

## PROGRAM COMPLETION REPORT

PERIOD: JULY 21<sup>ST</sup>, 2008 - OCTOBER 31<sup>ST</sup>, 2009

Grant Name: "Transparent Paper" of anti-corruption promises

Grant Number: 4

Grant Start and End Dates: July 21<sup>st</sup>, 2008 – October 31<sup>st</sup>, 2009

Reporting Period: July 21<sup>st</sup>, 2008 – October 31<sup>st</sup>, 2009

### 1.1 EXECUTIVE SUMMARY

The overall goal of this project is to reduce corruption within the courts and increase transparency in four main courts of Albania: Tirana Appellate Court, Shkodra District Court, Durres District Court and Vlora District Court.

The work for this project started on July 21<sup>st</sup>, 2009 and it was foreseen to last for 10 months. But we had an extension of this period and the project ended on October 31<sup>st</sup>, 2009.

The objectives of the grant were the following.

- ✚ Reduce corruption and public perception of corruption within the Court through assisting pilot courts in developing anti-corruption strategies..
- ✚ Establish effective communication between the court and the public by involving Civil Society groups, media, citizens and the court's actors (judges, prosecutors, judicial administration and lawyers) in the process of developing and monitoring courts Anti-Corruption commitments.
- ✚ Increase transparency of court actions regarding the fighting of corruption;
- ✚ Increase court actors' ownership in taking action to fight corruption and changing their public image.

In the framework of above mentioned objectives, the results achieved were:

- ✚ A strategy paper of the Anti-Corruption plan was written by Tirana Appellate Court, Shkodra District Court, Durres District Court and Vlora District Court. This strategy included clear objectives and public commitments to reduce corruption and increase transparency of each court activity.
- ✚ A new and closer relationship between court actors and outside stakeholders (especially citizens), through effective participation of Civil Society groups, media and public together with the court actors in the process of developing and monitoring the anti-corruption plans.
- ✚ A set of transparency indicators was developed, monitored and evaluated after the adoption of the plan. Oversight mechanisms/tools were implemented to monitor the anti-corruption commitments.

### 1.2 ACTIVITY IMPLEMENTATION PROCESS

Activity 1: Developing A-C plan together with court actors in each of the selected pilot courts

The work for this activity consisted of three main parts.

- ✚ Establishment of a group of representatives from court actors that worked on preparing the first draft of the A-C action plan. The group was composed of the head of the courts, judges of different sections, court administration, representatives from the prosecution office, representatives from the chamber of advocates and court

experts.

- ✚ Expertise process in drafting the A-C plan and bringing together the aims of all parties in a “Transparency Paper.” The Transparency paper is now displayed in the courthouse where it is available to citizens, media and civil society so that they may monitor the process.
- ✚ Circulation of the “Transparent Paper” within the court to all the judges and the administration of the court. It was then circulated to interested civil society organization, media, and citizens for comment and recommendations.

The steps taken to implement this activity included:

### **1. Creation of the group**

Our project team selected and contacted the members of the drafting group that was composed of the head of the court, TIA expert, two or three persons from different court sections, one representative from judicial secretary, one prosecutor or judicial police, one expert (accountant/psychologist) and one or two lawyers. The groups in each district court developed the plans according to the commitments taken in signing the Memorandum of Understanding with USAID. We have conducted formal/official working meetings with Mr. Metush Saraçi, Chief Judge of Tirana Appeal Court, Mr. Ervin Metalla, Chief Judge of Durres District Court, Mr. Artur Malaj of Vlore District Court and Mrs. Valbona Metaj Chief Judge of Shkoder District Court. In each of the courts, we reached an agreement to carry out this initiative of developing anti-corruption plans and we received a commitment \ from the chief judges to develop a calendar with clear steps for working with the working groups.

### **2. Meetings of the working groups**

The working groups developed the first draft and TIA experts facilitated the process and helped the group with the structure and developing ideas.

During the meeting the communication was focused on the details of conducting the work of the groups and better reaching our objectives; the significance of developing anti-corruption plans by the court' actors themselves; the importance of transparency of the process and the need to involve all the different actors that interact with the courts; and on including the viewpoints of all the actors so as to enrich the debate and the final product.

We shared with them the idea that the importance of the anti-corruption paper is not only the content but the process as well as allowing public to participate in monitoring it in the future.

### **3. Production of the first written draft**

TIA expert produced the initial draft of the policy paper reflecting the results of the working group as discussed in 2 above. The working groups revised it before circulating it to the interested actors. During the period November 2008– January 2009, the working groups for the pilot courts in Durres, Shkoder, Vlora finalized their work on the strategy for their court. Judges as well as other identified court actors (judicial administration), police, judicial police, prosecution office, lawyers from local attorney's chambers, media and civil society participated in all the stages of the process.

### **4. Collection of opinions from inside the court**

The draft paper was sent to all judges and court administration, and they were asked to provide suggestions and recommendations for inclusion in subsequent versions. The strategies were discussed within the courts focusing on comments and inputs to the process.

## 5. Staring public discussions

The final Paper was sent to all court actors for review. . In a roundtable organized in Tirana participating judges, prosecutors, lawyers, members of High Council of Justice and representatives from State Attorney's office, People's Ombudsman, Chamber of Advocates, Prosecution Office, Bail Office and Police department discussed the Transparency Paper. This wide participation provided useful feedback for the project.

TIA team in selecting high profile participants such as Ervin Metalla, Artur Malaj, Manjola Bejleri, Shkelqim Hajdari considered , moral integrity and reputation in order to involve them in the process of preparing the court plans.

## 6. Final A-C plan / Roundtables

- A round table was held in each of the districts to discuss and finalize the A-C plan with all involved actors. The participants discussed the final report that included the inputs of the working groups.

- Main task of the round table was to develop a set of indicators acknowledged by all parties as important for measuring the results, achievements and impact in both short-term (6-months to 1 year) and medium term (2-4 years); The above indicators were monitored by the project in the final phase. It was important that all the actors were aware of the indicators and participated in the process of preparing them.

- Another task of the round table was to think about and decide on mechanisms to enforce the implementation of the commitments, provide access to non-judicial actors such as media and Civil Society groups to monitor the progress, report on progress and actions taken according to the plan and revise the strategy periodically e.g. annually .

## 7. Media event

Anti-corruption commitments that resulted from the process were praised by the courts and are displayed in a public space to remind judges as well as other parties in the court proceedings. Our activities in Durres, Shkodra and Vlora were covered by the local media which helped to promote our project. All the local TV stations (3-9 TV per city) and local press was present in our activities.

TIA assisted the head of the court to prepare a press release that was distributed to the media. The press release together with the A-C paper was sent to the press, news agencies and electronic media.

The media event also served to launch the "Transparent Paper" campaign that included the T-Paper spot, T-Paper website and information on the Transparent Boxes that were placed in the courts hall inviting the public to participate actively in the campaign by giving suggestions and monitoring the implementation of the A-C plan by the court.

Media event was organized in location where one of the four courts was located. A transparent placard with all anti-corruption commitments was placed in the court house. High level representatives of justice system were invited to participate in this event.

### ***Obstacles and difficulties***

- The start of the project coincided with the summer closing of the courts, and that created a delay in the start of some of the core activities, especially the working groups. During this quiet period of August 2008 TIA worked informally with the court actors so the project was ready to start in September 2008.
- The main difficulty was working with the closed-mind attitude characterizing the court environment. Even with the existing awareness by the court actors that they need to work harder to change the public perception of the judge as dishonest and corrupted. There is a tendency to prejudge any initiative coming from outside as controlling and affecting the courts independence. We had work very hard to convince the chief judges that this was not in our intention. This attitude was more obvious in Tirana and especially in Shkoder. We had to contend with an attitude of indifference toward our concerns and lack of motivation among judges. In this context, we made it clear that our role was to assist them and not to give them ready strategies that may never be implemented.
- The process faced several obstacles due to the lack of knowledge of the court actors of strategic thinking and to produce strategies according to the requirements. In most of the cases the Judges were resistant regarding the process as they do not consider it as part of their job description and continuous efforts were required to raise their awareness about the benefits of the A-C strategies in increasing their reputation and court integrity.
- During November 2008 there was a change in the TIA director that affected the progress of the projects while the new management staff took time to follow up the work in the headquarter as well as the courts.
- The Appellate Court of Tirana was late with the drafting process of its A-C strategy because of the application of a different working methodology and their specific needs.

### Activity 2: Assist courts in developing and conducting the “Transparent Paper” campaign

The main aim of this activity is to establish ongoing communication between courts and the public regarding the development and implementation of the anti-corruption plan for **Transparent Box in the court house** for the citizens to give their opinions on the way courts should fight corruption.

TIA produced the transparent boxes for each of the courts. They were similar to ballot boxes. During public activities and media events, citizens were invited to write their suggestions, complains and put them in the box. TIA monitoring team used them together with other insights to draw important conclusions about the implementation of the A-C plans.

Transparent boxes also served as a valuable source of information for the courts about citizens’ opinions and level of satisfaction with the court’s services. This information can be used to improve the future operation of the courts. This was a complementary tool to the website because internet access is available to a limited section of the population. The boxes also give people that are closer to the courts services a more realistic understanding of the problems and possible solutions.

### **“Transparent Paper” media campaign through TV and radio spots:**

TIA developed a model TV spot that aims at informing the public about the initiative of the courts involved in the project to develop and implement an anti-corruption strategy

“transparent paper”. The TV spot has pointed out the efforts of the courts to be accountable, transparent and fight corruption as well as change their public image.

The production of the TV spot has been part of the TIA philosophy to provide tools to the courts so that they are encouraged to follow up in cooperation with media, Civil Society groups and local business.

You may find the T-Papers spot in the link:

[http://www.tia.al/index.php?option=com\\_content&view=category&layout=blog&id=34&Itemid=64](http://www.tia.al/index.php?option=com_content&view=category&layout=blog&id=34&Itemid=64)

### **“Transparent Paper” awareness campaigns in the main local TVs in Shkoder, Durres and Vlora:**

During September 2009, TIA team had an intensive work period in the four courts for this project. Head of the courts in the cities of Durres, Vlora and Shkodra at their initiative contacted the local televisions so that they were present for the “T-Boxes” process and monitoring. The presence of media had a valuable impact on the public dissemination process resulting in the citizens being really engaged in showing their interest and writing their complains on court corruption issues which were put in the transparent boxes in the courthouses.

Mr. Ervin Metalla, Head of the District Court of Durres gave an interview for the journalists, and he emphasized the collaboration with Transparency International Albania and USAID-ROLP in the fight against corruption. Mr. Artur Malaj, Head of the District Court of Vlora, also supported implementing the A-C strategy in the courts. In his interview, Mr. Malaj invited the citizens and others to present complains and suggestions for a better court free of corruption.

Although not requested by TIA the local media covered other activities and gave important news to the community.

### Activity 3: Implementation & follow-up

Monitoring the “Transparent Paper” implementation was important for encouraging court actors to take real actions and steps to fulfill the objectives of the strategy. The purpose was on one hand to gather information on the courts efforts in implementing properly their commitments and on the other hand to show them that TIA presence and support was available to them in this process.

In the framework of this activity, TIA organized and trained a “monitoring team” that was composed mainly of law students and young as well as veteran professionals. The work of this team consisted in monitoring the implementation of all “Transparency Paper” components, through the below mentioned actions:

- ✚ Preparation of an achievement report to finalize the monitoring process. The report gathers and analyzes all parties’ statements about achievements to date considering equally the opinion of the actors within the courts and outside the courts. It also includes citizens’ opinions taken from transparent boxes, forums and website.

### **Obstacles and Difficulties**

- According to the phase 2 and 3 of activities the project was delayed due to producing the Transparent-Banners which had to be put in the transparency corner of each court. We had designed four models for T-banners and USAID-ROLP had to approve which one we should use for the courts. After a meeting on May 14<sup>th</sup>, at ROLP’s

office a new timeline for the project was presented by TIA which changed the activities deadline to October 30<sup>th</sup>, 2009.

- The phase of process monitoring lasted two months: September- October 2009, instead of six months as initially planned. This resulted in an acceleration in all the steps with not enough time to collect a large number of citizens` opinions and suggestions.
- There was only one complaint in Tirana Appellate Court Transparent Box. Therefore we could not make a precise evaluation of the process in the Court. We think that one reason for only one complaint is the higher surveillance in the Appellate Court compared to the District Court. Another reason is that at the Tirana Appellate Court there is not a suitable waiting area for citizens. A third reason is that in the Appellate Courts citizens are presented by their lawyers while in the District Courts citizens may also presented themselves. A fourth reason is the mentality of the capital`s citizens.
- In the beginning there were very few complaints in the transparent boxes. That`s why our team prepared a complaining form (find it attached) and left copies on the transparent boxes to facilitate citizens.

### **Follow up activities**

TIA team, through a letter of gratitude addressed to the courts (find attached) handed over the keys of the transparent boxes to the Courts. It will now be the courts` staff that will collect the complaints by citizens and analyze them all.

### **Recommendations**

Transparency International Albania expresses its readiness to assist (with the generous help of donors) the Albanian courts in the future, to monitor the outputs of this project in particular and to raise the transparency of the courts in general.

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## **REPORT ON CITIZENS COMPLAINS IN THE COURTS**

*Corruption is defined as “the abuse of trusted power, for personal profit gains” and it remains one of the main problem in the judicial system. This includes financial profits and material profits, as well as non-material benefits in the form of support for the achievement of political or professional ambitions. Judicial corruption includes any kind of inappropriate influence from the inside actors in the system that affect the impartiality of the judicial processes.*

*Corruption practices in Albania are a consequence of the political and social mentality from the years before 1990, and from the transition period of our country during the last decade, regardless of the enormous efforts for reforms implementation in this field.*

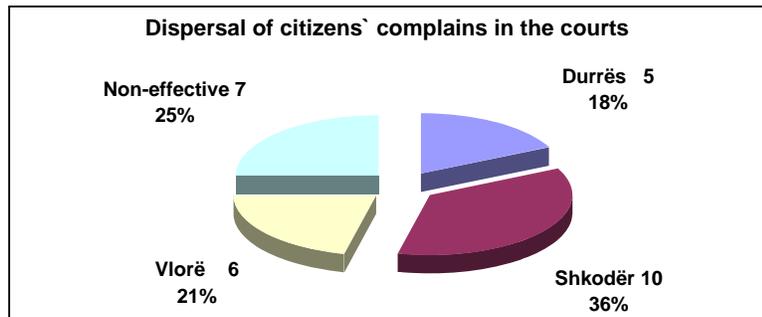
*This report aims to analyze the key problems that were encountered in the relationship between the individuals and the judicial power, in the frame of realization of their legal rights. The methodology used in this analysis consisted of collecting and processing the citizens` complains as one of the core objectives of the campaign against corruption in the courts. This process was implemented in three cardinal phases, which included:*

1. *Collecting the complains deposited in the courts;*
2. *Processing the relevant data;*

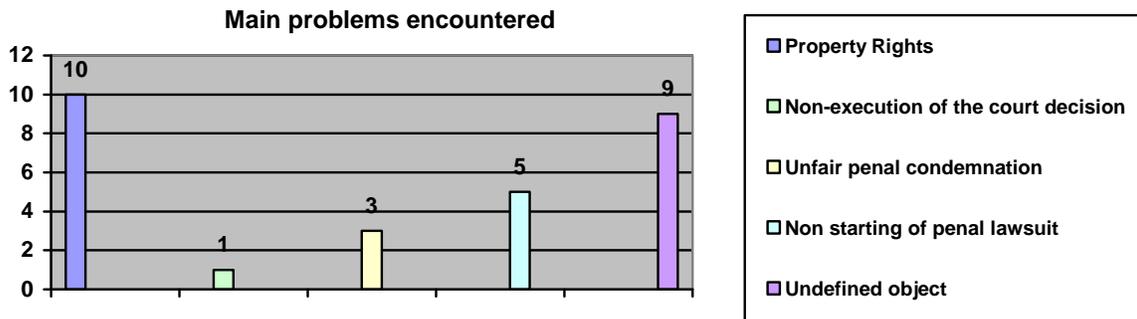
3. *Compiling the final report.*

The campaign took place in the Shkodra District Court, Durres District Court and Vlora District Court. The total number of the deposited complains at these institutions reached a number of 28, 7 of which are non-effective. The dispersal of these complains is presented in the graphic below:

*The district court with the largest number of complaints was in the District Court of Shkodra, with a percentage of 36 %, while the smallest number of complaints was in the Durres District Court with 18 % of the total complains. Analyzing whether the complains were penal or civil, we found that 7 of them were penal and 14 were civil. Specifically: in Durres District Court there was 1 penal and 4 civil complaint. In Shkodra District Court there were 4 penal and 6 civil complaints. In Vlora District Court there were 2 penal and 4 civil complaints.*



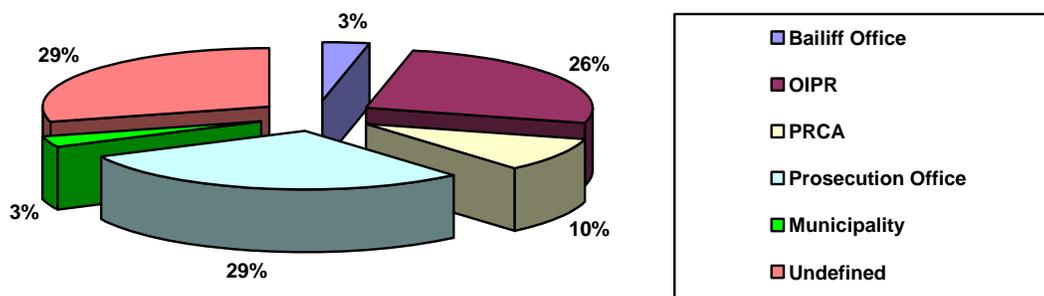
*Analyzing the complains from the perspective of problems treated the judicial rights violated by the corrupted acts; whether they are in the prejudgment phase, inspection phase or complaining phase, we have compiled a graphical demonstration as below:*



*Apart from these problems, the important fact is that almost all of the judicial processes based in the above issues were characterized by delay in judgment procedures. By studying the duration of the judicial processes in these courts, we may conclude that the average duration is 6 years. This fact creates the perception that the judicial system is easily influenced through active and passive corruption of judges and the procedures delayed until there is a decision that favors one of the litigant parties.*

*With further analysis of the above mentioned problems, we could classify some of the state institutions contributing to the delay in resolution of the conflicts: The Bailiff Office, Property Restitution and Compensation Agency (PRCA), the Municipality, Prosecution Office, the Office for Immovable Property Registration (OIPR). Please find below the graphic presentation:*

### Inclusion of institutions in the judicial processes



<sup>2</sup> We emphasize that in the same cases, more than one institution may be involved.

CAO's experts, in order to assess the situation and to make a complete and a more efficient analysis, has suggested and requested citizens to contact the CAO's experts and given information on , where to submit additional documents to support their claims.

Of the citizens contacted by the CAO only the undersigned have submitted their documents:

1.Veton Gjoliku (from Vlora) - Who presented a conflict based on the property rights which is currently under review in the Court of Vlora. CAO after studying the case has requested information and has presented the problem to these institutions involved in the case:

- Central Office for Immovable Property Registration Office
- Local Office for Immovable Property Registration – Vlorë
- Agency of Legalization, Urbanization and Integration of the Areas / Informal Construction -Tiranë
- Agency of Legalization, Urbanization and Integration of the Areas / Informal Construction - Vlorë
- Municipality of Vlora
- Planning Inspectorate – Vlorë

Some institutions have responded, providing information that was denied to the citizen when he applied to these institutions.

2. Kujtim Psatha (from Durrës) – whose claim was not related to corruption and he was referred to a state institution.

3. Luftar Shakaj (from Vlora) - required the intervention of CAO in the judicial process taking place in the Court of Vlora, based on the denunciation he made about the careless treatment of the doctors of the Vlora's Hospital that resulted in the death of his daughter. After his contact with the experts, they explained to him that the office is not authorized to interfere in the decision-making process of the courts.

4. Luljeta Pashallari (from Shkodra) - after the contact with the experts she was invited to submit additional documents, but she was not present at the meeting.