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LIST OF ACRONYMS

ACEC	Albanian Center for Entrepreneurial Communities
AIIA	Albanian Institute of Internal Audit
COI	Conflict of Interest
CPII	Center for Public Information Issues
CSO	Civil Society Organization
EU	European Union
FMOU	Framework Memorandum of Understanding
HCJ	High Council of Justice
HIDAA	High Inspectorate for the Declaration and Audit of Assets
ICMIS	Integrated Case Management Information System
IDRA	Institute for Development and Research Alternatives
IT	Information Technology
JBO	Judicial Budget Office
JIU	Joint Investigative Unit
MCATA	Millennium Challenge Albania Threshold Agreement
MOJ	Ministry of Justice
MOU	Memorandum of Understanding
OPDAT	Overseas Prosecutorial Development and Training – an office in the U.S. Department of Justice
OSCE	Organization for Security and Cooperation in Europe
PBMP	Performance Based Monitoring Plan
Q-10	Court Users' Satisfaction Survey
ROLP	Rule of Law Project
TIPA	Albanian Training Institute of Public Administration
TLAS	Tirana Legal Aid Society
SAI	State Audit Institution
UK	United Kingdom
WTAC	Working Technical Advisory Committee

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EXECUTIVE SUMMARY

The USAID Rule of Law Project has three components. They are Accountable Courts, Institutional Oversight & Audit, and Civic Monitoring and Engagement.

COMPONENT 1: ACCOUNTABLE COURTS

A Framework MOU (FMOU) was signed between USAID and the Ministry of Justice, the High Council of Justice, National Budget Office and the Supreme Court. The MOU establishes the responsibilities of the parties and the general parameters of the assistance to be provided by the USAID Rule of Law Project. To achieve the objectives of the FMOU, project staff assessed 18 district and appellate courts and chose 10 district and appellate courts as pilot courts. The 10 courts chosen as pilot courts were: Durres District Court, Pogradec District Court, Elbansan District Court, Shkodra District Court, Vlora District Court, Mat District Court, Saranda District Court, 1st Instance Serious Crimes Court and the Appellate Courts Tirana and Gjirokaster.

Commencement of Project Activities

Project staff reviewed reports and met with international donors, other USAID projects and others to develop its work plan and avoid overlap. Required to establish a baseline for measuring progress, the Project is working with an international consult to develop the methodology.

Technical Assistance for the Pilot Courts

Pilot Court MOUs

After selection of the pilot courts, the Project negotiated MOUs with each of the pilot courts. The project staff organized signing ceremonies for each of the MOUs. Each court's Chief Judge and Chancellor and a USAID representative signed the MOU in the presence of invited guests and local media. Henrietta H. Fore, Administrator of the U.S. Agency for International Development and Director of United States Foreign Assistance was present at the signing ceremony for the Tirana Appellate Court and signed on behalf of USAID. The MOUs provide Project assistance to increase court/community understanding and transparency, develop efficient use of IT tools, improve trial records, improve the quality of written judicial decisions, assist with setting up court library with furniture, IT facilities and books, improve time management for judges, increase public access to court information, improve court efficiency through changes in the filing systems, increase transparency in management of court budget and improve case load management to reduce delays. The MOUs also require the organization of a Court Advisory Working Committee ("CAWC") to advise on and guide MOU implementation. Regional Court Coordinators who are members of the Project staff meet regularly with the CAWCs.

Improved Trial Records

The Project purchased and installed at the pilot courts 50 computers, 40 printers, 74 regular monitors and 10 larger screen monitors. The Project also supported fast typing for court secretaries so that session minutes can be typed, immediately viewed and printed copies distributed. Typed and printed session minutes and instant viewing will improve the quality and accuracy of session minutes.

Public Court Forums

The Project organized public court forums in Durres, Vlora and Pogradec at which judges, court staff, prosecutors, representatives of civil society and citizens were participants. The forums' goals were to give the participants a better understanding of courts and to explore methods and techniques for expanding dialogue between the courts and citizens.

CASE MANAGEMENT AND COURT ADMINISTRATION

Increased Transparency on Court Finances

To improve transparency and assist the court in its financial planning and reporting, the Project provided each pilot court with financial software and trained the court's finance office to use the software.

Improvement of Case Load Management

Case Management Consultant Ron Stout spent 2 weeks in Albania and provided guidance on effective use of a computerized case management system, improvement in file management and making trail records more reliable, accurate, complete and transparent. He concluded his work with organizing the "Toward Modern Court Administration" workshop at which he presented his findings and conclusions. Other topics covered at the workshop were (1) improving court access, (2) court-media relations, (3) results of the Court Users Satisfaction Survey and (4) the results of the 2008 Annual Corruption in Albania Survey. Mr. Stout strongly recommended development of a Records Management Program. The pilot courts MOUs also include a provision for assistance on changing the filing system. The Project is the progress of developing a Records and File Management Activity that will use the expertise of Mr. Stout.

ICMIS

Several Project activities have involved the improvement and implementation of the Integrated Case Management Information System (ICMIS) which is being developed by a local software developer DATECH. The delivery of a functional system has been delayed and is still not available. Several Project activities have been delayed because of the delay in delivery of ICMIS.

IMPROVEMENT OF JUDICIAL SKILLS

Project activities to improve judicial skills include the purchase, installation and training on an E-library for each pilot court judge. The E-library is a CD-ROM that has legislation with updates and important Constitutional and Supreme Court decisions.

The Project in collaboration with the School of Magistrates is organizing 5 regional workshops on Legal Research, Reasoning and Court Decision Writing. Lecturers at the workshops are a Dutch judge, an American law school professor of legal writing, a German judge and the recently retired Chief Justice of the Albanian Supreme Court. The workshops will be highly interactive requiring significant participation by the judges.

The pilot courts MOUs require each court to develop an Integrity Development/Anti-Corruption Strategy and Project staff is working with the courts on developing and implementing the strategies.

COMPONENT 2: INSTITUTIONAL OVERSIGHT & AUDIT

Modern Internal Control

Component 2 staff is producing a "Best Practice Guide on Modern Internal Control Systems." The staff is also preparing training material to accompany the guide. The staff is in discussion with the Albanian Training Institute of Public Administration ("TIPA") for training for agency officials and second level administrators on implementation of the principles and procedures covered in the Best Practice Guide.

Professional Institute of Auditors

The Albanian Institute of Internal Auditors was established several years ago but never became an active organization. With guidance and support from Component 2 staff, it completed the

organizational requirements for becoming a registered and active organization. It has recruited members and set a membership fee. The Institute is planning a public launch in October or November.

Assessments

Component 2 staff completed an assessment of the Declaration of Assets Law and Conflict of Interest law. The staff has also completed an assessment of HIDDA's training needs. Both assessments provided ideas for further component activities and the staff has started working on some of the findings including conflict of interest manuals on procurement and local governance.

Conflict of Interest Manuals

The Project has entered into a contract with a local company for producing the Conflict of Interest-Procurement Manual. The draft is due by mid-September. The Project has expressions of interest for producing the Conflict of Interest-Local Governance Manual and will enter into a contract with a local company for the manual.

MOU Facilitation

HIDDA has signed MOUs with 17 Albanian government agencies and private organizations. Component 2 staff has begun working with HIDAA staff to facilitate 4 of the signed MOUs. Component 2 staff will work with HIDAA to facilitate MOUs with the Procurement Agency, Ministry of Internal Affairs-Police Directorate, Office the Prosecutor and INSTAT Statistical Office.

Cooperation between Joint Investigative Unit & HIDAA

Component 2 staff worked with the Office of Overseas Prosecutorial Development and Training ("OPDAT") legal advisors to the Office of the Prosecutor's Joint Investigative Unit (JIU) to improve coordination between the JIU and HIDAA. As a result of the efforts of the OPDAT legal advisors and Component 2 staff, HIDAA staff participated in a workshop on E-procurement and one-stop-shop business registration. OPDAT legal advisors and Component 2 staff also organized a roundtable for HIDAA investigators and JIU prosecutors to discuss sharing of information and cooperation.

Roundtable on HIDAA, Civil Society and Media

Component 2 staff and HIDAA staff organized a roundtable "Media, Civil Society and HIDAA Allies in Fighting Corruption." Roundtable activities included 2 working groups. Participants were free to attend the working group of their choice. There were representatives from media and civil society and they actively participated with the HIDAA staff in the working groups. Each working group presented its recommendations to the full assembly of participants. The recommendations included more training for monitoring and investigating corrupt activities and conflicts of interest. The participants also recommended making the Declarations of Assets filed by government officials more available by putting them on-line. HIDAA supported the idea but upon further consideration realized that a decision by the Constitutional Court only allows HIDAA to make the declarations available in response to a specific request.

COMPONENT 3: CIVIC MONITORING AND ENGAGEMENT

Q-10 Customer Satisfaction Survey

The Q-10 survey, as with much of Component 3, represents a cross-cutting activity. The survey was supervised by Component 3 staff but the results are applicable to Component 1 activities. The survey is a performance measurement in which court users on a specific day were

interviewed about their experiences in that pilot court or control court on that particular day. The survey will be repeated in the spring of 2008 and 2009 and the results for each pilot court will be compared to the control courts to determine if there has been any change in court user's experiences and perceptions of the pilot courts as a result of Project activities.

Annual Corruption in Albania Survey

The Project contracted with a local company to measure public perceptions of attitudes about corruption and respondents' experience with corruption. The survey results show that the public's perception has not substantially changed from earlier surveys, that citizens have little trust in Albanian institutions, that money and the judge's personal and business connections will affect the trial court's decision and that Albanian's definition of corruption includes "price gouging."

Development of a Media Strategy

The project contracted with Media Consultant, Jean Garner to develop a media strategy for the Project and its partners. Ms. Garner proposed 4 activities: (1) a lawyer's database and media guide for the courts, (2) an open media forum, (3) a court chancellor's media education program and (4) TV programs. The project is reviewing her recommendations and has contracted for the production of 5 TV shows under the theme of "Open TV to Open Courts."

Grants

The project has awarded 6 grants. One grant was given to TLAS for the Q-10 Survey. The other 5 grants were awarded for (1) monitoring and reporting on requests under the Freedom of Information Act, (2) training court monitors and public education programs on courts, transparency in courts and improving public perception of the courts, (3) reducing corruption in the pilot courts, (4) investigating the Declaration of Assets filed by judges in Vlora, Shkodra and Tirana Appellate courts, and (5) investigating delays between the filing of an appeal and the assignment of the appeal for hearing.

IMPLEMENTATION PROBLEMS AND ACTION TO SOLVE:

ICMIS

The FMOU obligates the Project to work with the pilot courts for the effective utilization of the ICMIS system as a tool for improving case management and court administration. The European Union contracted with DATECH to develop and install ICMIS. There have been significant delays in the development and installation of a fully functioning system. Project activities in which the ICMIS is a factor have either been delayed or suspended until there is a fully functioning system. For example, training on the system has been delayed, and in fact the MOJ has been reluctant to develop a training plan until there is a functional ICMIS system.

The Project and USAID have met with the MOJ, Euralius, who is managing the contract with DATECH, and DATECH. At the meetings Project staff explained the import role ICMIS has in Project activities and encouraged increased efforts to complete the development and installation.

Culture of Hierarchy

In Albania decisions must be approved by the most senior official in the department, court or agency. For example, the Court Advisory Working Committees are chaired by the Chief Judge but if he is not available, the meeting is delayed until he is available or it is cancelled. All major decisions affecting MOJ must travel up the chain of command. Consequently, the Project must accommodate the decision making process which sometimes results in a slow down in activities

Mat Suspension

Alleged improper judicial behavior by a judge at the Mat District Court resulted in several news reports disclosing the alleged improper behavior and raising issues of judicial corruption. The MOJ and HCJ instituted investigations of the behavior and the HCJ will hold a disciplinary hearing. USAID upon learning of the behavior and allegations of corruption suspended the MOU with the Mat District Court pending the results of the investigations and the disciplinary hearing,

If the suspension is lifted, the Project will move on implementing any activities that should have taken place. If the suspension is not lifted, the Project will work with nine pilot courts.

SECTION: RESULTS ACHIEVED

As with all start-ups it takes time to open an office, hire staff, develop a work plan and begin implementation of the activities. Although the contract was signed on September 19, 2007, activities did not start until October 2007.

COMPONENT 1: ACCOUNTABLE COURTS

For annual reporting purpose and ease of presentation, the work plan tasks and activities in Component 1 can be categorized as follows.

- Commencement of Project Activities
- Technical Assistance for Pilot Court Activities
- Case Management and Court Administration
- Improvement of judicial skills

I. COMMENCEMENT OF PROJECT ACTIVITIES

After finding office space and hiring staff, the Project turned its attention to designing the basic foundation for the Project's efforts in developing accountable courts.

1. Framework MOU and Advisory Technical Working Committee

In January 2008, USAID and the Ministry of Justice (MOJ), the High Council of Justice ("HCJ"), the Supreme Court of Albania, and the Judicial Budget Office ("JBO") signed a Framework Memorandum Of Understanding ("FMOU"). The FMOU enumerates the tasks and responsibilities of the signing parties and establishes the general parameters of the technical assistance that the USAID Rule of Law Project ("ROLP") will provide to the 10 pilot courts.

The FMOU specifies that a Working Technical Advisory Committee ("WTAC") is to be organized and that each of the national institutions signing the FMOU would appoint a representative to the WTAC. WTAC members' duties are to provide practical input and guidance during the performance of the Project and to keep the institutions they represent apprised of Project activities. The representatives were appointed and the WTAC has met several times. A report of the Project's activities during the first 6 months was sent to the national institutions signing the FMOU in early August. In September the Project appeared at the HCJ's September meeting and discussed the report and answered questions.

2. Selection of Pilot Courts

The FMOU contains criteria for selecting pilot courts. Immediately after the signing of the FMOU, the Project began the process of selecting the pilot courts. The Project developed the following criteria for assessing and selecting the pilot courts:

- Commitment to modernization and openness to changes/reforms
- Court size and geographic location
- Focus on District Courts but include some Appellate Courts
- Dynamic mix of realities
- Functioning automation system installed to some extent
- Caseload characteristics
- Condition of facilities (no major infrastructure needs can be addressed)

TABLE I: PILOT COURTS

District Court of Durres
District Court of Pogradec
District Court of Vlora
District Court of Saranda
District Court of Shkoder
District Court of Mat
District Court of Elbasan
1st Instance Serious Crimes Court
Gjirokaster Appellate Court.
Tirana Appellate Court

Project staff visited and assessed 18 district and appellate courts. Of the 18 courts assessed using the above criteria, 10 were selected as pilot courts. The 10 courts selected as pilot courts are listed below in Table I.

3. Closed Case Survey

The Project's work plan and Performance Based Monitoring Plan ("PBMP") require that baselines be identified for purposes of measuring progress. One of the major tools for measuring progress is the closed case survey.

In preparation for the closed case survey the Project reviewed the Euralius report "Feasibility Study on Measures to Shorten the Duration of Court Proceedings" and the DPK Report "Project for Analysis of the Organization and Functioning of the Court, the Evaluation of the Judges and their Career."¹ The Project is in contact with an international expert who will assist in developing the methodology, provide guidance during the survey, analyze the data and report the survey results. Project staff will organize the data gathering, retain law students to gather the data and monitor the data-gathering activities. The survey will cover 8 pilot courts and 2 control courts and will be completed in the first quarter of the 08-09 project year.

Significant effort has gone into preparing for the survey. The data elements for collection have been identified. Project staff has reviewed case files and automated case management records and procedures to determine availability of data and types of cases. Project staff and the consultant have been working to determine the case load for each court and the size of the random sample.

4. Donor Coordination

In order to find synergies and coordinate activities with other donor-funded rule of law projects, the Project held meetings during the start-up with representatives of Euralius, Council of Europe, OSCE representatives, MCATA and others. Meeting other donors and building working relationships provided the Project with necessary information and should lead to donor coordination and prevent overlapping of activities.

II. TECHNICAL ASSISTANCE FOR THE PILOT COURTS

1. Memorandums of Understand (MOU)

The project negotiated MOUs with each of the pilot courts and signing ceremonies were organized for signing each of the MOUs. USAID Representatives, the Chief Judge of each court and the Chancellor for each court gave brief remarks and signed the MOUs. Media was present at each of the signing ceremonies. Henrietta H. Fore, Administrator of USAID and Director of

¹ Page 7 Work plan

United States Foreign Assistance, attended the signing ceremony at the Tirana Appellate Court and signed on behalf of USAID. Also present at the Tirana Appellate Court signing were the American Ambassador Mr. John L Withers II, the Minister of Justice Mr. Enkelejd Alibeaj and Albanian Supreme Court Chief Justice Thimjo Kondi.

Although each MOU is somewhat different, the major activities of the MOUs can be categorized as follows:

- Increase Court/Community Understanding and Transparency
- More efficient use of IT Tools
- Improve trial records
- Improve the quality of written judicial decisions
- Assist with setting up court library with furniture, IT and books
- Improve the time management for judges
- Increase public access to court information
- Improve court efficiency through changes in the filing systems
- Increase transparency in management of court budget
- Improve case load management to reduce delays

2. Pilot Court Advisory Committees

Each of the MOUs requires that a Court Advisory Working Committee (CAWC) be organized. The members of each CAWC are the Chief Judge, the Chancellor, the Secretary, a judge from the court and the IT person. CAWCs have been organized at each of the pilot courts and the first meeting has been held.

The first meeting was either held immediately after the signing ceremony or as soon thereafter as it could be organized. Activities were reviewed at the first meeting. The regional court coordinators² have met regularly with the CAWCs and have frequently obtained information about court activities by telephone and e-mail. Regional court coordinators' activities with the CAWCs include arranging for Consultant Ron Stout to visit the court and obtain information, getting Committee advice on topics for the "Toward a Modern Court Administration" workshop³, monitoring the progress on the court's anti-corruption strategy, scheduling the typing training, scheduling installation of equipment, scheduling the installation and training on the financial software, scheduling the installation and training on the E-library and monitoring progress on the use of the ICMIS system.



Henrietta H. Fore, Administrator of USAID and Director of United States Foreign Assistance signs the MOU with the Tirana Appellate Court.

3. Improved Trial Records

A major issue in the Albanian judiciary is the quality and accuracy of the trial minutes. With the goal of improving trials records and to comply with the MOU provisions for "More efficient use

² Regional coordinators are DPK staff members who monitor activities at the Pilot Courts. There are three regional court coordinators. The regions are: Northern- Shkoder, Mat and Elbasan District Courts: Central – Dures and Vlora District Courts, 1st Instance Serious Crimes Court and Tirana Appellate Court: Southern – Pogradec and Saranda District Courts and Gjirokaster Appellate Court.

³ For detailed discussion see "III. Case Management and Court Administration, Paragraph 3 Improvement of Case Load Management"

of IT tools” and “Improved trial records,” the Project provided computers, printers, monitors and fast typing training for court secretaries.

Computers, printers & monitors

The Project contracted with local hardware companies to furnish and install:

- 50 computers
- 40 printers
- 74 regular monitors
- 10 large screen monitor

The purchase and installation is being conducted in 2 phases due to the need to maintain security of the equipment during installation. The computers, monitors and printers will enable the trial secretary to type trial session minutes rather than taking them in long hand. In addition, a large screen monitor has been purchased and will be installed in a large courtroom in each of the courts. Lawyers, witnesses and other individuals in the courtroom will be able to see the session minutes as they are typed.

Fast Typing Training For Court Secretaries

The pilot court MOUs obligated the Project to provide fast typing training to court secretaries. The purpose of the training is to increase the speed at which secretaries type so that they can use the project-supplied computers to prepare typed session minutes. The Project has entered into contracts with local companies in the cities in which the pilot courts are located to provide 2 weeks of training. The training started in 8 pilot courts and was completed two weeks after it started. Training has been completed in all the courts except the Mat District Court and the Saranda District Court.⁴ Self-training software has been installed in the courts so that the secretaries can practice and improve. The secretaries were tested at the start of the training, at the end of the 2-weeks training and will be tested again 60 days after completion of training. During meetings with CWACs, the regional court coordinators encourage the Chief Judge and Chancellor to insist that typing speeds improve. The chief judges and chancellors have generally supported the principle that secretaries reach an acceptable speed level using 10-finger typing.⁵



Presenting one of the work group’s conclusions for discussion by participants.

4. Public Court Forums

The Project organized three 1-day public court forums. The forums were held in Durres, Vlora and Pogradec.

The forums’ goals were

- To better understand current specific perceptions and realities of how the courts are administering justice and

⁴ Major renovation is in progress at The Saranda District and it requested to delay the training until the renovation is complete. The MOU at the Mat district court has been suspended. See the “Section: Implementation Problems”

⁵ The chief judge of the 1st Instance Serious Crimes Court has informed the court secretaries that they must improve their typing skills or risk losing their position.

- To explore methodologies and techniques for stimulating interaction and dialogue between the different court actors themselves and between the courts and the public on an ongoing basis at the court/community level.

Participants were asked to evaluate the forum and gave the forum high marks for quality and presentation.

III. CASE MANAGEMENT AND COURT ADMINISTRATION

1. Increased Transparency on Court Finances

The Project purchaser arranged for the installation of financial software in each of the pilot courts.⁶ The purchase and installation completes one of the Project's obligations under the pilot court MOUs. The financial software will automate the financial record keeping and report preparation that was done manually before installation of the software. In addition to automating the financial record keeping and reporting, the software will also improve financial transparency by automatically generating periodic financial reports that inform judges and court personnel about court spending. The software will also assist in monitoring spending by comparing actual to budget. The software will also help the Judicial Budget Office (JBO) in its monitoring and supervising functions and will generate information that will satisfy the district and appellate court reporting requirements imposed by the Judicial Budget Office. Currently, judges and other court personnel do not have access to this court financial information and the resulting lack of transparency has been a concern of the High Council of Justice

2. Improvement of Case Load Management

The Project contracted with Ron Stout, a consultant on case and file management, to provide guidance on:

- Effective use of a computerized case management system,
- Improvement in the file management system, and
- Making trial records more reliable, accurate, complete and transparent.

Mr. Stout spent approximately 2 weeks in Albania engaged in the following activities.

- Reviewing laws and reports
- Analyzing information gathered during visits to 4 pilot courts
- Meeting with the MOJ's information technology staff
- Meeting with DATECH, the software company developing ICMIS
- Meeting with EURALIUS who is managing the contract for the development of ICMIS
- Reviewing archiving and records management procedures in the pilot courts
- Preparing and presenting a 2-day workshop "Toward Modern Court Administration"

Workshop "Toward Modern Court Administration"

The workshop "Toward Modern Court Administration" was the concluding event of Mr. Stout's activities in Albania. Participants in the 2-day workshop were the 10 Chief Judges and the 10 Chancellors from the 10 pilot courts. The topics at the workshop were:

1. "File Folders and Automated systems – components of a modern case management system and the benefits to the judges chancellors and staff" presented by Ron Stout
2. "Next steps in court automation" presented by Ron Stout
3. "The Q10 Survey and results" presented by Filip Janiceski
4. "Records Management and Archiving" presented by Ron Stout

⁶ Major renovation is in progress at the Saranda District Court and it requested that the software not be installed until the renovation is complete. The MOU at the Mat district court has been suspended and the software will be installed if the suspension is lifted.

5. “Public access in the courts and the role of judges and chancellors to improve it” presented by Vangjel Kosta, Retired Justice of the Albanian Supreme Court
6. “Court-Media relations” presented by Gerti Shella, Albanian Journalist
7. “Findings of the 2008 Survey on Corruption in Albania” presented by Florian Babameto representative IDRA, the company conducting the survey
8. Discussion on the pilots courts “Integrity Development/Anticorruption strategy”

Mr. Kreshnik Spahiu, the Deputy Chairman of HCJ, and Mr. Enkelejd Alibei, Minister of Justice, gave remarks.

Participants’ evaluations of the workshop were favorable and included comments that the Project should support additional workshops of a similar nature.

3. Archiving and File Management

During Ron Stout’s meetings with judges and court staffs and in general discussion at the workshop, judges and staff members expressed their concern about the current state of records and inadequate record keeping. In his final report, Mr. Stout recommended developing a formal inclusive Records Management Program for the Judiciary. Mr. Stout recommended that any Records Management Program should include the development and adoption of a Records Retention and Destruction Schedule and redesigning methods for storing records.

Pilot Court MOU

The MOUs negotiated with the pilot courts include the objective “Improvement of court efficiency through significant changes of the filing system.” The specific activities for the objective are the following

- Assessment of the current filing systems and methods for improvement
- Implementation of agreed upon improvements for new filing systems
- Technical assistance for creating the necessary legislation

Planned Archiving and Records Management

Project staff has discussed with the MOJ developing a records management program as recommended by Mr. Stout. The MOJ has indicated its support for the program. The Project has developed and forwarded to the MOJ an action plan for developing a records management program and will contract with Mr. Stout to develop the records management program that he has recommended.

4. ICMIS

Over the last couple of years significant effort has been devoted to the development and installation of the Integrated Case Management Information System (“ICMIS”). This system when functional will replace the ARK-IT system which is operational in some but not all Albanian courts. Three of the projects pilot courts are using the ARK-IT system.⁷ ICMIS is installed in the all the pilot courts but it not being fully used for a number of reasons. A major reason is that the system is not fully functional. Project staff and USAID have had a number of discussions with the MOJ, Euralius and DATECH about the status of the system and when it will be functional. At several meetings with the MOJ USAID representatives have indicated a willingness to consider making a substantial commitment to complete the development of the system.

⁷ Vlora District Court, Shkoder District Court and the Tirana Appellate Court.

DATECH failed to meet its latest deadline for delivering a functioning system and the MOJ is now considering its options, including discussing with USAID its taking over the development of the ICMIS system.

The Project has planned and is continuing to plan training court staff in the implementation and use of the ICMIS system. The Project has also indicated willingness to providing training for the MOJ's IT staff on computer systems. However, the MOJ has indicated that it prefers to wait until there is a fully function ICMIS system before committing to any training.

5. Court Infrastructure

The Project has received requests from four courts, Pogradec, Vlora, Vlora and Gjirokaster, to provide assistance on projects designed to provide the courts with better notice facilities, waiting areas for court users and relocation of services so that court users can obtain all required information in one office rather than going from office to office.⁸ The Project has agreed to assist the Pogradec Court with better notice facilities. After reviewing Pogradec Court's plans for a waiting area and the Gjirokaster Court's plan for combining offices into a "one-stop-shopping" area, the Project has asked the courts to review their plans and to develop plans that take into consideration questions and issues raised by the Project. The Project is reviewing the Vlora requests.

IV. IMPROVEMENT OF JUDICIAL SKILLS

1. E-Library

The availability of tools for adequate research in preparing judicial decisions is spotty and in most cases inadequate. There is general agreement by international donors, USAID, Project staff and the Albanian legal community that the judges must have better access to Albanian laws and other legal resources if they are to improve the quality of their decision and improve their efficiency and skills in legal research. One of the Project's activities has been the purchase and installation of electronic libraries, i.e., CD-ROMS, at each pilot court judge's workstation. Project staff made a comparison of available software and concluded that the software "Juristic" developed by the Albanian Company IBM was the best. Accordingly, the Juristic software was purchased and installed and the judges trained in use of the software.

2. Legal Research, Reasoning and Court Decision Writing Workshops

The Project has begun planning for 5 workshops on Legal Research, Legal Reasoning and Court Decision Writing. The Albanian School for Magistrates is collaborating with Project staff on the planning and implementation of the workshops. The schedule for the five workshops is shown in the following table.

Location	Dates	Court Participants
Pogradec	September 22-23	District Courts of Elbasan & Pogradec
Tirana	September 25-26	District Court of Durres & Serious Crimes Court
Shkoder	September 29 - 30	District Court of Shkoder
Vlora	October 2-3	District Courts of Vlora and Saranda
Tirana	October 6-7	Gjirokaster & Tirana Appellate Courts

⁸ The courts refer to this as one-stop-shopping and it has been implemented in several courts that are not pilot courts.

Lecturers at the workshop will be:

- Judge Ron Stam from The Netherlands
- Mr. Chip Selan, professor of Legal Writing and Research, Hastings College of Law in San Francisco
- Retired Albanian Supreme Court Justice Themis Kondi
- Judge Christine Lindemann-Proetel from Germany

The agenda has been developed and the topics assigned to the lectures. Each workshop will be interactive with the participants working on exercises and problems.

3. Integrity Development/Anti-corruption Strategy

The Framework MOU and each of the pilot court MOUs requires the pilot courts to adopt an “active Integrity Development/Anticorruption Strategy.” Eight of the ten pilot courts have adopted a strategy.⁹ Each court has developed a strategy based on its environment. The strategies tend to fall into the following categories:

- Better case management
- Transparent standards for the assignment of cases
- Improved court services for users
- Improved notification for notices, trials and hearings
- Improve media relations
- Hearings in courtrooms rather than chambers

However, substantial effort will be required to develop procedures and programs for implementing the individual court’s anti-corruption strategy. The Project will devote substantial attention to judicial anti-corruption programs in the next project year.

COMPONENT II: INSTITUTIONAL OVERSIGHT & AUDIT

Component II activities began with meetings with counterparts, other USAID projects and international donors with the goal of finding overlaps, gaps and synergies. Component 2 staff met with the High Inspectorate for Declaration and Audit of Assets (“HIDAA”), State Audit Institution (“SAI”), People’s Advocate (“Ombudsman”), Parliament, and the Millennium Challenge Albania Threshold Agreement (MCATA), OSCE and the UK Audit Office.

The Project considered an activity which would support increased accountability and oversight of political party financing. The Project’s evaluation of the environment in which the activity would be implemented showed that there was not a sufficient legislative framework to support the activity or its conclusions or recommendations. Consequently the Project decided to put the activity on hold and to revisit it again at a later date.

1. Modern Internal Control

Strong management accountability with delegation of responsibilities and systems which follow-up the delegation of responsibilities are important in preventing fraud and administrative errors. One of the Project’s activities is producing a “Best Practice Guide on Modern Internal Control Systems.” The guide has been written and is being circulated for comment and editing. The Project has developed training materials which support the manual. Training in the principles of internal control will be given to agency officials and second level administrators. The Project is discussing with the Albanian Training Institute of Public Administration (“TIPA”) the possibility of its doing the training.

⁹ Pogradec District Court, Saranda District Court, Shkoder District Court, Tirana Appellate Court and Gjirokaster Appellate Court. The other 5 are still working on developing a strategy.

2. A Professional Institute of Auditors with International Affiliation

Component II staff has been working with the Albanian Institute of Internal Audit (“AIIA”) to make it a more active and viable organization and to help it meet the requirements for becoming a member in an international organization. Under Component II staff leadership AIIA has filed its organizational papers and recruited members. A membership fee has been set so that AIIA will be able to fund its future activities. A public launch of AIIA was planned for late September but the President recently resigned. It will take approximately 6 weeks to complete the required filings for a change the office of the president and for the new president to be officially recognized. Consequently, the launch has been moved to the next project year.

3. Support and Strengthen HIDAA

1. Assessment of Declaration of Assets Law and Conflict of Interest Law

One of the first Component 2 activities was an assessment of the degree to which HIDAA has implemented the Declaration of Assets Law and the Conflict of Interest Law. The assessment’s findings are set out in the following table. The assessment served as a guide for planning activities to support the anti-corruption efforts of HIDAA and to strengthen HIDAA.

Table III. Assessment Findings

1. Focus on implementation and compliance rather than any modification to improve the two laws
2. Assist HIDAA to improve its impact in implementing the law’s provisions
3. Develop clarity in the definition of conflict of interest
4. Develop better understanding of investigation and prosecution under criminal procedures versus administrative procedures
5. Produce manuals on handling conflict of interest issues in procurement and at the local government level

2. Assessment of HIDAA’s Training Needs

Component 2 staff assessed HIDAA’s training needs. The assessment’s findings covered the following key points:

- Address education and awareness of public and public officials about Conflict of Interest issues
- Address prevention of abusive activities in conflict of interest and asset declaration
- Address cooperation with other investigative bodies for prosecution of breaches of conflict of interest
- Address the following perspectives:
 1. HIDAA as the supervisory body is responsible for conflict of interest and declaration of asset forms
 2. HIDAA training for second level management at other responsible agencies
 3. Develop and maintain a cadre of trainers from HIDAA and other investigatory agencies
 4. Educate HIDAA staff in other laws which affect conflict of interest and the declaration of assets
 5. Improve HIDAA staff skills in analysis and investigation

The assessment has been instrumental in guiding the Project’s training plans for HIDAA.

3. MOUs between HIDAA and Key Partners

HIDAA has entered into 17 MOUs with other Albanian government agencies. The purposes of the MOUs were to develop and support cooperation between the signing agencies and HIDAA. As Component 2 staff worked with HIDAA on various issues related to enforcement of the Conflict of Interest Law and the Declaration of Assets law, it learned that HIDAA had few if any plans for implementation of the MOUs. Component 2 staff realized that it could contribute to the strengthening of HIDAA by facilitating implementation of the MOUs.

After reviewing the MOUs, Component 2 staff concluded that further cooperation and collaboration under 4 MOUs would be particularly beneficial. Therefore, the Component 2 staff is planning to facilitate further cooperation and collaboration under the MOUs with:

1. Public Procurement Agency
2. General Police Directorate
3. Office of the Prosecutor
4. INSTAT

4. Cooperation between Prosecutor General's Joint Investigative Unit and HIDAA

After completing an administrative investigation of conflicts of interest and breaches of the Declaration of Assets Law, HIDAA turns its findings and file over to the Joint Investigative Unit ("JIU") for criminal prosecution. Therefore, HIDAA and JIU investigators need to cooperate if there is to be successful prosecution of the violations of the two laws. For successful cooperation each needs to understand the procedures and requirements of the other so that there is no overlap or impact on the success of the other's investigation.

In an effort to improve coordination and cooperation between HIDAA investigators and JIU, Component 2 staff met with OPDAT's representatives to JIU and discussed methods for improving coordination and cooperation. They concluded that HIDAA investigators should attend the E-government presentation being planned for JIU staff. The presentation's two sessions, E-procurement system and one-stop-shop business registration system, provided the HIDAA investigators with information that will be useful in investigations of conflict of interest.

OPDAT and Component 2 staff organized a roundtable on "Investigations of Conflicts of Interest and Asset Declaration: HIDAA and Prosecutors Working Toward Albania's Future." The Roundtable participants discussed HIDAA's investigative procedures, a hypothetical case for joint investigation, and continued cooperation.

5. Conflict of Interest Manual—Procurement

One of the findings from the assessment of the implementation of the Conflict of Interest law was the need for a manual setting out procedures for investigating conflicts of interest in the public sector's procurement procedures. During discussion on the procedures for developing the manual, HIDAA recommended that a working group be formed to develop the manual and indicated individuals it believed understood conflict of interest issues because of previous activity on a similar manual.

Component 2 staff entered into an extended discussion with local individuals for development of the manual following the procedures outlined by HIDAA. However, after extended discussion about the cost for producing the manual, the Project decided to request bids. After publishing the Request for Proposals, a local company, ACER, was awarded the contract. ACER is close to finishing the draft. Included in the contract to develop the manual is a requirement to train three trainers who will then conduct training for implementation of the practices and procedures outlined in the manual.

6. Conflict of Interest Manual–Local Governance

The Project is supporting development of a Conflict of Interest manual focused on conflict of interest issues in local government. A Request for Proposals was issued and bids received. The Project anticipates that the Manual will be completed in the 1st quarter of the next project year.

7. Roundtable on HIDAA, Civil Society and Media

In May Component 2 organized a Roundtable “Media, Civil Society and HIDAA: Allies in Fighting Corruption.” Participants at the Roundtable were HIDAA senior staff, representatives from civil society organizations and journalists. After introductory remarks, the participants attend one of two workshops. The workshop topics were:

- “How we can improve collaboration between HIDAA, media, and civil society understanding respective roles”
- “Practical experience and future prospects for media and civil society in investigating and exposing conflicts of interest”

After the workshops the participants gathered and discussed the conclusions reported by each of the workshops and next steps for improving cooperation between HIDAA, civil society and the media. The participants gave a number of recommendations. A few of the more important or interesting conclusions follow:

Civil Society

- HIDAA or international donors should focus more on grants for activities related to monitoring and investigating the assets of the officials, as provided for at the Law No. 9049, dated 10. 04. 2003 “On the Declaration and Auditing of assets of some elected people and other public servants” and according to Law No. 9367, dated 07.04.2005, “On the Conflict of Interest Law”.



Ms. Fatima Alaska, HIDAA Inspector General, delivering remarks at the Roundtable.

Media

- Media representatives to be trained on the issues related to:
 - Assets auditing and investigation
 - Conflict of interests
 - Reading and professionally analyzing the Declarations of Assets
- Media representatives are more interested in investigations of High State Officials like Prime Minister, Deputy Prime Minister, Ministers or other High State Officials than lower level government staff as only the high profile cases attract people’s curiosity.
- HIDAA and other organizations should investigate all corruption or conflict of interest cases and not limit investigations to high state officials.
- HIDAA should encourage media directors and media sponsors as well as journalists to report on all cases of corruption and conflict of interest.

HIDAA

- Based on HIDAA’s activities and on current levels of corruption there should be some Law Amendments.
- Increase HIDAA’s investigation capacities beyond administrative investigations
- Put the Declarations of Assists online so that they are available anytime and accessible by anyone
- HIDAA should organize more roundtables or meetings with media and civil society
- HIDAA should periodically report to media on its findings from auditing the Declaration of Assets

The Project agreed to support developing software for putting those sections of the Declaration of Assets on-line that would be considered public information. However, HIDAA later advised that under a Constitution Court Decision the Declarations of Assets could not be put online.

8. Improvements to HIDAA's Case Management System

USAID, under a prior project, supported the development and installation of a computerized case management system for HIDAA. The computerized system performs an automated analysis of the Declaration of Assets filed by high-level Albanian government officials. The system also performs automated routine logical and arithmetic checks as well as consistency of responses within the declaration. By automating the routine logical and arithmetic analysis, investigators are able to spend more time investigating the more complex elements of the declarations.

In response to HIDAA's requests for support to upgrade and improve the system, the Project entered into a contract with ARK-IT, the company that developed and installed the computerized case management. The contract provided for improvements to the existing system and for upgrades and changes which support new functions. The new functions will let HIDAA investigators devote more time to analysis and investigation of the more complex declarations of assets.

9. HIDAA's 5th Anniversary

In September 2008 HIDAA celebrated its 5th Anniversary. Among the many activities celebrating 5 years of excellent work in combating corrupting was publication of a booklet highlighting HIDAA's activities and achievements. The booklet will be a useful marketing tool for HIDAA as it looks for funding for additional projects. It will also publicize HIDAA's efforts in combating and can be used to education citizens about HIDAA and its activities and should contribute to improving HIDAA's image. For these reasons the Project support the publication of the English version of the anniversary booklet.

COMPONENT III: CIVIC MONITORING AND ENGAGEMENT

Component 3's activities are primarily intended to support Component 1 and 2 activities. Examples of cross-cutting activities are the Court Users Satisfaction Survey and the 2008 Annual Corruption Survey in Albania. Component 3 is also responsible for media activities which highlight activities in Components 1 and 3.

1. The Q-10 Customer Satisfaction Survey

The Customer Satisfaction Survey is an example of cross-cutting activities between Components 1 and 3. The survey focuses on activities that are under Component 1 and the results will be used by Component 1. However, Component 3 was responsible for conducting the survey.

The Project gave a grant to the Albanian NGO Tirana Legal Aid Society ("TLAS") to conduct a Customer Satisfaction Survey. TLAS was assisted by international consultant Filip Janiceski who had supervised a similar survey in Macedonia. The first survey was completed in May 2007 and will establish the baseline for subsequent surveys in 2008 and 2009. Under the prescribe survey procedures, a team of interviewers spent a day in each of the 10 pilot courts and the three control courts interviewing individuals entering the court on that day.

Interviewers gave each person 10 statements and asked for a response to each. The following Table IV gives the 10 statements on which the respondents were asked to comment.

Table IV. Court Users' Survey Questions

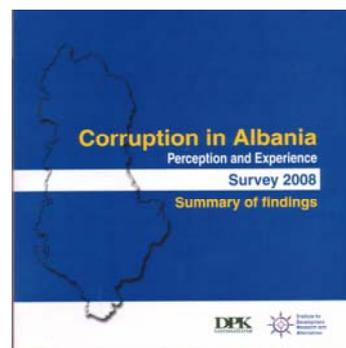
- Q1. Finding where I need to go in the courthouse was easy and convenient.
 Q2. It was easy getting the information I needed when I came to the courthouse.
 Q3. Court personnel treated me with courtesy and respect.
 Q4. I understand the instructions of the court and what I need to do next.
 Q5. During the hearing the judge listened to me and was courteous and respectful.
 Q6. The case or other business I had with the court was handled in a time promptly and in an efficient manner.
 Q7. The trial records are clear, accurate and reliable.
 Q8. I received from the court a written copy of the Decision without delays and it was understandable.
 Q9. I was treated fairly and impartially.
 Q10. Overall, I think the court performed effectively.

A summary of the responses by the court users is shown in Appendix A.

2. Survey 2008: Corruption in Albania – Perception and Experience

This survey was managed by Component 3 but the results were used by Components 1 and 2 in their activities. The Project contracted with a local company, Institute for Development Research and Alternatives (“IDRA”). The Survey is the fourth Albanian corruption survey supported by USAID.¹⁰ The objective of the Survey is “..... To measure over time, the public perception of attitude towards and experiences of corruption in Albania.”

The survey's findings were presented to the public on May 7, 2008. US Ambassador John L. Withers II delivered the keynote address. The public ceremony was followed by a forum at which the findings and survey mythology were discussed in greater detail.



The major findings of the survey are set forth in Table V below.

Table V: 2008 Corruption Survey Findings

- Public Perception of institutions' contribution to combating corruption has not substantially changed from survey to survey.
- The public sees transparency as a critical for Albanian institutions.
- Citizens have very little trust in Albanian institutions.
- Albanians believe that judicial decisions are affected by
 - monetary considerations
 - the presiding judge's personal connections, or
 - the presiding judge's business connections
- Albanians have more tolerance for one who gives a bribe than for the one receiving the bribe.
- Albanians believe that “price gouging” is a form of corruption.

¹⁰ The earlier surveys were conducted in 2004, 2005 and 2006.

3. Development of Media Strategy

The Project contracted with Jean Garner, media consultant, to develop a media strategy for the Project and its partners. The Consultant was to give recommendations on the role of media within civil society and its functions in investigating, exposing, reporting on, and advocating change in or in some cases working with more accountable public institutions including more accountable courts.

The Consultant proposed four media activities. The four proposed activities were:

1. A lawyers database and media guide to the courts
2. Open media forum
3. Chancellors media education program
4. Law and order TV

The Roundtable “Media, Civil Society and HIDAA Allies in Fighting Corruption”, although not a legally-oriented open media forum, contributed substantially to improved journalist understanding of corruption and the role of HIDAA in combating corruption. Journalist participated in the Roundtable. The Roundtable’s media recommendations are discussed above in Component II: Institutional Oversight & Audit, Paragraph 3 Support and Strengthen HIDAA, Subparagraph 7 Roundtable on HIDAA, Civil Society and Media. Any improvement on reporting on corruption should contribute to better coverage of judicial corruption.

The Project has also contracted for a series of 5 TV shows on legal issues and topics.

The Project is planning to conduct media training for Chancellors in the next project year and is also planning to produce a media guide for the courts.

4. TV Show “Open TV to Open Courts”

Component 3 is working closely with the Center for Public Information Issues (“CPII), a local NGO, to produce a TV show “Open TV to Open Courts.” CPII’s director, Gerti Shella, is a well-know and respected journalist. The planned content includes investigation of court cases, citizen interviews, and an open-line call-in during the show’s airing and comments by noted legal experts. The first show will be aired in the next project quarter. The producer will monitor viewer response. If there is sufficient viewer interest, the Project will consider further TV shows.

5. Grants

In addition to a grant to TLAS for the Court Users Satisfaction Survey, the Project has given 5 grants to local civil society organizations. A summary of the grants follows.

Table VI: Summary Of Grant Activities

Grantee: Center for Development and Democratization of Institutions

Grant Description: Monitor and report on pilot courts’ responses to citizens FOIA requests for information regarding court procedures, judiciary practices and financial expenditures

Grantee: Albanian Center for Entrepreneurial Communities

Grant Description: ACEC will organize and train court monitors to monitor the performance of the Elbasan and Pogradec District Courts. It will also organize activities to educate the public on district court functions, transparency in the court and improving public perceptions about the courts.

Grantee: Transparency International Albania

Grant Description: The objective of the grant is to reduce corruption and public perceptions of corruption in the pilot courts by assisting pilot courts to develop anti-

corruption strategies. The grantee will also develop monitoring programs for more effective communication between the court and the public by involving civil society organizations, media, citizens, judges, prosecutors, court staff and lawyers.

Grantee: Mjajt!

Grant Description: Mjajt! will investigate, expose and denounce judicial corruption by focusing on the Declaration of Assets filed by judges in Vlora and Shkodra District Courts and the Tirana Appellate Court. Mjajt! will also investigate the relationships between the judge and the parties in certain cases which have a potential conflict of interest issue.

Grantee: Albanian Center for Legal Trainings and Studies

Grant Description: Investigate the length of the time between the filing of an appeal at the Tirana and Gjirokaster Appellate Court and the assignment of the case for hearing.

SECTION: IMPLEMENTATION PROBLEMS

1. ICMIS

The FMOU specifically obligates the Project to provide technical support to the pilot courts to help them achieve improved court performance, accountability and transparency through effective use of the computerized case management information system. The FMOU further states that every court selected as a pilot court should be committed under the terms of its respective pilot court MOU to work toward the effective utilization of the computerized case management system as a tool of sound case management and court administration in its jurisdiction. The Ministry of Justice and High Council of Justice agreed that they would, within the spheres of their respective authorities, competencies and responsibilities, take all reasonable actions necessary to support the Pilot Courts in this matter.

DATECH, an Albanian software developer, holds the contract for development of the Integrated Case Management Information System (“ICMIS”). The European Union is funding the development of ICMIS. There have been significant delays in the delivery of a functional ICMIS. Three of the pilot courts¹¹ are continuing to use an earlier case management, the ARK-IT system. The other pilot courts are either not using ICMIS or are maintaining a manual system and ICMIS. There are significant problems with data security and the internet feature is not functional.

Consequently, the Project has not been able to do staff training or to assist the court with the implementation of ICMIS as indicated in the individual MOUs.

2. CULTURE OF HIERARCHY

The culture of hierarchy is extremely strong in Albanian public institutions such as the courts, the MOJ, HIDAA and other organizations. Under the culture of hierarchy nothing is done or undertaken or committed until it has been approved by the most senior person. For example, even though the CAWCs have 5 members, it is the chief judge that controls the committee, speaks on behalf of the committee and makes all decisions for implementing the Project’s activities with the court.

In discussion with the MOJ’s IT staff, they often defer making any commitments or making a judgment until it has been cleared with the Minister.

All activities with HIDAA are dependent on the Inspector General. Due to the Inspector General’s travels and other commitments, it was sometimes difficult to schedule events. An example is the scheduling of the Roundtable “Investigations of Conflicts of Interest and Asset Declaration: HIDAA and Prosecutors Working Toward Albania’s Future” referred to above in Component II: Institutional Oversight & Audit, Paragraph 3 Support and Strengthen HIDAA, Subparagraph 4 Cooperation between Prosecutor General’s Joint Investigative Unit and HIAA. Because of the

¹¹ The District Court of Vlora, District Court of Shkoder and the Tirana Appellate Court are using ARK-IT and not ICMIS.

Inspector General's travel schedule, the Project was not certain until a week before the Roundtable whether the date was acceptable and who the HIDAA participants would be.

3. MAT SUSPENSION

A Mat District Court Judge and the Mat District Court¹² were charged with corrupt activities. When USAID learned of the charges of corruption, it suspended the MOU with the MAT District Court pending the outcome of an investigation and disciplinary hearing.

After a preliminary investigation, the Ministry of Justice referred the matter to the High Council of Justice for further investigation and disciplinary proceedings. The disciplinary proceeding has not yet taken place.

Consequently, the Project has had to adjust activities to exclude the Mat District Court. For example, the delivery of computers, printers and monitors was adjusted and the Mat District Court removed from the schedule for installation. Purchase and installation of the E-library and the financial software at the Mat District Court are also on hold pending the outcome of the investigation and disciplinary hearing.

¹² Mat District Court was designated a pilot court.

SECTION: ACTION TO SOLVE PROBLEMS

1. ICMIS

The Project has met with the MOJ's IT staff, the Euralius representative managing the installation of the system for the EU and DATACH. At these meetings Project representatives stressed that the Project had a number of activities that were dependant on a functioning ICMIS system and stressed the importance of speedy installation.

Three of the pilot courts are using the ARK-IT system and the data in the ARK-IT system will need to be transferred to the ICMIS system when it is fully functional. Project staff met with ARK-IT representatives and discussed where there was any advance work that could be done to prepare for the transfer so that the transfer could be quickly accomplished once the ICMIS is functional. After several discussions, Project staff concluded that advance preparation for the transfer is not feasible.

There has been some preliminary discussion between USAID and the Ministry of Justice about USAID taking over the completion of the ICMIS system. However, no final decision is possible until the deadline for DATECH to complete the system is passed with the promised delivery.

2. CULTURE OF HIERARCHY

The Project recognizes the problem and tries to adjust to the environment in which it is working.

3. MAT SUSPENSION

The solution is not within the Project's control. When the HCJ issues its ruling the Project and if USAID lifts the suspension, the Project will adjust its activities to catch-up with the activities delayed during the suspension. If the suspension is not lifted, the Project will work with 9 pilot courts.

SECTION: OBSERVATIONS TO IMPROVE IMPLEMENTATION

None noted at this time.

SECTION: LIST OF DELIVERABLES

Framework Memorandum of Understanding
Trip Reports on Assessment and Selection of 10 Pilot Courts
10 Memorandums of Understanding with the 10 Pilot Courts
Signing Ceremonies for 10 Pilot Court MOUs
Customer Satisfaction Survey (Q-10)
Report on Durres District Court Public Forum
Report on Vlora District Court Public Forum
Report on Pogradec District Court Public Forum
Final Report by Case Management Consultant Ron Stout
Workshop “Toward a Modern Court Administration”
Delivery and Installation of Computers, Printers and Monitors in 5 pilot courts
Delivery and installation of E-library at 129 pilot court judge’s workstations and training
Delivery and installation of financial software and training at 9 pilot courts
Rapid Assessment of HIDAA’s implementation of Declaration of Assets Law and the
Conflict of Interest Law
Training needs assessment and strategic plan for HIDAA
Roundtable on “Media, Civil Society and HIDAA: Allies in Fighting Corruption”
Joint JIU and HIDAA training session on E-procurement and One-stop-shop business
registration
Joint JIU and HIDAA Workshop “Investigations of Conflict of Interest and Asset
Declaration: HIDAA and Prosecutors Working Toward Albania’s Future”
Final Report by Media Consultant Jean Garner
Survey 2008: Corruption I Albania – Perception and Experience
HIDAA’s 5th Anniversary Booklet – English Version

SECTION: PERFORMANCE-BASED MONITORING PLAN

See Appendix B for the PBMP

APPENDIX A

THE LEVEL OF STATISFACTION OF ALL COURT USERS IN EACH OF THE 10 PILOT COURTS

Level of satisfaction of all the court users for each pilot court	Q1	Q2	Q3	Q4	Q5	Q6	Q7	Q8	Q9	Q10
Burrel Court	82.05%	84.61%	71.79%	64.1%	61.54%	66.67%	58.97%	53.85%	71.79%	82.05%
Durres Court	76.79%	62.98%	72.37%	69.06%	57.46%	54.14%	32.04%	40.33%	58.01%	51.93%
Elbasan Court	72.73%	64.46%	65.29%	70.25%	63.64%	51.24%	50.41%	46.28%	47.93%	54.55%
Gjirokaster Court	72.73%	59.74%	64.93%	66.23%	53.25%	37.66%	49.35%	40.26%	54.55%	41.56%
Vlora First Instance Court	74.81%	60.30%	67.94%	65.65%	81.82%	41.98%	43.51%	38.93%	54.96%	54.96%
Pogradec Court	57.57%	60.61%	57.57%	63.64%	45.45%	51.52%	48.48%	36.36%	42.42%	45.45%
Saranda Court	81.82%	70.45%	68.18%	65.91%	38.64%	56.82%	31.82%	31.82%	31.81%	50%
Shkoder Court	81.82%	75.43%	66.43%	67.83%	59.44%	42.66%	50.35%	45.45%	53.84%	59.44%
Tirana Appeal Court	79.08%	57.19%	56.54%	60.78%	64.05%	28.43%	46.73%	32.67%	42.16%	42.16%
Tirana High Crimes Court	80.55%	56.94%	73.61%	72.22%	56.94%	38.89%	50.00%	47.22%	40.28%	37.50%

Table 3. Level of satisfaction of all the court users for 3 courts (non pilot courts)

Public User Satisfaction Survey, Court Users of Albanian Control Courts	Q1	Q2	Q3	Q4	Q5	Q6	Q7	Q8	Q9	Q10
Kruje Court	82.98%	70.21%	76.59%	74.46%	53.19%	40.42%	38.29%	40.42%	57.45%	46.81%
Korca Court	85.61%	78.42%	82.01%	77.70%	64.03%	48.20%	54.68%	51.80%	64.03%	66.19%
Vlora Appeal Court	83.33%	79.17%	64.58%	54.17%	66.67%	35.42%	45.83%	45.83%	43.75%	41.67%

APPENDIX B

Draft Performance-Based Monitoring Plan (PBMP)						
Expected Results / Performance Milestones	Indicators for Expected Results	Data Source/ Method	Baseline	Targets		
				Year 1 Target	Year 1 Actual	
Macro Level Indicators						
Strategic Framework for Foreign Assistance Indicators						
Improvement in USAID common indicators	Number of legal institutions and associations supported by USG	Project Reports	--	12	12 *	
	Number of USG-supported anticorruption measures Implemented	Project Reports	---	20	20**	
	Number of mechanisms for external oversight of public resource use supported by USG assistance	Project Reports	---	8	5***	
	Number of civil society organizations using USG assistance to improve internal organizational capacity	Project Reports	---	3	7****	
	Number of USG assisted civil society organizations that engage in advocacy and watchdog functions	Project Reports	---	10		
Macro Corruption-Perception Indicators						
Overall reduction of corruption in public institutions	Improvement in Freedom House "Corruption" Score Scores range from 1-7 with 1 representing the highest level of democratic development and 7 the lowest	Freedom House <i>Nations in Transit</i> Annual Report	2.75 2006 Report pub'd in 2007	2.5	2.25	2.0
	Improvement in "How Widespread Corruption" Score (Score represents survey conversion to 0-100)	Annual Corruption in Albania Survey	82.2 2006 Report	75	70	65
	Improvement in "Corruption Victimization" Score (Score represents mean number of ways people fall prey to corruption)	Annual Corruption in Albania Survey	1.4 2006 Report	1.2	1.1	0.9
Indicators by Component						
Component 1: Accountable Courts						
Courts perform notably better in terms of efficiency, transparency, and accessibility when compared to control courts	Improvement from baseline in Q10 user survey results for pilot courts (e.g., court accessibility, transparency) and increased rate of improvement when compared to control courts	Q10 Project Survey	TBD through baseline Q10 survey	+10%	+20%	+30%
	Decrease in case processing times in pilot courts in selected types of cases, which decrease shall also be compared to rate and direction of change of control courts in case processing times	Closed Case Surveys; Site Visits	TBD	+10%	+20%	+30%
	Volume of court users reporting they have paid a bribe decreases annually; and this will be compared to control courts	Q10 Project Survey	TBD through baseline Q10 survey	-5%	-10%	-15%

Draft Performance-Based Monitoring Plan (PBMP)						
Expected Results / Performance Milestones	Indicators for Expected Results	Data Source/ Method	Baseline	Targets		
				Year 1 Target	Year 1 Actual	
Improved capacity of civil society and media to monitor court system	Increase in the number of credible media and CSO reports on court performance	Project reports	TBD	+2	+5	+8
Component 2: Institutional Oversight and Audit						
HIDAA performs its functions more effectively	Increased number of HIDAA investigations leading to referral to prosecutors and increased quality of case investigations developed and referred to prosecutors	Government Reports; interviews,	TBD	+	+	+%
	Annual increase in the number of conflict of interest cases/files resolved	HIDAA Annual Report	135 cases	150 cases	170 cases	190
	Increase in public perception regarding HIDAA and other institutions' ability to fight against corruption	Score on "Institution Fights Corruption" in annual Corruption in Albania Survey	38.8	48	54	60
Ombudsman, other selected audit agencies and Parliament Economy and Finance Committee better fulfill oversight and audit functions	Total number of financial misconduct cases exposed by project-supported institutions annually	Government Reports	TBD	+20	+35	+50
	Audit Standards and Audit Manual modified to accord with international standards	Project Reports, expert review		Yes/No	Yes/No	Yes/No
Component 3: Civic Monitoring and Engagement						
Improved civic monitoring and engagement	Number of misconduct cases uncovered by project-supported NGOs and media organizations annually	Project Reports	TBD	+8	+15	+20
	Improvement in Freedom House Civil Society Score	Freedom House Nations in Transit Annual Report	3.0	2.75	2.60	2.45
	Improved public awareness of corruption and accountability issues	Annual Corruption in Albania Survey	TBD	10%	20%	30%

* List of Institutions and Associations supported BY USG

1. Institutions: District Court of Durres
2. District Court of Shkoder
3. District Court of Vlora
4. District Court of Pogradec
5. District Court of Elbasan
6. District Court of Saranda
7. 1st Instance Serious Crimes Court – Tirana
8. Gyrokaster Appellate Court
9. Tirana Appellate Court
10. School of Magistrates
11. National Judicial Conference
12. Ministry of Justice

** List of USAG supported/anticorruption measures implemented

1. Conflict of Interest Manual – Procurement
- Conflict of Interest Manual – Local Governance
Internal Control Manual
Support Albanian Institute of Internal Auditors
Anti-corruption strategy by District Court of Durres
2. Anti-corruption strategy by District Court of Shkoder
 3. Anti-corruption strategy by District Court of Vlora
 4. Anti-corruption strategy by District Court of Pogradec
 5. Anti-corruption strategy by District Court of Elbasan
 6. Anti-corruption strategy by District Court of Saranda
 7. Anti-corruption strategy by 1st Instance Serious Crimes Court
 8. Anti-corruption strategy by Gjrokaster Appellate Court
 9. Anti-corruption strategy by Tirana Appellate Court
 10. Survey 2008: Corruption in Albania: Perception and Experience
 11. Facilitation of MOU between HIDAA and the Public Prosecutors with roundtables HIDAA and JIU
 12. Roundtable: “Media, Civil Society and HIDAA: Allies in Fighting Corruption”
 13. Grant to Transparency International for developing a program to reduce corruption and public perceptions of corruption in the pilot courts
 14. Grant to MJAFT! To investigate, expose and denounce judicial corruption by investigating Declarations of Assets filed by judges in the Vlora and Shkodra District Courts and the Tirana Appellate Court
 15. Assessment of the Declaration of Assets Law and the Conflict of Interest Law
 16. Court Users Satisfaction Survey

*** Number of mechanisms for external oversight of public resource use supported by USG assistance

1. Albanian Institute of Internal Auditors
2. Conflict of Interest Manual – Procurement
3. Conflict of Interest Manual – Local Governance
4. Internal Control Manual
5. HIDAA’s Case Management System – updated and improved

**** Number of civil society organizations using USG assistance to improve internal organizational capacity

1. Center for Development and Democratization of Institutions
2. Albanian Center for entrepreneurial Communities
3. Transparency International Albania
4. MJAFT!
5. Albanian Center for Legal Trainings and Studies
6. Tirana Legal Aid Society
7. Center for Public Information Issues

***** Number of USG assisted civil society organizations that engaged in advocacy and watchdog functions

1. List of Advocacy and Watchdog Functions
2. Center for Development and Democratization of Institutions
3. Albanian Center for Entrepreneurial Communities
4. Transparency International Albania
5. MJAFT!
6. Albanian Center for Legal Trains and Studies
7. Tirana Legal Aid Society
8. Center for Public Information Issues

	Indicator	Data Source	Baseline	Year 1 Ta rg et	Year 1 A c t u a l	Result
1.	Improvement in Freedom House Corruption Score	Freedom House Nations in Transit Annual Report	2.75	2.5	2.75	No C h a n g e
2.	Improvement in “How Widespread Corruption Score” See Note 1	Annual Corruption in Albania Survey	82.2	75	See N o t e 1	N/A
3.	Improvement in “Corruption victimization: Score.	Annual Corruption in Albania Survey	1.4	1.2	See N o	N/A

	See Note 2				t e 2	

OVERALL REDUCTION OF CORRUPTION IN PUBLIC INSTITUTIONS

- (1) The baseline in 2006 was calculated number based on adjustments to the Widespread and somewhat widespread percentage of respondents. That same adjustment was not made in for the 2008 survey. However it is possible to take a widespread and somewhat widespread percentages reported in the 2008 survey page 9. However the difference between the percentages reported is statistically insignificant.
2. Added question 6 on page 13 with Baseline is a derived from analysis and adjustments of Tab4 on page 13 year 2006. However, for 2008 survey added question 6 which does not allow to develop year to year comparison because the set of questions changed.

Indicators by Component						
Component 1: Accountable Courts						
		Data Source	Baseline	Year 1 Target	Year 1 Actual	Result
Courts perform notably better in terms of efficiency, transparency, and accessibility when compared to control courts	Improvement from baseline in Q10 user survey results for pilot courts (e.g., court accessibility, transparency) and increased rate of improvement when compared to control courts	Q10 Project Survey	Project year 2007-2008	See Note 3	N/A	N/A
	Decrease in case processing times in pilot courts in selected types of cases, which decrease shall also be compared to rate and direction of change of control courts in case processing times	Closed Case Surveys; Site Visits	Calendar year 2007	See Note 4	N/A	N/A
	Volume of court users reporting they have paid a bribe decreases annually; and this will be compared to control courts	Q10 Project Survey	See Note 5	0	0	0
Component 2: Institutional Oversight and Audit						
HIDAA performs its functions more effectively	Increased number of HIDAA investigations leading to referral to prosecutors and increased quality of case investigations developed and referred to prosecutors	Gov Reports; interviews,	TBD	12		
	Annual increase in the number of conflict of interest cases/files resolved	HIDAA Annual Report	135 cases	150 Case	200 cases	Increase of 65 cases
	Increase in public perception regarding HIDAA and other institutions' ability to fight against corruption	Score on "Institution Fights Corruption" in annual Corruption in Albania Survey	38.8	38.8	36.1	
Ombudsman, other selected audit agencies and Parliament Economy and Finance Committee better fulfill oversight and audit functions	Total number of financial misconduct cases exposed by project-supported institutions annually	Gov't Reports	TBD	+20		
	Audit Standards and Audit Manual modified to accord with international standards	Project Reports, expert review		Yes/No	No	N/A
Component 3: Civic Monitoring and Engagement						
Improved civic monitoring and engagement	Number of misconduct cases uncovered by project-supported NGOs and media organizations annually	Project Reports	TBD	+8		

	Improvement in Freedom House Civil Society Score	Freedom House <i>Nations in Transit</i> Annual Report	3.0	2.75	3.0	No improvement
	Improved public awareness of corruption and accountability issues	Annual Corruption in Albania Survey	TBD	10%	20%	30%

Note 3: The baseline is established by the Q-10 Survey which was taken in 2008. Therefore the baseline becomes the project Year 2007-2008. The next survey will take place in 2009 and the results will be those for Year 2 and a comparison made against year 1

Note 4: The Court's close the files as of December 31. Accordingly on in 2008 is it possible to do a close case survey of files closed in 2007. Therefore if 2007 is the baseline in order to get 2008 results, the survey cannot be taken until after January 1, 2009

Note 5: The question was not one of the Q-10 questions. Accordingly there is not information of this. Information can be taken from the 2009 Annual Survey but the information would not be limited to the pilot courts and the control courts.