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USAID/MACEDONIA JUDICIAL STRENGTHENING PROJECT (JSP)

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I. PROGRAM-RELATED ACTIVITIES AND TASKS

I. RESULT I: STRENGTHENING ADVOCACY AND CITIZEN PARTICIPATION IN JUDICIAL SECTOR REFORM

I.1. Requirement 1.1 - A short, Focused Assessment, Baseline Survey, and Resulting Action Plan on Judicial-Sector Professional Associations and Civil Society Organizations, and the Role they Can Play in Strengthening the Rule-of-Law Area in Macedonia

The short focused initial assessment of the organizational needs of 11 professional organizations and CSOs was completed earlier in the project by the selected sub-contractor, The Center for Institutional Development (CIRa). Three organizations were selected for phase II of the assessment. The selected organizations are:

- The Macedonian Judges Association (MJA);
- The Macedonian Young Lawyers Association (MYLA);
- The Court Administration Association (CAA).

I.2 Requirement 1.2 - Per the Findings of Requirement 1.1, the Capacity of at Least two Judicial Sector Professional Associations is Improved

Pursuant to contract Requirement 1.2 and after discussion with and approval by the Contracting Officer Representative (COR), the JSP proceeded to implement phase III, which includes activities designed to enhance the capacity of the selected organizations. The upcoming phase III will include trainings and workshops from October 2012 to on or about October 2013.

After posting a Request for Proposal (RFP), the JSP established an evaluation committee to review the four proposals received. As a result of the review of the evaluation committee, the project invited one of the bidders, the consortium of MESACONS/EMBRA (Embrea) to present their proposal, to introduce their team. After the conclusion of the evaluation and “best and final offer” proceedings, Embrea was selected and a sub-contract signed on October 15.

According to the plan submitted by the Embrea (as amended), the first trainings will begin on October 31 and work will continue through August 30, 2013. However, if due to unforeseen circumstances, the sub-contractor cannot complete its deliverables by August 2013, the JSP may reschedule the activities to be completed no later than October 30, 2013 in line with the sub-contract.

The first coordination meeting between the JSP and the sub-contractor took place on October 15. Embrea submitted its work plan and deliverables schedule to the JSP on October 23, and on October 24 the JSP reviewed these documents and submitted them to USAID.

I.2.1 Macedonian Judges Association

Capacity Building and Sustainability Trainings and Workshops

The MJA is one of the organizations targeted for capacity and sustainability training with the JSP sub-contractor, Embrea. Representatives from the MJA, CAA and MYLA had their first coordination meeting with Embrea on October 19 during which they developed provisional plans for the first round of trainings and workshops. The JSP staff facilitated the meeting. It was agreed that the first series of trainings/workshops for the CAA would be as follows:

Activity/Deliverable	Activity Description	Start Date	Finish Date	Trainers
Prepare and execute the following for MJA:	<ul style="list-style-type: none"> ▪ Preparation of the trainings and workshop materials; 			
<ul style="list-style-type: none"> ▪ Two (2) Trainings in total on: <ol style="list-style-type: none"> 1. Advocacy and Lobbying (1.5 days); 2. Project Planning, Design and Implementation / Project Cycle Management (3 days). 	<ul style="list-style-type: none"> ▪ Implementation of the trainings and workshop; ▪ Evaluation of the trainings and workshop. 	01.11.2012 06.11.2012	02.11.2012 08.11.2012	Marjan Tanushevski Denis Zernovski

1.2.2 Court Administration Association

The CAA is a relatively new organization, with approximately 1,200 court employee members. After the initial CIRa assessment, the JSP chose CAA as one of the three organizations to strengthen and build its institutional capacity, because the CAA has a dynamic leadership and the resolve to transform the Macedonian judiciary into a model for the region. The leadership supports the association's mission to protect the rights and interests of court administrative staff.

Capacity Building and Sustainability Trainings and Workshops

Two representatives from the CAA attended the first coordination meeting with Embra during which provisional plans were developed for the first round of trainings and workshops. Representatives of the CAA met with Embra along with the MJA and the MYLA on October 19. The JSP staff facilitated both meetings. It was agreed that the first series of trainings/workshops for the CAA would be as follows:

Activity/Deliverable	Activity Description	Start Date	Finish Date	Trainers
Prepare and execute for CAA:				
<ul style="list-style-type: none"> ▪ One (1) Workshop on: <ol style="list-style-type: none"> 1. Developing new Strategic Plan 2013-2015 (3 days) ▪ Three (3) Trainings in total on: <ol style="list-style-type: none"> 1. Establishing and Maintaining Effective Partnership and Cooperation (1.5 days); 2. Advocacy and Lobbying (1,5 days); 3. Project Planning, Design and Implementation / Project Cycle Management (3 days). 	<ul style="list-style-type: none"> ▪ Preparation of the trainings and workshop materials; ▪ Implementation of the trainings and workshop; ▪ Evaluation of the trainings and workshop. 	19.11.2012 11.12.2012 29.11.2012 25.12.2012	21.11.2012 12.12.2012 30.11.2012 27.12.2012	Hari Shutoski Zoran Janakiev Marjan Tanushevski Denis Zernovski

1.2.3 Macedonian Young Lawyers Association

The MYLA is a LPA that provides continuing legal education for young lawyers, and works to promote and improve the lawyers' profession in Macedonia. The MYLA also works to promote access to public information and supports the establishment of a free legal aid system.

Capacity Building and Sustainability Trainings and Workshops

The MYLA was one of the organizations targeted for capacity and sustainability training with Embra. Representatives of the MYLA and the CAA and MJA had their first coordination meeting with Embra on October 19 during which provisional plans were developed for the first round of trainings and workshops. The JSP facilitated the meeting. It was agreed that the first series of trainings/workshops for the CAA would be as follows:

Activity/Deliverable	Activity Description	Start Date	Finish Date	Trainers
Prepare and execute for MYLA: <ul style="list-style-type: none"> ▪ One (1) workshops in total on: 1. Developing New Strategic Plan 2013-2015 (3 days). ▪ Two (2) trainings in total on: 1. Advocacy and Lobbying (1,5 days); 2. Project Planning, Design and Implementation / Project Cycle Management (3 days). 	<ul style="list-style-type: none"> ▪ Preparation of the trainings and workshop materials; ▪ Implementation of the trainings and workshop; ▪ Evaluation of the trainings and workshop. 	02.11.2012	04.11.2012	Hari Shutoski
		15.12.2012	16.12.2012	Marjan Tanushevski
		04.12.2012	06.12.2012	Denis Zernovski

1.2.4 Grant Assistance to LPAs and CSOs

Another full and open competition process for grants was announced on September 14 by ERSTE, a foundation dedicated to social integration. The ERSTE “Award for Social Integration” honors outstanding social projects that show high quality, innovation and sustainability. It aims to promote and contribute to the development of an inclusive, dignifying and more just society. The award is offered biennially for social integration projects from 13 European countries: Austria, Bosnia and Herzegovina, Croatia, Czech Republic, Hungary, Kosovo, Macedonia, Montenegro, Republic of Moldova, Romania, Serbia, Slovak Republic and Slovenia. Eligible organizations include non-profit legal entities of all sizes (e.g. associations, foundations, public institutions or non-profit limited liability company).

The JSP DCOP immediately notified the NGOs/CSOs, within the judicial sector with which JSP works, about this grants announcement. Each organization was offered assistance by the project in reviewing and recommending a course of action for the grant application process. The JSP requested that organizations send their draft proposals to the JSP office for review and inputs no later than one week prior to the application deadline. So far, the CAA requested assistance, and the application period ends on November 11, 2012.

The USAID/ Civil Society Project (CSP) announced the second Request for Applications (RFAs) for awarding grants to Civil Society Organizations (CSOs) on October 19, 2012. The purpose of these RFAs is to support jointly-developed CSO actions through grants of up to \$15,000. The deadline for applications is November 15, 2012. The JSP informed its partner organizations/legal professional associations and CSOs and offered assistance.

2. RESULT 2: MORE INDEPENDENT, EFFICIENT, AND CONSISTENT APPLICATION OF JUDICIAL POLICIES AND PRACTICES

2.1 Requirement 2.1 - Legal Framework and Judicial Branch Policies Strengthen Independence, Effectiveness, and Accountability of the Judicial System

2.1.1 Review and Advocacy of Laws by the Judiciary

Macedonian Judges Association Roundtables

The JSP discussed possible dates for two remaining public discussions with the president of the MJA. A discussion on “*Implementation of Law on Civil Procedure*” with a specific focus on issuing payment orders, is being organized for the fall of 2012. The remaining public discussion for this year will cover commercial law and will be organized after the completion of the “*Needs Assessment Training for Commercial Judges and Lawyers*” in late November depending on the schedule of the director of the Academy. The JSP DCOP had a conference call with the director of the Academy and the president of the MJA on November 1. Tentative plans were made for a discussion group event on judicial ethics. Discussions on such an event will continue in mid-November to mid-December.

Judicial Branch Forum

During October, the JSP undertook the final planning and vetting for two roundtables to discuss and assess the progress of reforms in Macedonia. The first roundtable will focus on the achievements in judicial reform to date and on what needs to be accomplished going forward. Special emphasis will be placed on how the current laws are working and what gaps need to be filled. The roundtable entitled “*Judicial Branch Forum*” will be held on November 6. Invitation letters have been sent to the participants and, at this writing, an agenda is being formulated in consultation with the USAID COR and court leaders.

A tentative agenda for the first forum will include the following topics:

- Status of judicial reform;
- Current administrative structure of the courts;
- Potential restructuring models;
- Law on the Academy for judges and public prosecutors;
- The Law on Court Services and human resource issues; and
- Topics for future judicial branch forums.

The participants for this forum will include the top policy and decision makers of the judiciary. A tentative list of participants includes: The Chief Justice,¹ president of the Judicial Council, president of the Court Service Council, Director of the Academy for Judges and Prosecutors, president of the Court Budget Council,² the four presidents of the appellate regions, presidents of High Administrative and Administrative Court, head of the Administrative office of Court Budget Council, president of the MJA representing the judges of the Republic and president of the Court Administration Association.

This represents the first time since the restructuring of the courts and court administration that a formal gathering of the top policy and decision makers will assemble to discuss judicial policy and relevant issues. It is an opportunity to foster communication and collaboration between the high level actors. The JSP will strive to institutionalize the forum and to replicate it on a periodic basis, resulting in better communication among key policy makers. It will strengthen advocacy for the judicial branch **by** the judiciary and strengthen the independence of the judiciary. This group has the potential to collectively become a powerful voice for the judicial branch.

¹ At this writing, the position of president of the Supreme Court (Chief Justice) is covered by acting president judge Stefkova. The appointment of a new president of the Supreme Court is pending.

² The president of the Judicial Council is *ex officio* the president of the Court Budget Council.

2.2 Requirement 2.2 - Administration and Management Rules, Policies and Procedures, Systems and Practices to Support a Modern Court System

2.2.1 Court Service Council and Court Administrators Workshop

The Court Service Council (CSC) and the Court Administrators met in the spring of 2012 for a two-day workshop entitled “Employment, Evaluation and Disciplinary Procedures of Court Employees” that was supported by USAID/JSP. This workshop discussed key recent changes in the “Law on Court Service,” which prescribes specific responsibilities for court administrators during the procedure for selecting and hiring court employees. The group met again on July 12 and 13 for further work on the manual and the sub-regulations developed at the spring meeting. A follow-on roundtable was held on October 4 and 5 in Kavadarci. The Ministry of Justice (MOJ) sent representatives to work side-by-side with the court entities, since the MOJ must approve the sub-regulations. Fifteen participants attended, including 12 court administrators, one CSC staff member, and two representatives from the MOJ.

The sub-regulations discussed above are the following:

- Regulation for Selection and Employment by posting Internal Announcement;
- Regulation for Conducting Apprenticeship Exams;
- Regulation for Conducting Disciplinary Procedures for Non-judicial Staff; and
- Regulation for Evaluation of non-judicial staff.

The manual to be used by administrators and the hiring selection committees is being finalized, and the JSP anticipates it will go to print in mid-November.

2.2.2 Development of Needs Based Budgets

In consultation with the head of the Administrative Office (AO) of the Court Budget Council (CBC), the major JSP activities have concluded successfully for this contract year with the submission of the budget to the Ministry of Finance for final review. In the JSP Second Year Work Plan, the project proposes to continue activities to strengthen the capacity of the AO and the courts to submit a needs-based budget. It is envisioned that the emphasis going forward will be to identify and assist those courts deemed to be weak or deficient in needs-based budget preparation.

2.2.3 Guidelines for Unified Accounting Practices Workshop

The JSP sponsored three workshops with selected accountants to develop “*Guidelines for Unified Accounting Practices*,” under the guidance of Ms. Silvija Janevska, Head of the AO of CBC. The objective of the workshops was to enhance the skills of the accountants and build a common understanding of the basic assets for in all courts in Macedonia, and to instruct them on how to enter data into the Automated Budget Management System (ABMS).

The latest workshop was conducted on October 18 in Veles. The topic of the workshop was “Entering Basic Assets in the ABMS.” The goal of the workshop was to enhance skills of court accountants on how to enter basic assets into the ABMS, which will result in producing a consolidated annual account for the courts.

Thirty-four participants attended, including accountants from 33 courts. The trainer was Mr. Maksim Acevski, Assistant Chief State Auditor from the State Audit Agency, and Ms. Maja Hadzi-Kimova, Head of the IT department of the AO of CBC.

The participants debated how to unify accounting practices across courts. The Head of the AO of CBC, Silvija Janevska, instructed the participants that by December 1, 2012, all of them are required to enter their basic assets into ABMS. The JSP will support a roundtable discussion on “Standardization of Supporting Accounting Documents, and Courts’ Financial Reports” in mid-November.

2.2.4 Support of Public Information/Education Activities

Support of Administrative Court for European Day of Justice

The Administrative Court requested assistance from the project in support of an open house celebrating European Day of Justice. The JSP assisted with the publication of an informational brochure describing the structure and mandate of the court, leadership, number of judges, and the various departments. The publication points out that all information about the court, including decisions, are published on the court’s webpage. The location of the court is also included in the brochure to allow for easier public access. Two thousand brochures were printed. A large number has been delivered to the court, and JSP will distribute copies in the future as opportunities arise.

Student Visits to Courts and Informational Publication for Students

In support of improved transparency, understanding and information about the judicial branch, the JSP elected to sponsor student visits to a number of courts in Macedonia. Plans were developed in October to sponsor visits for high school students in Basic Court Bitola and Basic Court Tetovo.

The JSP is collaborating with the European Law Students Association (ELSA) which has, at the project’s request, produced an informational brochure geared towards high school students. The brochure describes the judicial branch, the structure of the Macedonian courts, their function and jurisdictions. The brochure is being printed by the project and will be widely distributed to the students visiting the courts as well as to other citizens. The first two student visits will take place during November/December and will include presentations by the president judges, court administrators and ELSA representatives.

3. RESULT 3: INCREASED FAIRNESS AND EFFICIENCY OF THE ADMINISTRATION OF JUSTICE THROUGH MORE EFFECTIVE LEGAL PERSONNEL AND EFFICIENT PROCESSES

3.1. Requirement 3.1: Develop and Implement Targeted Specialized Trainings for Judges, Court Administrative Executives, and Court Staff

The Academy for Judges and Prosecutors (the Academy) has been invited to take part in the questionnaire process with the IDEAS project, and to collaborate in a roundtable with the objective of developing training recommendations on commercial law. IDEAS is a USAID project dedicated to supporting the Macedonian business community. The director of the Academy informed the JSP that a questionnaire regarding commercial cases was sent to the judges. The IDEAS project distributed a questionnaire for commercial chambers and commercial lawyers. The responses to the questionnaire from the Academy and from IDEAS will be collated and used as a basis for developing an agenda for a roundtable in November depending on the schedule of the director of the Academy.

3.2 Requirement 3.2 - Improve Caseload Processing and Reduce Backlog of Cases

The pilot courts have been selected to further the concept of a needs-based budget and to increase the disposition rate of cases. This will contribute to a reduced backlog and an increased clearance rate (the ratio of filed cases and disposed cases).

During October, plans were developed to bring together judicial leaders who have been recognized for their superb oversight and case management skills. The group includes two appellate region president judges, a basic court president, heads of the civil and criminal departments of basic courts, two court administrators, an ACCMIS specialist and member of the Judicial Council (JC).

The event will take place on November 20, and will be the first meeting of the Courts' Working Committee on Case Processing and Backlog Reduction. The committee will focus on Articles 7 and 8 of the Law on Case Management, which establishes working committees within each court for the purpose of tracking the progress of litigation and assisting the president judge in avoiding and reducing backlog. The group will identify issues and gaps in the current system of tracking cases in order to set protocols and procedures for unifying the work of the courts' committees and maximize their effectiveness.

Support for Judicial Sector Automation

3.2.1 ACCMIS Database Warehouse and Statistical Interface Software

At the request of the JC and the MOJ, the project's IT expert prepared a Terms of Reference (TORs) for an enhancement to the ACCMIS software. The JSP, together with the JC, intends to develop an "ACCMIS Database Warehouse and Statistical Interface Software" that will be able to generate more precise and targeted statistical reports for the courts. These specialized reports are needed by the JC and European Commission for Efficiency of Justice as part of Macedonia's integration with EU judicial standards.

The JSP signed a subcontract with EduSoft on October 10, 2012, to support this effort. The first meeting of the working group to develop forms for statistical reports was held on October 24, 2012. The working group reviewed the MOJ's methodology for court statistics and prepared a draft report. The next meeting took place on October 31 and November 1, 2012. The deliverables required for EduSoft will be completed no later than January 15, 2013 with submission of the source code to the JSP.

3.2.2 Supreme Court Coordination Committee for Improving Use of ACCMIS

This Committee for Improving Use of ACCMIS meets regularly and the JSP staff attends the meetings to facilitate coordination between the committee and courts. The meeting on October 25 was attended by the JSP DCOP and the project's IT expert. The committee working on developing uniform nomenclatures for court decisions in criminal, civil, administrative and non-contested procedure is close to finalizing their work. In addition, an ACCMIS committee was established to develop a protocol for electronic court delivery of summons. Judge Stojance Ribarev was named as president of that committee. This committee was tasked to develop this protocol in the next two months.

3.2.3 Electronic Digital Recording of Court Hearings and Trials

In the closing days of USAID/JRIP, electronic recording devices were installed in 80 courtrooms in Macedonia. After an initial review of the use of the audio recording devices by the courts, the JSP observed limited usage and decided to experiment with the device in a way that will mollify the concerns of some of the appellate judges, who feared that time would not permit playing the entire record on appellate review.

Judge Ljubica Kolic, head of the civil department of Skopje II, agreed to a demonstration during an actual hearing. This process involves the recording of the full hearing with the judge dictating a summary of testimony and arguments into the record with the summary being typed by the

court typist (in addition to the actual audio recording). Due to the judge summarizing the testimony and dictating a decision into the record, the court typist is able to print a summary of the proceedings and deliver that record, along with a copy of the CD containing the entire proceeding, to the parties within a few minutes of completion of the hearing. The JSP will now use the information gathered to prepare a plan for future expansion, training, and recommendations for possible rules and/or statutory changes. This will include the use of the device experimentally to meet the concerns of some judges, especially the appellate judges.

During October, at a recent meeting with the president of the JC and the JSP DCOP, the necessary amendments to the Court Book of Rules were discussed. It was agreed that, as part of the plan of implementation, the amendments would be pursued.

II. PROBLEMS AND REMEDIAL ACTIONS

Problems have been minimal and in the nature of those to be expected in the regular course of business. A minor issue is the resignation of the project attorney. The project has begun the process of hiring and applications in response to the posting are due by COB on November 5.

III. SUMMARY OF ACTIVITIES PLANNED FOR NOVEMBER 2012

Summary of activities planned for November include:

- Oversee and manage the “Capacity Development Program” with Embra, the sub-contractor;
- Maintain regular communications with Embra and conduct regular coordination meetings according to the sub-contract;
- Follow up with the IDEAS project on collection and collation of questionnaires for lawyers and the business community;
- Conduct roundtable in collaboration with IDEAS and the Academy to ascertain the training needs for commercial judges;
- Continue partners discussion regarding recommendations in assessment report of existing administration and management practices at the first Judicial Branch Forum on November 6, and develop concepts for implementation;
- ;
- Continue coordination with the Academy for future events;
- Continue to accumulate statistical data on case filings, dispositions, and backlogs by court and case type, and prepare an analysis of the case data;
- Support working committee to identify gaps and recommend protocols for the courts’ case processing committees as well as supporting working committee meeting on November 20.
- Continue to work with six pilot courts and supply support to meet targets;
- Provide support to the courts and the Supreme Court IT Department to implement the complete system and wide use of ACCMIS, and continue the implementation of the ICT expert recommendations;
- Monitor and oversee contract negotiated and signed with EduSoft for upgrade of ACCMIS to provide data required by Methodology for Court Statistics and Commission for Efficiency of Justice (CEPEJ);
- Support working group for developing forms of the statistical reports for ACCMIS Warehouse initiative;
- Organize workshop on “*Unification of Supporting Accounting Documents*” with the AO;

- Procure a court administration expert to introduce a “*Differentiated Case Management System*” to the Macedonian judiciary;
- Issue an RFP for first year study tour for NGOs and CSOs representatives;
- Amend Second Year Work Plan, if required, and begin implementation on November 23;
- Prepare and plan for various fall activities with CAA, CSA, CBC, AO, and JC;
- Print project fact sheet;
- Print Success Story fact sheet;
- Continue updating the JSP web site;
- Prepare SOW for project Intern; work with HO to obtain Intern for fall;
- Support amendments to Court Book of Rules regarding “Electronic Recording” of court hearings; prepare plans for trainings and roll-out to pilot courts;
- Continue to work with ELSA on development, printing and distribution of public information brochures;
- Plan court visits by two local schools in two courts along with media coverage;
- Continue procedures for hiring of project attorney position; the closing of posting is November 5 by COB.