

NATIONAL CENTER FOR STATE COURTS

**PROJECT TO STRENGTHEN THE INDEPENDENCE OF THE
JUDICIARY AND CITIZEN ACCESS TO JUSTICE IN
LEBANON**

Quarterly Progress Report No. 3

July 1, 2008 – September 30, 2008

IQC Contract No. 263-I-00-06-00020-00

Task Order No. 02



PROJECT TO STRENGTHEN THE INDEPENDENCE OF THE JUDICIARY AND CITIZEN ACCESS TO JUSTICE IN LEBANON

Quarterly Report No. 3 Reporting period: July 1 through September 30, 2008

1. HIGHLIGHTS OF THIS REPORTING PERIOD

The third quarter of 2008 saw the project's completion of removal and archiving of inactive case files from the Beirut courthouse, construction procurement activities for the Judicial Training Institute (JTI) renovation, and the hire of an expert consultant on legal journalism. The Project substantially completed preparations for the opening of the Beirut courthouse press room, citizen access workshops for attorneys, and legal journalism seminars, all to take place in early Q4. The project also entered into an agreement with the Lebanese Center for Policy Studies (LCPS) to manage an international colloquium on judicial independence and a legislative drafting campaign for a new code of judicial ethics. The project also made a presentation to the new Minister of Justice, Ibrahim Albert Najjar, who has taken a keen interest in the project and is personally managing its interaction with the Ministry of Justice (MOJ).

Personnel

New Local Professional Staff.

During Q3, the Project hired BARIA AHMAR as an expert consultant on journalism on a short term basis. Ms. Ahmar is a freelance journalist with CNN Arabia who has extensive experience and recognition among local and international media. Ms. Ahmar held the position of political reporter and columnist for Lebanon's premier newspaper, *An-Nhar*, for over 10 years. She has consulted for numerous international donors and NGOs including the United Nations Economic and Social Commission for Western Asia (ESCWA), the Canadian Agency for International Development (CAID), and the Middle East Public Relations Association (MEPRA). Ms. Ahmar is currently a member of the international press corps for Lebanese President Michel Suleiman. Ms. Ahmar will direct tasks to elevate the competency and trust of the Lebanese media in legal journalism to increase media access to judicial proceedings.

Administration

Proposed New Budget and Task Order.

In early July, COP Liberto met with CTO Herbaly and Lebanese counterpart for judicial training, the Hon. Chukri Sader. Judge Sader lodged a strong plea to USAID that the Project undertake to refurbish and equip a free-standing structure in Ashrafiyeh, Beirut, that would be used to house a new Judicial Training Institute (JTI). Judge Sader had been unable to garner Lebanese government financing for the job. The new task would cost approximately \$1.28M and entail a substantial change in the Project budget and Task Order. On August 15, NCSC submitted to USAID a proposal to amend the budget and Task Order to include the refurbishment of the JTI building. As a first step in accomplishing this task, the Project has initiated the procurement of a construction project manager and construction works

contractor pending USAID approval of the proposed amendment. The amendment also addresses an additional new task to assist the Lebanese government in developing and adopting a long term strategic plan for justice.

Proposed New Strategic Planning Task.

In response to the request of the Director General of the Ministry of Justice, the Project prepared and submitted a proposal for a new long-term strategic planning task to USAID on August 15. The new task would require an amendment to the current Task Order and budget. The proposal calls for the Project to assist the Ministry of Justice in formulating a resilient plan for judicial planning and reform over a 5-10 year period that would survive episodes of political instability. The plan would serve as an index for management of assets and resources to achieve approved policy objectives that would include the management of donor assistance. The proposal has been well received and promoted by new Minister of Justice Najjar. The proposal is currently awaiting action by USAID.

Registered Status and Residency Visas.

The Project is continuing the process of registering NCSC with the Ministry of Interior. The Ministry of Interior has submitted NCSC's file to the Council of Ministers, three of whom must approve and sign the application. All expatriate staff and their families have obtained their one-year renewable residency visas.

Counterpart, Partner and Donor Meetings. **Appendix 1** hereto.

2. TASK-SPECIFIC ACCOMPLISHMENTS DURING THE REPORTING PERIOD

Task 1—Enhance Judicial Independence

- A. Review the legal, regulatory, and administrative relationship between the MOJ and the SJC and make recommendations for adjustments to enhance the independence of the courts.**

The Project entered into a contract with Project partner the Lebanese Center for Policy Study (LCPS) to manage an international colloquium on judicial independence in Q4. The project will invite the submission of papers from Lebanon and the MENA region from which the Project will choose a dozen or so presenters. The colloquium will include the participation of one US expatriate expert on judicial independence. The colloquium will be highly publicized and televised. The colloquium discussions will be transcribed and compiled in a report containing the papers presented and recommendations for legal and regulatory changes. The colloquium will be followed by televised talk show broadcasts and interviews of the participants.

As of the time of this writing, the Project has not yet secured the approval of the MOJ, which has yet to submit its list of Lebanese participants.

- B. Support SJC in implementing the Judicial Code of Ethics through technical assistance and judicial training.**

The Project entered into a contract with Project Partner LCPS to manage a roundtable discussion in Q4 on the codification of judicial ethics. The roundtable will lead to the

formation of a small legislative drafting committee composed of key players who will meet bi-weekly to formulate the text of a proposed law suitable for submission to the Lebanese Parliament. The Director of the MOJ Division of Legislation and Consultation, counterpart Choukri Sader, has approved the concept. President Sader's department would be responsible for submitting the new legislation on behalf of the MOJ.

C. Support the professionalization of legal journalism.

The Project hired CNN reporter Baria Ahmar as an expert short-term consultant on legal journalism. With introductions by Ms. Ahmar, COP Liberto met with the presidents of the two largest professional media associations, the Lebanese Press Association and the Association of Lebanese Journalists. Ms. Ahmar also obtained an audience with Director General Natour and new Justice Minister Najjar to broach issues of the competency of legal journalists in Lebanon as it impacts the public perception of the integrity of the Lebanese bench. Similar discussions were had with the interim Director of the Judicial Inspection Unit, Hon. Antoine El Khoury. Ms. Ahmar has also developed relationships with local universities to encourage them to introduce formal training programs in legal journalism.

In light of these meetings, the Project is now following up on new suggestions for adjustments to laws governing the rights and duties of journalists as regards coverage of judicial proceedings and disciplinary actions against members of the bench. These are politically sensitive issues that coincide with the Project's task on judicial ethics, above. The Project has secured a commitment by the Directorate General to partner with the MOJ to institute a certification program for legal journalists. The certification criteria will establish ground rules for media access and reporting of court and judicial disciplinary proceedings. *Please see Media vs. Judiciary under New Opportunities, below.*

Additionally, the Project has undertaken the refurbishment of the Beirut Courthouse press room with an opening slated for October 8. The press room upgrade includes the installation of computers, fax machine, photocopy machine, printer, scanner and satellite TV, as well as new furniture and a refurbished restroom. Concurrently, the Project is planning and organizing a seminar on legal journalism for mid-November that will use the donated facilities of the Lebanese Press Association.

Task 2—Develop the Capacity and Infrastructure of the Judicial Training Institute (JTI) for Initial and Continuing Training

N.B. Counterpart the Hon. Choukri Sader has announced that he will be leaving his post as Director of the Judicial Training Institute. The Minister of Justice has appointed the Hon. Souheil Aboud to assist JTI President Sami Mansour.

A. Improve the quality of the training at the JTI by training the JTI resource persons in modern teaching techniques.

In mid September, the Project met with the President of the JTI, Sami Mansour, and reported that the Project JTI team had spoken with American University Beirut (AUB) education experts about how JTI resource persons could improve the delivery of their courses. AUB hosts a state of the art Center for Teaching and Learning (CTL). The CTL, in effect, teaches AUB professors and others how to teach. The CTL conducts teaching seminars in Lebanon and abroad.

With the concurrence of JTI President Sami Mansour, the Project is seeking to enlist short-term technical assistance to provide JTI trainers with training on modern teaching techniques. On 17 September, the Project posted an advertisement in the local English language daily, the *Daily Star*, to solicit CVs from qualified CTL and curriculum development experts and in response to the advertisement, the Project has received several

responses. The project, in consultation with JTI officials, will select and hire the best qualified expert. The Project will work with the expert to prepare training materials and will hold a training seminar for JTI trainers some time in Q4.

B. Support curriculum revision and modernization through: (1) Review of current curriculum and development of recommendations, (2) survey of sitting judges to determine priority of training needs, and (3) establishment of a curriculum development committee.

As set out in A, above, AUB's CTL not only provides training in modern teaching techniques, but also assists educators in revising and modernizing curricula. In Lebanon, the CTL has pioneered "information systems curriculum models," "information systems pedagogy," "integrated curriculum" and "system development lifecycles" to allow teachers to revise their curricula to accommodate changing needs of students and the work place.

The advertisement in the Daily Star specified that the Project was seeking experts in modern teaching techniques and curriculum development experts. Because the two tasks of modern teaching and curriculum development are closely linked, the Project hopes to hire one short-term expert who can work on both subtasks. Once hired, the short-term expert, JTI officials, and Project staff will chart out the expert's task in evaluating JTI's curriculum, discerning from sitting judges their views on necessary modifications in the curriculum, and then providing JTI's curriculum development committee with recommendations on improvements in the curriculum. Project staff have discussed the strengths and weaknesses of JTI's curriculum with a number of Lebanese judges and lawyers. This information will be provided to the short-term expert. The project anticipates that the JTI will expand its mandate to include training for sitting judges. Accordingly, the Project begin discussions with the curriculum development committee on defining the steps to be taken on establishing suitable curricula for future courses for sitting judges.

In mid-September, the Project JTI team met with Acojuris, the European Commission- funded organization that is working with the MOJ on curriculum development for the JTI. . The Project will collaborate with Acojuris on the modern teaching technique task and the curriculum development task. In this regard, the Project will develop coursework in areas in which US law is strong; e.g., intellectual property, commercial law and finance law. The Project will also integrate US teaching techniques based on the case study method.

C. Provide technical assistance, training, and procurement of information technology commodities.

In early July, the Project received an urgent request from counterpart the Hon. Choukri Sader to undertake the refurbishment of a facility in Ashrafiyeh, Beirut, to house the JTI. The Project was told that the Lebanese Government had just announced that it would not fund that task. The five-story building formerly housed the Ministry of Urban Planning, which vacated the premises more than three years ago.

Accordingly, JTI officials have requested USAID and the Project to undertake, in addition to the procurement of information technology, the complete refurbishment, furnishing and equipping of the JTI. This is a sizeable undertaking that, in addition to augmenting the various tasks of the Project, will require substantial additional funding. President Sader first requested the Project to complete at least three floors of the new facility in time to host the incoming JTI class by October 1. The Project has since learned, however, that the next course for JTI judge trainees will probably not commence until February or March of 2009 and entail only 20 trainees.

In view of this new task, the Project solicited bids for a Project Manager, trained as a civil engineer or an architect, to advise the Project on the architectural, plumbing and electrical plans for the renovation of the JTI. The Project met with the short-listed experts, vetted their qualifications, and is prepared to hire once the Project's Task Order and budget are amended to allow it to do so.

Similarly, the Project solicited bids from a number of local general construction companies for the construction works that would refurbish the JTI. The various bidders viewed the construction site and delivered concept drafts of the refurbished premises, along with estimates for their work. After the hiring of the Project Manager, who will advise on the technical aspects of the bids for the reconstruction work, the Project will meet with JTI officials in committee to select a construction firm to carry out the work.

In consultation with JTI officials, the Project has prepared a draft list of furniture, office equipment and IT equipment for the JTI. The Project produced, in Excel spreadsheet, a list of the furniture and equipment and their quantities and prices in Beirut. The Project, through its home office, is currently conducting local and US marketing research to determine whether these items should be purchased in the US, or locally after receiving a procurement waiver.

D. Create a sustainable library within the JTI available to all members of the legal profession.

The JTI needs not only a sustainable library, but also a means by which judge trainees and others in the legal profession can conduct on-line legal research. Thus, at the request of JTI officials, the Project issued a request for proposals from firms to create a website that, among other things, contains a legal search engine. The website and the search engine will provide easy access to JTI's library materials and automate the library through a Library Inventory Management Module (LIMM). This LIMM will list the JTI library's books and publications by indicating the name of the book, the author, key words, the book's identification number and its availability status. The administrator will have the ability to update availability and all book descriptions.

The Project met with JTI's Director and IT adviser to select the Web development company to create the website. The Project anticipates having the website online and fully functional in late October.

E. Develop and implement continuing and/or in-service training program for judicial personnel.

This activity is slated for Year Two.

F. Assist MOJ in revising testing and selection criteria for new JTI trainees.

The Project located Dr. Charlotte Karam, a professor at AUB who is an expert in psychological testing and evaluation, as a consultant candidate to assist with JTI entry criteria. Dr. Karam briefed JTI officials and the Supreme Judicial Council on her background and ideas about adding a psychological test to JTI's entrance exam. The SJC reacted favorably to the proposal for a psychological selection tool as part of the entrance

examination process. The Project received USAID authorization to hire Dr. Karam in mid-September. Dr. Karam will deliver the selection tool prior to the examination for the next class of JTI judge trainees, estimated to be administered in late-December.

Task 3—Support Effort by the Ministry of Justice to Improve Court Administration to Reduce Backlogs, Improve Case Management Techniques and Increase Transparency.

A. Assess caseloads and backlog.

The initial case backlog assessment having been filed, the project continues to make observations regarding the current state of the handling of cases and backlog.

B. Make recommendations for reducing backlogs, processing time and increasing transparency.

The Minister of Justice, at the request of the COP Liberto, appointed an executive committee of four to work with the Project on an *ad hoc* basis on court administrative reform. The committee includes: (1) Omar Natour, Director General of the MOJ; (2) Marwan Karkabi, Solicitor General of Lebanon; (3) Michelene Ibrahim, Chief Clerk of the Supreme Court; and (4) Rita Hani, personal archivist to Minister Najjar and attaché to the French Embassy. The committee will meet on a bi-weekly basis with COP Liberto and Court Administration Advisor Michel Gauvreau to create and execute a plan to achieve the Project's and MOJ's reform objectives. Initially, the committee will participate in a series of six workshops on case file management hosted by the Project.

Each workshop will include the participation of an expatriate STTA and involve groups of MOJ personnel numbering up to twenty. The committee will participate in the choice of topics to be covered in the workshops and the experts to be invited. The series will terminate in a report of recommendations, most of which will be implemented in the NCSC Pilot Court Project at the Beirut courthouse.

C. Implement recommendations through pilot activities

Case File Archiving Activities. The Project completed its inventory and removal of some 300 cubic meters of inactive registers and files from the Beirut courthouse. It did so in cooperation with the National Archives. This has cleared the way for organizing active files in a manner consistent with best international practices. The Project will now begin working with the MOJ on the issue of file retention schedules for eliminating the sort of case file backlog that is currently clogging up the file storage areas in the pilot court.

A primary regulatory change sought by the Project is the creation and enforcement of a system that defines when and how to store and archive various categories of files based on their level of activity and age. A retention scheduled system will cause case files to move through the courts, out to archiving, and finally to destruction of those cases that do not need to be kept in the permanent archives, such as resolved traffic tickets.

Renovation of Pilot Court Offices. The Project has selected Karl Labib Zouein as the project manager for construction of the Beirut Pilot Court. Mr. Zouein will be responsible for

providing architectural plans, managing a tender process for hiring a construction works contractor, and supervising the day to day process of building the court. The completion of the court is estimated to take six months from the time Mr. Zouein is approved by the Mission.

New Filing System. COP Liberto and Court Administrative consultant Michel Gauvreau met with Minister of Justice Najjar to demonstrate modern case filing materials provided by a Canadian company as an example. The Minister is interested in the system which centralizes filing and allows access to files based on numerical, color coded and bar coded references. This or another similar system will be implemented in the Pilot Court. The system will be a primary topic of discussion for the MOJ's Court Administrative Executive Committee and workshops. It is also the motivation for the Cairo study tour.

Study Tour to Egypt. In mid-October, the Project will be hosting a study tour of seven judges and MOJ administrative officials to Egypt. They will be shown various aspects of the USAID Administration of Justice Support project in Cairo and Alexandria. That project faced similar circumstances at its inception that are now faced by the Project in Beirut. The tour will provide the group with a vision of how court management processes and case management systems can be adapted to improve the situation in Beirut. The project expects the group, in cooperation with the MOJ Executive committee workshops, to provide their own commentary and suggestions on the practicability of adopting improved systems in Beirut.

Information Kiosk. The project has further explored the possibility of building an information kiosk in the Beirut courthouse with the new Minister of Justice, Ibrahim Najjar. The kiosk idea had been broached several years ago in the face of rank objections by the bar associations and clerks that information regarding cases pending in court should not be publicized. Although the objection was posed as an argument for the privacy of litigants, the prevailing belief is that transparency will deprive lawyers and clerks of their exclusive control of information to the public.

Currently, citizens who enter the courthouse have no information or directions as to where to go or how to locate their pending matters without paying a clerk or attorney to assist them. Minister Najjar believes the time has come to confront this resistance. The idea of an information kiosk has therefore been revived with the caveat that it should be placed in Beirut and not Tripoli. Tripoli has recently been the target of civil unrest and terrorist attacks. The Project is therefore planning to install an information kiosk in the Beirut Palais de Justice in Q1 2009.

Task 4—Improve Access to Justice.

A. Develop consensus for reform of legal assistance.

The Project's long-term consultant for citizen access, attorney Joe Karam, continued to meet with the presidents of the Beirut and Tripoli Bar Associations as well as the chairmen of their respective Legal Aid committees to discuss points of entry for the project to assist in legal aid administrative reform. One issue that is quickly coming to the forefront is the MOJ's management of foreign administrative detainees who are without representation awaiting intervention by their respective embassies. The Ministry of Interior and the Ministry of Justice, by their respective new ministers Ziyad Baroud and Ibrahim Najjar, have agreed to

reorganize the administration of the nation's prisons. Responsibility for prisons shall shift from the Ministry of the Interior to the Ministry of Justice. In light of this impending change, the Minister of Justice has lodged a request to USAID through the Project to fund and build two administrative detention centers. Currently, approximately 800 detainees await resolution of their status and intervention by their governments to allow legal proceedings to commence. This may give rise to new opportunities for legal assistance to detainees although the Project has no plans or requests to intervene at this time.

Project partner Sader Publishing provided the project's Legal Resource Center with a complete set of hardcopy legal references comprised of 4,200 volumes and an electronic database on DC ROM disks. The center now includes include a research library, online access, and attorney locator information provided by the Beirut Bar Association. The resource center will be made available to legal professionals, students, and the public at large. The Project and Sader Publishers are currently formulating the terms of a Memorandum of Understanding for use of the materials. The Project and Sader Publishers will issue a joint press release announcing the agreement and availability of the resource center to interested members of the public.

B. Improve oversight of legal assistance by bar associations.

The project is currently examining the data provided by the Beirut and Tripoli Bar Associations to formulate recommendations for improvement of the delivery of legal aid.

C. Assist bar associations in strengthening skills of legal assistance attorneys.

On October 14-15, the Project will implement a two-day training event for 300 members of the Beirut Bar to include full members as well as third-year interns. The courses will take place in the Maison Avocat in Adleih, Beirut. The program will consist of eight modules on the topic of legal aid presented by distinguished members of the Beirut Bar and Justice Howard Dana of the Vermont Supreme Court, retired, who is providing his services to the Project *pro bono*. The courses will count towards credit for the continuing legal education (CLE) requirement for membership in the Beirut Bar. Participants will receive certificates of completion branded by USAID and the Beirut Bar Association.

D. Support bar association efforts to recruit and increase participation of legal assistance attorneys.

As part of the training series on October 14-15, the Project will award the most outstanding members of the Beirut Bar with books and trophies in recognition their service to legal aid in Lebanon. Recipients will be chosen based on the number of cases they serviced in 2007 without compensation, quality of service, and case win rate. The awards will be made at a ceremony after the first day of the legal aid training sessions. The awards and details of service will be publicized to raise awareness among the attorney population of the merits of legal aid service. The measurable objective is to increase the number of legal aid volunteer attorneys among admitted and intern members of the Lebanese Bar. The Project intends to repeat the training and recognition events with the Tripoli Bar at a later date.

Task 5—Award Grants to Enhance Public Engagement, Support Reform Efforts, and Foster a Culture of Respect for the Rule of Law

A. Establish standard procedures for soliciting grant proposals and awarding sub grants that include clear and consistent methods for reviewing and awarding sub grants.

The project has finalized a draft of the internal Policies and Procedures Manual for Grants based on the experience of Amideast's TAG project. The manual is currently pending USAID approval.

B. Award a limited number of grants under contract to established Lebanese organizations and associations to support reforms and improve public understanding and engagement with the justice system, in order to improve accountability of the justice system.

Anticipated in Q4 upon approval of the Grants Procedures Manual by USAID.

C. Provide technical assistance to assure capacity to manage funds, achieve results, and measure the results of their activities.

Using Amideast TAG's experience, the Project is in the process of drafting a Grantee Handbook for use by grantees as a guide to management of grant funds.

4. PERFORMANCE INDICATORS FOR THIS QUARTER

Progress towards achieving indicators this quarter is set out in the Performance Monitoring Plan, **Appendix 2** hereto.

5. PRESS SUMMARY

During Q3, the Project received newspaper coverage on its cooperation with the major media associations to renovate the Press Room at the Beirut Courthouse. See summary of coverage in Appendix 3.

6. DONOR COORDINATION

DONOR MEETING

On September 24, new Minister of Justice Ibrahim Najjar hosted a comprehensive roundtable discussion with donors to the MOJ. All donors gave presentations of their respective projects and expressed their commitment to coordinate resources and avoid redundancy. COP Liberto delivered a description of Project's plans. The UNDP created a matrix of donor assistance to the Lebanese justice sector based on the meeting.

EU Acojuris

EU contractor Acojuris has been engaged in a number of tasks for the MOJ, some of which may call for cooperation with the Project, such as Acojuris' contribution to the curriculum for continuing education of the Lebanese bench and court clerks. The Project intends to cooperate closely with Acojuris to avoid overlap in curriculum development activities at the JTI for new and sitting judges, clerks, and training of trainers.

UNPD POGAR

The United Nations Program of Governance in the Arab Region (POGAR) is engaged in creating a system of standards and bench marks for justice in Arab countries. On September 26, COP Liberto met with the Director of POGAR, Dr. Wassim Harb, to exchange

information with an end to coordinate POGAR and Project efforts. The focal point of convergence of interests between POGAR and the Project is the Projects support to the drafting and passage of a law on judicial professional conduct. POGAR has agreed to share with the Project its work product on the standards of judicial conduct that it will be using in its recommendations to the governments of the Arab region.

UNDP

The UNDP is engaged in the implementation of a “master plan” for automation of the MOJ through the Office of the Minister of State for Administrative Reform (OMSAR). To the extent that Project activities touch on automation, the Project will coordinate with this group. Likely areas for cooperation are the JTI Web site database and search engine as a link to the POGAR sponsored MOJ Web site and eventual automation of the Beirut pilot court.

EU Lisbon Group

The Project initiated a liaison with the EU’s Lisbon Group, Europe’s cooperative entity for coordinating judicial training among the European states. The Lisbon Group has thereby invited the Lebanese MOJ, through JTI President Sami Mansour, to join the Group as an observing member. President Mansour is to travel to Lisbon in November to accept the Group’s offer of membership. The Lisbon Group will offer the JTI a sustained resource of curriculum and expertise to continue the process of developing and improving the JTI’s programs.

7. DIFFICULTIES ENCOUNTERED

New JTI Renovation Task

In July, the MOJ made a request for refurbishment of the new JTI with an October 1 deadline. The request initially called for refurbishment of at least two floors of the new facility, including furnishings and a fully equipped computer lab with peripheral equipment. The October deadline reflected the MOJ’s express objective of completing the refurbishment in time to accommodate the incoming class of 20 judicial trainees, planned for October. The Project accepted the challenge and launched a multi-tasked campaign to locate a construction project manager, construction works contractor, furnishings and equipment, all in compliance with Federal Acquisition regulations, to meet the October 1 deadline. The Project concurrently expedited the process to hire a consultant to assist the MOJ in rewriting entrance criteria for the October trainee class.

Notwithstanding the commitment of team-wide human resources and expedited efforts by the home office, it became clear sometime in August that the October deadline could not be met due to: (1) Time required for the procurement of the project manager and construction works contractor in compliance with the FAR, (2) time to effect the construction itself, and (3) time required to procure furnishings and electronic equipment either from the US or locally, after obtaining the requisite waiver from USAID regional CO in Egypt. When the Project presented this information to the JTI director and president, they explained that, in fact, the new judicial trainee class could start no earlier than February of 2009 given the statutory requirement for public announcement of the entry exam and the time needed to conduct the entrance exam and obtain decrees of appointment of the new trainees.

Accordingly, what had been a sudden and unexpected difficulty foisted upon the Project thereby resolved itself. The Project expects to be able to comply with the new deadline.

Pending Task Order and Budget Modification

The Project has submitted a proposal to amend the Task Order and augment the budget to reflect new tasks to renovate the JTI and assist the MOJ with the creation of a long term strategic plan for justice. Progress on these items is in abeyance awaiting USAID approval of the new budget and revision and approval of a new Task Order.

8. NEW OPPORTUNITIES

Media vs. Judiciary

As the Project proceeds with its legal journalism subtask, it has become increasingly clear that the judiciary and the media are now, and have been for some time, engaged in an adversarial dialogue. The media feel a sense of public duty to attack and expose corruption on the bench, while the judiciary sees the media as pawns of news agencies controlled by political parties seeking to advance their leverage in the administration of justice. Both sides have points well taken, but lack the means and competence to engage each other in a manner healthful to the democratic process.

Media Incompetence and Partisanship

Generally speaking, the Lebanese legal journalism community suffers from incompetence and partisanship. They lack a basic understanding of how the judiciary and legal system work. They are therefore unable to make the sort of pointed and intelligent inquiry that would generate information useful to the public.

As well, with few exceptions, journalists represent news agencies owned and operated by political parties who use the media outlets to advance their ideologies and attack their opposition. These two factors, incompetence and partisanship, characterize an approach to covering judicial affairs in the media that exploits the public spotlight to attack the interviewee and score political points without regard to principles of objectivity and impartiality. Consequently, both judges and the MOJ are currently under siege by the media. This conduct has triggered a dangerous defensive response by the bench that threatens to work against a free and independent press.

Defensive Reaction of Judiciary: Jail the Journalists

The judiciary as a whole, and members of the MOJ specifically, have proposed the passage of laws that would jail without due process journalists who publicly attack judges or report information on judicial disciplinary proceedings. Under current law, journalists are subject to imprisonment for such conduct after a hearing. This law is frequently used impulsively by judges under attack who immediately, usually temporarily, order the jailing of a journalist who has insulted them publicly. This phenomenon nearly occurred at a recent roundtable event sponsored by a USAID/AMIDEAST grantee.

At a meeting held at the Beirut Bar Association on September 2, a journalist from a highly partisan television station personally attacked judicial officials on camera for failing to

prosecute corrupt judges. Her arrest was ordered but annulled on the spot by the jurist who was the subject of her avid attack. The same journalist had been threatened with arrest several weeks before for airing an attack on a judge in Sidon. That event triggered a special meeting of the Supreme Judicial Council who issued a statement calling for legislation imposing strict criminal sanctions against members of the media who engage in such behavior. The Project sees events such as these as a call for further technical assistance to both the journalist community and the judiciary.

Threat to Judicial Independence

While the media should be free to report events objectively and impartially, incompetence and partisan exploitation of media power threaten judicial independence. An independent judiciary cannot work under fear of being publicly chastised on television and in the press for its decisions. Nor can it render judicial opinions independently while hoping to attract glowing coverage by members of appeased political parties.

The Project therefore foresees the likelihood of increased activity in the area of legal journalism, within budget, directed toward support to both an independent judiciary and a competent and independent media. Likely activities would include: (1) Joint certification of legal journalists by a partnership of USAID and the MOJ; (2) the creation by consensus of a Handbook of Professional Conduct for journalists based on best international practices; (3) recruitment of the two major professional journalism associations to institutionalize continued training of their members as a condition of membership; (4) conciliatory roundtable events that bring opposing elements of the media and judiciary together on a regular basis; (5) joint participation of both journalists and the judiciary in the drafting of any new laws that may affect their professional relationship; and (6) building a consensus for conditions for media access to judicial proceedings including disciplinary proceedings against judges.

Courthouse Infrastructure

The MOJ has requested that the Project undertake to expand its role in providing support to infrastructure with the JTI and Pilot Court, to now include the Beirut courthouse at large. The MOJ is seeking mostly cosmetic changes such as painting, general repairs, and refurbishment of restroom facilities. While the MOJ is thankful for USAID's Pilot Court and press room projects, it emphasizes that these projects create a glaring contrast with dilapidated facilities such as court hearing rooms and public areas. Although the Project had not anticipated providing additional assistance in this area, and such assistance is not budgeted for, it views this request as consistent with plans for public information kiosks that are called for in the current Work Plan.

9. ACTIVITIES ANTICIPATED IN Q4

- Study tour to Cairo and Alexandria
- Initiate build-out and renovation of Beirut judgment executions court office
- Initiate renovation of Judicial Training Institute
- Open house for renovated press room at Beirut courthouse
- Open house of Project offices
- Legal aid training and awards ceremony for Beirut Bar
- Three focus groups and one seminar on legal journalism

- Complete and distribute legal aid handbook
- Court Administration workshop with expat expert
- Roundtable on judicial ethics law
- Colloquium on judicial independence
- Meetings of the MOJ Court Administration Executive Committee
- Obtain approval and initiate new strategic planning task
- Complete JTI entrance criteria recommendations
- Complete JTI Web site and database with search engine
- Initiate procurement process for public access information kiosk in Beirut courthouse
- Complete planning with Tripoli bar association for training of attorneys in legal assistance for indigent
- Contract Sader Publishers to assist with JTI Web site to include MOJ licensing of Sader legal database

10. AVAILABLE DOCUMENTS

- Power Point presentation orienting the new Minister of Justice to the Project, 8/20/08
- Matrix of International Donor Agency Assistance to the Lebanese Justice Sector, UNDP

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APPENDIX 1

COUNTERPART, PARTNER AND DONOR MEETINGS

- Hon. Ibrahim Albert Najjar, Minister of the Republic of Lebanon
- Hon. Omar Natour, Director General of the MOJ
- Hon. Antoine Khaire, Chief Justice of the Supreme Court (*cassation*) and president of the Supreme Judicial Council
- Hon. Ibrahim Shamseddine, Director of the Office of the Minister of State for Administrative Reform (OMSAR)
- Hon. Antoine El Khoury, Director *pro tem* of the Judicial Inspection Unit of the Ministry of Justice
- Hon. Choukri Sader, member of Supreme Judicial Counsel, Director of MOJ Legislation and Consultation, Director *Pro Tem* of the Judicial Training Institute
- Hon. Marwan Karkabi, Solicitor General of Lebanon
- Hon. Sami Mansour, President *Pro Tem* of the JTI
- Hon. Ralph Riachy, Presiding Justice of the 3rd Chamber of the Court of Last Resort (*cassation*)
- Hon. Rosine Ghantous, Presiding Judge of the Beirut Judgment Executions Court (pilot court office)
- Hon. Marie Radi, Judge of the Beirut Judgment Executions Court
- Hon. Hanadi Jaber, Judge of the Beirut Judgment Executions Court (awaiting assent to the bench)
- Hon. Wassim Hajjar, MOJ/SJC appointee for donor related reform of automation of the MOJ and the courts; judge Beirut judgment executions court
- Hon. Marie Layous, Judge of Beirut Court of First Instance
- Hon. Faisal Makki, Judge Executions Court of Tyre
- Hon. Khodr Zanhour, Judge Criminal Court of South Lebanon
- Hon. Samir Ghanen, Judge Executions Court of Beirut
- Hon. Sami Soudki, Judge Advocate of Beirut
- Ramzi Joriege, President Beirut Bar Association
- Sleiman Lebbos, Chairman Legal Aid Committee Beirut Bar Association
- Arkan El Sablani, ROL Legal Specialist, UNDP Lebanon
- Abdul Razzaq Dabliz, President Tripoli Bar Association
- Ahmad Fawaz, Head Clerk of Beirut Judgment Executions Court (Pilot Court)
- Amal Abdallah, Director of EU's MOJ Automation Project by Contractor ACOJURIS of Paris
- Oussama Safa, Director Lebanese Center for Policy Studies
- Mohammed Sousa, Director of Materials and Procurement, MOJ
- Rani Sader, Owner and Director of Sader Publishers
- Wassim Harb, Director UNDP POGAR
- Marie Sanchez Gil-Cepeda EC Attaché for Justice in Lebanon
- Marie Ghantous, Director ADDIL
- Roula Kabbani, Program Manager OMSAR/UNDP Master Plan

APPENDIX 2

PERFORMANCE MONITORING PLAN USAID-LEBANON JUDICIAL INDEPENDENCE PROJECT SECOND QUARTER 2008 UPDATE

TASK ONE: ENHANCE JUDICIAL INDEPENDENCE

Expected Result	Indicator	Benchmark Measurement	Benchmark Data Source	Year of Baseline/ Baseline	Target for Year 1	Actual Qr. 2 Apr – Jun 2008	Actual Qr. 3 Jul - Sep 2008	Comments
1. Improved judicial independence	Improved strategy and growing consensus for reforms to increase judicial independence	Recommendations developed and approved by stakeholders-Yes/No	Minutes of roundtable and working group meetings.	2008 No	Yes	No		LCPS contracted for international colloquium on judicial independence.
	SJC demonstrates greater autonomy in managing judicial resources	Number of Action plans developed for SJC to: <ul style="list-style-type: none"> • Develop a budget for the pilot court; • Use data on judicial workload to justify adequate staffing levels at the pilot court; • Take the lead in recommending and approving judicial appointments, promotions, dismissals, and transfers of judges. • Monitor court performance and disciplinary actions. • Propose reforms to the judiciary. 	SJC, MOJ, JIU, pilot court	2008 0	2	0		Appointment of new SJC president pending. SJC's proposed appoints and promotions held by new Minister pending SJC's action on disciplinary proceedings

Expected Result	Indicator	Benchmark Measurement	Benchmark Data Source	Year of Baseline/ Baseline	Target for Year 1	Actual Qr. 2 Apr – Jun 2008	Actual Qr. 3 Jul - Sep 2008	Comments
2. Judges honor code of ethics	Consensus for need for code of ethics	Code of ethics written and submitted for passage to Parliament – Yes/No	NCSC, SCJ	2008 No	No	Yes	Yes	LCPS contracted for roundtable and legislative drafting of new law; approved by MOJ, participants designated.
3. Increased transparency of judicial proceedings	Legal journalism certification program initiated	Program established – Yes/No	NCSC, professional journalism associations	2008 No	Yes	No	No	Local STTA hired.
	Enhanced courthouse facilities for improved legal reporting	Number of courthouses with upgraded facilities	MOJ	2008 0	1	0	0	Press room near completion Beirut courthouse
	Legal journalism courses offered at trade schools and universities	Number of courses offered	Trade schools and universities	2008 0	1	0	0	Local STTA hired.

TASK TWO: DEVELOP THE CAPACITY AND INFRASTRUCTURE OF THE JUDICIAL TRAINING INSTITUTE FOR INITIAL AND CONTINUING TRAINING

Expected Result	Indicator	Benchmark Measurement	Benchmark Data Source	Year of Baseline/ Baseline	Target for Year 1	Actual Qr. 2 Apr – Jun 2008	Actual Qr. 3 Jul - Sep 2008	Comments
1. Judges are well-trained and qualified	Improved access to legal information by judges	Automated library inventory system installed and functional (yes/no); New holdings procured (#); Number of judges/trainees using automated library system (# per month) Number of judges/trainees using JTI library per month Online resource database added to JTI website (yes/no).	JTI President and Director	2008 No 0 0 0 No	Yes 30 15 15 Yes	No 0 0 0 No	No 0 0 00 No	Firm for Web site development hired. and licensing agreement for legal data base in process.. Floor plans and equipment and furnishings lists developed for JTI.
	Substantial improvement in the quality of the judge trainees compared to the past five years	Number of SJC members and JTI President and Director that believe the newer judge trainees are substantially better qualified than the trainees in the past five years	Interviews with SJC members and, JTI President and Director	2000-05 0	8	0	0	Recommendations for entry criteria for JTI now being formulated by STTA.

	Curriculum better addresses training needs	Percentage of Judge Trainees responding that curriculum is satisfactory in meeting their training needs	Survey of Judge Trainees	2007 0	75%	0	0	
	Increased use of modern teaching approaches by JTI trainers	Percentage increase in courses incorporating modern/interactive approaches	JTI President and Director Or student evaluations of courses	2008 0	20%	0	0	Search initiated for local STTA curriculum developer and trainer of trainers
	CJE for sitting judges mandatory	Policy developed and approved (yes/no) MOJ allocates sufficient budget resources for CJE (yes/no)	Ministry of Justice and/or "Official Gazette"	2008 No No	Yes Yes	No No	No No	
	Improved JTI infrastructure and administrative capacity	JTI facility refurbished (yes/no) Percentage of JTI officials and judge trainees that have access to computers, internet and other IT Number of classrooms with audio/video equipment installed Percentage of admin staff with computer skills	JTI President and Director	2008 No 0 0 0	No 100% 1 70%	No 0 0 0	0 0 0	Task order and budget amendments approved to refurbish JTI; construction project manager chosen

TASK THREE: SUPPORT EFFORTS BY THE MINISTRY OF JUSTICE TO IMPROVE COURT ADMINISTRATION

Expected Result	Indicator	Benchmark Measurement	Data Source	Year of Baseline/ Baseline	Target for Year 1	Actual Qr. 2 Apr – Jun 2008	Actual Qr. 3 Jul - Sep 08	Comments
Pilot court office functioning efficiently and with added transparency	Efficient manual filing system designed and implemented	Percentage of redundant files and documents boxed in Beirut and moved to storage	NCSC, MOJ, Executions Court, JIU, SJC, Office of the DG	2007 0	100%	0	100%	Archiving process completed.
		Percentage of active files properly indexed and filed in Beirut Executions Court Office		0	100%	0	0	
		Percentage of closed files moved off site		0	100%	0	100%	
		Standardized filing system designed (yes/no);		No 0	Yes. 80%	0	0	
		Percentage of files found within the same day using new system.		0	80%	0	0	
Improved work areas for clients, court staff, and judges allowing them to function properly and with a better degree of transparency		Number of counters installed to serve the public.	NCSC, MOJ, Executions Court, JIU, SJC, Office of the DG	2007 0	1	0	0	Construction project manager chosen to rebuild and modernize pilot court in Beirut.
		Number of lawyers attending orientation session to explain new counter services.		0	100	0	0	
		Number of offices created for judges		0	2	0	0	

Expected Result	Indicator	Benchmark Measurement	Data Source	Year of Baseline/ Baseline	Target for Year 1	Actual Qr. 2 Apr – Jun 2008	Actual Qr. 3 Jul - Sep 08	Comments
		presently working without an office.						
	Improved MOJ support to court efficiency and transparency	Computer network installed at MOJ for managing supplies and repairs	MOJ (Directorate of Procurement)	2007 No.	Yes.	No	No	
	Training and training materials support for professional court staff and roll out to other pilot courts	Number of manuals prepared and approved for new counter service and filing procedures. Number of court staff and judges trained in new counter service and filing procedures. Number of staff trained to be part of Pilot Court Specialized Working Group	NCSC, MOJ, Executions Court, JIU, SJC, Office of the DG	2007 0 0 0	1 20+ 3	0 0 0	0 0 0	Study tour to Cairo courts set for October. Ministry appointed court administrative reform executive committee
	Court records more accessible to public and legal professionals	File review area created in pilot court with photocopy service established (yes/no)	NCSC, MOJ, Executions Court, JIU, SJC, Office of the DG	2007 No	Yes	No	No	
	Improved organizational and functional relationships promoting improved working relationships and job performance	Job descriptions, competencies, entry requirements, performance criteria defined and approved (yes/no)	NCSC, MOJ, Executions Court, JIU, SJC, Office of the DG	2007 No	Yes	No	NO	

Expected Result	Indicator	Benchmark Measurement	Data Source	Year of Baseline/ Baseline	Target for Year 1	Actual Qr. 2 Apr – Jun 2008	Actual Qr. 3 Jul - Sep 08	Comments
		Percentage of Staff evaluated using new Performance evaluation criteria		0	100%	0	0	
	Improved courthouse public areas.	Percentage of visitors to the court receiving assistance at info kiosk	2 nd Monday of every month staff at counter will track number of people entering courthouse and approaching kiosk for information (for 1 st 6 months)	2007 0	50%	0	0	Kiosk concept delayed due to political objections; may be revived with change in gov't.
		Number of persons trained to assist public at information kiosk.		0	3	0	0	
		Signage installed (yes/no)		No	Yes	No	0	
		Main entrance of the courthouse opened to the public (yes/no)	NCSC, MOJ, Executions Court, JIU, SJC, Office of the DG, National Security Director	No	Yes	No	0	
		Public restrooms repaired and cleaned according to established schedule/standards	Maintenance, repair and cleaning schedule records (new forms developed)	No	Yes	No	0	

TASK FOUR: IMPROVE ACCESS TO JUSTICE

Expected Result	Indicator	Benchmark Measurement	Benchmark Data Source	Year of Baseline/ Baseline	Target Year 1	Actual Qr. 2 Apr – Jun 2008	Actual Qr. 3 Jul - Sep 2008	Comments
Indigent citizens receive quality legal services	Increased awareness among attorneys of the importance of providing legal aid	Percentage of attorneys responding that it is important for lawyers to volunteer to provide legal aid services	Survey of members carried out by Bar Association with NCSC assistance	2008 0	50%	0	0	Awards ceremony Q4 planned.
	Improved oversight	Number of legal aid attorneys receiving feedback on services provided	Bar Associations	2008 0	50	0	0	Statistics on legal aid obtained and analyzed
	Improved training of law students in legal aid	# of law schools with curriculum for legal aid work	Law schools, bar associations	2008 0	1	0	0	Training event scheduled Q4.

TASK FIVE: GRANTS TO ENHANCE PUBLIC ENGAGEMENT, SUPPORT REFORM EFFORTS, AND FOSTER A CULTURE OF RESPECT FOR THE RULE OF LAW

Expected Result	Indicator	Benchmark Measurement	Benchmark Data Source	Year of Baseline/ Baseline	Target Year 1	Actual Qr. 2 Apr – Jun 2008	Actual Qr. 3 Jul - Sep 2008	Comments
Increased public support for reforms and respect for the rule of law	Grants awarded that build public awareness and support for reform	Number of participants in workshops.	Workshop attendance list	2008 0	35	0	0	Procedural manual created. Grantee handbook in process.
		Number of grant applications submitted and awarded	Grant applications	0	3	0	0	

APPENDIX 3

Press Tracking Table

Name of Press Outlet	Type (weekly/daily newspaper, radio, TV)	Date	Title of Article or feature	Comments/ description
Daily Star	Daily Newspaper	March 1 st ,2008	USAID-funded project aims to enhance judiciary	Introduction for NCSC as a non-governmental organization, and to offer solutions to enhance court operations using the latest technology.
L'Orient Le Jour	French Daily Newspaper	March 2 nd ,2008	Il faut favoriser l'accès à la justice pour tous les citoyens	M. Ralph Riachi welcoming the project for enhancement the Judiciary courts in the country.
Daily Star	Daily Newspaper	March 6 th ,2008	A piece of US policy in the Middle East that might actually do some good	USAID one of the US Agency for International Development has announced that \$ 7 Million on a project that stands a better change of promoting democracy in the Region
Al Nahar	Daily Newspaper	March 1 st , 2008	American Agency for International Devlpmt	Introduction for NCSC
Al Nahar	Daily Newspaper	June 27 th , 2008	House of Lawyers Launched Sader International Agreement	At the House of Lawyers, Sader Publishing has launched the Legal publication in collaboration with the Ministry of Justice, with the Presence of NCSC, Amideast, USAID.
Al Diyar	Daily Newspaper	July 4 th , 2008	Karam met with the Director of the project to Strengthen the Judicial System	Initiation for a proposal of rehabilitation of the Journalist room in the Ministry of Justice with necessary equipment was welcomed by the President of the Lebanese Editor's Syndicate Mr. Melhem Karam
Al Bayraq	Daily Newspaper	July 5 th , 2008	Karam being informed of The Determination of USAID in the rehabilitation of the Journalist's press room in the MOJ	Initiation for a proposal of rehabilitation of the Journalist room in the Ministry of Justice with necessary equipment was welcomed by the President of the Lebanese Editor's Syndicate Mr. Melhem Karam
Monday Morning	Weekly Magazine	July 28 th , 2008	At the Headquarters of the Journalists' Association	Explaining to Melhem Karam (President of the Journalists Association) the action conducted by the Agency to consolidate the capacities of the Judiciary on several levels and the suggestion of USAID to set up a media hall at the Justice Ministry fully equipped.
La Revue du Liban	Weekly French Magazine	July 26	A l'Ordre des Journalistes	Explaining to Melhem Karam (President of the Journalists Association) the action conducted by the Agency to consolidate the capacities of the Judiciary on several levels and the suggestion of USAID to set up a media hall at the Justice Ministry fully equipped