

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



USAID
FROM THE AMERICAN PEOPLE

**8th Quarterly Progress Report
July-September 2010**

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

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ACRONYMS

ACIDH	Action contre l'Impunité pour les Droits Humains
AFEJUCO	Association des Femmes Juristes Congolaises
APRODEPED	Action pour la Promotion et la Défense des Droits des Personnes Défavorisées
ARAL	Arche d'Alliance
CDJP	Commission Diocésaine Justice et Paix
CMJ	Comité Mixte de Justice
CSM	Conseil Supérieur de la Magistrature
CSO	Civil Society Organization
DFDC	Dynamique Femme pour le Développement du Congo
DRC	Democratic Republic of the Congo
EFRPJ	Ecole de Formation et de Recyclage du Personnel Judiciaire
EU	European Union
FELEMA	Femme, Lève-toi et Marche
IDLP	Institut pour la Démocratie et le Leadership Politique
LDFC	Ligue pour le Droit de la Femme Congolaise
LIDPROVLDH	Ligue Congolaise pour la Défense, la Promotion et la Vulgarisation des Lois et des Droits Humains en Milieu Rural
LIFDED	Ligue des Femmes pour le Développement et l'Education à la Démocratie
MOJ	Ministry of Justice
NGO	Non-Governmental Organization
OCET	Œuvre Communautaire pour l'Education pour Tous
PACT	Program Action Plan
PAG	Programme d'Appui à la Gouvernance
PS	Permanent Secretariat
REC	Review and Evaluation Committee
SDE	Service de Documentation et d'Etudes
SGBV	Sexual and Gender-Based Violence
TGI	Tribunal de Grande Instance
TTDPK	Tetra Tech DPK ¹
UNDP	United Nations Development Program
USAID	United States Agency for International Development

¹ DPK Consulting became Tetra Tech DPK on October 1, 2010.

1. EXECUTIVE SUMMARY

The Promoting and Strengthening Justice in the Democratic Republic of Congo Project (“ProJustice”, or “the project”), funded by the United States Agency for International Development (USAID), began in September 2008 and is a three-year project with two option years. The primary focus of ProJustice is on improving the effectiveness, transparency, and accessibility of the justice system by building capacity within the judiciary to manage resources, personnel, and court processes. In addition, the project works to strengthen civil society advocacy, oversight, and outreach to vulnerable populations. Activities are organized around four components:

1. Support the establishment of new judicial institutions
2. More effective and transparent management of the judiciary and the Ministry of Justice (MOJ)
3. More effective, transparent, and accessible court operations in pilot jurisdictions
4. Increased access to justice for vulnerable populations.

This report describes the project’s major activities and achievements during the last quarter of the 2009-2010 fiscal year, i.e., July-September 2010.

COMPONENT 1

This quarter, ProJustice completed the Code of Ethics and Professional Conduct for Magistrates. The draft Code was approved by the Conseil Supérieur de la Magistrature Permanent Secretariat (CSM PS) and other counterparts during a workshop held on July 23. In August, ProJustice organized a workshop on magistrates’ careers with all members of the CSM PS. ProJustice also continued work on the CSM organic framework in cooperation with the European Union (EU)-funded Programme d’Appui à la Gouvernance (PAG) project. The document detailing the internal organization of the CSM and the respective responsibilities of the units and administrative staff will be finalized in October.

Moreover, ProJustice commenced work on the Democratic Republic of the Congo (DRC) Judicial Organization Code which aims to ensure that magistrates have ready access to laws, decrees, and rulings. Preparations also began for a career development workshop to be held in August with magistrates of the CSM.

COMPONENT 2

During this quarter, ProJustice (in close coordination with the CSM, Ministry of Justice (MOJ), and international partners) finalized the initial training program for new magistrates. Out of the first group of 1,000 magistrates trained, 328 were assigned to the four provinces that comprise ProJustice’s pilot jurisdictions. A second group of 1,000 magistrates will be trained in the coming months.

In September, Component 2 organized two training workshops for non-magistrate personnel in Bandundu Province. Twenty-eight male and 7 female clerks and prosecutors’ secretaries were trained in the management of tribunals and prosecutors’ offices.

In September, the ProJustice Budget and Finance Expert completed an inventory of needs and revenues of the pilot jurisdictions. The inventory was carried out in collaboration with the CSM PS members in charge of finance and budget. In addition, ProJustice staff met with several members of the DRC Parliament Economic and Financial Committee to generate support for approval of the judicial branch budget.

COMPONENT 3

During this quarter, ProJustice worked toward delay reduction in the four pilot jurisdictions. Project activities included the organization of a delay reduction workshop; support for the operation of delay reduction committees; assisting in the payment of court costs for indigent accused; and financing for mobile courts and the inspection of detention centers. The project also provided shelving and new file folders to improve case management. Furthermore, a new archive room was supplied with documentation and court staff were trained in its management and use. Bulletin boards have been installed to provide better information for citizens entering the courthouses and the new courthouse in Kindu was finally completed.

COMPONENT 4

Tetra Tech DPK (TTDPK) sent an international expert to complete an evaluation and audit of the project's grants program in the provinces of Katanga, Maniema, and South Kivu. At the close of the mission, the expert presented preliminary findings both to ProJustice Kinshasa staff and USAID. The final report will be provided to USAID by the end of October. This evaluation will allow ProJustice to implement recommendations to strengthen the grants program.

The review and evaluation committee (REC) met this quarter to evaluate grant proposals. The REC recommended two proposals from Katanga Province (the Lubumbashi Bar Association and the Commission Diocésaine Justice et Paix (CDJP)) for award, although they needed some minor modifications.

WINDOWS OF OPPORTUNITY

The initial training program for new magistrates that started during the previous reporting period ended in mid-July. This program was funded from the Windows of Opportunity. ProJustice played a leading role in the organization of the program, particularly in the Lubumbashi training center, where ProJustice staff supervised and monitored all training sessions. A second training session is expected to start in October–November 2010.

SUPPLEMENTAL PROGRAM IN EASTERN CONGO

This quarter was the final quarter for the Supplemental Program in Eastern Congo, a two-year program. During this quarter Component 2 organized two major activities:

- A train-the-trainers program for the two Eastern pilot provinces, Maniema and South Kivu. In September in Bukavu, ProJustice trained a first group of 18 non-magistrate judicial personnel (12 men and 2 women from South Kivu, 3 men and 1 woman from Maniema).
- The project delivered a training program in criminal law to 68 male and 44 female law students of the Bukavu Catholic University in South Kivu. At the end of the training program, the students were evaluated by ProJustice and received an award certificate on the basis of their results.

Several delay reduction activities also took place, including meetings of the judicial delay reduction committees in Bukavu and Kindu.

2. QUARTER 8 ACTIVITIES AND RESULTS

COMPONENT 1: SUPPORT THE ESTABLISHMENT OF NEW JUDICIAL INSTITUTIONS

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

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

1.1.1. Code of Ethics and Professional Conduct for Magistrates

ProJustice helped conduct a workshop on July 23 with all of the CSM PS members, various members of the magistrates' union, the Justice Minister's advisor in charge of ethics, 11 CSM experts, and USAID. At the end of the workshop, the participants officially adopted the final draft of the Code of Ethics and Professional Conduct for Magistrates (Code of Ethics), which ProJustice has been instrumental in drafting (see Attachment 1).



CSM members, ProJustice staff, and USAID representative at the workshop to adopt the Code of Ethics and Professional Conduct for Magistrates.

The final version of the Code of Ethics was validated by the MOJ and the Comité Mixte de Justice (CMJ) Secretariat on August 11.

The last step is for the CSM Bureau to approve the Code of Ethics. This was planned to occur during the CSM General Assembly. However,

largely for budgetary reasons, the DRC government has continued to postpone the General

Assembly, which should normally occur in April each year. ProJustice is working on alternative strategies to have the Code of Ethics approved despite the postponed General Assembly, such as a memo addressed to the CSM Bureau requesting an ad hoc resolution to approve the Code.

1.1.2. Technical Assistance to the CSM Disciplinary Board

ProJustice has finished developing its assistance plan for the CSM Disciplinary Boards, based on the ProJustice report providing an overview of disciplinary practices in the judiciary (see Attachment 2). During FY 2011, ProJustice will provide financial support as needed to the Disciplinary Board and technical assistance to finalize a draft of the Board's internal procedures.

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

On August 4, ProJustice conducted a one-day workshop in Kinshasa on magistrates' careers (see Attachment 3). The workshop was attended by members of the CSM PS and representatives of the magistrates' union. The workshop included a presentation of the Code of Ethics which guided the discussion of principles concerning the recruitment, promotion, and discipline of magistrates. The intention is for the Code of Ethics to provide guidance for the DRC magistrates' career system. Other important items discussed during the workshop included financial autonomy for the judicial branch, implementation of the statute for magistrates, training for new magistrates, and disciplinary mechanisms. ProJustice will be continuing to work with the CSM to develop a new merit-based career system for magistrates in FY11.

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

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

1.3.1 Recruitment of New Administrative Staff in the CSM

ProJustice, in cooperation with the EU-funded PAG project, finalized the CSM organic framework and basic organizational structure. ProJustice is now providing assistance to the CSM to fill all of the new administrative positions in accordance with the new structure. Project staff provided technical assistance to draft the job descriptions of the staff to be recruited. These descriptions will be discussed during a workshop jointly organized by ProJustice and PAG on October 7-8.

1.3.2 Study Tour to Benin for CSM Members

ProJustice is planning a study tour to Benin from November 15-26, 2010 to introduce the CSM members to a well-respected judicial system in Africa and exchange information. ProJustice has been working closely with the CSM this quarter to plan the study tour. A planning session was held on September 20 with CSM members, and the counterparts have given positive feedback on the initiative. ProJustice prepared a detailed program and list of participants for the study tour (see Attachment 4).

1.3.3 CSM PS and ProJustice Monthly Coordination Meetings

The project has continued to meet monthly with the CSM PS to ensure collaboration on activities. During the September 27 meeting, the CSM PS members expressed their gratitude to the ProJustice team for the quality of the partnership. The CSM PS also made an additional request that ProJustice provide training for their personnel on the use of computers. Since ProJustice will be providing hardware and software for the CSM PS, they will also need training on proper use of this equipment. Thus ProJustice plans to provide this training in the next quarter.

1.3.4 Compilation of the DRC Judicial Code Compendium

The completed Criminal Code Compendium has been highly successful. ProJustice continues to see a high demand for the handbook. In July, ProJustice began compiling a second legal handbook which will be a compilation of all of the laws, decrees, rulings, and court orders relating to the Judicial Code. The task involves a vast amount of research and information collection and is projected to be completed in February 2011.

1.3.5 Renovation of the CSM Permanent Secretariat Office

As part of its planned activities to strengthen the CSM, ProJustice committed to providing limited equipment and renovation to establish the CSM PS office. The procurement procedure was launched on September 20, and ProJustice selected the best quote according to TTDPK's procurement policies. The renovation work started on September 28 and should be completed in October.

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

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

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

During the second year of the project, ProJustice has been working with the CSM to develop their organizational chart and hire new administrative staff. Until the new staff are in place, ProJustice will be unable to conduct the planned management trainings. ProJustice will devote significant attention and resource to conducting management trainings for the CSM and MOJ during Project Year 3.

During this quarter, ProJustice worked closely with the Ecole de Formation et Recyclage du Personnel Judiciaire (EFRPJ) to build the school's capacity to train trainers. ProJustice held several working sessions with the director of the school and the trainers to help prepare training materials for the train-the-trainers program conducted by ProJustice in Eastern DRC this quarter.

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

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

2.2.1 Train-the-Trainers Program

During this quarter, ProJustice launched its train-the-trainers program, which will allow the pilot courts to have ongoing training beyond the life of the project. The first train-the-trainers workshop was held in Bukavu for clerks and prosecutors' secretaries of the Bukavu and Kindu Courts of Appeals. This workshop, which included a combination of theory and practical skills exercises, took place from September 13-24 and included 18 participants (15 male and 3 female). ProJustice intends to conduct a similar program in Bandundu and Lubumbashi in the coming months.

2.2.2 Initial Training of Magistrates

ProJustice has been working closely with counterparts and partners on coordinating the initial training of 1,000 new magistrates. This quarter, ProJustice has met with the CSM, the Service de Documentation et d'Etude du Ministère de Justice (SDE), and other partners such as the CMJ, the United Nations Development Program (UNDP), and the PAG project to finalize the training sessions for the initial group of 1,000 magistrates and plan training sessions for the next 1,000 magistrates. ProJustice provided technical assistance and funding for the initial trainings. By mid-July, the first training program was officially closed in Kinshasa and Lubumbashi with ceremonies presided over by the Minister of Justice and other DRC officials.

As of September 17, the CSM had assigned 328 of the newly trained magistrates to the four pilot sites where ProJustice operates. This is expected to strengthen the capacity of those jurisdictions and contribute to reducing judicial delay. ProJustice has also helped prepare the course materials for the training session for the next group of 1,000 new magistrates.

2.2.3 Continuing Training for Non-Magistrate Personnel

This quarter, ProJustice conducted two workshops for clerks and the prosecutors' secretaries who are working in the Bandundu Court of Appeals. The workshops took place from July 19 to 23 in Bandundu City. Twenty-eight men and 7 women participated in this training. The workshop for prosecutors' secretaries focused on keeping registers, enforcing judgments, and calculating sentences. The workshop for clerks addressed the issuance of documents of execution, and notification and enforcement of judgments and rulings.

Out of 35 trainees, only 3 had studied at the EFRPJ, the national training school. For the other 32, this was their first opportunity to participate in a job training workshop. At the end of the workshop, the trainees received certificates to officially recognize their participation in the three training modules. Trainees thanked USAID for financial support and ProJustice for making the training possible.

ProJustice has now completed the training modules for non-magistrate court personnel in three of the four pilot sites. ProJustice will complete the training program next quarter in Kindu, the last pilot site.

2.2 More Qualified and Ethical Court Personnel

As noted earlier, ProJustice has been working closely with counterparts and partners to complete the Code of Ethics and Professional Conduct for Magistrates. On August 27-28, ProJustice, in collaboration with the Bukavu universities, conducted a conference on "Being a Magistrate in Today's DRC." The objective of the conference was to analyze the role of magistrates according to the Constitution and increase understanding of the Code of Ethics. Participants also discussed the shortcomings of the judiciary and suggestions for improvement. The conference was attended by approximately 38 men and 12 women, who were magistrates, lawyers, and non-governmental organization (NGO) representatives.



ProJustice expert on Judicial Training, Willy Lubin, speaking at the conference on "Being a Magistrate in Today's DRC" held in Bukavu.

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

The project's Budget and Public Finance Expert, Frederick Kalala, began work this quarter on improving budget and resource management in the MOJ and CSM. In early September, Mr. Kalala completed a needs assessment and inventory of resources in all four pilot sites. The team also worked closely with the MOJ and the CSM PS to finalize the 2011 judiciary budget.

The visits to the pilot provinces revealed budgetary issues such as failure to consider actual expenditures from courts during the budget preparation process and failure to consider the budget implications of the addition of new magistrates. It was also clear from the assessment that there is a lack of budget monitoring. ProJustice intends to use this assessment to develop targeted trainings on improving the budget process.

The assessment was done in collaboration with the CSM PS members who are in charge of finance and budget. ProJustice is also working in close cooperation with other partners, particularly the World Bank mission. The next step of the budget preparation process is to link the budget, which was developed based on the data collected from the pilot sites, and the budget prepared by the DRC courts in June 2009.

ProJustice also met this quarter with members of the DRC Parliament Economic and Financial Committee to garner support for approval of the judicial branch budget. The DRC Parliament National Assembly has already received from the Government a budget proposal (which has not taken into account the real needs and revenues of the DRC courts). ProJustice is working to have a realistic budget validated by the National Assembly Economic and Financial Committee.

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

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

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



New court archive room in Lubumbashi now filled with court records.

3.1.1 Infrastructure and Equipment

ProJustice nearly completed the delivery of all court improvement items to the four pilot sites this quarter. The project has provided shelves, folders, and bulletin boards to the sites based on a needs assessment conducted last quarter. The typewriters that were also part of the needs assessment will be delivered later due to delays in the shipment of the order by the vendor in Europe. These materials will help the pilot courts manage their case files.

Small steps were made in Lubumbashi where ProJustice finished a new court archive room.

This quarter, ProJustice funded training for two court staff in archive management to be

implemented by an existing archivist already working at the Justice Palace in Lubumbashi, and provided assistance to supply the new archive room with files from the prosecutor's and registrar's offices.

Regrettably, the training did not take place as expected and the boxes were filled according to no order or method. ProJustice took the following measures:

- 1) The “archivist” was severely reprimanded for the poor work carried out despite funding received by ProJustice. A new improvement program was established that required daily reports to the Pilot Court Coordinator.
- 2) The boxes are standard filing boxes used for this very purpose. Hermetically sealed boxes will foster moisture and fungal growth that will destroy documents in the long run. Hermetically sealed boxes could be used in a sophisticated environment where temperature and humidity are strictly controlled – a condition that does not exist in the Congo. These cardboard boxes breathe and fall within the available price range.
- 3) A quote is being requested to enlarge the room at little extra cost, where the “extra” shelves will be placed.

No further staff could be engaged, as the dedicated manpower is what the court can afford. The project is not funded to pay the salaries of extra staff.

ProJustice is providing cork boards and display cases to improve the posting of current information such as trial lists at the courthouses in all the pilot sites. In Lubumbashi, ProJustice has provided two information boards as well as ten benches for the courthouse waiting room that used to be empty.

In Kindu, ProJustice installed electricity at the courthouse, which will allow the use of recently purchased computers.

3.1.2 Pilot Site Program Action Plan Committees

Program Action Plan (PACT) committees have been meeting throughout the quarter in each pilot site to discuss case management improvement strategies. The PACT process ensures that counterparts play an active role in identifying their own needs and solutions to modernize the justice system. To save resources, ProJustice decided to combine the PACT committee meetings with the delay reduction committee meetings since the members are mostly the same. More information on ProJustice’s delay reduction activities can be found below.

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

3.2.1 Data Collection on Case Delay

As this quarter is the end of Project Year 2, ProJustice focused on the second round of data collection on case delay indicators. ProJustice recruited and trained data collectors in each of the pilot sites to collect and audit data. A report from the statisticians is due by end December 2010 which will permit comparison with the baseline.

The data collection efforts of the project have created a renewed interest in court data by the counterparts. Although the heads of the pilot jurisdictions have long understood the need for more data analysis on case disposition times, they were unable to collect data due to lack of funding from the MOJ. ProJustice’s activities allowed them to see and analyze case delay statistics. Counterparts continued this discussion and analysis during the delay reduction committee meetings organized by ProJustice. Some of the pilot courts have also been working on creating their own statistics to have a better awareness of the state of their cases.

3.2.2 Delay Reduction Activities in Each Province

Component 3 is sharpening its focus during this last year of the project to concentrate on select delay reduction strategies to demonstrate their effectiveness at improving disposition rates. ProJustice is also working with the Registrars to create a new category of “dormant” cases which are cases that show no activity over the last number of years and are known to everyone as such. Preliminary conversations revealed positive responses to this approach. This will identify the number of real cases that merit ProJustice attention.

Bandundu

ProJustice provided support for Bandundu’s Parquet de Grande Instance to complete four inspections of its detention centers. This inspection was part of a five-week effort to close 62 cases pending before the Tribunal de Grande Instance (TGI).

Bukavu

The Delay Reduction Committee in Bukavu, supported by ProJustice, approved their terms of reference, planned short-term delay reduction strategies, and updated their baseline data. The committee intends to conduct monthly reviews of their progress at delay reduction. The Bukavu Bar Association was contracted to help the court move selected cases to closure. The TGI prosecutor also started monthly inspections of the Bukavu detention centers with ProJustice support.

Kindu

Following a delay reduction workshop in July, Kindu’s Delay Reduction Committee held its first meeting in August to review its terms of reference as well as delay reduction strategies (see Attachment 5). The committee also discussed stricter controls of the judicial police by the Public Minister’s office. Judicial authorities selected 100 pending cases before the Court of Appeal and the TGI to be processed in the Kindu courts.

Lubumbashi

ProJustice helped with the second round of recruitment for data collectors to update the existing database, and helped with the selection of 110 criminal cases before the TGI and Peace Court for closure. ProJustice will share the information on delay reduction with the magistrates and court personnel as soon as the final results are known.



All mobile courts that are addressing criminal matters worked to move cases involving vulnerable populations forward as a priority. ProJustice established the rule of targeting cases involving detainees in custody as the first priority in the ongoing selection of cases for closure. The Pilot Court Coordinators have reported that this policy is being easily accepted by the judicial authorities working on delay reduction activities. Detention center inspections will be started next quarter,

Component 3 finalized the preparation of a delay reduction strategy, notably for internal analysis of grant applications (see Attachment 6) and file management (see Attachment 7).

Component 3B. Enhance the Accessibility of Pilot Courts

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

As noted earlier, ProJustice has been funding the inspection of some detention centers by the prosecutors’ offices in some jurisdictions. Other detention centers (for instance Kasapa, Katanga Province) are scheduled to start in November. The objective is to identify detainees who are being wrongly held on civil matters for which there is no legal provision to detain.

In addition, ProJustice has been working to procure and install bulletin boards at the main courthouses of the four pilot jurisdictions. Bulletin boards have already been installed in Lubumbashi to share court information with the public.

The provision of mobile court hearings in remote provinces reduces costs for the accused persons as well as for victims and witnesses. Mobile court sessions were organized by the Court of Appeals in Katanga and South Kivu, by the TGI in South Kivu, and by the Peace Court in South Kivu as described below.

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

3.4.1 Mobile Court Sessions

Mobile courts enhance access to justice by bringing the courtrooms closer to the citizens. The four pilot courts are in the capital cities of large provinces where most citizens, especially vulnerable populations, are unable to travel. Mobile courts provide access for these populations. ProJustice conducted five mobile court sessions this quarter.

Punia and Kowe, Kindu First Instance Court, July 2-13

With funding and technical support from ProJustice, the Kindu First Instance Court successfully held 14 hearings in Punia and Kowe from July 2-13. During these hearings, the court heard 13 cases and rendered a judicial decision in 9 of them. The 4 remaining cases are still pending and require further investigation.

Kolwezi, Katanga Court of Appeals, August 9-13

The Court of Appeals held a mobile court session in Katanga from August 9-13. Thirty-two cases were heard, with decisions rendered in 9 cases. Seven other cases are awaiting decision, and 16 cases were adjourned.

Makobola, Uvira Peace Court, August 25-September 4

ProJustice conducted a mobile court session of the Uvira Peace Court from August 25 through September 4 in Makobola. The Peace Court heard 13 cases, of which 8 were closed and 5 were adjourned.



Mobile court session in Uvira.

Uvira, Bukavu Court of Appeals, September 5-14

ProJustice supported a mobile court session from September 5-14 in Uvira by the Bukavu Court of Appeals. The court heard 26 cases, of which 5 were closed, 9 were scheduled for decision, and 12 were adjourned.

Bukavu, Court of Appeals, September 20-28

Mobile court proceedings were held at South Kivu's Central Prison to hear 21 sexual violence and juvenile cases. Of these, 7 were closed, 1 is waiting for a decision, and 13 were adjourned.

COMPONENT 4: INCREASED ACCESS TO JUSTICE FOR VULNERABLE POPULATIONS

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

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

4.1.1 Access to Justice Guide

ProJustice has been working to complete the Access to Justice Guide this quarter. Once completed, the Guide will be a useful resource for NGOs to understand how to access the justice system. It includes a list of NGOs providing legal aid services and working in justice issues in Kinshasa and in the four pilot provinces. In September 2010, ProJustice completed an internal review of the Guide. The final version will be produced in October 2010 and distributed in November 2010.

4.1.2 Bar Associations and Law Faculties

ProJustice is working with bar associations and the Bukavu law faculty to improve access to justice. Through its regional office in Maniema, ProJustice has been providing technical assistance and support to the Kindu Bar Association. ProJustice is working with this organization to conduct an access to justice workshop for intern lawyers, lawyers, and judicial and civil society actors in November 2010. The workshop will give the Bar Association and other organizations the chance to share lessons learned and other practices related to justice services in Maniema.

As noted earlier, ProJustice also worked with the Bukavu law faculties to organize a workshop on "Being a Magistrate in Today's DRC", which took place from August 27-28. ProJustice intends to work with the law faculty at Kindu and Lubumbashi Universities in the next project year.

4.1.3 Technical Assistance to NGOs

The ProJustice grants team has provided technical assistance to NGOs in Bukavu, Lubumbashi, and Kindu focused on the importance and use of legal aid certificates, activity assessment forms, and individual identification forms for legal aid recipients. The team also visited the pilot courts to ensure that records are properly maintained in the clerks' office registers. ProJustice also provided technical assistance for NGO finance officers on financial system organization, financial monitoring, and reporting.

In July, the ProJustice grants team carried out technical assistance and capacity building activities for three Kinshasa-based NGOs that submitted funding proposals. These activities included

proposal writing workshops for the Ligue pour le Droit de la Femme Congolaise (LDFC), the Institut pour la Démocratie et le Leadership Politique (IDL), and the Action contre l'Impunité pour les Droits Humains (ACIDH).

Component 4B. Sub-Grants to Civil Society Organizations

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

4.2.1 Grants Awarded during Second Grant Cycle

The project received approval from USAID to fund five proposals from the Fondation MONSEIGNEUR EMMANUEL KATALIKO, CARITAS/Uvira, Bukavu Bar Association, LDFC, and SOS Information Juridique Multisectorielle. These organizations will be implementing legal assistance and advocacy activities in Uvira, Bukavu, and Kinshasa. They have signed grant agreements with ProJustice and received the first installment of funds and training on grants management.

The project convened two meetings of the REC to review the proposals submitted by civil society organizations (CSOs) based in Katanga and Bandundu. The REC recommended that two proposals from Katanga (CDJP/Kalemie and the Lubumbashi Bar Association) and two proposals from Bandundu (Association Estudiantine d'Auditeurs de Radio Okapi et Promotion de la Santé des Droits de la Femme et Enfant et Centre pour la Promotion Sociale et Communautaire) be resubmitted to USAID with minor modifications for approval and grant funding. Proposals from Katanga were sent to USAID for approval. The grantees will assist victims of sexual violence in filing their cases in court and will train Bar Association lawyers on access to justice.

4.2.2 Monitoring and Evaluation of Sub-Grants Program

The ProJustice grants team accompanied a TTDPK international expert from the home office, Ms. Kimberly Washington, on an evaluation/audit of the project's grants program. The evaluation took place in Katanga, South Kivu, and Maniema Provinces from September 16-29, 2010. The evaluation/audit of the existing grants program is intended to identify concrete measures that can be implemented to ensure that grantees are carrying out the activities that they have agreed to carry out with their grant funds. The audit will also enable ProJustice to improve the impact of the financial assistance provided to NGOs through the grants program. Ms. Washington presented preliminary results of her trip to the ProJustice Kinshasa staff as well as to USAID. TTDPK will submit a comprehensive report on the evaluation/audit to USAID by the end of October 2010.

The grant agreements with Cause Rurale/Ligue des Femmes pour le Développement et l'Éducation à la Démocratie (LIFDED) and the Ligue Congolaise Pour la Défense, la Promotion et la Vulgarisation des Lois et des Droits Humains en Milieu Rural (LIDEPROVLDH), based in Bandundu City and Kikwit, respectively, were officially terminated on July 28 and August 24, 2010. Investigations revealed that these grantees failed to implement the legal clinics outlined in their grant agreements.

4.2.3 Grantees' Activities Providing Legal Assistance to Vulnerable Populations

ProJustice continued to support the Bukavu TGI fast-track mechanism which aims to speed access to justice for vulnerable populations including delinquent children and victims of sexual and gender-based violence (SGBV).

Other access to justice activities implemented by ProJustice grantees during this quarter are listed below.

- In Lubumbashi, Katanga Province, four new cases, including two SGBV cases and two conjugal violence cases, were submitted to the Dynamique Femme pour le Développement du Congo (DFDC) legal counseling unit.
- In Bukavu-Uvira, South Kivu, Œuvre Communautaire pour l’Education pour Tous (OCET) provided information to six victims (five women and one man) on the current status of their cases. Some of these cases were transferred to an NGO providing psychological assistance and others are at the Prosecutor or TGI level. OCET also registered three domestic violence cases, including one case in which the victim is male. These victims received legal assistance counseling from OCET lawyers. The Uvira-based Arche d’Alliance (ARAL), providing assistance to destitute detainees in the Bukavu central prison, presented its six-month report (see Attachment 8).
- Femme, Lève-toi et Marche (FELEMA) undertook follow-up activities in cases involving delinquent children at the Bukavu Detention Center and provided assistance in 13 cases, 12 involving minors and 1 involving an adult woman.
- In Kindu, Maniema, Association des Femmes Juristes Congolaises (AFEJUCO/Maniema) provided assistance for three new cases registered at their legal clinic and provided free legal counseling to 39 men and 36 women.
- Action pour la Promotion et la Défense des Droits des Personnes Défavorisées (APRODEPED) worked on 12 new cases involving robbery, illegal use of land, and paternity. Only men are involved in these cases.

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

During this quarter, ProJustice grantees’ public awareness activities included training sessions and the production and broadcast of radio and TV programs on legal rights. A summary of the initiatives undertaken by those grantees in the project’s pilot sites is provided below.

Katanga

DFDC finalized the “Image Box” project after receiving ProJustice comments. The “Image Box” is a communication and sensitization tool made for women on gender-based and domestic violence. The “Image Box” provides detailed information on women’s rights, as well as on medical health, psychosocial and judicial assistance they can get after a violent attack. DFDC will be using the image box as a training tool for SGBV and other violence situations. DFDC also conducted a training seminar on SGBV on August 23 for NGO leaders. Forty-seven participants (36 women and 11 men) attended this training.



Trainer uses the “Image Box” tool to teach women about SGBV and their rights under law.

Maniema

AFEJUCO/Maniema led legal awareness sessions for 225 people including 140 in Kayuyu and 85 in Kindu. AFEJUCO also produced a radio show on the criminal prosecution of parents involved in rape cases.



ProJustice

APRODEPED produced three radio shows in Swahili on the content of legislation dealing with SGBV and human rights protection.

South Kivu

OCET broadcast three radio shows in Swahili on the Maendeleo, Iriba, and Neno la Uzima radio stations. The shows focused on issues including the difference between customary practices and the provisions of international legal instruments protecting women's rights.

3. SUPPLEMENTAL PROGRAM FOR EASTERN CONGO

TRAINING PROGRAMS FOR MAGISTRATES AND NON-MAGISTRATE PERSONNEL

ProJustice Component 2 organized a train-the-trainers workshop for clerks and prosecutors' secretaries operating in the Bukavu and Kindu Courts of Appeals jurisdictions. This workshop took place in Bukavu from September 13-24.

Eighteen people (15 men and 3 women) participated in this training. Of these 18 participants, 12 men and 2 women came from the Bukavu Court of Appeals jurisdiction, while 3 men and 1 woman came from the Kindu Court of Appeals jurisdiction.

This first session of a new train-the-trainers program will continue in other pilot sites, aimed at staffing the pilot courts with trainers rather than needing to use Kinshasa-based trainers.

SUPPORT TO EASTERN UNIVERSITIES

Training in General Criminal Law

Through Component 2 activities, ProJustice finalized the evaluation of a group of students from the Bukavu Catholic University (future magistrates and public defenders). These students (58 men and 44 women) were trained on general criminal law.

Conference in South Kivu

On August 27-28, ProJustice Components 1, 2, and 4, in collaboration with the Bukavu universities, held a conference on "Magistrates in Today's DRC." Approximately 50 participants (38 men and 12 women), including magistrates, lawyers, and representatives from NGOs, attended the conference. The conference objectives were to:

- Analyze the role of magistrates as set forth by the Constitution and the Code of Ethics and Professional Conduct for Magistrates
- Discuss the causes of systemic shortcomings in the judiciary which negatively affect day-to-day operations
- Suggest ways to improve judicial performance
- Find ways to strengthen magistrates' capacity to understand and follow the Code of Ethics.

The participants proposed a number of suggestions to address these issues and there were discussions throughout the conference.

PACT AND DELAY REDUCTION COMMITTEES

Bukavu, South Kivu

The judicial authorities in Bukavu approved the terms of reference of the delay reduction committee, planned short-term delay reduction strategies, and updated their baseline data. The Bukavu Bar Association was contracted to help the court close selected cases and to assist the TGI prosecutor in starting monthly inspections of the Bukavu detention centers.

Mobile court sessions were organized by the Court of Appeals, the TGI, and the Peace Court in South Kivu.

Kindu, Maniema

After a delay reduction workshop in July, the delay reduction committee held its first meeting in August to review its terms of reference and delay reduction strategies and to discuss stricter controls of the judicial police by the Public Minister's office. Judicial authorities selected 100 cases before the Court of Appeal and the TGI to be processed by the Kindu courts.

INCREASE ACCESS TO JUSTICE FOR VULNERABLE POPULATIONS

Sub-grants to CSOs

As noted earlier, the project received approval from USAID to fund five proposals from grantees in South Kivu. To date, the project has signed grant agreements, received the first installment of funds, and provided training on grants management.

OCET and FELEMA continued their legal assistance activities, as set out above in Section 4.2.3 of this report.

AFEJUCO/Maniema and APRODEPED provided legal assistance in new cases, as outlined earlier.

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

Develop the capacity of the Kindu Bar Association to provide legal assistance and raise awareness

As noted in Section 4.3, ProJustice provided technical assistance and support to the Kindu Bar Association to organize an Access to Justice Workshop to take place in Kindu in November 2010.

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

AFEJUCO/Maniema carried out legal awareness activities and produced a radio show, while APRODEPED produced three radio shows on SGBV and human rights protection.

South Kivu

OCET broadcast three radio shows contrasting customary practices and the provisions of international legal instruments which protect women's rights.

4. STAFFING/MANAGEMENT UPDATES

PROJECT OFFICE UPDATE

ProJustice submitted its work plan for Year 3 on September 6. USAID sent its written comments on September 18. ProJustice organized a meeting on September 23 with USAID to further detail and explain its overall strategy and activities for FY11. The final draft work plan including the amendments requested by USAID was submitted on September 28, 2010.

ProJustice also prepared its activity calendar for the first quarter of FY11.

From September 20-24, ProJustice invited all program managers, pilot court coordinators, and administration and finance managers from the four pilot province offices for a week-long session of training, meetings, and team-building activities in Kinshasa.

ProJustice Deputy Chief of Party Philippe Cantave left the project on September 30. Advertisements for the position have been posted in the local and international press, and short-listed candidates will be interviewed.

During the reporting period, the project continued hiring new staff members. The following table outlines the recruitment status of various positions:

Position	Comments
Project Office Staff	
M&E Coordinator	The candidate started in July
Two Advisors: 1) Budget and Finance Specialist 2) Legal Advisor (Consultant)	The two candidates started in July
Finance Assistant	Tests and interviews were held in July
Driver	A candidate has been identified and will start when the new project vehicle is purchased
Pilot Court Coordinator in Lubumbashi, Katanga Province	The candidate started in September
Component 1 Coordinator	The candidate started in August
One administrative assistant each for Katanga and Bandundu Provinces	The positions were advertised in July and selection is under way

4. QUARTER 8 PROBLEMS AND REMEDIAL ACTIONS

Once again this quarter, the CSM and the MOJ failed to provide any information on the date of the 2010 CSM plenary session despite several meetings held with the CSM PS. ProJustice offered financial and technical support to help plan and organize the session but this did not have an impact. The delay has seriously hindered the official approval of some of ProJustice major deliverables, such as the Code of Ethics and Professional Conduct for Magistrates, the CSM organic framework, and the judiciary system strategic plan. These documents require the official endorsement of the CSM plenary session. ProJustice has been working closely with the CSM PS to identify and plan alternative strategies, such as approval by the CSM Bureau.

The poor quality of products manufactured locally in the provinces and the delay in delivery by most vendors poses an increasing problem in the delivery of items such as furniture to the pilot courts. ProJustice has increased its monitoring and quality assessment with an obligation of results imposed on the vendors. When the delivery is not satisfactory, the vendors are called back and requested to complete the work before final payment is made.

Repeated incidents and accidents in the aviation industry pose a serious threat to ProJustice team activities as the staff travel regularly to the four pilot provinces. In August, a plane crashed in Bandundu City, killing the passengers and the crew. Fortunately, no ProJustice personnel were on board. Several incidents have been reported and numerous flights have been cancelled by the United Nations Humanitarian Air Services.



5. MEDIA COVERAGE OF PROJECT ACTIVITIES

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



ProJustice

Press Summary Table				
Name of Press Outlet	Type (Radio, TV)	Date	Title of Article or Feature	Comments/Description
Radio Télé Digital Congo	Radio , TV	July 2010	The Bandundu Courts Personnel Undergoing Training (3rd Module)	This report discusses the end of the Module 3 training for some non-magistrate personnel working in the Clerk's Office and the Prosecutor's Secretariat in Bandundu
RTNC	Radio, TV	August 2010	The Code of Ethics final draft has been adopted	The final draft of the DRC Code of Ethics has been adopted by various CSM PS members and magistrates
Potentiel	Newspaper	August 2010	Soon a Code of Ethics will be available for magistrates	This article announces that the Code of Ethics draft has been adopted by the CSM PS members and magistrates
Observateur	Newspaper	August 2010	The Code of Ethics for DR Congo Magistrates	The article announces the workshop on the Code of Ethics in Kinshasa
RTNC	Radio, TV	August 2010	ProJustice provides support to help the organization of a conference by the Bukavu Catholic University	The ULB students have pondered "Being a magistrate today in DR Congo" at a conference which was organized by the Catholic University Law Faculty
Radio Star	Radio	September 2010	The Eastern DR Congo provided with trainers for non-magistrate personnel	18, including 4 from Kindu, Prosecutors' Clerks and Secretaries have undergone Training for Trainers in the East from September 13 to 24, 2010



6. SUMMARY OF PLANNED ACTIVITIES FOR UPCOMING QUARTER

Please see the table of planned activities for the upcoming quarter (October – December 2010) in Attachment 9.

7. PERFORMANCE MONITORING PLAN TABLE

In Attachment 10, the Performance Monitoring Plan is presented for the core program and for the supplemental program in Eastern DRC.