



CHANGES FOR JUSTICE PROJECT FOURTH QUARTER ACTIVITY SUMMARY PROGRESS REPORT

APRIL TO JUNE 2011

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**Contract No. Contract No. DFD-I-00-08-00070-00
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The author's views expressed in this publication do not necessarily reflect the views of the United States Agency for International Development or the United States Government.

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INTRODUCTION

This 4th Quarterly Report summarizes overall activity progress of the Changes for Justice (C4J) Project during the period April through June 2011.

COMPONENT 1: SUSTAINING AND BROADENING REFORMS IN THE SUPREME COURT

KRA 1.1 Enhance Management Transparency and Accountability in the Supreme Court to Support Bureaucratic Reform

A. Human Resources more strategically placed in the Supreme Court's management

This quarter, based on the priorities identified by local subcontractor Mitra Perubahan Indonesia, C4J and the Supreme Court's Judicial Reform Team Office (JRTO) agreed on three priority activities for Year 2:

- Competency assessment
- Competency-based recruitment and selection
- Strengthening the rotation, transfer and promotion system

These activities will be developed in close coordination with JRTO and the Supreme Court human resources working group. Planning for the competency assessment will continue next quarter.

B. Enhanced quality and efficiency of the Supreme Court administration and finance staff

We conducted a series of meetings with Supreme Court officials and counterparts in the Government of Indonesia's (GOI) Ministry of Finance, Supreme Audit Board, and House of Representatives to develop strategic interventions to strengthen the Supreme Court's capacity to comply with GOI budget and finance requirements. Our primary areas for support continue to be:

- Developing the concept of judiciary budget independence
- Strengthened implementation of budget-based strategic planning and budget formulation
- Improved quality of financial reports

We plan an initial workshop on budget-based strategic planning and budget formulation in September.

Dr. Maureen Berry's report on asset management and improvement of audit functions is still under review by the Supreme Court.

C. Improved media communications and public access to information

Model public information desks were installed in three district courts, including computers for information desk staff, an internet kiosk for public access, and an LCD screen for hearing schedules.¹ The case tracking system (CTS) developed by C4J is now functioning in four district courts (see part D. below), and is facilitating improved collection of case data and reporting of current case information at each court's website. We were dissatisfied with the quality of the information desks built by our local subcontractor, PT Wahana. The subcontractor agreed to fix all information desk installations to our quality standard at no additional cost. The repair work was completed satisfactorily on May 31.

Another local subcontractor, Paramadina/P3I, submitted its reports on standard operating procedures (SOP) for public relations functions in the Legal and Public Affairs Bureau of the Supreme Court. Based on this work, we are developing a comprehensive standard operating procedure (SOP) for public relations. On June 22, we discussed the first draft of the SOP with the Supreme Court.

D. Strengthened court capacity to use case management systems

We completed installation of the CTS software in four district courts: Bandung, Palembang, Samarinda, and Surabaya. Bandung is also now using the CTS, and Samarinda is coping with its electrical supply problems.

Local subcontractors KSM, MBK, and Taramitra have completed their work on electrical and computer remediation, computer hardware, and CTS application respectively in those courts.

Due to delays at Bandung, which agreed to begin using the CTS in June, we paid for additional days of training on the CTS. A SOP for judges, support staff, and IT staff on using the CTS software and hardware continues to be under development.

No decision has been made by the Supreme Court yet on whether the CTS should be expanded to other courts.

KRA 1.2 Improve Judges' Integrity and Technical Legal Competence

A. Continuing Judicial Education program developed

The first pilot training for the continuing judicial education (CJE II) program, on Case Flow Management, was held on June 27, 28 and 30 at the Supreme Court Training Center in Ciawi. Twenty-one judges—19 men and 2 women—completed the program. These participants were senior level judges from district courts in the areas of Ciawi, Jabodetabek and Banten, who were selected to review the pilot program. Two more CJE II courses, on Judicial Ethics and Quality of Judgments, are under development, and will be piloted in Ciawi by the same participants. The training

¹ The three district courts are in Bandung, Palembang and Samarinda. A fourth district court in Surabaya already had the information desk facilities installed by a previous USAID project, and it is cooperating with the C4J Project currently.

materials for Quality of Judgment and Judicial Ethics are under development. The Judicial Ethics course will be based largely on the materials developed previously under the MCC-funded Indonesia Control of Corruption Project.

C4J, the Supreme Court, and the University of Indonesia (UI) agreed on the selection of 20 judges to receive a scholarship for the master's degree program. At the close of the registration period, C4J had received 36 applicants who met the criteria to take the enrollment test. The enrollment test was held on April 17 at locations in Medan, Padang, Palembang, Jakarta, Surabaya, Balikpapan, and Makassar. On May 22, UI officially announced the names of the successful candidates on its website. The 20 judges selected represent the regions of Sumatra, Java, Kalimantan, Sulawesi, Nusa Tenggara, and Maluku, and include 5 women. The course materials continue to be under development by UI.

At the request of the Supreme Court, we helped plan a Supreme Court-funded study visit to the US to review implementation of intellectual property laws and patent rights, as well as administrative reform and continuing judicial education priorities of the U.S. federal court system. The trip included appointments with the Supreme Court, the Federal Judicial Center, the Administrative Office of the U.S. Courts, and the US Patent and Trademark Office, along with visits by the Chief Justice of the Supreme Court of Indonesia with the Chief Justice of the U.S. Supreme Court and the Chief Judge and judges of the U.S. District Court for the Southern District of New York. Chief of Party David Anderson and Judicial Training Expert Ana Rusmanawaty accompanied the Supreme Court team to these meetings.

B. Accreditation mechanism for CJE Certification incorporated into CJE policy

A comparative study of international practices will continue to be developed while the CJE II program (see A. above) continues to be under development.

C. Mid-level judges (6-15 Years) are of comparable quality

This activity is being addressed through the CJE II program (see A. above).

KRA 1.3 Professionalizing Court Staff

A. More committed court staff with appreciation of their roles and responsibilities as members of a court team

Work continues to focus on the four district courts assisted under the MCC Scope of Work; Bandung, Palembang, Samarinda, and Surabaya. Court staff professional skills are being improved through use of the CTS, managing the public information desks, and provision of technical assistance and training on how courts should manage their cases and interface with the public. We have recommended expanding this assistance to additional courts, but no decision has yet been made by the Supreme Court.

B. Incorporation of accreditation mechanisms for continuing training certification into career development

A focused program for accrediting court staff will begin in either Year 2 or Year 3.

C. Establishment of transparent and accountable procedures that support improved monitoring, accountability and management of court staff

As of June 30, more than 7,500 cases were entered into the CTS of the 4 district courts (PN), compared to 3,000 cases at the end of last quarter. The case information can be viewed at the courts' websites.

- PN Bandung: <http://cts.pn-bandung.go.id/perkaralist.php>
- PN Palembang: <http://cts.pn-palembang.net/perkaralist.php>
- PN Samarinda: <http://cts.pn-samarinda.net/perkaralist.php>
- PN Surabaya: <http://cts.pn-surabayakota.go.id/perkaralist.php>

We also completed training programs on public information compliance during the quarter. These trainings were led by two individual subcontractors who were involved in development of the new Supreme Court public information decree, SK 1-144. The training, which was held for the four district courts on May 23-26 in Bandung, was divided into two parts:

- The first part focused on court management (the chief judge, registrar, and junior legal registrar) and court stakeholders (civil society organizations and law schools), with an emphasis on court transparency and its implementation, and how court stakeholders can benefit from the new decree.
- The second part focused on court staff responsible for the day-to-day implementation of court transparency (information desk officers and the junior legal registrar), with an emphasis on the technical issues relating to public access to information, such as types of information requests and information request procedures.

COMPONENT 2: SUSTAINING AND BROADENING REFORMS IN THE ATTORNEY GENERAL'S OFFICE

At the close of the quarter, Prosecution Advisor Michael Hartmann completed his one year commitment on the C4J project. Some of the days allocated to him for future short-term work have been reallocated to other critical consultant needs within the Attorney General's Office (AGO), including human resources and case management. However, Mr. Hartmann is willing to assist with his successful work on sentencing guidelines as a short-term consultant as needed.

With the approval of USAID, the C4J Project funded the travel of the Prosecution Services Specialist Theodora Putri to attend the annual conference of the International Association of Prosecutors in June 2011, and to accompany other AGO representatives attending the conference on behalf of the AGO. Funds were also provided for the Prosecution Expert to attend, but he had to cancel due to a superseding obligation for the GOI.

KRA 2.1 Enhancing Institutional Management, Integrity and Efficiency of the AGO

There is no clear place within the framework of the current Task Order to address reforms in public information within the AGO. However, this is an area that offers great potential for success and that could help drive other reforms. In Year 2, we propose adding a separate key results area (KRA) focused specifically on improved media communications and public access to information.

On June 23, we reached an agreement with the AGO Reform Team and Head of *Puspenkum* on the implementation of the first training program for Provincial Prosecutor Offices. The first training will be held in Surabaya on July 7-8 for the provincial prosecutor's office (PPO) and district prosecutors offices (DPO) of East Java. These training sessions will disseminate information on PERJA 032/2010 and INSJA 001/A/JA/06/2011, regulating public information. The AGO and C4J have agreed to share costs. The AGO and C4J have agreed to hold subsequent training sessions under the PPOs of Palembang and Makassar. At the request of the AGO, we will print a compilation of resource materials on public information.

A. More effective and efficient utilization of AGO human resources and infrastructure through reorganization and restructuring

Following approval by the Attorney General of C4J's proposed scope of work, we began the procurement process on March 25 to choose a subcontractor for conducting a competency assessment and human resources business process-mapping. On May 16, we decided to contract with Hay Group (Hay), from among four bidders, to conduct the competency assessment for the Attorney General's Office.

Due to the size of the subcontract, a request to subcontract with Hay was submitted to USAID's Contracting Officer, and approval was received on May 31. The competency assessment, which will focus on AGO Echelon II positions, is expected to take four months. This competency assessment will provide the criteria for future individual assessments of Echelon II positions within the AGO; C4J may assist.

In addition to the competency assessment, we agreed to fund individual assessments of Echelon III positions within the AGO during the period October through December 2011. This is in response to the Attorney General's desire to reappoint leaders within the AGO in early 2012. Our support will help the AGO to complete individual assessments by the end of this year.

In consultation with the AGO's Planning and Personnel Bureaus, we are developing a monthly seminar series on human resources reforms. These monthly seminars are intended to create a forum for discussing issues relating to leadership and human resources and to assist the Personnel Bureau leaders to further strengthen their leadership team relationships. Discussions on this series will continue next quarter and C4J hopes to commence it by September.

Finally, Human Resources Advisor Myra Howze Shiplett submitted papers on the Modern Human Resources Office and Human Resources Champions in May.

B. Improved career advancement and disciplinary procedures used by the AGO

On April 12, we presented a proposed draft Code of Conduct for Prosecutors to the AGO Bureau of Supervision's technical team. The draft, based on routine discussions held every Thursday, focuses on obligations and prohibitions that should be adhered to by a prosecutor. The draft was developed based on international instruments, such as standards of professional responsibility, statements of the essential duties and rights of prosecutors, the Budapest Principles, and the Code of Professional Conduct for the Public Prosecutor at the International Criminal Court, with due regard to national law and the AGO's vision, mission, and priorities.

Work was briefly halted when the head of the technical team transferred to a new position. On June 23, we concluded the last in a series of meetings to discuss the last chapter in the Code of Conduct: the Prosecutor's Role in Criminal Proceedings. While agreement was not reached on those provisions at that meeting, we successfully reached agreement on most of the Code.

Due to competing priorities within the AGO, we will discuss with the technical team whether they would like to continue working on the Code of Conduct in Year 2, or delay until Year 3 or 4. Regardless, we will continue to document ethical issues and support improved standards wherever encountered.

We completed the terms of reference for developing SOPs for the AGO Personnel Bureau. These will be presented early next quarter for approval, with the objective of proceeding with development of the SOPs immediately thereafter. It is uncertain, however, whether the AGO will authorize C4J to proceed with this activity.

C. IT-based transparent case management system implemented in select prosecutor offices

This quarter we completed a review of the AGO's SIMKARI system based on visits to the AGO and a number of prosecutors offices last quarter. A report, authored by Case Management Advisor Markus Zimmer, was translated and will be presented to the Head of Planning and the Attorney General, if feasible, next quarter. We are recommending that no project funds be invested in IT hardware or software. The primary need of the AGO is in developing case management information and litigation support tools for prosecutors, receiving technical assistance to further evaluate SIMKARI, the procurement and distribution of IT equipment and infrastructure, and in setting policy vis-à-vis rotating career prosecutors into high-level IT leadership positions at the AGO.

D. Strengthened functional use of IT to support prosecutorial office operations and administration

This activity is pending the conclusion and results of the evaluation of SIMKARI (see part C above).

Assistance to the AGO to strengthen its functional use of IT includes mapping the case flow processes of its largest types of cases in hopes that this will help facilitate

discussions on how case information management could most effectively be improved within the prosecutors' offices. We have noted from our visits the extent to which prosecutor office staff are involved in dual processing of data in both manual and automated formats. As well, the extent to which offices are developing and adopting their own homegrown automated applications as an alternative to entering data into SIMKARI is also evident. These issues need to be addressed before trying to strengthen the functional use of what should be a standardized IT solution.

KRA 2.2 Improving staff technical competence and accountability

A. Strengthened AGO Training Center/Agency (*Pusdiklat/Badiklat*)

This quarter, the Training/HR Specialist Rusnita Saleh hired to work with the AGO Training Center (*Badiklat*) resigned due to health reasons. An internal recruitment was conducted within project staff. The Case Management Specialist Seruni (Sari) Saerang applied to be transferred to this position due to her interest in working with *Badiklat*. She will be formally transferred following the hiring of a new Case Management Specialist and an effective transfer of responsibilities. In the meantime, she is covering the responsibilities of both positions.

We have agreed to assist the *Badiklat* technical team in reviewing and assessing selected training curricula and the management of trainings. Case Management Specialist Sari Saerang is already meeting with *Badiklat* representatives and reviewing training curriculum and materials. Next quarter, we will continue meetings with the newly-appointed head of *Badiklat*, and his also newly-appointed deputy, to discuss C4J's assessment of curricula in need of improvement and priorities.

B. Competent AGO support personnel able to work effectively on cases

We are not planning any training on case management pending discussions with the Attorney General on the assessment of SIMKARI (see 2.1.C. and 2.1.D. above).

C. Strengthened AGO performance monitoring/evaluation and disciplinary system

No activities occurred in this area this quarter. Work is pending agreement with the AGO on additional work on the Code of Conduct, and the outcome of the competency assessment and individual assessments.

MAJOR CHALLENGES AND OBSTACLES TO ACTIVITY IMPLEMENTATION

Component 1

Competent Supreme Court Support Personnel Able to Work Effectively on Cases

The Supreme Court has yet to make a commitment to expanding use of the CTS to other courts, despite successful implementation of the CTS in four district courts. As reported last quarter, we see the CTS as a first step toward a more fully functional case management system. However, at this point we are neither actively seeking to expand the functions of the system, nor expand it to other courts due to competing interests within the Supreme Court to implement other IT solutions, unless otherwise directed by the Supreme Court.

We have decided to undertake an assessment of case flow practices and IT capacities in all Indonesian courts in hopes that data from this assessment will help frame the discussion around what are the real case management problems and appropriate solutions for Indonesia. This survey will be followed by a Case Management Summit in Year 2 to review both the automated systems under consideration in Indonesia, and approaches taken in other countries. We hope these activities will encourage the Supreme Court leadership to identify one solution that is affordable, sustainable, and that fosters standardization of case management processes.

This effort will include a discussion on how to manage the situation were some courts are utilizing automated solutions while others not yet ready for automation are continuing to maintain burdensome manual information recording and reporting systems. This discussion will identify strategies for effectively transitioning from paper to automation, and for reducing requirements for manually processing information.

Public Relations/Media Strategy Development and Implementation

As reported last quarter, the Supreme Court has issued an ambitious, new decree on public information. The Court is challenged in realizing improvements in public and media relations due to a lack of formalized processes, and the fact that limited scopes of work and strategic communications are not incorporated within its institutional policy. Another challenge is the lack of direction from the Supreme Court to the lower courts on implementing public information reforms, especially relating to proper staffing of public information desks.

We continue to work on development of a Public Relations SOP and the delivery of training for Supreme Court staff within the Legal and Public Information Bureau (*Humas*) on basic public relations skills and essential reforms. These efforts will be followed by training on media awareness and public communication principles for judges and court staff.

Component 2

Access within the AGO is improving.

Project Management

There are no obstacles or challenges to report this quarter.

INDICATORS

Component 1

REQUIRED INDICATOR	PROGRESS Q4 APRIL – JUNE	CUMULATIVE	C4J LIFE OF PROJECT TARGET
Component 1: Sustaining and Broadening Reforms in the Supreme Court			
1.1: Number of judges trained with U.S. government assistance.	25 Total <i>23 male</i> <i>2 female</i>	154 Total <i>137 male</i> <i>17 female</i>	300*
<ul style="list-style-type: none"> <i>Court Transparency and Public Information Guidelines for Palembang, Samarinda, Bandung and Surabaya District Court</i> 	4 Total <i>4 male</i> <i>0 female</i>		
<ul style="list-style-type: none"> <i>Continuing Judicial Education (CJE) II – Caseflow Management</i> 	21 Total <i>19 male</i> <i>2 female</i>		
1.2: Number of non-judge court staff who received U.S. government training on:	47 Total <i>31 male</i> <i>16 female</i>	512 Total <i>307 male</i> <i>205 female</i>	300*
<ul style="list-style-type: none"> <i>Court Transparency and Public Information Guidelines for Palembang, Samarinda, Bandung and Surabaya District Court</i> 	18 Total <i>8 male</i> <i>10 female</i>		
<ul style="list-style-type: none"> <i>Case Tracking system for IT Admin</i> 	4 Total <i>4 male</i> <i>0 female</i>		
<ul style="list-style-type: none"> <i>Case Tracking system for CTS Admin</i> 	8 Total <i>6 male</i> <i>2 female</i>		
<ul style="list-style-type: none"> <i>IT Hardware for Case Tracking System Support</i> 	17 Total <i>13 male</i> <i>4 female</i>		
<ul style="list-style-type: none"> Special courts training workshops (administrative, anticorruption, juvenile and commercial). 	-	-	<i>tbd*</i>
<ul style="list-style-type: none"> Budget advocacy and IT training for staff. 	-	-	<i>tbd*</i>
<ul style="list-style-type: none"> Gender and anti-discrimination training for court personnel. 	-	-	<i>tbd*</i>
At least 15 judges have received training abroad.**	11 judges (US Study Tour)	22 judges*** <i>19 male</i>	15

	<i>8 male 3 female</i>	<i>3 female</i>	
Number of judges/court staff have received in-country long-term training (e.g. Masters/LLM).	-	-	20
1.3: Percentage of targeted personnel satisfied with project trainings.	91%	83%	80%+
1.4: Number of new legal courses or curricula developed and adopted, in cooperation with the <i>Pusdiklat</i> .	4++ (CJE II)	6++	10
1.5: Number of USG assisted courts with improved case management.	4 (ongoing)+ ++	4 (ongoing)++ +	30#

Component 2

REQUIRED INDICATOR	PROGRESS Q4 APRIL – JUNE	CUMULA- TIVE	C4J LIFE OF PROJECT TARGET
2.1: Adoption of merit-based criteria or procedures for selection and promotion of AGO personnel through USG assistance.	-	Tbd	
2.2: Number of AGO personnel that received USG training on:	-	Tbd	200
<ul style="list-style-type: none"> <i>Ethical practices and Professional Standards policy.</i> 	-	<i>Tbd</i>	
<ul style="list-style-type: none"> <i>Evidence safekeeping.</i> 	-	<i>Tbd</i>	
<ul style="list-style-type: none"> <i>Relationship with media and access to information.</i> 	-	<i>Tbd</i>	
<ul style="list-style-type: none"> <i>Use of IT equipment.</i> 	-	<i>Tbd</i>	
At least 10 prosecutors have benefited from fellowships for training abroad.	-	Tbd	10
At least 20 prosecutors/POs staff have received in country long term training (e.g. Master's/L.L.M. degree).	-	Tbd	20
At least 25 new trained trainers in the AGO.	-	<i>Tbd</i>	25
2.3: Percentage of targeted personnel satisfied with project trainings.	-	Tbd	Tbd
2.4: Number of new legal courses or curricula developed and adopted in cooperation with the <i>Pusdiklat</i> with USG Assistance	-	Tbd	10