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SERBIA RULE OF LAW PROJECT

**QUARTERLY REPORT
JULY 1 – SEPTEMBER 30, 2004**

**Contract Number
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IQC Task Order No. 809**



Quarterly Report
Serbia Rule of Law Project
Reporting period: July 1 – September 30, 2004
IQC Contract AEP 00-00-00011-00, Task Order No. 809

This is the second quarterly report for the Serbia Rule of Law Project, covering the period from July 1 to September 30, 2004. It is prepared in five sections: Progress Summary; Overall Project Development; Project Activities; Financial Status; and Obstacles Encountered.

A. PROGRESS SUMMARY

This quarter, the primary accomplishments include:

- The first version of the work plan was submitted on July 9;
- The permanent Chief of Party arrived in Belgrade on August 7;
- A new case management consultant was identified to lead the detailed assessment;
- A local team of Serbians was hired, and the detailed assessment initiated;
- Follow-up meetings were held with the MOJ and proposed project courts in Belgrade, Kragujevac, and Novi Pazar to agree on the courts' participation in the detailed assessment, and with the proposed law faculties to agree on activities in their schools; and
- The revised first half of the work plan for improving court operations was completed in August, and the revised second half of the work plan for law faculty improvements was completed in September.

B. OVERALL PROJECT DEVELOPMENT

Year One Work Plan

Two assessments conducted during the first quarter – one on court operations, and the second on improving law faculties – served as the basis for development of the Year One Work Plan. The original work plan was submitted on July 9, 2004. Following review of the work plan by USAID, it was agreed that follow-on visits should be organized with the courts and law faculties to adjust the timeline of activities and to secure commitments from the law faculties on the activities they were prepared to implement in Year One.

It was agreed that the revised work plan would be submitted in two parts. The revised first half of the work plan on improving court operations was submitted in August. The revised second half of the work plan for the law faculties was submitted in September.

Project Planning and Management

The permanent Chief of Party, David Sabin Anderson, arrived in Belgrade on August 7. Michael J. Bayne, Interim Chief of Party, and Mr. Anderson overlapped through August 10 to discuss transition issues, including: personnel matters, substantive activities, donor and stakeholder activities, and office administration. Prior to, and subsequent to, the transition, David Anderson and Michael Bayne have been in frequent contact to ensure the effective transfer of authority.

Three staff members left the project this quarter. The original staff translator, Marina Sajkovic, did not pass probation. Svetlana Aranitovic, the staff Financial Manager, and Veljko Dragovic, the Junior Coordinator for Court Operations, resigned from the project.

In September, the position of staff Translator was again advertised and, after an interview process, Ms. Dijana Jelovac was offered the position. In addition to assisting with court visits, she has been assisting the NCSC team to organize and verify the translations of the work plan, all relevant procedural codes, court rules, and other resource materials, as well as to develop the process flow charts, for the assessments in the courts and law faculties.

Zorica Spasojevic was also hired this quarter. Ms. Spasojevic began working for free as an intern early in the project. After experiencing very favorable results, NCSC offered her the position of Program Associate to assist the Office Manager on accounting in the absence of a Financial Manager and other office support duties while, at the same time, beginning training to take on more substantive responsibilities managing the data for the court assessment team.

NCSC offered a short-term consulting position to Labud Raznatovic to fill Mr. Dragovic's position and to assist with the detailed assessment. A number of other candidates were interviewed for short-term positions on the detailed assessment team as well. The team members were selected following a series of interviews with candidates recommended by the Young Lawyers of Serbia, law faculties, the courts, and various donors. The final selection of six candidates was made in consultation with the case management consultant, Katie Fahnstock. In addition to Labud Raznatovic, members of the detailed assessment team include: Aleksandar Dimitrov, Aleksa Ognjanovic, Bojan Stanivuk, Andrea Fejes, and Irena Lakobrija.

The responsibilities of the IT consultant, Vladimir Prokop, were increased this month from a quarter-time contractor to half-time. Mr. Prokop will continue managing IT for the office, as well as assuming responsibilities, in consultation with the coordinators for court operations and law faculties, for development of the project website.

C. PROJECT ACTIVITIES

1. *Initial Assessment of Caseloads and Backlogs*

Court efficiency and backlog reduction

Based on the initial assessment report by Bob Lipscher, NCSC recommended in its Year One Work Plan to focus on the following courts for the detailed assessment:

- Belgrade Magistrate Unit
- Belgrade First Municipal Court
- Belgrade District Court
- Kragujevac Municipal Court
- Kragujevac District Court
- Novi Pazar Municipal Court
- Novi Pazar District Court

In addition to the above-listed courts, as time permits, NCSC proposed to conduct spot checks at the Supreme Court, Novi Sad Municipal Court, and Becej Municipal Court. The detailed assessment in the Magistrate Units will follow the detailed assessment in the Municipal, District and Supreme Courts later in Year One.

In early August, upon the arrival of the permanent Chief of Party, the NCSC team visited the MOJ, Supreme Court, and the courts in Belgrade, Kragujevac, and Novi Pazar to discuss the project and plans for the detailed assessment to gain approval for the proposed activities and to ensure that the courts would provide open access to the case files. In the course of these visits, the NCSC team collected essential data on court performance and sample forms, and each court designated liaisons to coordinate future activities with NCSC.

In early August, Kathryn Fahnestock began working on the project as the lead consultant for the detailed assessment based on her experience leading similar assessments in other civil law systems. Ms. Fahnestock began reviewing the legal codes and project and donor materials in early August in preparation for the detailed assessment, and she traveled to Belgrade during the second and third weeks of August to participate in the meetings with the MOJ and project courts, as well as assisting the NCSC team in planning activities and recruiting the local detailed assessment team.

In early September, NCSC identified a second consultant, Barry Mahoney, to assist Ms. Fahnestock in coordinating the detailed assessment and facilitating the case management seminars to be held later in Year One.

The above consultants will be assisted by the detailed assessment team, which was trained this quarter. Training was held in the NCSC Belgrade office, the First Municipal Court of Belgrade, and during a visit to the Kragujevac Municipal and District Courts. The team has begun assessing pending case files in the Belgrade First Municipal Court

with oversight by Ms. Fahnestock. The assessment will continue in all project courts throughout the next quarter with support from Ms. Fahnestock, and will include assessments of both pending cases and closed case files. The assessment team is being supervised by NCSC's Senior Program Coordinator, Ljiljana Urzikic Stankovic, and a second NCSC staff person, Zorica Spasojevic, is reviewing completed data collection forms from the detailed assessment team for omissions and inconsistencies. Up to three team members will receive training on using SPSS (Statistical Package for Social Sciences) software to analyze the data later in the project. NCSC may also invite a representative from the Supreme Court or MOJ to participate in the training for purposes of sustainability of this analytical process for the courts.

The first phase of the detailed assessment is development of caseload profiles of pending and closed cases from a review of the key registers (i.e., case types that normally require hearings). The objective of the first phase is identification of: the number of pending cases and closed cases from 2003 through June 1, 2004; the approximate time from filing to disposition; and the main procedural problems that contribute to delay. The team is focusing on gathering data from the registries for criminal cases, criminal investigation, civil litigation and labor cases in the municipal courts, and the same case types, along with civil litigation and criminal appeals cases in the district courts. An initial workshop with the project courts is planned for November 12 in Belgrade. The subject of this workshop will be "Effective Court Performance: Learning from Experience." It will be facilitated by Kathryn Fahnestock and Barry Mahoney. The participants will be court presidents, judges and administrative staff from the selected project courts and representatives from the MOJ and Supreme Court. At this workshop, the NCSC team will present results from the first phase of the assessment in the selected courts. Follow-on workshops will be held in February and March 2005.

The second phase of the assessment next quarter will include review of closed case files in the select courts. This part of the assessment will be designed to look at a sub-sample of case files to capture information activities in the courts that is not collected or reflected in the registers, e.g., number of continuances, reasons for continuances, availability and/or access to legal counsel, and detention of accused parties.

The overall objective of the assessment is to gather sufficient data to present findings to the stakeholders and to come up with recommendations for change in court practice and, where appropriate, the legal framework by the end of Year One (May 2005). However, NCSC is currently reviewing whether it would be preferable to spend more time on the assessment to conduct a deeper, more thorough review of closed case files to capture more information than is available through a review of the registers alone. A decision on whether the assessment should be more expansive than time currently allows is expected next quarter, and will be made in consultation with USAID.

Work with the magistrate units has been postponed until later in Year One, when the assessment in the municipal and district courts is completed.

Meetings this quarter relating to court operations

Regular meetings with USAID, local counterparts, implementing partners, and other donor agencies have continued to address consultant assessments to date, implementation of project tasks, timetables, and to ensure effective coordination among projects. Visits this quarter included:

- The Administrator of the Belgrade Magistrate Unit, Ms. Dusica Bulatovic, on July 14;
- Sladjana Jovanovic, MOJ Assistant Minister for Municipal and District Courts, on 9 August;
- Judge Janko Lazarevic and Assistant to the president Ms. Ljubica Pavlovic, Supreme Court on 12 August;
- Judge Sinisa Vazic (Court President) and Judge Miodrag Majic at the Belgrade District Court on 12 August;
- Representatives of the Young Lawyers Association on 13 August;
- Svetlana Stanivukovic, MOJ Assistant to the Assistant Minister for Magistrate Courts on 17 August;
- Dusan Protic, Director of the Judicial Training Center, on 17 September;
- Judges Camil Hubic and Zivica Kahrovic at the Novi Pazar Municipal and District Courts respectively on 18 August;
- Judge Vojkan Simic at the Belgrade Municipal Court on 23 August;
- Judges Zarko Stevanovic and Miroљub Tomic at the Kragujevac Municipal and District Courts respectively on 24 August;
- Biljana Kovacevic-Vuco, at the Lawyers Committee for Human Rights, on 30 August;
- Marie-Francoise Verdun, Head of Project for Thales, the European Agency for Reconstruction's (EAR's) implementing partner in Serbia, on September 10;
- Folkert Milch at the OSCE on September 22;
- Ms. Justine Hall, the Project Manager for the DFID project, on September 6 and 14.
- Justine Hall and Sladjana Jovanovic, MOJ Assistant Minister for Municipal and District Courts, jointly at the MOJ on September 8 and 24.

Court library resources

This quarter, Julie Tessmer agreed to assess the court libraries in late November, in conjunction with an assessment of the law faculty libraries to be led by another library consultant. Library activities will be addressed in the next quarterly report.

2. Law Faculty Activities

Following the initial assessment of law faculties led by Professor Peter Maggs during the first quarter of this project, NCSC conducted follow-up visits to each of the law faculties this quarter to define the parameters for future cooperation and to get commitment on specific activities for each law faculty. The project law faculties include all of the public

law faculties, i.e., Belgrade, Novi Sad, Niš, and Kragujevac, as well as the private Business Law Faculty in Belgrade.

The project will focus more of its law faculty activities on the Business Law Faculty in Belgrade. Activities during the first year will include: providing assistance on improving law faculty administration; teaching improved teaching methods to law professors; courses on legal research and writing and European Union law; development of an ethics course; and introduction of moot court in all the law faculties. The NCSC team has identified US and Serbian consultants to assist with each of these activities, and is in the process of coordinating their work and travel beginning next quarter.

Meetings this quarter relating to law faculties

Building on the earlier assessment by Professor Peter Maggs, the NCSC team held follow-up meetings this quarter with the law faculties and stakeholders to reach agreement on activities in Year One with the law faculties as follows:

- Vesna Vodinelic-Rakic; Sasa Gajin; Nebojsa Sarkic, Belgrade Commercial Law Faculty on 9 August;
- Dean Milorad Bozic, Nis Faculty of Law on 17 August;
- Judge Ramila Dacic on 19 August;
- Natasa Rasic, in her capacity as former Director of the Judicial Training Center, on 27 August;
- Dean Mirko Vasiljevic, Belgrade Faculty of Law, on 30 August;
- Rob Lochary and Blazo Nedic, of ABA/CEELI, on 1 September;
- Natasa Rasic and Tanasije Marinkovic, a teaching assistant at the Belgrade Faculty of Law, on 1 September;
- Dean Dusan Nikolic, Novi Sad Faculty of Law, on 2 September;
- Dean Radovan Vukadinovic, Kragujevac Faculty of Law, on 3 September;
- Mihajlo Colak, Fund for Open Society, on 9 September;
- Sasa Gajin and Goran Celic, Belgrade Business Law Faculty, on 16 September;
- Dusan Protic, Director of the Judicial Training Center, on 17 September;
- Vojin Dimitrijevic, Director of the Belgrade Center for Human Rights, internationally recognized scholar, and former professor at the Belgrade Faculty of Law, on 23 September.

Law faculty library resources

This quarter, Lesley Dingle agreed to assess the court libraries in late November, in conjunction with an assessment of the court libraries to be led by another library consultant. Library activities will be addressed in the next quarterly report.

3. Other Project Activities

Presentation to the US Ambassador

On July 27, 2004, the Interim Chief of Party presented the Serbia Rule of Law Project to the United States Ambassador to Serbia and Montenegro, Michael Polt, and Deputy Mission Director, Roderick Moore. The presentation stressed the importance of general jurisdiction courts to the business climate in Serbia, including the need for reform in the magistrate courts. The presentation also highlighted potential opportunities for reform of the system of legal education.

Project website

Development of the project website began this quarter. The domain name has been reserved and a web hosting agreement with Beotel established. NCSC has contracted with a part-time IT consultant to develop the website, with the assistance of staff to develop content. The webpage should be operational by the end of 2004.

Newsletter

Development of the first project newsletter will begin next quarter. Activities will include recruiting a writer/editor with experience in desktop publishing to lead this effort.

4. Donor Coordination

As described above, the project staff continues to identify and contact other implementing partners and other donor-funded activities related to court administration and law school development, such as the World Bank, DFID, European Agency for Reconstruction, ABA/CEELI, GTZ, and Booz-Allen and Hamilton.

This quarter, the NCSC team met with representatives from the DFID project on two occasions and joined the DFID project on two additional occasions at meetings with the Assistant Minister at the MOJ to discuss efforts to collect court statistics to ensure that the MOJ understands the purposes of the two projects and that activities of the two projects do not conflict or overlap.

NCSC will meet with representatives of the Canadian International Development Agency (CIDA) early next month to discuss implementation of their court project in Serbia and the Canadian and Finnish Embassies to discuss their education reform activities with the Ministry of Education and Sport.