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**Kazakhstan Judicial Assistance Project (KJAP)
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USAID/CAR Regional Mission**

Semi-Annual Report: October 1, 2005 – March 31, 2006

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A. Executive Summary

Chemonics signed the Kazakhstan Judicial Assistance Project (KJAP) contract on October 1, 2005. The objective of KJAP is to promote transparency within the judicial system and equal access to the courts by training the media and the judiciary to cooperate with fair reporting and information exchange. It also aims to continue the pilot court recording project, work with the Judicial Academy (Institute of Justice) to train judges in areas of ethics and decision writing, and strengthen the Union of Judges of Kazakhstan. Also, the KJAP is providing core technical assistance in areas relating to the judicial legal framework. The prime contractor, Chemonics International, is implementing KJAP in conjunction with subcontractors MetaMetrics and the National Judicial College.

This semi-annual report presents KJAP's progress towards the targets established in USAID/CAR Strategic Objective (SO) 2.1 "Strengthened Democratic Culture Among Citizens and Target Institutions." The reporting period covers KJAP's first six months: October 1, 2005 – March 31, 2006. As described further below, activities during this period were heavily focused on administrative start-up and initial coordination with project counterparts, partners, and beneficiaries. However, tangible progress has been made in all five project components, and that progress has set a solid foundation for continued progress over the remainder of the project.

B. Project Organization

KJAP has five project components. The first four are derived from the task order scope of work (SOW), and the fifth was subsequently added at the request of KJAP's Kazakhstani counterparts to capitalize on emerging opportunities uncovered during implementation:

1. Judicial Training and Support for the Judicial Academy (*hereinafter referred to as the Institute of Justice*) in Kazakhstan
2. Court Recording Project
3. Media Training and Citizen Awareness
4. Technical Assistance to the Union of Judges of Kazakhstan
5. Core Structural Technical Assistance

These five components are divided into distinct "tasks," each of which contributes to the realization of the component.

The project consists of a five person technical team: the Chief of Party (COP); Deputy Chief of Party (DCOP); Senior Legal Advisor; Legal Training Director; and Office Manager. The main project office is located in Almaty, and a second project office will be opened in Astana during the second quarter of 2006.

C. Relation to USAID/CAR Objectives

KJAP is aligned with USAID/CAR Strategic Objective (SO) 2.1 "Strengthened Democratic Culture Among Citizens and Target Institutions." KJAP activities are intended to directly contribute to the achievement of three Intermediate Results (IRs):

- 2.1.3 "Enhanced Opportunities for Citizen Participation in Governance"
- 2.1.4 "More Effective, Responsive, and Accountable Public Institutions"
- 1.3.3 "Increased Implementation of Laws and Regulations"

It is important to note the inherent meaning in SO 2.1, particularly in terms of *strengthening democratic culture*. As elaborated in *USAID's Assistance Strategy for Central Asia 2001-2005*:

The Central Asian states diverge from those in Eastern Europe in that, in the latter countries there was an evident consensus and commitment among citizens and governing elites to reform. In Central Asia, there has been no such consensus. Less than a decade ago, the Soviet Republics of Central Asia became all of a sudden and, for the most part, unwillingly independent. Independence did not emerge from a popular movement for change or from a cadre of enlightened reformist politicians.....In short, Central Asia has had very little experience with modern democratic values and norms.

This difference in where the existence of the problem stems from warrants an approach to democracy assistance in Central Asia that differs from that employed in Eastern Europe and much of the European NIS. Democracy assistance requires more than facilitating simple political transition that replaces forcibly supplanted authoritarianism with earlier held values....The long-term establishment of democracy in the region requires first and foremost more fundamental changes. Assistance must make people aware of the possibilities available to them and increase the popular demand for change by fostering political will and commitment for reform among both citizens and governing elites. In other words, the situation does not call for assistance facilitating political transition; it calls for assistance *strengthening democratic culture*....

The emphasis on strengthening democratic culture is a constituent element of every KJAP activity, and presents a metric by which KJAP progress shall be measured.

D. KJAP Progress Towards the Targets Established in SO 2.1

As mentioned above, activities during the initial six months were heavily focused on administrative start-up, to the extent that technical progress on the project's workplan was detrimentally affected. The project registration process, which was required by local law, took significantly longer than anticipated. Until registration was complete, the project was unable to open a bank account, and officially sign a lease and hire staff. The two-month registration process thus impeded our ability to mobilize quickly and start delivering results. Likewise, the project experienced delays clearing the computer shipment through customs. The lack of an active bilateral agreement between the US Government and the Government of Kazakhstan impedes the timely flow of goods through customs, and this delay affected the field office's performance. In addition, Chemonics' original office operational structure proved ineffective, requiring a re-assessment and reconfiguration in the middle of this reporting period.

However, in spite of these difficulties and the complex regulatory environment in Kazakhstan, KJAP has made progress in each project component. Each of KJAP's components contributes to SO 2.1 in its own way. Below we present the progress made during the reporting period, by component and task, and describe the individual impact each has had on the realization of the targets established in SO 2.1.

DI. Component 1: Judicial Training and Support for the Institute of Justice

Increasing the knowledge of Kazakhstan's judges will enable them to administer justice more effectively, ethically, and transparently. As such, KJAP is supporting the design and delivery of judicial training. The primary local counterpart for this endeavor is the Institute of Justice (the Institute). The Institute is the primary judicial training center in Kazakhstan, and currently provides an intensive two-year training course for approximately 45 new judges every year, and continuing legal education to several hundred sitting judges annually.

Task 1: Institutional Support

The initial task in this component is to provide institutional support to the Institute to strengthen its administrative, technical, and academic capacities. Additionally, as the Institute was recently subsumed into the National Academy for Public Administration - an Executive branch agency – KJAP is working with the Institute to ensure that its training activities remain the responsibility of the Supreme Court, thus maintaining a degree of judicial independence.

KJAP held preliminary meetings with Institute staff in November 2005. At that time, the European Union was implementing the "Institutional Strengthening of the Judicial Academy Under the Supreme Court of Kazakhstan" project. [The project – a one-year endeavor to support the Institute's development – subsequently ended on January 29, 2006.] To avoid duplication of efforts, KJAP decided to sequence its institutional support activities to begin *after* the EU project ended, thus providing continuity to the donor community's reform efforts. During this initial meeting in November and a round table at the Institute in December, KJAP discussed the opportunities for continued support with the head of the EU project and the Rector of the Institute. In particular, the meeting with the head of the EU project, Mark Segal, was valuable in illuminating his project's successes and challenges, and in identifying areas for KJAP's future support.

To facilitate the identification of appropriate support activities for the Institute, KJAP began an analysis of the legal and budgetary consequences arising out of the transferal of the Institute underneath the umbrella of the Academy of State. KJAP also consulted with the Rector of the Institute regarding the status of preparations for transferring operations from Almaty to Astana. This "research" phase involved collecting all of the legal provisions on the Institute of Justice, including all laws, decrees, charters, and regulations, and conducting a legal analysis of these provisions. In addition, KJAP collected all curricula and schedules of the educational process of the Institute of Justice, as well as the structure of the Institute. The project catalogued faculty members, including the list of employees and their official duties, and identified members of the new Advisory Board of the Institute of Justice. KJAP also translated the Decree of the President of the Republic of Kazakhstan "On measures on the further perfection of preparation, retraining and improvement of professional skill of the staff of the state bodies of Republic Kazakhstan" of May, 31, 2005, № 15-83.

The information gleaned during this review, complemented by the information elicited during the series of meetings with Institute staff and the head of the EU project, identified a comprehensive list of possible activities for KJAP. Several of these have been incorporated into KJAP's year one workplan, including jury trial and legal opinion drafting training, and completion of the Institute's education strategy and monitoring plan. KJAP's activities during this reporting period have produced a roadmap for the project's further support of the Institute: activities that will contribute to the increased effectiveness and quality of the Institute and its training activities.

Task 2: Jury Trials

In January 2006, the President of Kazakhstan signed a new jury trial law. The law will take effect January 1, 2007. KJAP translated the new law into English and began to conceptualize ways the project could assist the Kazakh judiciary with the implementation of jury trials. This focus on implementation responds to Supreme Court personnel suggestions that the time for general assessments of the legislation has passed and that the focus should now be on how to prepare effectively for its entry into force on January 1, 2007.

KJAP opened discussions with staff at the U.S. Federal Judicial Center (FJC) concerning the development and execution of an intensive short program on the implementation of the new legislation at the end of April 2006, timed to coincide with the planned study-tour to the US of a delegation from the Supreme Court. This FJC program would provide the delegation with hands-on exposure to jury trial implementation, and emphasize the U.S. experience in: 1) instructing jurors on how to weigh evidence; 2) juror behavior and confidentiality; 3) administration of the housing, feeding, securing and compensating of jurors; 4) jury tampering; and 5) avoiding discrimination in the selection of jurors.

As described further below in Task 6, KJAP also worked with the Institute of Justice on implementing a jury trial training course for students at the Institute.

These KJAP efforts will contribute to the effective implementation of jury trials in Kazakhstan, thus involving Kazakhstan's citizens more-fully in their judicial system and society.

Task 3: Training of Trainers

One of KJAP's goals vis-à-vis its support of the Institute is to increase its internal training capacity; thereby creating a sustainable capacity within the Institute to provide recurring, professional-level training for judges and other judicial staff. This Training of Trainers (TOT) support will directly contribute to the Institute's effectiveness in preparing judicial officers to properly administer justice.

KJAP's initial activity was to collect materials from the European Union's recent judicial reform project (particularly those relating to its TOT activities) to determine what had been accomplished, what challenges were uncovered, and what existing training materials were available. KJAP then identified prior recipients of the TOT training and made a preliminary list of faculty members who have not received training. As the Institute is moving to Astana during the summer of 2006, KJAP sought out and received updated information on the Institute's faculty members who have committed to moving to Astana, and started to identify potential trainers for the TOT program once the Institute moves to Astana.

Task 4: Legal Opinion Drafting Training

Public access to court decisions is a key element of judicial transparency, and thus, it is an important commitment upon the part of a new democracy. Opinions that are more clearly written will provide a permanent and transparent record for the citizens of Kazakhstan, thus adding to their understanding of the application of the law.

To improve the quality of judicial decisions, the Institute of Justice plans to develop a mini-course on the drafting of judicial decisions. KJAP intends to support the development and delivery of this course. As an initial step, KJAP began an analysis of the legal provisions that shape the process of judicial opinion drafting, both in Kazakhstan and among the international legal community. In particular, project staff translated a 2002 Supreme Court

interpretative decision that provides specific guidance to judges. Based on the results of this research, KJAP has engaged project subcontractor the National Judicial College to determine whether their existing materials on judicial opinion drafting can be quickly and affordably modified to suit the specific Kazakh context. GTZ has also expressed interest in working on this topic, and the project is coordinating with GTZ personnel. Once the full analysis of the legal context is complete, KJAP will coordinate with Kazakh and international experts to design and deliver the mini-course.

Task 5: Benchbook

A benchbook is a valuable resource for judges and facilitates the effective delivery of justice. While all judges in Kazakhstan reportedly have a benchbook, it is only available in Russian, a drawback in the regions where the primary working language is Kazakh. To enable all judges to benefit from the benchbook, KJAP plans to translate the existing benchbook into Kazakh, and if necessary, make necessary updates to its content.

KJAP began work on this activity early in the project. However, conflicting views of how best to move forward on this project task soon emerged among Kazakh counterparts. Certain personnel at the Supreme Court have expressed the view that a full second edition of the benchbook is unnecessary and that steps should be taken immediately to commence translating the existing benchbook into Kazakh. Personnel at the Institute for Justice disagree, citing the December 30, 2005 amendments to certain aspects of the major procedural codes, e.g., the criminal procedure code. According to the latter, immediate translation of the first edition of the benchbook into Kazakh could be confusing in places where it relies on old procedural provisions. To determine how best to proceed, KJAP conduct an internal analysis of the existing benchbook to determine which segments may have been altered due to these amendments. In particular, KJAP conducted a legal analysis of the Law of the Republic of the Kazakhstan № 111-III from December, 30, 2005 "About modification and additions in Criminal Procedure and Civil Procedure Codes of the Republic of the Kazakhstan on questions of differentiation of jurisdiction." The analysis was still underway at the end of this reporting period. The project has identified a translator for the Kazakh edition and will commence translation once the remaining issues are clarified.

Task 6: Completion of Education Strategy and Monitoring Plan

In cooperation with the Supreme Court of the Republic of Kazakhstan, the predecessor to KJAP – USAID's Central Asia Judicial System Development Project - was involved in several aspects of judicial education. In particular, the project had initiated an effort to develop strategic planning for judicial education at the national level. At that time, a Coordinating Council was established and meetings were held to develop a list of the basic issues involved. Eventually, this effort led to a roundtable on strategic planning on judicial education in Kazakhstan.

At the end of this roundtable, the several recommendations were produced, including: 1) to work with the Institute of Justice to develop a 5-10 year strategic plan focusing on the improvement of judicial skills and the institutional development of the Institute; 2) to develop training consistent with this strategic plan and carry out this training to assist judges in their professional development; and 3) to maintain government financing of judicial education on a constant and continuous basis.

Unfortunately, by the start of the KJAP project, this promising start had stalled and strategic planning on judicial education had not moved forward. KJAP intends to reinvigorate this process and provide assistance with the development of a long-term approach to managing

judicial education. The first step is to establish a mechanism for the systematic planning and review of judicial education, and the second is to assist with the development of a basic strategic plan that addresses the longer term needs of the system of judicial education in Kazakhstan.

During this reporting period, KJAP collected materials on court education in Kazakhstan and analyzed the educational process at the Institute of Justice. The development of KJAP's proposals on improving the Institute's educational process is in progress. The proposal includes several priority areas for action, including: strategic planning for the next five years; improving the teaching methodology; exploring new teaching methods, such as distance learning; exploring new courses, such as on European law, international contracts, jury trials, judges' written and spoken communication; and decision writing.

These initial efforts have reinvigorated an important, and stalled, debate in Kazakhstan, and established a foundation for the continued improvement of judicial training.

DII. Component 2: Court Recording Project

Court recording of judicial proceedings provides a verbatim record of trial events. While a verbatim record is typical in many Western countries, in Kazakhstan court proceedings are typically hand-written by the court secretary. These records are not verbatim transcripts, but essentially only summaries of the case. Some courts also use audio recording, but this system produces transcripts of imperfect quality, and is itself more easily subject to manipulation.

KJAP is introducing the novel concept of video court recording into Kazakhstan's judicial procedure - a concept which holds the promise of increasing judicial transparency and accountability, and providing an accurate case record to be used on appeal. During a 12-month pilot project at the Bostandyk District Court in Almaty, KJAP is testing a high-tech system with four cameras and six microphones that thoroughly and accurately captures all aspects of a court case and provides a verbatim record of the case. At the end of the pilot, KJAP will offer official recommendations on the merits of the different systems to the Supreme Court of Kazakhstan and USAID.

Task 1: Pilot Project Implementation

The video-recording system in use at the Bostandyk pilot court was installed during USAID's previous judicial reform project, implemented by IRIS. At the end of this project in September 2005, the equipment had been installed but had not yet been used. When KJAP launched its activities in October 2005, its initial activity in this task was to finalize a Memorandum of Understanding (MOU) with the Court Administration Committee of the Supreme Court of Kazakhstan, the pilot project's main counterpart. This MOU was a necessary step in the realization of the pilot project, and had been initiated during the predecessor project. The MOU was subsequently finalized in February 2006, after a series of intensive meetings with the Supreme Court, USAID, and KJAP staff.

Once the MOU was finalized, KJAP completed an inventory of the court recording equipment and tested its readiness. This testing uncovered several small technical issues that needed to be identified, but more importantly, identified that all of the court staff that had been previously trained on the use of the equipment no longer worked at the court. Because pilot court staff were to actually operate the equipment during court cases, KJAP organized an intensive training program for the new court staff to familiarize them with the equipment and train them on its proper usage. This training, held March 14-16, provided the pilot court staff

with the necessary skills to begin using the equipment. 24 court employees took part in the training, including eight court secretaries. All the training participants were provided with the equipment vendor's official instructions on the use of equipment, which were revised and re-developed with KJAP's suggestions, and adapted to Kazakh legislation.

To avoid the revolving door of trained personnel, all the secretaries were taught training skills and techniques and were given a package of technical documentation on video system usage that would allow them to train new personnel. Chair Assistant Maksat Kasymov was elected to serve as a system administrator of the pilot court, and he will be coordinating court recordings both technically and procedurally, as well as training new personnel in the future.

Most of the remaining technical issues were resolved during March 2006, and the recording system was scheduled to officially commence use on April 1, 2006.

The publicity generated by the pilot project will reach across Kazakhstan, and expose Kazakh citizens to not only the possibilities inherent in the court recording technology, but the very idea of judicial transparency and accountability. The pilot project will also vastly increase the court staff's understanding of judicial transparency and accountability.

Task 2: Pilot Project Coordination and Expansion Planning

KJAP has held a series of fruitful discussions with the Supreme Court of Kazakhstan on the possibilities for expanding the court recording pilot project beyond the Bostandyk District Court. While the pilot is only in its first phase, intense interest in the system has already been generated in other district courts, with several asking that they be the next to receive it.

In principle, the judicial administration is in agreement to move forward rapidly with expansion plans. However, early KJAP research indicates that other courts are engaging in various recording initiatives on an ad hoc basis. The project is therefore evaluating the nature and extent of these initiatives to prepare for the development of a general applicable protocol for proper practice in this area.

An explanatory memorandum noting the differences between the SRS Femida equipment and the home video system used in some regions by their private initiative (ex. South-Kazakhstan Oblast and West-Kazakhstan Oblast) was submitted to Supreme Court Chief Justice Mami. This memo also included a discussion on the legal status of digital court recording's possibilities.

DIII. Component 3: Media Training and Citizen Awareness

As stated above, the objective of SO 2.1 is to strengthen democratic culture among citizens and target institutions. The three tasks in this component will each provide a direct, and powerful, message to Kazakh citizens and target institutions, particularly the judiciary and the media.

Task 1: Public Awareness Materials

At present, the majority of Kazakhstan's citizens have a limited understanding of their judicial system and little confidence in the system as a whole. They are unaware of general issues such as judicial independence, transparency, and corruption. They are also unaware of more specific issues such as the trial process and the effect the introduction of jury trials will have in Kazakhstan. Finally, they are largely unaware of efforts underway to reform the judiciary and combat corruption.

To inform and educate Kazakhstan's citizens on judicial issues and the reform possibilities available, KJAP will design and implement a phased, two-pronged public awareness campaign using two primary tools: brochures and articles. A two-pronged campaign will ensure maximum exposure to judicial information and increase demand for a fair, independent, and ethical judiciary.

Current plans call for KJAP to produce:

- Six brochures, on topics including the judicial system, civil procedures, criminal procedures, and jury trials. These brochures will be placed in courts across the country and will be publicly available.
- A series of 12 informative and substantive articles, on topics including the Kazakh judicial system, the basics of civil lawsuits, the basics of criminal process, the new jury trial laws, judicial ethics, and corruption. These articles will be published in popular newspapers and magazines.

Both the brochures and articles will be made available as they are produced, with the entire production and distribution phase lasting approximately six months. The combination of brochures and articles will ensure that this vital judicial information is widely disseminated and easily available to citizens across the country.

During this reporting period, KJAP identified the Kazakh judicial experts who will write the articles and brochures, and they started work on the initial drafts. KJAP also identified a reviewer at the Institute of Justice.

Task 2: Judicial-Media Coordination

Many members of the media are unknowledgeable of the judiciary and view it with suspicion. This condition is exacerbated by a judiciary that is selective in releasing information, and likewise views the media with suspicion. Many members of the judiciary are openly critical of the media and are unaware of their requirements (which vary) to make information public. This condition leads to an inappropriately small amount of press coverage of judicial issues. The news that is covered is often biased and of poor quality. This situation prevents Kazakh citizens from learning about their judicial system and the efforts underway to reform it.

While there are donor-led initiatives working with both the judiciary (namely ABA/CEELI) and the media (Internews and also ABA/CEELI), there is no organized effort to unite these two groups and forge better relations between them. KJAP is determined to fill this void.

KJAP will design and implement a program that will assist both the judiciary and media to cooperate with the exchange of information regarding case decisions, legal issues, trends in the judiciary, and other matters of interest to the general public. Better coordination between the judiciary and media on information exchange and fair reporting would do much to increase judicial transparency, and improve the media's coverage of the judiciary and the public's knowledge and perception of their judicial system.

KJAP will utilize the experience of our subcontractor NJC, who maintains the *Reynolds National Center for the Courts and Media* (NCCM), the only institution in the world dedicated to working with both the courts and media to lessen tensions and facilitate communication. During this reporting period, KJAP received from NJC a considerable amount of existing training material – some of it already in Russian – and began evaluating its suitability for KJAP's needs. KJAP also began researching the USAID-funded Russia Judicial Reform

and Partnerships program (also implemented by Chemonics) to ascertain what materials from their work with courts and the media might be: a) useful and b) available already translated into Russian.

KJAP seeks to coordinate its activities with other implementers whenever possible to maximize collective resources. The most likely partners include Internews and ABA/CEELI. KJAP has engaged both Internews and ABA/CEELI in a promising dialogue on ways our projects can work together to address judicial-media coordination. At early project meetings with Internews, KJAP presented Internews with a synopsis of the project, its planned activities and intended results, and possibilities of collaboration. Internews has worked with local journalists on election related activity recently, particularly with electronic media (television more than radio). They have also recently increased their work with newspapers. The meeting revealed several areas for collaboration, particularly focused on court and media relations, public outreach, and working with journalists to (further) educate on court proceedings. Internews is interested in exploring these potential areas, and in providing KJAP with contacts at their local partner organizations. Initial meeting with ABA/CEELI have been similarly fruitful. These discussions will be accelerated in the coming reporting period.

Task 3: Judicial-Media Training

To facilitate the increased coordination described above, KJAP will provide training for the judiciary and media to facilitate a more open exchange of information and develop an ongoing dialogue that will increase transparency and accountability in the judicial system. This will include training for journalists on the judicial system, judicial ethics, judicial independence, jury trials, court processes, communicating with the court, and sources of help to ensure accuracy in reporting. Training for judges and court media liaisons will focus on what the media are entitled to, how to prepare for a media interview, and how to promote positive coverage of the court, including how to use news releases and media advisories.

As described above, KJAP will utilize the experience of our subcontractor NJC for many of these training activities. We also seek to benefit from the progress of the Russian Judicial Reform and Partnership program. KJAP has also held fruitful discussions with Internews and ABA/CEELI, and there is significant potential for marshaling the respective strengths of our projects. KJAP staff also discussed options for media training for judges with Gulnara Khuanova, Head of the Department for International Relations and Protocol at the Supreme Court. These discussions will be accelerated in the coming reporting period.

DIV. Component 4: Technical Assistance to the Union of Judges (UJK)

The Union of Judges of Kazakhstan (UJK) is a voluntary judicial association of which the majority of judges are members. KJAP's activities are designed to make the UJK more proactive, ethical, and independent, and increase its ability to advocate for the rights of judges.

Task 1: Institutional Support

As an initial planning and design tool to inform KJAP's future activities, KJAP commissioned an expert, Mark Segal – who most recently served as the head of the EU's institutional support project for the Institute of Justice and who has an intimate knowledge of local conditions - to conduct a diagnostic of UJK needs. Mr. Segal met with representatives of the UJK, the Disciplinary Qualification Council of the Supreme Court, and available judges in Astana and Almaty, to glean information regarding the UJK's reputation, activities, structure, membership services, ethics code, and ethics code enforcement procedures. He provided a

comprehensive needs assessment report with recommendations for future technical assistance activities, particularly related to strengthening the organization, its ethics code, and ethics code enforcement procedures.

The four main recommendations of the report were 1) to strengthen the identity of the UJK; 2) to enhance its institutional strength and capacity; 3) to expand its advocacy and outreach; and 4) to solidify its work to promote professional qualifications and its international relationships. The report also emphasized the need to strengthen judicial ethics in Kazakhstan and suggested concrete steps of action - improving the Code of Judicial Ethics, enhancing the legal reasoning skills required for its application, ensuring that Judges are familiar with it, as well as improving enforcement of the Code by strengthening cooperation of the Union of Judges with the Disciplinary Qualifications Committee under the Supreme Court.

On March 3, 2006 KJAP conducted a training workshop on institutional development of the Union of Judges. The seminar was delivered by ARGO trainers for representatives of regional branches of the Union of Judges. Seminar participants expressed satisfaction with the seminar, and they recommended that KJAP deliver more seminars to help them understand the organizational development of UJK better. These activities are but the initial steps towards making the UJK a strong and effective body able to advocate for the independence of judges.

Task 2: Judicial Ethics

Given the emphasis on judicial corruption, judicial ethics is understandably a major concern in Kazakhstan. KJAP is committed to working with the UJK to strengthen, and if necessary, revise, the current Code of Ethics.

KJAP is in the process of diagramming the various aspects of the judicial ethics process to map out all of the potential areas requiring further development. This review will continue in the next reporting period, after which substantive work on the Code will begin. During this reporting period KJAP also provided UJK leadership with an initial sampling of comparative judicial ethics materials in Russian.

Task 3: Mentorship

Judicial mentorship is a proven, and useful, means of giving new judges continuing education on important professional and personal topics relevant to serving as a judge. The UJK currently operates a relatively small judicial mentorship program, and KJAP is working to strengthen and expand the program so that more judges can take advantage of its possibilities.

On March 2, 2006, KJAP conducted the first event of the mentorship program for the UJK leadership and representative of UJK regional branches. 26 judges of different levels participated in the training, which was aimed at explaining the goals and objectives of the mentorship program and clarifying the differences between mentorship and apprenticeship programs. Based on the project's earlier research, KJAP came to the conclusion that on the regional level the mentorship program is often confused with the former Soviet apprenticeship program that recently began its revival. Accordingly, the initial purpose of the seminar was to introduce all UJK representatives to the mentorship program and to draw the difference between these two initiatives. A working group formed at the seminar developed step-by-step recommendations for implementing an expanded mentorship program, and succeeded in generating significant interest in the project's expansion. The seminar reached

a wide audience as a descriptive article about it was published in the monthly magazine Zanger.

KJAP and the UJK then began collecting lists of both young and experienced judges who are interested in participating in the program. By the end of the reporting period, KJAP had received information from Mangystau, Akmola, Kyzylorda, Atyrau, and East-Kazakhstan Oblasts. KJAP is in the process of searching for a possible mentorship trainer to conduct TOT for judges-mentors in the next reporting period to further expand the program.

DV. Component 5: Core Structural Technical Assistance

During this initial reporting period, Kazakhstani officials identified two potentially significant opportunities for project support. While these tasks were not originally contemplated in the KJAP SOW, the project decided to add them into its workplan and form a new component (#5) to house these new tasks and any others that may be uncovered during implementation. These two tasks both have bearing on further judicial reform in Kazakhstan, and the democratization currently underway in the country.

Task 1: Advice on Enforcement of Judgments

There has been growing concern within the Kazakh judiciary on the problems experienced with the enforcement of judicial decisions. Generally accepted figures put the enforcement of judgments at approximately 50%, a number that undermines not only the effectiveness of the judicial process, but the public's perception of it. Concerns have also grown in other sectors of the government. Discussions on a Draft Law on Amendments and Changes to the Law on Enforcement of Judgments and Status of Court Bailiffs have commenced in the Senate, with the participation of interested parties including the National Bank and Ministry of Finance.

Kazakhstan's full integration into the larger global community will depend in part on the degree to which international businesses and foreign investors consider the local court systems to be fully capable of bringing commercial disputes to a final resolution. Failure to properly enforce judicial decisions undermines confidence in the Kazakh legal system, both domestically and internationally, and as such, this concern represents a more general threat to the viability of the judicial system.

During meetings with KJAP staff in February 2006, Supreme Court personnel requested assistance on the development of a system of private bailiffs to supplement existing government mechanisms for enforcing judicial decisions. KJAP identified the lead international organization involved in this topic - the International Union of Judicial Officers (UIHJ) – and started preparations for a study tour for key Kazakh personnel to gain an overview of the topic and consult with the leading experts in this field at the UIHJ's *International Conference on Enforcement of Judgments*, which will take place in April in Washington, D.C.. The project also quickly started work on assembling and translating relevant materials to initiate a substantive technical dialogue on the topic with the relevant Kazakh counterparts.

By the end of the reporting period, KJAP had made significant progress in planning the study tour, and also presented Kazakh judicial officers with a collection of comparative materials on enforcement of judgments.

Task 2: Advice on Law on Judicial Organization

The Constitutional Law of the Republic of Kazakhstan “On the Judicial System and Status of Judges of the Republic of Kazakhstan,” dated 25 December 2000, states that judicial power in Kazakhstan belongs only to the courts, staffed with judges possessing permanent positions and jurors engaged in the criminal court proceedings in accordance with procedures stipulated in law. This law makes clear that judicial power shall be exercised on behalf of the Republic and it is intended to protect the rights, freedoms, and lawful interests of individuals and organizations, and to ensure the implementation of the Constitution, laws, other regulatory legal acts, and international treaties of the Republic.

Recently, senior government and judicial officials have been engaged in the drafting of amendments and changes to the law. The goal of this effort is to clarify and strengthen the guarantees and roles of judges, including: 1) the power to dismiss or refer cases that are filed in court contrary to proper legal procedure; 2) strengthening anticorruption and ethics provisions; 3) allowing for the direct entry of magistrate school graduates into the judiciary, eliminating probation; 4) increasing the criterion for legal experience necessary to become a judge; 5) requiring a proof of physical fitness; and 6) enhancing retirement benefits.

KJAP intends to provide analysis and recommendations to the Kazakh judiciary on these important possible changes. KJAP is currently assembling relevant Kazakh and international legal materials on the legal options for structuring the various aspects of a judicial system. Once these materials are collected (and translated into English and Russian as needed), KJAP intends to utilize an international expert to work together with Kazakh legal experts to develop a presentation on the international experiences on judicial organizations to be given to Kazakh counterparts, including the Institute of Justice and Supreme Court of Kazakhstan. This presentation will provide project counterparts a combination of the best of Kazakh and international practices.

G. Success Stories and Photographs

GI. Certificate from the March 2006 Union of Judges Seminar

