom of the Court of Appeal of Bandundu



After previously fitting out the Bandundu Court of Appeals with magistrates’ chairs, tables, and a podium, ProJustice provided 10 benches in May 2013. These will allow the public to comfortably follow court proceedings.

Pilot Site Program Implementation Committees

ProJustice’s approach to improving administration of the judiciary 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. 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 CSOs working in the justice sector are commonly excluded from judicial operations and thus have little input into the management of the system. Another issue is that most heads of jurisdiction (e.g., prosecutors general) lack the managerial skills to run democratic meetings.

To address these shortcomings, the project initiated regular planning meetings with all stakeholders. Pilot Court Coordinators (PCCs) 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 3 of the pilot sites during the quarter; 42 people (40 men, 2 women) attended (Table 3).

Table 3. Action Plan Committee Meetings and Participants, April – June 2013				
Site	Date (2013)	Beneficiaries	Men	Women
Bandundu	9 May	Judicial Personnel	15	0

Bukavu	15 May		13	2
Lubumbashi	13 April		12	0
TOTAL			40	2

In addition to the Committees, ProJustice supported meetings of NGO networks within the justice sector in all pilot sites (Table 4). The meetings facilitate greater coordination between organizations working on justice-related issues, thus avoiding unnecessary duplication of activities.

Table 4. NGO Meetings and Participants, April – June 2013				
Site	Date (2012)	Beneficiaries	Men	Women
Bandundu	8 May	NGO Members	8	5
Bukavu	10 April		4	6
Lubumbashi	12 April		8	2
TOTAL			20	13

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 authority of the prosecuting magistrates of the *Tribunal de Grande Instance* (First Instance Court, TGI). The Judicial Police, the Maritime Police, prosecutors’ offices, and provincial prisons operate the detention centers, which typically contain 5–30 individuals. A province normally has several detention centers, most located near 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 such authority on a whim and without cause. Once arrested, a detainee is subject to rules that neither he/she, nor the arresting personnel, understand fully.

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. The required inspections occur infrequently, however, primarily because the inspecting magistrates and their administrative assistants lack transportation. If detention centers are not inspected, detainees may languish in deplorable conditions (i.e., without food, sanitary facilities, privacy, or medical care) for months while being held illegally or unnecessarily. During the time the detainees are in detention, victims of crime do not receive justice and witnesses to the events may disappear altogether. Detainees who are guilty of their charges may be illegally released following the payment of bribes to local officials.

To remedy these situations, ProJustice PCCs provide funds for transportation and meals for the inspection teams. PCCs also provide administrative assistance by including recommendations for improving the collection of relevant information during these inspections. Recent reports have shown a significant improvement in compliance with these standards, deriving from the work of ProJustice.

During this quarter, inspectors reviewed the cases of 593 people (503 men, 39 women, 49 boys, 1 girl, 1 elderly person), reflecting 626 offenses. Table 6 shows a detailed quarterly statement of the inspections held at the pilot sites, including the numbers and types of detainees, the number of cases reviewed, and the results of those reviews. (NB: The number of cases in Table 5 may not necessarily match the offenses in Table 7, as some detainees were held for multiple violations.)

Table 5. Demographics and Dispositions of Detention Center Inspections, April – June 2013													
Category		Number of cases											
		Bandundu			Bukavu			Lubumbashi			Kindu		
A = April M = May J = June		A	M	J	A	M	J	A	M	J	A	M	J
Cases reviewed	Men	21	19	19	42	62	31	30	51	17	44	35	38
	Women	1	4	4	2	3	1	5	6	3	2	2	3
	Girls	0	0	0	0	1	0	0	0	0	0	0	0
	Boys	0	2	2	13	10	5	3	1	-	1	2	2
	Elderly	0	0	0	0	0	0	0	0	0	1	0	0
	TOTAL	22	25	25	57	76	37	38	58	20	48	39	43
Cases transferred to prosecutor's office	Men	5	10	10	16	36	2	25	17	5	23	18	24
	Women	1	2	2	0	0	0	0	0	0	2	2	3
	Girls	0	0	0	0	0	0	0	0	0	0	0	0
	Boys	0	0	0	7	9	4	1	1	0	1	2	2
	Elderly	0	0	0	0	0	0	0	0	0	1	0	0
	TOTAL	6	12	12	23	45	6	26	18	5	27	22	29
Cases with detention confirmed		9	4	5	25	21	18	4	16	11	19	11	14
		0	1	1	2	2	1	2	2	3	0	0	0
		0	0	0	0	0	0	0	0	0	0	0	0
		0	0	0	6	0	0	0	0	0	0	0	0
		0	0	0	0	0	0	0	0	0	0	0	0
	9	5	6	33	23	19	6	18	14	19	11	14	9
Cases with detainee released unconditionally	Men	2	3	2	1	5	11	2	18	1	2	6	0
	Women	0	1	1	0	1	0	2	4	0	0	0	0
	Girls	0	0	0	0	1	0	0	0	0	0	0	0
	Boys	0	2	2	0	1	1	2	0	0	0	0	0

	Elderly	0	0	0	0	0	0	0	0	0	0	0	0
	TOTAL	2	6	5	1	8	12	6	22	1	2	6	0
Cases of sexual violence (N.B.: Not included separately in totals)	Men	2	2	3	0	5	2	3	0	0	1	1	3
	Women	0	0	0	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
	TOTAL	2	2	3	0	5	2	3	0	0	0	1	1
Cases with detainee held under provisional warrant	Men	5	2	2	0	0	0	0	0	0	0	0	0
	Women	0	0	0	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
	TOTAL	5	2	2	0	0	0	0	0	0	0	0	0

Table 6. Number of Cases of Various Types, April – June 2013

Charges	Bandundu			Bukavu			Kindu			Lubumbashi			Total
	A	M	J	A	M	J	A	M	J	A	M	J	
	A	M	J	A	M	J	A	M	J	A	M	J	
Armed robbery	-	-	-	-	3	2	-	-	-	-	-	-	5
Arson	-	-	-	-	-	1	-	-	-	-	-	-	1
Associating with criminals	-	-	-	1	3	-	-	-	-	-	-	-	4
Attempted rape	-	-	-	-	1	-	-	-	-	-	-	-	1
Attempted theft	2	-	-	-	1	-	-	1	-	-	1	-	5
Breach of trust, fraud	3	6	7	8	9	-	5	7	-	11	17	5	78
Child/Family abandonment	1	-	1	-	1	1	-	-	-	-	-	-	4
Concealment/Handling of stolen goods	1	2	1	2	1	12	-	-	2	2	-	3	26
Contempt of public authority	-	-	-	-	-	-	-	-	-	-	-	2	2
Death threats	-	-	-	-	1	-	1	2	3	-	3	2	12
Destruction of property	3	2	1	-	3	2	3	1	-	1	2	2	20

Driving under the influence	-	-	-	-	1	-	-	-	-	-	-	-	1
Extortion with theft	5	3	3	2	10	1	-	7	1	-	10	3	45
Failure to assist person in danger	-	-	-	-	-	-	-	-	1	-	-	-	1
Forgery	-	-	-	-	-	-	3	3	-	-	-	-	6
Grievous assault	3	3	2	4	10	4	-	-	-	1	1	1	29
Homicide	-	-	-	-	3	2	-	-	1	-	-	-	6
Illegal occupation of land	1	1	-	-	-	-	-	-	-	-	-	-	2
Illegal weapons possession	-	-	-	-	7	-	-	-	-	-	-	-	7
Influence peddling	-	-	-	-	-	-	2	-	-	-	-	-	2
Involuntary manslaughter	-	-	-	-	-	-	-	-	-	3	-	-	3
Manslaughter	-	-	-	-	-	-	-	-	10	-	-	-	10
Minor assault	-	6	-	2	1	-	6	6	-	10	12	-	43
Public drunkenness/Underage drinking	-	-	-	-	5	5	2	1	1	-	-	-	14
Rape	2	2	3	-	4	2	1	1	3	3	-	-	21
Rebellion	-	-	-	-	5	1	-	-	14	-	-	-	20
Robbery	-	-	-	7	7	6	-	-	-	3	2	-	25
Slander	3	3	2	-	1	-	6	4	1	1	-	1	22
Smoking cannabis	-	-	1	-	1	-	1	-	-	-	-	-	3
Theft	-	2	3	6	-	9	12	-	4	2	-	-	38
Threat of treason	-	-	-	1	1	2	-	-	-	1	-	-	5
Threat to public order	-	-	-	-	-	-	-	-	-	-	3	-	3
Unlawful confinement/Kidnapping	-	-	-	-	-	-	-	1	-	-	-	-	1
Unlawfully at large	-	-	-	-	-	-	-	1	2	-	-	-	3
Verbal threat	-	-	-	-	4	-	3	1	-	-	4	-	12
Violation of state security	-	-	-	-	-	-	4	2	-	-	-	-	6
Civil cases—transferred to civil court	-	-	2	1	9	-	1	2	-	-	1	1	17
TOTAL	24	30	26	34	92	50	50	40	43	38	56	20	503

Supporting Process Servers

Parties to court proceedings (accused persons, 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 screen 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 this quarter, ProJustice provided support for 120 cases (Table 7).

Table 7. Cases Supported in Each Pilot Jurisdiction, April – June 2013	
Site	Number of Cases
Bandundu	40
Bukavu	32
Kindu	18
Lubumbashi	30
TOTAL	120

1.3.2. Component 3B: Enhanced Accessibility of Pilot Courts

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

Information Kiosks

Most Congolese are extremely poor, with few resources to pay for legal assistance. Most people involved in legal cases do not know how to stay informed about 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, 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, the information kiosk in Lubumbashi has been providing information to citizens and guiding them through the legal process, thus improving access to justice.

The resumption of operation of the kiosk in Kindu this quarter was a major breakthrough, as it had been non-operational for several months. The Prosecutor General in Kindu assigned court staff on a rotating basis to staff the kiosk, which has led to the availability of these long-awaited services.

Table 8. Beneficiaries of Information Kiosks, April – June 2013				
Site	Beneficiaries			
	Men	Women	Boys	Girls
Lubumbashi	216	159	4	1
Kindu	185	164	-	-
Total	401	324	4	1

Increased Number of Cases Involving Vulnerable Populations Resolved Through the Justice System in Targeted Jurisdictions, Including Outside the Provincial Capitals

Mobile Court Sessions

ProJustice provides financial and technical support for court hearings in the central prisons of each of the provincial capitals (Bandundu, Bukavu, Kindu, and Lubumbashi). Holding hearings in these facilities reduces overall costs, as well as the risk of security incidents among detainees. During this quarter, the project helped process 457 cases at the central prisons, and closed 58 cases in the 4 pilot sites (Table 9).

Table 9. Cases Heard at Mobile Courts, April – June 2013								
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	-	-	8	2	-	-	39	13
Bukavu	-	-	71	1	-	-	90	9
Kindu	37	12	128	43	-	-	55	24
Lubumbashi	-	-	29	3	-	-	-	-
TOTAL	37	12	236	49	-	-	184	46

1.4 COMPONENT 4: INCREASED ACCESS TO JUSTICE FOR VULNERABLE POPULATIONS

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

Civil Society Capacity for Legal Aid and Awareness-Raising Strengthened

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 challenges they face in carrying out their work on the ground.

Technical Assistance to CSOs :

- Support to the Legal Clinic at the *Université Catholique de Bukavu* (Bukavu Catholic University): The project was completed on April 25, 2013 and ProJustice is awaiting the final report as well financial documentation.
- ProJustice officially presented and distributed copies of the “Guide to the Organization and Operation of a Legal Clinic” to CSOs in Lubumbashi (April 12, 2013) and Bandundu (May 4,

2013). Copies of the guide were also provided to 28 NGOs including 15 NGOs in Lubumbashi and 13 NGOs in Bandundu. A total of 41 people including 15 women represented these NGOs.

- Following the proofreading of the draft brochure on access to justice in three national languages (Lingala, Kikongo, and Swahili), the document will be sent to the printing company at the beginning of July.
- The project has revised the draft of the brochure on the organization of court open houses by incorporating the amendments made by colleagues, and the document will be finalized by mid-July.
- The first draft of the advocacy guide has been completed, and will be reviewed by the COP by the beginning of July.

Sexual and Gender-Based Violence (SGBV) Pictorial Flip Chart

- The printer delivered 70 copies of the SGBV pictorial flip chart to project staff on May 13, 2013. ProJustice plans to distribute these documents shortly.
- The project is planning a meeting with the Ministry of Gender, Family, and Children to present the final version of the flip chart.

1.4.2. Component 4B: Sub-Grants to Civil Society Organizations, CSOs)

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

- On April 19, 2013, the project conducted a monitoring visit and final evaluation of the LDFC.
- ProJustice completed the classification of files for 3rd cycle grantees. An intern completed in putting the 3rd cycle grant information into an electronic directory and codifying the physical files.
- On April 25, 2013, ProJustice organized a meeting with the Director of Tetra Tech DPK, Robert W. Page Jr., and the following CSOs in Kinshasa:
 - *Action Chrétienne pour le Développement de la Femme et des Enfants* (Christian Action for the Development of Women and Children, ACDFE)
 - *Association des Jeunes pour l'Éducation* (Association of Youth for Education, AJE)
 - *La Ligue des Femmes pour le Développement et l'Éducation à la Démocratie* (League of Women for Development of Education and Democracy, LIDFED)
 - AFEMAC
 - *Action Contre l'Impunité pour les Droits Humains* (Action Against Impunity for Human Rights, ACDH)
 - LDFC
- From May 3 to 6, Prince Kumwamba, Grants Assistant, carried out a mission in Bandundu to officially present the “Guide to the Organization and Operation of a Legal Clinic” to CSOs. During this mission, ProJustice presented certificates of achievement to CSOs that have successfully implemented grants. The organizations receiving grants were *Centre pour la*

Promotion Sociale et Communautaire (Center for Social and Community Advancement, CEPROSOC), *Promotion de la Santé, des Droits de la Femme et Enfant* (Promotion of Health, Women's, and Children's Rights, PROSADEF), and *Association Étudiants Auditeurs Radio Okapi* (Student Association of Radio Okapi Listeners, ASEARO).

- On May 14, 2013, USAID approved the grant proposal for the additional grant submitted by LDFC. LDFC has signed the grant agreement and plans to implement activities in mid-June in Kinshasa and Bandundu Provinces.
- From May 12-18, 2013, Lyliane Ankwarmen, Grants Manager, visited Lubumbashi for monitoring and evaluation of project activities implemented by the legal aid clinic at the Lubumbashi Bar Association. Additionally, the project provided certificates of completion for grant programs funded by ProJustice in previous grant cycles to *Dynamique des Femmes pour le*



Presentation of Grant Completion Certificate to DFDC and ALFA, Lubumbashi, May 2013

Développement du Congo (Women's Dynamic for the Development of Congo, DFDC) and *Action Large des Femmes Avocates* (Comprehensive Action for Women Lawyers (ALFA)). Twenty people (16 women, 4 men) from DFDC and ALFA attended the meeting. The certificates for the CDJP and Lubumbashi Bar are at the ProJustice office and will be awarded after the official closure of these projects.

- In May, the project provided technical assistance to the Lubumbashi Bar Association, *Commission Diocésaine Justice et Paix* (Diocesan Justice and Peace Commission, CDJP), and the LDFC to finalize their financial and narrative reports.

- In June, ProJustice provided technical assistance to the Lubumbashi Bar and the *Commission Diocesane de Justice et Paix* (Diocesan Commission for Justice and Peace, CDJP) to finalize their financial reports before receiving their final reimbursement.
- On June 24, 2013, ProJustice participated in the awareness-raising workshop for litigants, law students, and government authorities on the effectiveness and improvement of free legal assistance in the DRC, organized by LDFC. A similar workshop was held on June 28, 2013 in Bandundu, as detailed below. ProJustice provided technical assistance for this activity through the grants program.
- The Project sent questionnaires regarding access to justice and the grants program to Bandundu, Lubumbashi, and Bukavu this quarter for distribution to various partners in advance of mini-workshops in the pilot sites to share lessons learned.

Grantee Legal Assistance to Vulnerable Populations

All activities have now been completed, and the third grant cycle is closed.

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

Kinshasa Province

LDFC

Grant Period: May 20 – July 31, 2013

- On June 24, 2013, LDFC organized a day of awareness for litigants, lawyers, and government authorities on the effectiveness and functioning of the free legal aid in the DRC at the Bethany Centre in Kinshasa. Taking part in this workshop were law students, attorneys, government authorities, and members of national and international human rights organizations. In total 63 people attended (44 men, 19 women). The objective of workshop was to educate and raise awareness among lawyers of the need to provide free consultations and for government authorities to provide the funds designated in the state budget for this purpose. Additionally, two lawyers of the bar associations of Bandundu and Lubumbashi attended and will provide reports to colleagues in their respective communities.
- LDFC, with the support of a consultant, issued a guide for raising awareness about free legal aid which was distributed to the participants at the workshop.
- LDFC held a second workshop on the same subject in Bandundu on June 28, 2013. A total of 53 (46 men, 7 women) lawyers, law students, budgetary authorities, and members of international and local human rights organizations attended.

2. PROJECT ADMINISTRATION AND MANAGEMENT

Following the early award of the Justice Sector Support Program (JSSP) in Côte d’Ivoire to Tetra Tech DPK, COP Daniel Dobrovoljec departed the ProJustice project on May 14, 2013. With USAID approval, Justin Ntakobajira, former Component leader for ProJustice, assumed the position of COP, working for approximately two weeks alongside Mr. Dobrovoljec before his departure in order to be up-to-date on project activities and outstanding issues. Mr. Ntakobajira will serve as COP until the end of the task order.

On June 10, 2013, Tt DPK submitted the Closeout Plan for the ProJustice project as requested by USAID. Following comments, the plan was subsequently approved by the Contracting Officer on June 25, 2013.

3. QUARTER 19—PROBLEMS AND REMEDIAL ACTIONS

Problem Encountered	Corrective Action Proposed/Taken
<p>The law creating the constitutional court has not been promulgated by the President even though it was sent to him in May 2011. As such, project activities relating to the passage of the law continue to be stalled.</p>	<p>Except for some advocacy activities, no other action is possible, as action is entirely dependent on the DRC Government. The project included plans for alternative activities in its work plan, in case the approval of this law does not advance. USAID is approving the implementation of these alternate activities on an ad hoc basis.</p>

The security situation remains volatile in North and South Kivu, particularly with recent tensions related to the growth of the M23 rebellion and spillover effects.

Staff security is always paramount in these situations. ProJustice attempts to determine security conditions prior to staff travel, and is prepared to postpone or cancel activities if necessary.