JUSTICE SYSTEM REFORM ACTIVITY

QUARTERLY REPORT, OCTOBER – DECEMBER 2006

JANUARY 2007

This publication was produced for review by the United States Agency for International Development. It was prepared by the National Center for State Courts.

JUSTICE SYSTEM REFORM ACTIVITY

QUARTERLY REPORT, OCTOBER - DECEMBER 2006

DISCLAIMER

The author's views expressed in this publication do not necessarily reflect the views of the United States Agency for International Development or the United States Government.

TABLE OF CONTENTS

I. Executive Summary …… 5

II. Quarterly Progress …….. ……..5

A. Component I – Transition to an Effective and Impartial Justice System…….5

1. Develop Kosovo Judicial Council (KJC) and subordinate entities……..5

a. Build human and institutional capacity sufficient to sustain the KJC…….. 5
b. Assist in building synergies necessary for proper functioning of KJC …… 8
c. Develop long-term strategic plan…… 8
d. Develop procedures necessary for functioning of KJC, subordinate units, and judiciary……..9
e. Develop automation capacity of KJC……..……9

2. Support institutional development of Ministry of Justice (MOJ)……..9

a. Develop capacities of MOJ leadership/facilitate transfer of competences……..9
b. Develop capacities of MOJ's Department Of Legal Affairs……..10
c. Assist in drafting regulations and legislation pertaining to justice sector and in implementing legislation……..10
d. Develop automation capacity of MOJ……11
e. Support the development of the Committee on Judicial, Legislative, and Constitutional Framework Matters……...12

B. Component II – Improve Effectiveness of Court Operations ……..……12

1. Reduce Backlog of Civil Execution Cases……12

a. Provide technical assistance to eight courts for the reduction of the civil……..12

i. Municipal Court of Pristina……..…13
ii. Municipal Court of Gjilan……..……14
iii. Municipal Court of Prizren…….....14
iv. Municipal Court of Ferizaj ……..……14
v. Municipal Court of Peja……..……14
vi. Municipal Courts of Istog and Viti……...15
vii. Collaboration with External Stakeholder, PTK…….....15
viii. Case Disposition Information……....……15

aa) Municipal Court of Pristina

bb) Municipal Court of Gjilan

cc) Municipal Court of Prizren

dd) Municipal Court of Ferizaj

ee) Municipal Court of Peja

b. Improvement of the normative framework for execution……....16

2. Solidify Court Recording…….17

3. Improve access to texts of laws, regulations, and decisions……....19

4. Support continued development of use of alternative dispute resolution.,.19

C. Component III – Enhance Respect for Ethics and Delivery of Quality Services ……..….19

1. Support continued development of Judicial Audit Section (JAS)……..…19

2. Improve judges' awareness of ethical issues……...20

3. Judicial Vetting Coordination……21

4. Technical Assistance to Judicial Inspection Unit……21

D. Component IV – Public Awareness and Education …….....21

1. Increasing Public Awareness through the Media……...……21

2. Increasing Public Awareness through Direct Outreach……...……..22

II. Obstacles Encountered ……...…...23

I. Executive Summary

USAID's Justice Sector Reform Activity in Kosovo, implemented by the National Center for State Courts ("NCSC"), reached some significant milestones in this reporting period. As part of the culmination of considerable effort in its backlog reduction program, four of the five NCSC's pilot courts achieved a disposition rate equal to or higher than one, meaning that in this quarter, the courts disposed of at least as many cases as they received. Compared with their disposition rates from 2005 and the disposition rates of other courts in Kosovo, this was a significant accomplishment. In addition, this quarter marked the first full quarter during which team leaders from the Judicial Audit Section assumed primary direction of the audits, while NCSC staff members transitioned into more of an advisory role. Finally, in perhaps the most far-reaching development, NCSC assisted the Court Administration Committee of the Kosovo Judicial Council ("KJC") in taking responsibility for the bulk of the work necessary for development of a strategic plan. This plan will be completed and presented to the full KJC next quarter.

II. Quarterly Progress

A. Component I – Transition to Effective and Impartial Justice

Component I addresses:
SO 1: Accountable and Transparent Government
IR 2.1.2: Transition to an effective and impartial justice system
Sub IR: Sound laws and policies supporting justice system reform developed and implemented

Completed deliverables from Component I

1. Comparison of work product from KJC Secretariat legal officers from 2nd quarter with work product from 4th quarter.
2. Reporting on impact of assistance to KJC committees (through quarterly report).
3. Establishment of *ad hoc* strategic planning committee for KJC.
4. Planning process applicable to development of strategic and action plans established.
5. Forms developed for use in disciplinary hearings.
6. Concept paper outlining proposed modifications to executive branch law drafting process.
7. Establishment of Information Technology ("IT") Advisory Committee in Ministry of Justice ("MOJ").
8. MOJ web site developed and will go on line next quarter.
9. Needs analysis (and corresponding technical proposal to USAID) developed for Committee on Judicial, Legislative, and Constitutional Framework Matters of the Assembly.

1. Develop Kosovo Judicial Council (KJC) and subordinate entities

Although NCSC remained involved in dealing with issues in the KJC on the operational level, NCSC's technical assistance to the KJC in this quarter focused more on overarching policy questions. Specifically, NCSC provided significant assistance to the new KJC Secretariat Director as he grappled with cuts to the judiciary's budget mandated by the Ministry of Finance and Economy ("MFE") and helped the KJC take great strides in charting a future course for the Kosovo judiciary through the development of a strategic plan.

a. Build human and institutional capacity sufficient to sustain the KJC

NCSC's work in building human and institutional capacity sufficient to sustain the KJC focused on technical assistance to the KJC's committees and the KJC Secretariat staff. Although the Judicial and Prosecutorial Appointments and Development Committees and the Internal Rules and Legislative Matters Committee were inactive in this quarter,[1] the Budget, Finance, and Human

[1] The Judicial and Prosecutorial Appointments and Development Committee were quite active in preceding quarters, as they were the focal points of KJC recruiting of judges and prosecutors. The Internal Rules and

Resource Committee ("Budget Committee"), the Court Administration Committee, and Judicial and Prosecutorial Disciplinary Committees were very active. In addition, as a result of ongoing NCSC mentoring, the KJC legal officers continued to successfully shoulder more of a role in assisting both the committees and the KJC.

Almost immediately after assuming the reins of the KJC Secretariat, the new Director had to confront the issue of budget cuts, to include the elimination of staff positions. NCSC's KJC consultant advised the Director on identifying short-term KJC and KJC Secretariat personnel and resource needs to help develop a strategy for making required cuts in the 2007 budget. As a result of this advice, the KJC Budget Committee approved the budget proposal with the proviso that the KJC Secretariat develop a strategy to address one of the key action priorities identified in the strategic planning process, that of establishing a reasonable salary structure for Kosovo judges and court staff, commensurate with equivalent positions in other branches of the Kosovo government and surrounding countries. [Note: did anything ever happen to the idea we presented to USAID about how to increase salaries w/o increasing the budget? This had to do with the vetting process. In light of the new proposal, it might not be a bad idea to refer back to that idea as a creative way of addressing the problem]

The impact of NCSC's technical assistance to the Budget Committee was two-fold. First, the committee approved a budget proposal taking into account important policy considerations. Second, and more far-reaching, was the transformation of the Budget Committee's perceived mission from that of an oversight body (whose purpose is to simply review and approve the numbers in the budget proposal generated by KJC staff) to a body whose function is to consider policy questions and establish priorities, thus leaving the minutiae of the budget numbers for KJC staff to develop.

Less visible assistance to the Budget Committee than the judiciary's budget proposal but still significant was completion of the work begun last quarter by NCSC, in conjunction with the OJA,[2] in evaluating court facilities. By the end of the reporting period, NCSC had evaluated all district and municipal courts and the Supreme Court, with the exception of one court in Leposavic.[3] This inventory will be used by the KJC to determine its construction and renovation priorities for which the KJC 2007 budget allots $1,248,000.

Finally, rounding out NCSC's assistance to the Budget Committee was consultation provided by its consultants in developing a strategy for the implementation of the memorandum of understanding for allocation of the former Department of Judicial Administration's staff, budget, and assets.

Closely linked with the Budget Committee's work was that of the Court Administration Committee in developing a strategic plan this quarter. Given the limited resources available, a strategic plan will be fundamental in determining priorities and sequencing for the expenditure of those resources. Details about the strategic plan are contained in paragraph II.A.1.c., below.

Legislative Matters Committee decided to delay further development of internal rules of procedure until both the KJC Secretariat reorganization and strategic plan were complete.

[2] Mid-way through the visits, NCSC decided to carry out the visits to the courts without the participation of the OJA construction manager as judges and court staff did not respond well to him, both in his personal and institutional capacities.

[3] The facilities inventory captured information on such aspects of the courtroom as the judge's bench, witness stand, clerk's station, attorney tables, general design, dimensions, public seating and security. Also, it recorded information on the judge's office, prisoner holding area, security office, archivist space, archivist's public counter, records room, public waiting area, attorney conference room, parking, handicapped access, media space, and overall general appearance and condition.

Partly as a result of the high-caliber of the KJC members on the Court Administration Committee and partly as a result of NCSC's technical assistance, the committee has moved from one which initially just reacted to proposed recommendations by either accepting or rejecting them to one which provides guidance independent of and often beyond the scope of the proposed recommendations. Justifying its well-earned reputation of being one of the most active committees in the KJC, in addition to work on the strategic plan, the Court Administration Committee dealt with a myriad of issues with the help of NCSC consultants, during the October – December timeframe. Issues included the pending civil execution caseload, court fees, the expanded authority of Presiding Judges ("PJs"), the audio recording project, and a pilot mediation office. (For details regarding its work on the expanded authority of PJs, see paragraph II.A.1.b, below; for information on the committee's decisions on the audio recording project and the pilot mediation office, and descriptions of NCSC's work on these two activities, see paragraphs II.B.2 and II.B.4, respectively.)

As part of the strategy for addressing legal obstacles to effective execution, the Court Administrative Committee sanctioned the commissioning of a survey of "PJs", judges, and court administrators to incorporate the broad range of their experiences and knowledge. NCSC provided assistance in drafting the survey and analyzing the results. Ultimately, 25 persons responded to the surveys, and their responses highlighted substantial differences in practices and legal interpretation. The Chairman of the Court Administration Committee reviewed the results and decided to address the broader issues of how to eliminate the legal obstacles in the first quarter of 2007.

At the same time, the Court Administration Committee decided to advance immediately on a significant legal obstacle to the reduction of not only the civil execution caseload, but all non-criminal caseload in front of Kosovo courts – the lack of a uniform fee schedule. The absence of such a fee schedule is consistently cited by PJs, judges, and court staff alike as a priority. It is also critical to addressing the backlog issue as any regulation, Administrative Directive, Administrative Instruction, or justice circular outlining a fee schedule will also mandate the dismissal of cases where the fee is not paid, with certain exceptions. In this reporting period, NCSC assisted the Court Administration Committee in establishing a three-pronged strategy for dealing with this issue. As part of this strategy, NCSC helped the committee in distributing a survey for PJs, judges, and court administrators and analyzing the results from the 40 respondents. Then, towards the end of the quarter, NCSC assisted the Court Administration Committee in determining how best to push forward the issue of court fees. This was necessary as UNMIK/Department of Justice ("DOJ") had not yet cleared a draft Law on Court Fees despite the issue of the draft law having been raised in mid-2006. The committee decided to recommend to the KJC that it request authorization from the Special Representative of the Secretary General to regulate court fees.[4] The final prong of the strategy, the development of uniform fee schedules, will be undertaken in the first quarter of 2007.

As significant as the Court Administration Committee is to the KJC, it is the Judicial and Prosecutorial Disciplinary Committees that were the only committees specifically required by UNMIK Regulation 2005/53, originally creating the KJC. In this quarter, the KJC reached a significant milestone in hearing its first appeal of a decision by the Judicial Disciplinary Committee. In preparation for this appeal, one of NCSC's KJC consultants advised the KJC President to meet with other KJC members prior to the beginning of the appeal session to establish the parameters for the hearing, such as procedures and standards to be followed. The KJC President did so, and the KJC handled the appeal giving both parties sufficient time to present their respective positions without retrying the case.

[4] There is a potential conflict with this request that needs to be addressed by the KJC as the drafting of a Law on Court Fees is a 2007 priority of the MOJ.

In addition, NCSC consultants provided technical assistance in revising procedures relating to the management of first-instance hearings by KJC members, the creation of hearing records, and the management of and access to disciplinary files.

Equal in significance to the smooth functioning of the KJC's committees is the functioning of the KJC Secretariat. NCSC continued to work in the development of the skills of the KJC legal officers assigned to the Secretariat by carrying out a half-day course for the legal officers on effective writing. At the inception of the KJC, the role of NCSC advisors had to be "hands-on" in terms of preparing and drafting materials for the KJC, while mentoring the newly assigned staff in how to carry out their new duties. Continuing a trend that started last quarter, NCSC's KJC Secretariat consultant has incrementally begun to assume more of an advisory role with regard to the Secretariat's legal officers, and less of an operational role. For example, primary responsibility for agenda development for the meetings of the KJC and its committees shifted to KJC staff during this quarter. Briefing memoranda and other materials were increasingly being drafted by KJC policy staff and staff from other KJC divisions, with NCSC consultants providing assistance in the form of editing and helping staff with organizing presentations. In general, the quality of the work product of the KJC Secretariat legal officers improved notably since the second quarter of 2006. The clarity, conciseness, and accuracy of the writing style of the legal officers by the end of the quarter was at a level that did not require significant editing by NCSC's KJC Secretariat consultant. Work still remains for the legal officers, however, in identifying issues, analyzing relevant facts, and identifying specific recommendations in their briefing memoranda.

b. Assist in building synergies necessary for proper functioning of KJC

During this reporting period, one of NCSC's KJC consultants provided advice to the working group established by the Court Administration Committee charged with the mandate of defining the new responsibilities of PJs. As mentioned above, the working group identified proposed changes in the responsibilities of the PJs, the most important of which was the hiring and disciplining of court staff. At the end of the quarter, KJC Secretariat staff, under the guidance of the NCSC consultant, were drafting the changes for review and approval by the Court Administration Committee and the KJC.

c. Develop long-term strategic plan

This quarter marked a period of significant strides in helping the KJC to develop its strategic plan. Following KJC approval of the strategic plan initiative by the Court Administration Committee last reporting period, the committee established a working group[5] and sponsored planning sessions on 13 October, 9 November, and 4 – 5 December.

The working group chair invited all of the KJC members, as well as the KJC Secretariat Director and the working group members. On the first day of the meeting, the participants reviewed and made revisions as needed to the draft strategic plan components, while on the second day, they spent most of the time refining and prioritizing key action steps. In the first two planning sessions, members of the working group, with support from NCSC advisors, agreed on draft mission and vision statements, a statement of core values, draft strategic goals, and draft key action steps.

[5] Members of the working group included the Chair of the Court Administration Commission (who was also the chair of the working group), the President of the Chamber of Advocates, an international prosecutor, the PJ of the District Court of Gjilan (who is also the President of the Kosovo Judges Association), the PJ of the District Court of Prizren, and the PJ of the Leposavic Municipal Court. In addition, the working group chair also invited the KJC President, Vice-President, and KJC Secretariat Director who all participated to a lesser degree in the sessions.

Using results from surveys of court presidents, the working group identified key strengths and weaknesses of the current judicial system. The key actions steps were categorized as either short-term or long-term action steps.

Following these two sessions, NCSC worked with the KJC Secretariat staff in preparing for the two-day strategic planning retreat held on 4 – 5 December. The purpose of the retreat was to review results from the working group, as well as to endorse or modify the results from the first two sessions.

Based on the assessment of the participants, the three most important actions steps for the judiciary are:

- Using information about compensation for judges and non-judicial staff in other countries, preparing and seeking approval of a comprehensive proposal for significant increases in the compensation of Kosovo judges and non-judicial staff. I still think that somewhere here, we should be referring to the salary idea expressed in our earlier concept paper.

- Working with the Assembly and other key actors to obtain passage of the draft Law on Courts (since renamed the Law on the Judiciary), thereby providing a firm statutory basis for the independence of the judiciary and the organization and operation of the courts.

- Developing procedures to enable the effective use of mediation in civil and criminal cases when appropriate, consistent with existing law.

By the end of the reporting period, NCSC was working on incorporating all of the input from KJC and working group members in a final strategic plan which will be presented to the KJC for approval early in 2007.

d. Develop procedures necessary for functioning of KJC, subordinate units, and judiciary

Most of the activities in this sub-section are scheduled to be carried out in the upcoming two quarters, as reflected in NCSC's work plan. There are, however, two activities that were projected to be underway during this quarter. NCSC consultants helped develop standard operating procedures and forms with KJC Secretariat staff by assisting them to place formats for meeting agendas and reports into standard formats in this reporting period. However, NCSC did not help develop terms of reference for KJC Secretariat staff as assistance had to be deferred pending completion of the new organizational structure for the staff.

e. Develop automation capacity of KJC

In an effort to avoid potential duplication of other donor organization supporting IT development within the KJC, NCSC withdrew one of its Senior IT Advisors ("SITA") who had been seconded to the KJC. Upon USAID concurrence, NCSC disengaged from assisting in developing the automation capacity of the KJC at this moment.

2. Support institutional development of MOJ

a. Develop capacities of MOJ leadership/facilitate transfer of competences

During the final quarter of 2006, NCSC's Senior Advisor to the MOJ continued providing technical support and policy guidance to the new ministry. Support to the MOJ consisted of ongoing

participation with the Permanent Secretary in virtually all aspects of public administration. It also involved frequent contact with the Minister through regular meetings with UNMIK's DOJ Director and additional private sessions as specific issues arose.

During the quarter, the year-long budget formulation process was brought to a close with several tangible and significant accomplishments. The most immediate result was the preservation of the MOJ budget from excessive budget cuts. During the final stages of the negotiation, MFE eliminated all unfilled positions in the MOJ which, if allowed, would have meant a 38% reduction of MOJ positions below the authorized position ceiling for 2006. Ultimately, the NCSC Senior Advisor to the MOJ placed a key role in helping protect position authority for the MOJ during the critical period following the transfer of competencies from UNMIK. The longer-term accomplishment was the successful justice sector planning that took place across organizational structures and budget categories.

From the beginning of the budget formulation process, NCSC's Senior Advisor to the MOJ had mentored all of the budget actors in the MOJ, from the Minister to the technical staff, on the importance of viewing the process as the principal mechanism for setting governmental priorities and ensuring that the institutions of government can carry out the larger societal goals. Much of NCSC's support to the MOJ during this period involved assisting the Minister, his political advisors, and the civil servants in developing a methodology for analyzing the impact of the budget on the government's previously stated priorities. Working through UNMIK/DOJ, NCSC's Senior Advisor also urged system-wide budget planning in order to maintain an appropriate balance among all components of the justice system. This "big picture" approach is not always easy to carry out, since it necessarily involves compromise and sacrifice in the interest of the larger system. However, it is the essence of public administration and good governance, and represents an important approach for any government, especially one in the early stages of existence.

As the budget process was finalized as the quarter came to a close, the MOJ, the KJC, the MFE, and UNMIK/DOJ reached difficult decisions, achieving consensus on steps needed to ensure that the justice sector remained in balance and the services provided within available resources. This consensus decision required the KJC to reduce positions in order to ensure that the MOJ could continue to carry out the recruitment necessary to establish a fully functioning organization. Thus, the reduction in position authority by 38% was averted and budget reductions were more equitably distributed between the MOJ and the KJC. The most significant long-term accomplishment was the planning approach that led to these difficult decisions. This represents a small but significant first step toward a justice sector planning process that should be nurtured by international donors in the years to come.

Other activities of NCSC's Senior Advisor to the MOJ involved providing technical support, especially in the area of strategic planning and assessment of training needs with the Kosovo Correctional Services and the Department of Probation and Parole. In addition, practical advice was sought by the MOJ and provided by NCSC's Senior Advisor on a variety of issues regarding a performance appraisal process for MOJ staff, delegations of authority, and legal appointment letters for key positions within the prison system.

b. Develop capacities of MOJ's Department Of Legal Affairs

Given DLA Piper's work in the same area under its relationship with World Learning, NCSC did not provide additional training on legislative drafting techniques.

c. Assist in drafting regulations and legislation pertaining to justice sector and in implementing legislation

Despite the flurry of movement towards the end of the last quarter on two organic laws critical for the successful functioning of the Kosovo justice sector – the Laws on the Judiciary and Police – there was very little activity in this reporting period on these two laws. Although the MOJ convoked a working group on the Law on Public Prosecution, there was only minimal activity. The NCSC Deputy Chief of Party did, however, prepare an initial draft of joint USOP-USAID comments for this MOJ working group based on a work session attended by representatives from the USOP, USAID, NCSC, and DLA Piper.

More substantial this reporting period was NCSC's assistance to the MOJ in preparing for the implementation of the Law on Notaries. On 17 – 19 October, NCSC sponsored an observation trip for two MOJ legal officers to Slovenia and Bosnia and Herzegovina for the purpose of understanding these countries' experiences in establishing notary systems. The MOJ legal officers and NCSC's Project Manager interviewed MOJ officials in both countries, Chamber of Notary officials in Slovenia, and the donor organization involved in establishing the system in Bosnia and Herzegovina.

Upon returning from this observation trip, the MOJ legal officials reviewed their draft implementation plan, made modifications, and submitted it to the Permanent Secretary of the MOJ who subsequently approved it.

d. Develop automation capacity of MOJ

During this reporting period, NCSC's SITA in the MOJ provided significant technical assistance to the MOJ in implementing one of the key expected results from the "Information and Communication Technology" section of its strategic plan. This key result centered on the development of an information and communication technology infrastructure linking all departments, users, and partners electronically and providing a single data network.

In the previous two quarters, the SITA helped his MOJ counterpart develop the requests for purchase and technical specifications needed for establishing the MOJ IT infrastructure. During this quarter, the MOJ undertook the tendering process for establishing the network. As a necessary element of this process, the SITA advised the MOJ on developing the technical criteria for evaluation of offers. Previously, the procurement office within the MOJ evaluated offers based only on the criterion of price. Although this criterion remained the most important in the evaluation of the IT tenders, the SITA convinced the procurement office to also include experience of the provider, technical merit of the proposal, flexibility to future changes to requirements, speed of project delivery, and sustainability as factors to be considered in the evaluation process.

At the request of the Minister, the SITA observed the evaluation process involving the offers received which ultimately involved the expenditure of approximately $425,000. The SITA noted that the whole evaluation process was conducted in a professional, unbiased, and transparent manner by the members of the evaluation commission. As a consequence of this tender, the provider deployed Local Area Networks in correction and probation centers, as well as the Dubrava prison, and the MOJ acquired Wide Area Network equipment as well as other hardware. Approximately 450 MOJ users are now connected electronically.

In the work described above, the SITA advanced in implementing the MOJ strategic plan without the benefit of a ministry-approved operational plan. During this reporting period, however, the MOJ (through assistance provided by the United Kingdom's Department for International Development or

DFID) began work on its operational plan. Towards this end, the SITA helped the Acting Head of the IT Department in drafting an operational plan that was incorporated in its entirety in the DFID ministry-wide operational plan.

A necessary element of this operational plan was development of the MOJ web site. Throughout this reporting period, the SITA worked closely with the Permanent Secretary and the contracted web site developers in articulating the web site functionality and envisioned design. In addition, he advised on the development of procedures to maintain web site content current. By the end of the reporting period, the MOJ established its web site (although it had not yet been placed online).

Pending deliverables from Component I

1. Documents defining information exchange needs between KJC/OJA and courts were not completed because priority attention was given to KJC Secretariat Director relative to staff organizational changes, budget cuts, and strategic planning.
2. Protocols were not established between KJC and Kosovo Judicial Institute ("KJI") because the latter has not established managing board and KJC Secretariat Director was reluctant to meet formally with KJI.
3. NCSC initiated work on assisting KJC to establish access to information policies, but work is still ongoing at end of quarter.
4. Deliverables dealing with leadership roles of PJs and court administrators will originate from the working group established within Court Administration Committee. Changes has been identified and will be presented to the committee in upcoming quarter.
5. All deliverables dealing with IT within the KJC are pending as NCSC withdrew its KJC SITA to avoid duplication with other donor organizations.
6. Document defining procedures between KJC and KJC Secretariat was not completed because of other priority issues that required the attention of the KJC Secretariat Director.
7. NCSC did not provide training to MOJ staff on legal drafting techniques to avoid redundancy with World Learning-sponsored DLA Piper training activities.

e. Support the development of the Committee on Judicial, Legislative, and Constitutional Framework Matters

Towards the end of the reporting period, NCSC presented to USAID a proposal for technical assistance to the Committee on Judicial, Legislative, and Constitutional Framework Matters in the Assembly.

B. Component II – Improve Effectiveness of Court Operations

Component II address:
SO 1: Accountable and Transparent Government
IR 2.1.2: Transition to an effective and impartial justice system
Sub IR: Courts operate effectively

1. Reduce Backlog of Civil Execution Cases

a. Provide technical assistance to eight courts for the reduction of the civil execution backlog

In this reporting period, the NCSC backlog reduction team built on the significant momentum it achieved last quarter in its civil execution backlog reduction efforts. It continued its work in the first four pilot sites in the Municipal Courts of Pristina, Gjilan, Prizren, and Ferizaj, began field work in a fifth pilot site, the Municipal Court of Peja, and undertook preliminary discussions with

Completed deliverables from Component II

1. Databases for pending civil execution caseload created in three pilot courts.
2. NCSC electronic register operational in two courts.
3. Four of five new pilot courts identified.
4. Databases developed in fourth and fifth pilot courts.
5. Bilateral thematic roundtables carried out involving PTK.
6. Business plan developed by Kosovo Law Center ("KLC") involving paid subscription for updating criminal law compendium.

the sixth and seventh pilot sites in the Municipal Courts of Istog and Viti. Specific details of NCSC collaboration with these municipal courts, along with achievements, are detailed below:

i. Municipal Court of Pristina

The Municipal Court of Pristina remained the most challenging of all the pilot sites. Factors complicating NCSC's work with this court included the large number of staff, the large number of pending and incoming cases, lack of a proper organizational structure for the civil execution unit, and resistance from certain members of the civil execution unit.

Following completion of all data entry last quarter, NCSC trained the registration clerks on how to maintain and update the electronic register at the beginning of the reporting period. The two clerks responsible for authentic document registration subsequently made good efforts to update the electronic register with new cases; the clerk in charge of civil judgment registration and disposition, however, showed no disposition to engage with the electronic register. Leadership challenges within the civil execution unit, unfortunately, offered no immediate remedy for this situation. (*See* Obstacles Encountered, Section III.)

In the middle part of the reporting period, NCSC met individually with the execution unit's field execution clerks to discuss specific challenges faced in field work, obstacles to case processing and disposition, and suggestions for improvement in efficiency and transparency. As a result of these meetings, NCSC compiled a table listing possible solutions relating to the deficiencies in the legal framework, problems in the structure of the execution unit, and practical obstacles in carrying out field work. The PJ of the Municipal Court of Pristina reviewed the possible solutions and began implementing some of them before the end of the quarter.

Amongst all of the problems facing the execution unit, one of the most vexing is the lack of an effective disposition process. Field clerks routinely submit their finished cases to the registration clerks. However, there is a significant lag between when the registration clerks receive the cases and when dispositions are formally recorded. Moreover, requests for withdrawal of cases from the Post Telecommunication of Kosovo ("PTK") are not processed in a timely manner, if at all. NCSC dedicated considerable time to offering technical assistance this quarter in an attempt to improve the entire disposition process and specifically, the situation of the improperly recorded PTK cases. In fact, NCSC identified more than 700 closed PTK cases which remain open in the court registers, nearly 10% of the overall civil execution backlog in the Municipal Court of Pristina. These cases will be formally disposed of by the execution unit in the beginning of 2007.

In addition to achievements that will likely take place in early 2007, NCSC involvement in this pilot site resulted in immediate achievements in this quarter:

- Pursuant to NCSC's recommendation, the PJ appointed a coordinator for the execution unit.

- The PJ assigned an additional vehicle for use by field execution clerks -- a reshuffling of resources which immediately resulted in an increased operations tempo for these clerks.

- The PJ began a dialogue with the police to increase their cooperation in the context of processing civil execution cases.

- Against the objections of the civil execution unit's new coordinator, NCSC, along with a well-respected civil execution judge from the District Court of Pristina,

carried out training for execution staff in the Municipal Court of Pristina. This training was ordered by the Municipal Court PJ. The half-day training for the 11 members of the unit, held on 15 December, focused on an overview of the civil execution procedure, opportunities for disposition, and control procedures (recording and reporting requirements). While participants were satisfied with the materials (which included sample forms which can be used for certain steps of the execution process), the unit's coordinator posed a significant obstacle to the trainers with his belligerence and constant interruptions. (See, once again, Obstacles Encountered, Section III.)

- Some registration and field execution clerks started to use the electronic register to a limited degree.

ii. Municipal Court of Gjilan

NCSC continued to provide technical assistance to this pilot site that was in full swing with the implementation of its backlog reduction plan for civil execution cases. As a result of NCSC recommendations, the PJ of the Municipal Court of Gjilan appointed a coordinator for the civil execution unit and reassigned responsibilities of the execution clerks by leaving one clerk in charge of all administrative and registration actions and assigning all other clerks to do field work. The PJ noted that, as a result of these changes, there was better coordination and efficiency within the execution unit.

iii. Municipal Court of Prizren

Over the course of this quarter, NCSC continued its provision of technical assistance to the ongoing civil execution caseload reduction effort in this pilot site. Following NCSC recommendations, the PJ in the Municipal Court of Prizren appointed a coordinator for the civil execution unit and, because of the high proportion of civil judgments in the civil execution pending caseload, he appointed a civil judge to work full-time on execution cases. In addition, NCSC began working with the new coordinator on developing reporting templates for work conducted in the field and for disposed cases.

iv. Municipal Court of Ferizaj

Following the identification of Ferizaj as a pilot site in the last reporting period, NCSC trained court staff on developing a caseload inventory. Court staff subsequently began to assemble the inventory, a task which they finished in the beginning of this quarter. Once completed, NCSC compiled a caseload analysis. Next, NCSC provided technical assistance to the court as it drafted its action plan for reducing the civil execution pending caseload. As part of its action plan, the PJ of the court appointed a coordinator for the civil execution unit and met with PTK legal officers to discuss closer collaboration in addressing the overwhelming amount of PTK cases in the pending civil execution caseload. Ultimately, the PJ signed a Memorandum of Understanding ("MOU") with PTK to establish a partnership for addressing PTK civil execution cases. (See Collaboration with External Stakeholder, PTK, paragraph II.B.1.a.vii, below.)

v. Municipal Court of Peja

The Municipal Court of Peja is NCSC's newest pilot site and also the court with the second-largest pending civil execution caseload in Kosovo, behind the Municipal Court of Pristina. During the course of this reporting period, NCSC provided assistance to the court by financing three interns who entered data into the court's electronic case register. The interns finished this by the last part

of the quarter, but because the court anticipated a large disposal of cases in December, it requested delay in the caseload analysis by NCSC until January.

At the outset of the collaboration with the Municipal Court in Peja, NCSC recommended appointment of a coordinator for the execution unit, and the PJ implemented this recommendation.

vi. Municipal Courts of Istog and Viti

Following criteria for new pilot site selection, NCSC identified two new pilot sites in this reporting period, the Municipal Courts of Istog and Viti. NCSC technical assistance to both courts will begin in the first month of the next reporting period.

vii. Collaboration with External Stakeholder, PTK

As the result of an NCSC-initiated meeting with the Chief Operating Officer for PTK (the most senior international advisor working in the organization), PTK informed NCSC of its intention to become more actively engaged in the processing and disposition of its cases in the courts.[6] This change in approach coincided the desire of the PJ of the Municipal Court of Ferizaj to collaborate directly with PTK to improve the processing and disposition of PTK cases.

NCSC facilitated a meeting between PTK legal officers and the PJ of the Municipal Court of Ferizaj during which the two parties discussed the development of a future partnership between the two institutions. Subsequently, both parties signed an MOU in the last part of this reporting period.

The MOU between PTK and the Municipal Court of Ferizaj contained the following:

1) Appointment of focal points in PTK and in the court execution units for dealing with PTK cases.
2) Commitment of PTK to travel to the field with execution clerks for execution of PTK cases.
3) Cleaning of pending caseload to ensure that PTK and court records concerning pending and closed cases match perfectly.
4) Classification of pending PTK caseload in order to establish execution priorities for the courts. The goal will be the disposition of cases which cannot be processed and prioritization of cases which can.
5) Information exchanges through weekly meetings.

PTK requested the assistance of NCSC to develop and implement action plans supported by MOUs with courts across Kosovo. Discussions will take place in the Municipal Courts in Gjilan and Prizren in the first month of the next reporting period. These will likely be followed by discussions in the Municipal Courts in Pristina, Mitrovica, and Gjakova in the succeeding months.

viii. Case Disposition Information

aa) Municipal Court of Pristina

The Municipal Court of Pristina had a clearance rate of 1.24[7] or twice the clearance rate achieved last quarter. This is an 80% increase from the .69 baseline established based on 2005 data. It disposed of 989 cases older than 24 months, leading to a 9% decrease in the total number of

[6] PTK is the largest creditor using the civil execution process. PTK cases represent between 50 – 80% of all civil execution caseload in courts. Most of these cases are old (filed between 2001 - 2004) and a large proportion of them appear to have a very low likelihood of resolution.

[7] A ratio of "1" means that a court is disposing of the same number of cases as there are filings. In other words, the court is not developing a backlog of cases. A ratio lower than "1" indicates that the court's caseload is increasing faster than it is disposing of cases. The lower the ratio below "1," the faster the backlog is accumulating. Conversely, a ratio greater than "1" indicates that the court is disposing of cases quicker than its caseload is increasing. The higher the ratio above "1," the faster the court is disposing of its caseload.

pending cases older than 24 months at the end of the quarter. Finally, 4% of the disposed cases fell within the 6-month time standard for civil execution cases.

bb) Municipal Court of Gjilan

The Municipal Court of Gjilan had a clearance rate of 1.39, a 150% increase from last quarter and a 200% increase from the .69 baseline established based on 2005 data. It disposed of 52 cases older than 24 months, almost doubling the increase in disposition of cases over 24-months old noticed last quarter. Finally, 50% of the disposed cases were disposed within the 6-month time standard for civil execution cases, a 20% decrease from the 61% baseline established based on 2005 data which can be explained by the increased focus on old cases.

cc) Municipal Court of Prizren

The Municipal Court in Prizren had a clearance rate of .50, a 100% increase from last quarter. It disposed rate of cases older than 24 months increased by 34% when compared with 2005. Finally, 79% of the disposed cases were disposed within the six-month time standard for civil execution cases, a 50% increase from the 51% baseline established based on 2005 data.

dd) Municipal Court of Ferizaj[8]

The Municipal Court in Ferizaj had a clearance rate of 1.00. While this corresponds to half of the 2.00 baseline established based on 2005 data, it remains a significant accomplishment in comparison to other courts. It disposed of 25% more cases older than 24 months than it disposed on a quarterly basis in 2005. Finally, 74% of the disposed cases were disposed within the six-month time standard for civil execution cases, an almost 300% increase from the baseline established last quarter. This significant increase has contributed to the below baseline number of cases older than 24 months disposed of during the quarter as an increased focus on complying with the six-month time standard typically detracts from a court's efforts to eliminate its pending caseload that exceeds 24 months.

ee) Municipal Court of Peja

The Municipal Court of Peja had a clearance rate of 2.17. While this corresponds to about half of the 4.08 baseline established based on 2005 data, it remains the highest among all pilot courts. It disposed of 404 cases older than 24 months. Finally, 7.4% of the disposed cases were disposed within the six-month time standard for civil execution cases, a 200% increase from the baseline established last quarter.

b. Improvement of the normative framework for execution

Less a legal issue and more an organizational issue that can be resolved at a level short of involving a legal instrument is the issue of the statements of work for execution staff.[9] In this

[8] It should be noted that the Municipal Courts of Ferizaj and Peja are "second stage" project pilot courts. This means that NCSC's level of involvement with them has been relatively less compared with the "first stage" Municipal Courts of Pristina, Gjilan, and Prizren.

[9] When drafting its 2006-2007 work plan, NCSC believed that what was referred to as "structural obstacles" (for instance, undefined statements of work) would need to be resolved through legal instruments such as justice circulars. It has become evident in this quarter that the adoption of statements of work does not have to involve the issuance of legal instruments. Thus, it is inaccurate to place activities surrounding the development of statements of work in a section entitled "Improvement of the normative framework for execution." However, in the interests of maintaining consistency between the project work plan and the

reporting period, NCSC developed job descriptions for execution staff based on the 1978 Law on Execution Procedures and the 1981 Rules on Internal Court Operations. NCSC discussed these job descriptions in depth with counterparts in the pilot courts in order to obtain feedback. They will be presented to the KJC Secretariat Director in early 2007.[10]

2. Solidify court recording

Until this quarter, NCSC focused primarily on the technical aspect of this activity, by sponsoring training and provided hands-on technical assistance to all counterparts involved with the ten audio recording pilot sites. Throughout its involvement in the audio recording project, NCSC has worked closely with a training officer in the OJA. However, apart from a brief involvement at the end of 2005 with expanding the project to cover all courts in Kosovo, the OJA as an organization had not addressed the policy issues of this project. For instance, the OJA did not address reporting and accountability issues of counterparts of the project[11] and, since the end of 2005, had not explored seriously the issue of expansion.

In an effort to encourage greater ownership of the project by counterparts, NCSC first sponsored a meeting of the audio recording working group at the beginning of December. During this meeting, the twenty-four participants of this group,[12] nearly all of whom were audio recording equipment users, reviewed the project to date, articulated lessons-learned, and recommended next steps.

With this input from the working group, NCSC and the OJA then made a presentation to the KJC's Court Administration Committee. The presentation introduced, for the first time, the audio recording project to the judiciary's policy-making body. NCSC and OJA jointly recommended to the committee the need to formally establish a Court Recording Advisory Body under the auspices of the KJC, introduce mechanisms by which the KJC could hold audio recording equipment users accountable, and expand the project to cover all courts in Kosovo. The Chair of the Court Administration Committee requested NCSC and OJA prepare a briefing memorandum for the KJC as he wished to raise the issue of this pilot project in the next KJC meeting.

The following chart shows usage of the audio recording equipment in the pilot sites:

---

quarterly report, NCSC will continue to include activities surrounding statements of work (and other activities designed to deal with organizational deficiencies that do not require legal instruments to change) in this section.

[10] See also the discussion of NCSC's work with the Court Administration Committee of the KJC on page 7 regarding progress in developing an approach to tackling key legal obstacles in civil execution which impede efficiency in the process and addressing the court fee structure.

[11] NCSC instituted reporting requirements for the pilot project sites in May 2006, but the OJA had shown itself reluctant to become involved in this aspect of the audio reporting project.

[12] The working group was comprised of OJA representatives, the KJC President, other representatives from the KJC, PJs from district and municipal courts, court administrators, and prosecutors.

Name of site	Potential users (judges)	# of trials where equipment used MAY	# of trials in ctrm/ chmbr.[13] JUNE	# of trials where equipment used JUNE	# of trials in ctrm/ chmbr. JULY	# of trials where equipment used JULY	# of trials in ctrm/ chmbr. AUG	# of trials where equipment used AUG	# of trials in ctrm/ chmbr. SEPT	# of trials where equipment used SEPT	# of trials in ctrm/ chmbr. OCT	# of trials where equipment used OCT	# of trials in ctrm/ chmbr. NOV	# of trials where equipment used NOV	# of trials where equipment used DEC	# of trials in ctrm/ chmbr. DEC
DC Pristina	7	none	None	none	none	none	none	none	3	3	none	none	3	7	4	0
DC Gjilan (#1)	6	12	16	9	14	10	14	11	14	10	22	14	15	10	11	7
DC Gjilan (#2)[14]															9	6
DC Prizren	5	11	29	12	11	8	none	none	none	none	14	8	11	7	14	14
DC Mitrovica	6	8	14	4	12	4	none	none	none	none	none	none	8	5	4	2
DC Peja	5	5	17	9	11	7	none	none	none	none	11	6	4	4	0	0[15]
MC Pristina	12	9	11	9	6	2	none (leave)	none (leave)	7	3	9	4	11	5	8	2
MC Pristina chamber	1	15	9	9	7	7	none (leave)	none (leave)	9	9	11	11	18	18	10	10
MC Mitrovica chamber	1	4	17	4	6	4	none (leave)	none (leave)	7	5	15	8	12	7	6	6

Name of site	Potential users (prosecutors)	# of depositions recorded MAY	# of depositions JUNE	# of depositions recorded JUNE	# of depositions JULY	# of depositions recorded JULY	# of depositions AUG	# of depositions recorded AUG	# of depositions SEPT	# of depositions SEPT	# of depositions OCT	# of depositions recorded OCT	# of depositions NOV	# depositions recorded NOV	# of depositions DEC	# depositions recorded DEC
D. Pristina Prosecutor's Office	1	6	7	4	20	20	none (leave)	none (leave)	18	18	12	12	13	13	6	6

[13] "Ctrm/chmbr." signifies "courtroom/chamber."

[14] Pursuant to guidance from USAID, NCSC began in December 2006 to capture courtroom-specific information from the two courtrooms in the District Court of Gjilan. Court-specific information is not available for the period before December 2006. Information from the second courtroom is aggregated within information from the first from the period of May – November 2006.

[15] Criminal judges in the District Court of Peja DC did not hold any trials in the courtroom due to the non-availability of the courtroom (electricity problems).

3. Improve access to texts of laws, regulations, and decisions

The KLC, NCSC's subcontractor responsible for publication and distribution of a compendium on the Kosovo criminal law, continued its work on the compendium in this quarter. By the end of the quarter, it was on track to complete distribution per the terms of the subcontract, by 15 February.

To ensure that there was a clear idea at the outset of how KLC intends to produce periodic updates to the compendium with proceeds generated by its sale, the KLC drafted a business plan, pursuant to a requirement in the subcontract. This business plan provides a model which might ultimately lead to sustainable print publication.[16]

4. Support continued development of use of alternative dispute resolution

In this reporting period, NCSC developed a strategy for implementation of a pilot mediation office in coordination with the President of the District Court of Gjilan, where the office would be located. It then presented a briefing memorandum to the Court Administration Committee which recommended the establishment of a pilot mediation office in the District and Municipal Courts of Gjilan, the types of cases that could be subject to mediation, the development of referral procedures by the pilot office, the creation of a cost structure, the establishment of training requirements, and the promulgation of an ethics code. The Chair of the Court Administration Committee, before signing an MOU with the two PJs who would be involved in the pilot office, requested review of the referral procedures and delegated signing authority from the KJC.

Pending deliverables from Component II

1. One remaining pilot court to be identified in next reporting period.
2. Databases still to be developed in three pilot courts.
3. Backlog reduction plans and categorization of cases still to be developed in five pilot courts.
4. Inventory of standard forms for civil execution still being carried out by end of quarter; dissemination of new standardized forms pending.
5. Final report on audio recording pilot sites to be drafted towards close of project.
6. Deliverables dealing with referral of cases to mediation to be addressed in final two projects of quarters if approved by USAID.

C. Component III – Enhanced Respect for Ethics and Delivery of Quality Services

1. Support continued development of Judicial Audit Section (JAS)

Completed deliverables from Component III

Ethics training carried out.

This reporting period marked the first full quarter of the NCSC's Audit Section Advisor ("ASA") change to part-time consultancy status. During the three months of this quarter, the ASA provided technical assistance to the JAS approximately two weeks a month. His technical assistance was supplemented, to a limited extent, by the NCSC audit trainer.

[16] The production by the KLC of a criminal law compendium under the NCSC subcontract is not a sustainable print publication endeavor. Once the total value of the first and second subcontracts is taken into consideration, it is not possible that the revenue generated by the sale of the compendiums will cover funds invested in producing it. However, this compendium marks the first time in Kosovo that any organization has compelled users to purchase a publication dealing with the laws of Kosovo and thus has attempted to establish a relationship between costs of production and revenue generated by production.

During this quarter, the ASA and the audit trainer helped the Audit Coordinator and the JAS staff in its review, completion, execution, or definition of the third, fourth, fifth, and sixth audit reports,[17] respectively. These three audits, for which JAS team leaders provided primary direction, represented a maturation of JAS (as previously, the ASA and the audit trainer played a far more significant role). The team leaders for the three audits organized or directed other staff in the internal control questionnaire, interview, data collection, and analysis phases of the audit process. The fifth audit especially showed a degree of audit sophistication as JAS staff decided to expand data collection to include a sixth court when it became clear that the first five courts collectively produced insufficient data.

This diminished level of support needed from the ASA and the audit trainer serves to highlight the significant strides taken by the JAS since its formation. Within one year after its formation and six months after the conclusion of its training, the body showed itself capable of conducting daily operations with only limited guidance from NCSC's ASA and audit trainer. In addition, the draft audit reports demonstrate that JAS auditors are fully capable of determining the scope of the audit, drafting mission orders and opening statements, conducting opening interviews of court managers, preparing internal control questionnaires, collecting data, producing flowcharts, analyzing the data received, and preparing meaningful findings and recommendations. When compared to the early drafts of the first and second audit reports, it is unquestionable that JAS staff has made substantial improvements in the drafting of audit reports. Nevertheless, challenges still remain on both the operational and political levels.

Foremost amongst these challenges at the operational level is the lack of clarity in the presentation of the findings and recommendations in the audit reports. The ASA and audit trainer continued to invest a significant amount of time in mentoring JAS staff on their writing skills. To a lesser extent, leadership weakness manifested by the Audit Coordinator in his inability to provide sufficient support to team leaders and properly develop relationships within the unit has also impacted its efficacy.

The primary political challenge that the JAS faced in this quarter remained the establishment of its relevance. See Section III, Obstacles Encountered. To address this, NCSC developed proposed procedures for implementation of audit recommendations. Late in the quarter, the ASA presented these proposed procedures to the Court Administration Committee which was satisfied and had no comments. These procedures, which will ultimately be captured in a KJC Secretariat standard operating procedure, will serve to convert the written audit reports into useful tools which register impact in the courts and thus prove the relevance of the JAS.

2. Improve judges' awareness of ethical issues

At the request of the KJI, one of NCSC's KJC consultants who had carried out Kosovo-wide ethics training in 2005, provided training on 1 December for 11 judges and prosecutors. This half-day training highlighted the importance of avoiding the appearance of impropriety as well as avoiding actual impropriety. More significantly, the same consultant drafted a course description and a methodology for wide-scale ethics training to be carried out in the first quarter of 2007. The course will follow a "train-the-trainers" format, where between 15 – 20 judges, prosecutors, and JIU investigators will replicate the training Kosovo-wide.

[17] The third audit is entitled "Writing and Delivery of Criminal Decisions," the fourth "Writing and Delivery of Civil Decisions," the fifth "Court Practices Regarding Receipt and Registration of Cases," and the sixth "Justice Sector Procedures/Practices Regarding Chain of Custody in Criminal Cases."

3. Judicial Vetting Coordination

NCSC's Judicial Vetting Coordinator ("JVC") was responsible for completing 40 background checks in this reporting period. These background checks were for candidates for the Kosovo Special Prosecutor's Office, the Deputy Commissioner of Legal Aid, and judges and prosecutors considered for promotion. Nearly on par with the previous reporting period, where the JVC did not recommend 26% of all candidates for continued consideration, she did not recommend 20% of the 40 candidates in this quarter for continued consideration. Reasons for this included failure to meet the educational and professional experience requirements for the position, pending disciplinary proceedings against the candidate, pending criminal charges against the candidate, untruthfulness by the candidates regarding income and disciplinary cases, negative recommendations from supervisors, and misuse of a candidate's official position.

4. Technical Assistance to Judicial Inspection Unit

At the request of UNMIK/DOJ, the JVC carried out an audit of the inspection office of the Judicial Inspection Unit ("JIU"). Included among the recommendations in her audit report were the establishment of a database of JIU complaints, preparation of weekly reports based on information from the data base, development of time standards for resolving complaints, extensive training of JIU inspectors on every step of the investigative process, monthly performance reviews of each staff member, and weekly staff meetings.

Towards the end of the reporting period, the JIU began to implement some of the recommendations. It officially established time standards, began developing a database, started to hold weekly meetings, and began to require weekly reporting by staff members. The impact of the implementation of these recommendations will likely be more evident and produce more tangible results over the course of the next two reporting periods.

Pending deliverables from Component III

1. Seminar for JAS auditors on writing skills.
2. Ethics codes and self-study materials to be distributed next quarter. (At the quarter's close, the self-study materials were being translated.)
3. Implementation of recommendations from the first two JAS audits.

D. Component IV – Public Awareness and Education

1. Increasing Public Awareness through the Media

Completed deliverables from Component IV

1. Report analyzing reporting done by journalists who participated in first training sessions in second quarter 2007.
2. Second training sessions for journalists.

In an effort to improve the quality of court reporting carried out by journalists covering trials, NCSC developed a three-session training for television, radio, and print journalists that took place on 2, 9, and 16 December.[18] Building upon earlier project training from the second quarter of this year, this training focused on differentiating between fact and opinion in reporting on oral trials, an ability that separates misleading from accurate reporting.

Mr. Besim Kelmendi, a highly respected public prosecutor, and Mr. Ramë Gashi, the President of the Chamber of Advocates, led the training. In the first session, the participants read witness statements that had been developed for a fictitious criminal case and heard closing arguments.

[18] This training was done in conjunction with USAID's Kosovo Independent Private Media Project which selected the participants.

NCSC then divided the journalists into three groups, based upon the broadcast medium to which they belonged, and each group produced a report of the trial. Mr. Kelmendi and Mr. Gashi critiqued the reports and offered suggestions on how to improve them. In the second session on 9 December, the trainers repeated this methodology but with actual cases from Kosovo. In the last session, participants presented court reports based on actual trials they had monitored during the week

Attendance fluctuated between 18 – 21 participants, although attendance from the five Serb-Kosovar journalists remained constant. Approximately 60% of the participants were women and 40% men while 42% of the participants were print journalists, 20% radio journalists, and 38% television journalists.

Feedback from the participants was overwhelmingly positive. "I am very pleased that I could learn so much in one session on the judicial sector and case reporting. It was so useful because it was practical," said Ms. Drita Miftari from Radio Kosova. Mr. Igor Milic from Gradanski Glasnik echoed this sentiment: "This training was a wonderful experience … I found the trainers to be experts on explaining what is important in order to write a good court case report."

USAID's Kosovo Independent Private Media Project will evaluate the impact of this training in the upcoming quarter.

2. Increasing Public Awareness through Direct Outreach

In this reporting period, NCSC continued to work with subcontractor Koperativa Production Company on the development of a video production on judicial independence. NCSC and the video production company interviewed five justice sector leaders. However, the final product prepared by the subcontractor did not meet expected needs. Thus, NCSC will redraft the script in the first part of the upcoming quarter.

Pending deliverables from Component IV

1. Video production on judicial independence.
2. Planning of judicial internship program underway, but implementation of program still pending.
3. Initial outreach efforts at finding core group of judges interested in public affairs issues unsuccessful; second attempt to be made through Judges Association of Kosovo in upcoming reporting period.
4. KJC web site not developed. (See the fifth pending deliverable from Component I).

III. Obstacles Encountered

Statement of obstacle (Obstacles previously identified are highlighted with an asterisk.)	Action taken or recommended	Status
Component I – Increased operations tempo is affecting the KJC and stretching the ability of KJC members to schedule required meetings and address pressing issues. It is also overloading the KJC Secretariat staff.*	The reorganization of the KJC staff, a condition precedent to dealing with this obstacle, was almost completed in this quarter. In addition, there was significant progress in developing a strategic plan, another critical step in addressing the strain on the KJC and its Secretariat. With a strategic plan detailing priority issues and those issues that can be deferred, more efficiency on the parts of the KJC and its Secretariat is possible.	Resolution in progress.
Component I – Potential budget cuts, coupled with the insistence of the MFE to lower the "multiplier" of local KJC staff (and thus their salaries), will aggravate staff capacity. Lowering salary could effect the output of existing staff, may lead to current staff leaving for other employment, and make it difficult to hire staff with the requisite skills.*	The salaries of KJC staff were reduced during the quarter as part of the budget cutting exercise by the KJC Secretariat Director. Most notably, the salaries of the KJC legal officers were reduced by approximately 15% (from a level nine to a level seven "multiplier"). Apart from ongoing lobbying with the KJC Secretariat Director, NCSC began mentoring and training an additional legal officer in the event that any of the other legal officers resign.	Pending.
Component I – Communication between the KJC and the courts remains spotty at best. Email connectivity would resolve communication problems, but such connectivity is not forthcoming in the immediate future. Connectivity, and thus communication, is all the more important as the KJC will likely approve its strategic plan in the upcoming quarter. This means that information flow between the KJC and the courts will likely increase significantly.	NCSC realizes that this is a sensitive issue as connectivity is solely within the realm of another donor organization. NCSC recommends that USAID continue to liaise with this other donor organization with the hope of addressing this issue.	Pending.
Component I – The primary operational counterpart of NCSC's SITA in the MOJ, the Acting Head of the IT Department, resigned from her position at the end of the reporting period.	NCSC repeatedly advised the Permanent Secretary of the MOJ to initiate the recruitment process for the position of Head of the IT Department. At the end of the quarter, the Permanent Secretary promised that he would expedite recruitment and fill this position in the first month of the next quarter.	Resolution in progress.

Statement of obstacle (Obstacles previously identified are highlighted with an asterisk.)	Action taken or recommended	Status
Component I – NCSC prepared a document for the PMO outlining nineteen recommendations for modifications to the Law on Notaries. The PMO legal officer partially incorporated only one recommendation into the final PMO draft of the law.*	Comments in the draft Law on Notaries were provided to the Judicial, Legislative, and Constitutional Framework Matters Committee. UNMIK/DOJ was engaged on this issue in this reporting period and will provide follow-up once the Law on Notaries, as adopted by the Assembly, is passed to UNMIK's Office of The Legal Advisor.	Resolution in progress.
Component II – Maintenance, updating, and use of electronic registers by pilot courts proved to be a challenge.	NCSC will continue to stress to PJs, unit coordinators, and execution staff the importance of the electronic registers in backlog reduction efforts.	Resolution in progress.
Component II – Lack of team dynamic within execution staff, particularly the lack of cooperation between the field execution and register clerks, hindered progress in the Municipal Court of Prizren.	NCSC will continue to mentor the execution coordinator in an effort to improve teamwork.	Resolution in progress.
Component II – The Municipal Court of Pristina continued to be a challenge in this reporting period. The lack of team structure, resistance from members of the execution staff, and identification of increasing areas affected by mismanagement, whether intentional or by negligence, limited progress.*	Although minimal, there was progress in this reporting period with the Municipal Court of Pristina due to continued NCSC engagement and growing political will of the PJ of the court. NCSC will continue to work closely with PJ and focus on achieving small success stories.	Resolution in progress.
Component II – Although audio recording pilot courts have been reporting to NCSC on their activities since May 2006 on a monthly basis, the OJA has not participated in this accountability exercise.*	NCSC raised the issue of sustainability of the audio recording project with the KJC's Court Administration Committee in this reporting period. However, given the personnel changes then underway in the KJC Secretariat, the Court Administration Committee opted to defer addressing this until later.	Pending.
Component II – There is only one OJA counterpart at the technical level actively involved in the audio recording project.*	NCSC discussed augmentation of OJA assets dedicated to the audio recording project with OJA Director. Given reorganization of KJC Secretariat, under which OJA will fall, the OJA Director did not want to commit to any changes. NCSC will raise this issue in the context of ongoing discussion with the Court Administration Committee.	Resolution in progress.

Statement of obstacle (Obstacles previously identified are highlighted with an asterisk.)	Action taken or recommended	Status
Component III – Given the scarcity of resources in the KJC Secretariat, there is little movement with regard to implementing JAS recommendations.*	NCSC presented procedures for implementing audit recommendations to the Court Administration Committee in this reporting period; and agreed with the ASA's recommendation to provide training to key KJC Secretariat members in the upcoming quarter. These procedures will likely be approved in the upcoming reporting period.	Resolution in progress.
Component III – The new KJC Secretariat Director, who was present at the presentation made by NCSC to the Court Administration Committee regarding the implementation of JAS recommendations, does not seem enthusiastic about the potential value of JAS.	NCSC will provide audit training to both the KJC Secretariat Director and selected members of the KJC staff in the next reporting period.	Resolution in progress.
Component III – The JAS Coordinator did not, at times, provide adequate support to subordinates or take the necessary steps to properly develop relationships with subordinates.	NCSC's ASA addressed these issues with the JAS Coordinator on an as-needed basis during the reporting period and in his end-of-the-year assessment of the JAS Coordinator.	Resolution in progress.