



Rule of Law Institutional Strengthening Program (ROLISP)

Assessment Report on the Implementation of SRS Femida and Voice Recorders in Moldovan Courts of Law

Rule of Law Institutional Strengthening Program (ROLISP)

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INTRODUCTION

The IT development of the judicial system is a priority for the Republic of Moldova, indispensable for justice delivery due to a continuous increase in the number of cases. Automating courts will benefit both judges and citizens by strengthening the judiciary's independence, improving the transparency in courts' operations and increasing the quality of justice.

The purpose of the full courts automation by means of the Integrated Case Management System (ICMS) and the hearings audio recording system SRS Femida is to enhance the efficiency and efficacy of the justice delivery. In addition, the ICMS and SRS Femida are intended to automate the organization of work in Moldovan courts.

In 2009, thanks to the financial assistance from the Moldova Governance Threshold Country Program financed by Millennium Challenge Corporation and managed by USAID, all then arranged courtrooms in Moldovan courts of law were equipped with audio recording sets SRS Femida.

The United States Agency for International Development (USAID) Rule of Law Institutional Strengthening Program (ROLISP) is implemented by Checchi and Company Consulting, Inc. in the Republic of Moldova under the Assistance Agreement between the Government of the United States of America and the Government of the Republic of Moldova signed on July 22, 2011. USAID ROLISP provides technical assistance to increase the institutional capacity, transparency and accountability of key justice sector entities to guarantee the independence and to increase the efficiency and professionalism of the judiciary.

On September 5, 2012, ROLISP signed the Memorandum of Understanding with the Superior Council of Magistracy (SCM) that established the parameters of the technical assistance that would be provided to the SCM to implement reforms aimed at strengthening the institutional capacity, transparency and accountability of justice sector entities and improving the organizational, administrative and operational aspects of judicial administration and court management in Moldova.

In the period of May through July 2012, USAID ROLISP together with the SCM and the MoJ of the Republic of Moldova visited each court in the country and collected data about the level of recording court sessions in each court. According to this data, presented in the Assessment Report of the Courts of Law in the Republic of Moldova, 25 courts do not use the hearings audio recording system, 19 use it in part, and only 6 use it in full. One of the problems of the judicial system with audio recording hearings is the insufficient number of recording sets. Still a greater problem is the insufficient number of courtrooms in courts of law, which precludes recording all court sessions and makes judges carry out hearings in their chambers.

To solve the first problem, at the request from the SCM, USAID ROLISP purchased and delivered to courts 38 audio recording sets SRS Femida in the period of April through June 2013.

To address the problem of insufficient number of courtrooms, which precludes recording sessions with Femida sets, the SCM proposed to provide each court of law with voice recorders so that they could record hearings carried out in judges' chambers. Because the SCM could not purchase the necessary voice recorders due to the lack of funds, it approached USAID ROLISP with the request to finance this purchase.

Thus, in January and February 2013, USAID ROLISP purchased and delivered 36 voice recorders two pilot courts of Chisinau: Centru and Ciocana. These courts were proposed by the SCM because of their small number of courtrooms and large number of judges.

Following the successful pilot testing of voice recorders, in March and April 2013, USAID ROLISP purchased 190 voice recorders more for the rest of courts in which the number of judges is greater than that of courtrooms.

Table 1 shows the number of sitting judges, the number of courtrooms, the number of Femida sets (including those transmitted by ROLISP), and the number of voice recorders purchased by ROLISP for each court.

Table 1

No.	Court	Nr. of judges	Nr. of courtrooms	Nr. of Femida sets (+ purchased by ROLISP)	Nr. of voice recorders (purchased by ROLISP)
1.	Chisinau Court of Appeals	49	10	8+2	2
2.	Balti Court of Appeals	24	6	5+1	2
3.	Bender Court of Appeals	10	4	3+1	2
4.	Cahul Court of Appeals	7	3	2+1	3
5.	Comrat Court of Appeals	7	2	2	3
6.	Botanica Court, Chisinau	19	5	5	14
7.	Buiucani Court, Chisinau	22	2	2	21
8.	Centru Court, Chisinau	22	1	1	23
9.	Ciocana Court, Chisinau	13	2	2	11
10.	Riscani Court, Chisinau	20	4	3+1	16
11.	Balti Court	18	4	4	14
12.	Bender Court	7	3	2+1	4
13.	Anenii Noi Court	6	2	2	4
14.	Basarabasca Court	4	3	1+2	2
15.	Briceni Court	6	3	2+1	3
16.	Cahul Court	9	5	4+1	4
17.	Cantemir Court	4	4	1+3	2
18.	Calarasi Court	6	4	3+1	2
19.	Causeni Court	7	4	2+2	4
20.	Ceadir-Lunga Court	5	5	3+2	2
21.	Cimislia Court	4	2	2	2
22.	Comrat Court	6	4	4	2
23.	Criuleni Court	6	3	3	3
24.	Donduseni Court	5	2	1+1	3
25.	Drochia Court	6	3	3	3
26.	Dubasari Court	5	1	1	4
27.	Edinet Court	7	6	2+4	1
28.	Falesti Court	6	3	3	3
29.	Floresti Court	8	3	3	5
30.	Glodeni Court	5	5	3+2	2
31.	Hancesti Court	9	4	4	5
32.	Ialoveni Court	6	4	4	2
33.	Leova Court	4	4	2+1	2
34.	Nisporeni Court	5	5	3+1	1
35.	Ocnita Court	5	2	2	3
36.	Orhei Court	8	2	2	6
37.	Rezina Court	5	5	5	2
38.	Rascani Court	5	4	3+1	2
39.	Sangerei Court	6	2	1+1	4
40.	Soroca Court	10	8	2+6	2
41.	Straseni Court	8	3	3	5

42.	Soldanesti Court	4	4	2+2	2
43.	Stefan Voda Court	5	2	2	3
44.	Taraclia Court	5	2	2	3
45.	Telenesti Court	6	2	2	4
46.	Ungheni Court	8	3	3	5
47.	Vulcanesti Court	3	3		2
48.	Military Court, Chisinau	3	2	2	1
49.	District Commercial Court, Chisinau	10	0	4	6
	TOTAL	438	169	168	226

In the period of September 2012 through March 2013, the National Institute of Justice (NIJ) supported by USAID ROLISP organized training for court clerks in using SRS Femida. The estimated total of trained clerks is 420. In the period of January through April 2013, ROLISP representatives trained 161 clerks, judicial assistants and other court staff on using voice recorders, the recording procedure, and the rules for digitally audio recording court sessions with voice recorders.

At the request of USAID ROLISP, specialists from the Center for Special Telecommunications (CST) created a folder on court servers for each judge to save hearings recordings made with voice recorders. The SCT representatives created shortcuts to audio recordings folders on clerks' desktops.

The audio recording system SRS Femida is composed of peripheral equipment (computers and microphones) and recording software.

The mandatory nature of audio recording court hearings is established in the Criminal Procedure Code and the Civil Procedure Code of Moldova, and the recording procedure and the responsibility for making, storing, and archiving such recordings are established in the Regulations on Digitally Audio Recording Court Sessions approved through SCM Decision No. 212/8 of June 18, 2009.

On April 12, 2013, the SCM approved a new version of the Regulations on Digitally Audio Recording Court Sessions.¹ The Regulations explain how to use Femida system and voice recorders, defines the recording procedure, the rules for saving, storing and archiving audio files on digital media (servers, CD, DVD, etc.), and the procedure for deleting recordings from court servers.

MONITORING THE AUDIO RECORDING OF COURT SESSIONS

In June 2013, USAID ROLISP asked the staff in all Moldovan courts to fill out an online questionnaire² to assess how much they used SRS Femida system and voice recorders. The obtained information is useful for documenting the causes of not using Femida and voice recorders and formulating proposals to address these causes.

Moreover, USAID ROLISP requested the Ministry of Justice (MoJ) and the CST to provide the information on the number of audio recordings saved on courts' servers segregated by the type of equipment used to create them (Femida or voice recorders) for the period of April 1 through May 31, 2013, for each individual court.

¹ SCM Decisions No. 338/13 of 12 April 2013 "On the Approval of the Regulations on Digitally Audio Recording Court Sessions," at <http://csm.md/files/Hotaririle/2013/13/338-13.pdf>

² The questionnaire is available at <https://docs.google.com/a/chechiconsulting.com/forms/d/1PY2d91aZWGOBQOMNpqsWfezwN3I-xh2Cayeu0x-vjLM/viewform>

The monitoring was carried out by comparing the number of audio recordings on court servers with the number of court sessions carried out during the monitoring period.

The information obtained from the online questionnaire and from the CST revealed various reasons for not using SRS Femida and voice recorders, from judges' reluctance to technical issues to the lack of in-service training for clerks, particularly the newly employed ones. However, the information from the CST shows that only **12** courts use SRS Femida or voice recorders regularly, **33** use the equipment sometimes, and the remaining **4** do not use it at all. The details of these cases and the courts that mentioned them are presented further in the report along with the proposals on improving the existing situation suggested by courts.

FREQUENCY OF AUDIO RECORDING HEARINGS

Table 2 shows the courts that record hearings regularly, sometimes or never.

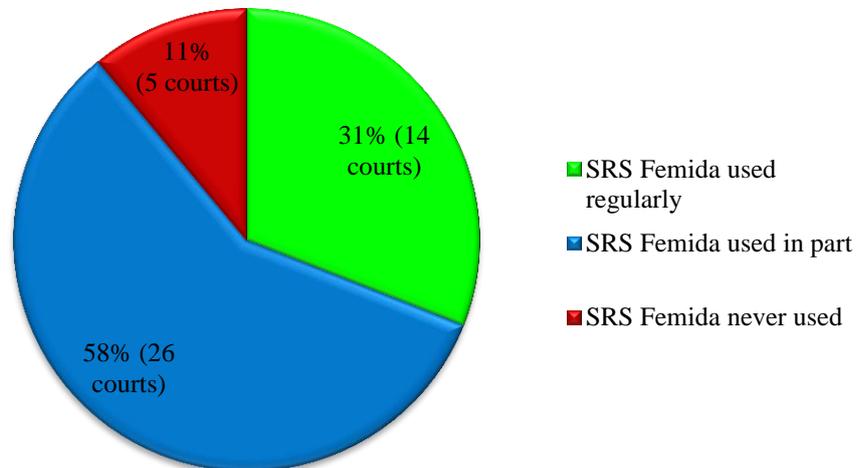
Table 2

Regularly	Sometimes	Never
1. Bender Court of Appeals	1. Chisinau Court of Appeals	1. Cantemir Court
2. Cahul Court of Appeals	2. Balti Court of Appeals	2. Calarasi Court
3. Comrat Court of Appeals	3. Botanica Court, Chisinau	3. Straseni Court
4. Anenii Noi Court	4. Buiucani Court, Chisinau	4. Military Court, Chisinau
5. Comrat Court	5. Centru Court, Chisinau	
6. Dubasari Court	6. Ciocana Court, Chisinau	
7. Edinet Court	7. Riscani Court, Chisinau	
8. Falesti Court	8. Balti Court	
9. Glodeni Court	9. Bender Court	
10. Nisporeni Court	10. Basarabeasca Court	
11. Ocnita Court	11. Briceni Court	
12. Rezina Court	12. Cahul Court	
	13. Causeni Court	
	14. Ceadir-Lunga Court	
	15. Cimislia Court	
	16. Criuleni Court	
	17. Donduseni Court	
	18. Drochia Court	
	19. Floresti Court	
	20. Hincesti Court	
	21. Ialoveni Court	
	22. Leova Court	
	23. Orhei Court	
	24. Riscani Nord Court	
	25. Singerei Court	
	26. Soroca Court	
	27. Soldanesti Court	
	28. Stefan Voda Court	
	29. Taraclia Court	
	30. Telenesti Court	
	31. Ungheni Court	
	32. Vulcanesti Court	
	33. District Commercial Court, Chisinau	

THE LEVEL OF USING SRS FEMIDA

Chart 2 shows that out of the 45 courts that record hearings regularly or sometimes, 31% (14 courts) use SRS Femida regularly, 58% (26 courts) use the system sometimes and only 11% (5 courts) never use the system.

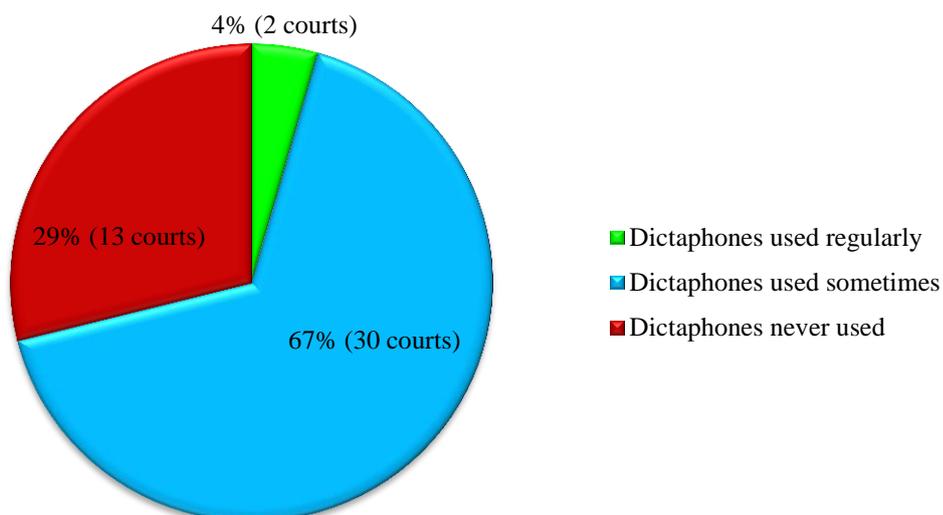
Chart 2



THE LEVEL OF USING VOICE RECORDERS

Chart 3 shows that out of the 45 courts that record hearings regularly or sometimes only 4% (2 courts) use voice recorders regularly, 67% (30 courts) use them sometimes and 29% (13 courts) never use voice recorders.

Chart 3



AUDIO RECORDINGS STATISTICS

At the request of the MoJ and USAID ROLISP, the CST collected the following information from local servers of courts (Table 3):

- Number of court hearings scheduled in ICMS during the reporting period (April 1 – May 31, 2013) for each court

- Number of audio recordings made with SRS Femida and saved on court servers during the reporting period (April 1 – May 31, 2013) for each court
- Number of audio recordings made with voice recorders and saved on court servers during the reporting period (April 1 – May 31, 2013) for each courts
- Space used for audio recordings made with SRS Femida and saved on court servers since they have been installed
- Space used for audio recordings made with voice recorders and saved on court servers since they have been installed

Table 3 also shows the following statistics collected through the online questionnaire:

- Number of cases registered in courts during the period of January 1 – May 31, 2013
- Number of court sessions carried out during the reporting period (April 1 – May 31, 2013)
- Number of court sessions carried out and recorded during the reporting period (April 1 – May 31, 2013)

According to the CST, the number of audio recordings carried out with SRS Femida and voice recorders and saved on court servers differs from the data presented by courts on the number of audio recordings of court sessions for the same reporting period. This is because court employees do not save all recordings made with SRS Femida and voice recorders on the local server.

Moreover, the comparison of the number of hearings carried out during the reporting period (April 1 – May 31, 2013), including the recorded ones (information presented by courts) with the number of hearings scheduled in ICMS (presented by the SCT), reveals that many hearings carried out in Moldovan courts are not reflected in ICMS.

Table 3

No.	Court	Source: CST (court server)						Source: court (online questionnaire)		
		Nr. of hearings scheduled in ICMS	Nr. of hearings recorded with SRS Femida	Nr. of hearings recorded with voice recorders	Space used by the recordings made with SRS Femida	Space used by the recordings made with voice recorders	Total space used by the recordings made with SRS Femida and voice recorders	Nr. of cases recorded in the court from January 1 to May 31, 2013	Nr. of hearings carried out during the reporting period (April 1 – May 31, 2013)	Nr. of hearings carried out and recorded during the reporting period (April 1 – May 31, 2013)
1.	Chisinau Court of Appeals	4,890	244	0	507.9GB	0	507.9GB	7,048	6,212	3,277
2.	Balti Court of Appeals	1,818	1,072	0	83.17GB	0	83.17GB	2,209	2,250	1,256
3.	Bender Court of Appeals	483	226	0	197.45GB	0	197.45GB	547	311	252
4.	Cahul Court of Appeals	403	298	0	264.54GB	0	264.54GB	572	271	271
5.	Comrat Court of Appeals	523	338	0	400.56GB	0	400.56GB	450	313	304
6.	Botanica Court, Chisinau	4,164	76	0	6GB	934MB	6.9GB	4,937	1,967	134
7.	Buiuani Court, Chisinau	367	5	572	417MB	44.07GB	44.49GB	-	-	-
8.	Centru Court, Chisinau	3,522	0	3,135	0	123.1GB	123.1GB	6,637	8,460	3,135
9.	Ciocana Court, Chisinau	2,262	14	135	9.92GB	7.32GB	17.24GB	2,567	2,823	555
10.	Riscani Court, Chisinau	3,714	0	0	192MB	727MB	919MB	1,082	8,401	156
11.	Balti Court	2,961	67	1	23.26GB	0	23.26GB	1,254	4,111	187
12.	Bender Court	325	215	1	137GB	36.8MB	137GB	373	341	306
13.	Anenii Noi Court	1,182	164	0	20.37GB	0	20.37GB	1,261	792	92
14.	Basarabasca Court	254	0	0	7.3GB	0	7.3GB	444	178	25
15.	Briceni Court	872	102	0	-	-	-	978	762	210
16.	Cahul Court	1,514	24	0	57.45GB	0	57.45GB	1,212	1,300	700
17.	Cantemir Court	688	1	0	83MB	0	83MB	970	2,404	0
18.	Calarasi Court	607	0	0	135.38GB	0	135.38GB	-	-	-
19.	Causeni Court	1,064	217	0	86.92GB	10MB	86.92GB	1,105	1,122	167
20.	Ceadir-Lunga Court	640	253	0	116.69GB	0	116.69GB	505	--	257
21.	Cimislia Court	818	342	0	85.21Gb	0	85.21GB	801	774	437
22.	Comrat Court	1,208	8	52	167GB	2.31GB	167GB	819	819	160
23.	Criuleni Court	848	450	0	655.82GB	0	655.82GB	458	895	700
24.	Donduseni Court	555	38	0	13.41GB	2.6GB	13.41GB	-	-	-
25.	Drochia Court	1,240	63	0	18.58GB	0	18.58GB	913	-	-

26.	Dubasari Court	382	66	34	70.47GB	2.1GB	72.57GB	381	398	160
27.	Edinet Court	812	88	0	24.11GB	0	24.11GB	917	667	138
28.	Falesti Court	730	166	40	201.54GB	1.1GB	202.64GB	811	555	400
29.	Floresti Court	740	37	0	12.1GB	712MB	12.81GB	1,000	739	58
30.	Glodeni Court	593	142	0	179.1GB	0	179.1GB	608	407	407
31.	Hancesti Court	1,611	511	28	233.24GB	528MB	233.77GB	1,249	1,540	708
32.	Ialoveni Court	1,407	133	304	12GB	5.31GB	17.31GB	868	1,988	429
33.	Leova Court	294	0	0	5.96GB	0	5.96GB	437	350	162
34.	Nisporeni Court	548	377	0	298.1GB	0	298.1GB	602	152	152
35.	Ocnita Court	554	194	19	40.4GB	264MB	40.66GB	634	351	228
36.	Orhei Court	1,995	20	18	10GB	762MB	10.76GB	1,088	-	90
37.	Rezina Court	617	365	0	255.17GB	0	255.17GB	825	303	273
38.	Rascani Court	749	104	0	15.26GB	0	15.26GB	828	739	139
39.	Sangerei Court	447	34	0	10.45GB	0	10.45GB	1,167	673	132
40.	Soroca Court	1,121	26	7	1.36GB	840MB	2.2GB	1,261	1,096	47
41.	Straseni Court	966	1	0	835MB	0	835MB	-	-	-
42.	Soldanesti Court	304	13	4	2.51GB	766MB	3.28GB	482	235	28
43.	Stefan Voda Court	720	187	72	47.87GB	579MB	48.45GB	887	327	227
44.	Taraclia Court	420	53	3	25.94GB	93MB	25.94GB	551	322	210
45.	Telenesti Court	905	0	0	367MB	0	367MB	1,078	321	43
46.	Ungheni Court	732	14	0	5.3GB	0	5.3GB	1,341	220	28
47.	Vulcanesti Court	459	0	9	33.15GB	740MB	33.89GB	408	409	26
48.	Military Court, Chisinau	0	0	0	0	0	0	--	--	--
49.	District Commercial Court, Chisinau	24	1	0	271MB	422MB	693MB	76	94	13
	TOTAL	57,543	6,749	1,299	4,480.12GB	195.33GB	4,675.45GB	54,641	56,392	16,679

The columns *Space used by the recordings made with SRS Femida* and *Space used by the recordings made with voice recorder* reflect the information for the whole period of using the recording equipment.

CAUSES OF THE FAILURE TO USE THE AUDIO RECORDING EQUIPMENT (SRS FEMIDA AND VOICE RECORDERS)

The staff in the courts that do not record hearings mentioned the following reasons:

Reasons for not using SRS Femida (Graph 1):

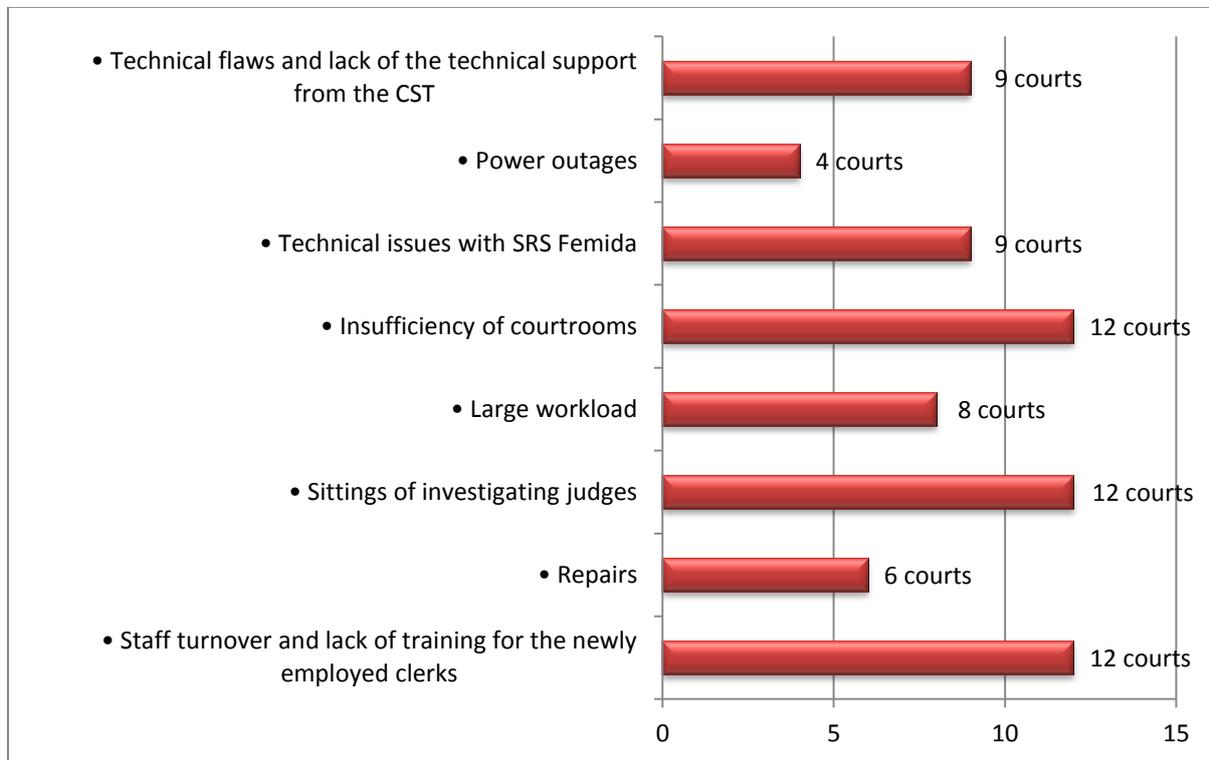
- **Technical flaws and lack of the technical support from the CST.** Temporary equipment failures (errors, breakdowns of the HDD unit of a computer used by SRS Femida, power network failures, court server failures, etc.). Courts that reported these issues are: Chisinau Court of Appeals, Balti Court of Appeals, Riscani of Chisinau, Briceni, Ceadir-Lunga, Comrat, District Commercial Court, Telenesti, and Cantemir Court.
- **Power outages.** Major problems with electrical networks (Comrat Court of Appeals, Bender, Dubasari, Edinet) which cause frequent outages, server shutdowns, disconnections from the Internet.
- **Technical issues with SRS Femida.** These issues appear when recording court hearings, playing recordings made with both SRS Femida and SRS Femida View, the system's speed on Vista machines, which requires at least 2 GB RAM, the impossibility to copy recordings to a CD, the denial of access to Records folder on the server as a result of the implementation of the active directory management system. Courts that reported these issues are: Balti Court of Appeals, Ciocana of Chisinau, Buiucani of Chisinau, Botanica of Chisinau, Ceadir-Lunga, Hincesti, Ialoveni, Ocnita, and District Commercial Court.
- **Insufficiency of courtrooms.** Because the number of courtrooms equipped with SRS Femida systems is insufficient for the much larger number of judges, it is impossible to record all hearings. This situation exists particularly in courts from Chisinau and in 7 district courts (Ciocana of Chisinau, Riscani of Chisinau, Centru of Chisinau, Buiucani of Chisinau, Botanica of Chisinau, Cahul, Drochia, Falesti, Singerei, Stefan Voda, Telenesti, and Ungheni).
- **Large workload.** Courts (Chisinau Court of Appeals, Ciocana of Chisinau, Riscani of Chisinau, Centru of Chisinau, Buiucani of Chisinau, Botanica of Chisinau, District Commercial Court, and Ialoveni) have to examine a large number of cases, which precludes them from using SRS Femida regularly.
- **Sittings of investigating judges.** Courts do not record hearings carried out by investigating judges. This fact was mentioned by the following courts: Bender, Cimislia, Dubasari, Leova, Ciocana of Chisinau, Riscani of Chisinau, Centru of Chisinau, Buiucani of Chisinau, Botanica of Chisinau, District Commercial Court, Ialoveni, and Singerei).
- **Repairs.** In some courts (Calarasi, Soroaca, Cantemir, Vulcanesti, Hincesti, Ocnita), SRS Femida system was uninstalled because their courtrooms, judges' chambers, and staff's offices were under repair during the reporting period.
- **Staff turnover and lack of training for the newly employed clerks.** In 15 courts (Riscani of Chisinau, Buiucani of Chisinau, Orhei, Cahul, Balti, Anenii Noi, Ialoveni, Soroaca, Straseni, Stefan Voda, Ungheni, and District Commercial Court), the staff turnover is high.

Reasons for not using voice recorders:

- The impossibility to use voice recorders in judicial divisions (Chisinau Court of Appeals)

- Regular use of SRS Femida (Cahul Court of Appeals, Comrat Court of Appeals, Edinet Court, Glodeni Court)
- Technical issues with voice recorders. Battery discharges and shutoffs during court sessions, voice recorders' memory overloads (Centru Court, Chisinau, and Comrat Court).

Graph 1. Reasons for not using SRS Femida mentioned by courts



COURTS' REQUESTS ON IMPROVING THE CONDITIONS FOR USING FEMIDA SYSTEM AND VOICE RECORDERS

The courts' proposals on improving the efficiency of using SRS Femida and voice recorders will be forwarded to the SCM, the MoJ, (Department of Judicial Administration), and the CST.

Hiring staff (12 courts)

- Hiring an IT specialist to maintain SRS Femida and computers in courts

In-services and initial training (12 courts)

- Providing initial training for newly employed clerks and in-service training for the staff that use SRS Femida with recording mock and real sessions with the assistance of the trainer. If training in courts is impossible, it should be done as part of the initial and in-service training for clerks at the NIJ.

Additional equipment (10 courts)

- Installing printers for SRS Femida to print minutes/rulings as soon as court sessions are over.
- Increasing the operating memory of computers from 1 GB to 2 GB at least for faster initialization of SRS Femida and ICMS.

- Installing additional printers and scanners in courts to raise the quality of services for citizens.
- Installing additional computers in courtrooms with SRS Femida to allow using the system by 2 or 3 clerks at the same time so that moving on from a case to the next one during a session and from one session to the next one when hearing multiple cases at once in judicial panels would be faster (Chisinau Court of Appeals).
- Fitting out each court server with an additional HDD unit to save recordings on the server (if the server runs out of disk space).

Technical assistance from the CST (15 courts)

- Providing technical conditions that would enable recording all sessions. The CST should configure SRS Femida systems in all courtrooms. Trimming SRS Femida View software in all clerks' offices, including in courts recently equipped with SRS Femida by USAID ROLISP.
- The CST's checking the connection between the computers in courtrooms and the court server to save recordings on the server.
- The CST's providing technical assistance to create a folder on each court server to save hearings recordings made with voice recorders. Creating shortcuts to such folders on clerks' desktops.
- Assigning a representative of the SCT in each district for a better management of the equipment in courts.