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# KOSOVO JUSTICE SUPPORT PROGRAM

## ANNUAL REPORT, JUNE 2008 – JUNE 2009

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KOSOVO JUSTICE SUPPORT PROGRAM  
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NCSC Contact: William G. Kaschak, PhD. (Vice President, NCSC International)  
Michael Sheppard, (Chief of Party)

Contact Information: National Center for State Courts  
2425 Wilson Blvd. Ste. 350  
Arlington, VA 22201  
Tel: (703) 841-5630; Fax: (703) 841-0206  
[www.ncsc.org](http://www.ncsc.org)

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### DISCLAIMER

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# CONTENTS

- INTRODUCTION ..... 2
- EXECUTIVE SUMMARY ..... 3
  
- ANNUAL REPORT
  
- 1.0 IMPROVE THE CAPACITY OF THE KOSOVO JUDICIAL COUNCIL (KJC) TO OPERATE, EFFECTIVELY AND EFFICIENTLY, AN INDEPENDENT JUDICIARY..... 5
  - 1.1 Build the KJC’s capacity to draft key laws and regulations establishing the mechanics needed to enforce the rule of law
  - 1.2 Support the KJC in completing the vetting of sitting judges and prosecutors, and the restructuring of the court system
  - 1.3 Increase public awareness, informed demand or accountability and support for the judiciary
  
- 2.0 IMPROVE COURT ADMINISTRATION..... 16
  - 2.1 Model Courts Program (MCP)
  - 2.2 Civil Execution
  - 2.3 Notaries
  - 2.4 Mediation
  
- 3.0 IMPROVE PROFESSIONALISM AND ETHICS OF JUDGES AND COURT STAFF..... 32
  - 3.1 Improve the capacity of the Kosovo Judicial Institute to identify and deliver essential training
  - 3.2 Develop a Judicial Inspection and Audit Function
  - 3.3 Institute a judicial code of ethics and well-functioning disciplinary system
  - 3.4 Develop a sustainable system for distribution of laws/access to laws by the courts
  
- 4.0 SUPPORT THE TRANSFORMATION OF THE COURT SYSTEM TO MORE EFFECTIVE REPRESENTAND SERVE NON-ALBANIAN POPULATIONS ..... 35
  - 4.1 Supporting the KJC to develop and implement strategies to increase the representation of non-Albanian staff in the judiciary and support staff and enhancing court operation in minority areas.
  - 4.2 Assisting non-Albanian populations to gain access to courts and adequate and effective legal services
  
- 5.0 DEVELOP MINISTRY OF JUSTICE (MOJ) LEGAL DRAFTING AND POLICY FORMULATION AND GUIDANCE SKILLS..... 39
  - 5.1 In conjunction with a local institution, develop and support a long-term legal drafting training program; provide tuition support for up to two MOJ legal drafting unit members
  - 5.2 Compile and produce a manual on legal and policy drafting in English and other languages and provide assistance on the preparation of commentaries to laws
  - 5.3 Provide technical assistant to MOJ legal drafting unit and convene legal drafting committees and roundtables
  
- 6.0 ESTABLISH AND SUPPORT THE ORGANIZATION AND CRITICAL TOOLS NECESSARY TO BUILD AN EFFECTIVE PUBLIC PROSECUTORS SERVICE..... 42
  - 6.1 Develop policy and legislation necessary to establish a statutory organization to oversee the work of public prosecutors; support implementation of legislation and development of necessary organizational capacity
  - 6.2 Assist in establishing necessary systems to support an effective and professional prosecution function
  
- CONCLUSION ..... 45
  
- APPENDIX A, LIST OF ATTACHMENTS

# INTRODUCTION

As required under its contract with the United States Agency for International Development (USAID), the National Center for State Courts (NCSC) submits its second annual report for the Kosovo Justice Support Program (KJSP). The report summarizes the results of program activities, identifies challenges, and outlines next steps for the third year of the anticipated three-year program.

KJSP seeks to strengthen the justice system in Kosovo under USAID Strategic Objective (SO) 2.2, *More Open and Responsive Government Acting According to the Rule of Law*. Relevant Intermediate Results (IR) and sub-IR are as follows:

IR 2.2.2 Sub IR 2.2.2.1	Legal Framework Ensures Checks and Balances Increased Independence of the Judiciary
IR 2.2.3 Sub IR 2.2.3.1 Sub IR 2.2.3.2 Sub IR 2.2.3.3	Fair and Transparent Administration of Justice Increased Capacity of Legal Professionals More Effective and Efficient Court Administration Increased Access to Justice

KJSP provides technical assistance and training to the Kosovo justice system through six component tasks:

- (1) Improve the Capacity of the Kosovo Judicial Council to Operate Effectively and Efficiently an Independent Judiciary
- (2) Improve Court Administration
- (3) Improve Professionalism and Ethics of Judges and Court Staff
- (4) Support the transformation of the court system to more effectively represent and serve non-Albanian populations
- (5) Develop Ministry of Justice (MOJ) legal drafting and policy formulation and guidance skills
- (6) Establish and support the organization and critical tools necessary to build an effective Public Prosecutors Service

USAID awarded the KJSP to NCSC beginning June 18, 2007 and ending June 17, 2010 (Rule of Law IQC DFD-I-00-04-00176-00, Task Order No. 3). To support the implementation of the program, NCSC utilized three U.S. sub-contractors including Search for Common Ground, Tulane University and the National Conference of State Legislatures (NCSL). Search for Common Ground was enlisted to carry out public outreach initiatives under Task 1; Tulane University and National Conference of State Legislatures provided specialized legislative drafting training under Task 5. In addition to U.S.-based sub-contractors, NCSC enlisted the support of its pro-bono partner, DLA Piper US, LLC, to provide support for the drafting of major laws affecting the justice system in Kosovo. Local implementing partners, including Prism Research Group & European-Center Kosovo, provided public opinion survey administration and legislative drafting training, respectively.

# EXECUTIVE SUMMARY

NCSC is pleased to report progress toward achievement of the ambitious goals and objectives of the Kosovo Justice Support Program (KJSP) in year 2. Building on achievements in year 1, KJSP continues to carry out technical assistance and training supporting multiple inter-related program objectives. Close coordination and cooperation with other donors and partners has aided in the delivery of assistance to numerous justice sector institutions, and produced successful operational linkages between those institutions, including the Kosovo Judicial Council, the Kosovo Judicial Institute, and the Ministry of Justice, among others.

In year 2 as in year 1, the program faced significant challenges—most of which were the result of political uncertainty surrounding major institutional shifts in the justice system, including the reconfiguration of the United Nations Mission (UNMIK), the start of the EU Rule of Law Mission (EULEX), the launch of the Independent Judicial & Prosecutorial Commission and the subsequent cessation of Kosovo Judicial Council activities. Additionally, several key laws affecting the justice system, including the *Law on Courts* and *Law on Prosecution*, remained pending throughout year 2 despite continuous efforts to secure progress in the passage of the laws.

Notwithstanding the on-going uncertainty within the justice system, KJSP has set forth a number of reform initiatives which have responded to the circumstances at hand, and have allowed the project to achieve notable progress in spite of uncertainties. In order to maximize impact and sustainability of efforts underway, KJSP has maintained the following approaches to assistance:

- *Incorporating new legal and political developments*—A number of draft laws affecting KJSP reform efforts are stalled in development or remain pending approval. The content of the pending laws, including the *Law on Courts*, *Law on Judicial Council*, *Law on Prosecution* and *Law on Prosecutors Council* will invariably impact program activities. KJSP remains engaged to ensure that assistance is consistent with the emerging legal framework.
- *Developing capacity in the face of change*— The reappointment process will invariably result in substantial turnover among the ranks of judges and prosecutors. Though the judicial vetting and appointment process present near-term implementation challenges, KJSP focuses on addressing the near-term needs of administrative and clerical personnel who will continue in the system. To meet long-term needs of the judiciary, KJSP is supporting the professional training of candidates for judicial and prosecutorial positions through the Kosovo Judicial Institute (KJI).
- *Enabling local leadership*—KJSP maintains working relationships with local champions of reform to ensure buy-in on critical issues which are essential for sustainability of reform. Likewise, KJSP draws on its qualified local staff to develop and deliver much of the legal analysis, policy recommendations, technical assistance and training provided under the project in order to further strengthen and enable local leadership.
- *Identifying cross-cutting themes*—While project tasks are discrete, KJSP's approach fosters development of common visions, systems, and procedures to enhance reforms within the justice sector as a whole. The project incorporates cross-cutting themes and activities wherever possible.

Program highlights in year 2 included the following:

*Management of the Judiciary*

- New court structure proposed and endorsed by most stakeholders.
- KJC and courts collaborate in the submission of judicial budget request for the first time.
- Court Design Standards developed for the KJC.
- *CourTools* endorsed for performance measurement in Kosovo courts.

*Model Court Improvements*

- Comprehensive Court Management Training delivered in the Model Courts.
- First professional training program organized by execution clerks for execution clerks.
- Court renovation underway in Ferizaj Municipal Court and in development in Peja & Prizren.

*Judicial Education & Training*

- Magistrate's School launched with support of KJSP.
- Continuing Legal Education Program maintained with the support of KJSP.

*Minority Representation & Services*

- Minority candidates participated in judicial and prosecutorial reappointment process.
- Committees for Women & Minorities established in key professional associations.
- Coordination between Legal Aid, Chamber of Advocates, and Court Liaison Offices increased.

*Legislative Drafting*

- Comprehensive legislative training program completed.

*Prosecution Reform*

- Prosecution CMIS pilot projects replicated in two additional sites.

*Public Awareness*

- Public Information materials, including court mission statements, developed and released.
- Full-length TV series developed and broadcast.

Taking into account the above program highlights, approaches and challenges, the following report is organized to track the project's tasks and includes each specific sub-task identified in the KJSP annual workplan. The report details KJSP contributions to the justice system in Kosovo in year 1, and includes information on results and impact, successes and challenges. A list of key documents produced under the project, and referenced in the report, is included as Appendix A.

# ANNUAL REPORT

## TASK 1 – Improve the Capacity of the Kosovo Judicial Council to Operate Effectively and Efficiently an Independent Judiciary

Task one targets improved capacity of the Kosovo Judicial Council to operate effectively and efficiently an independent judiciary.

Implementation of year 2 activities to improve the capacity of the Kosovo Judicial Council (KJC) and its Secretariat (KJCS) to operate effectively the courts was hampered by political developments. KJC was virtually nonfunctioning for most of year 2, first due to difficulties securing needed quorums to conduct business and then due to disbanding of the KJC following the launch of the reappointment process in early 2009. These challenges are outlined in more detail under relevant subtasks. An additional factor complicating the operating environment is the official launch of the EU Rule of Law Mission (EULEX) in December 2008 and the progressive withdrawal of the UN Mission (UNMIK) through June 2009 which have created confusion as to executive authority.

1. Build the KJC's capacity to draft key laws and regulations establishing the mechanics needed to enforce the rule of law

### 1.1. KJC Capacity: Activities

Several initiatives were carried out during year 2 to seek improvements in the mechanics needed to enforce the rule of law.

KJC Secretariat Staff Capacity—KJSP continued to support the participation of the KJC Secretariat Legal Office staff in trainings to improve their capacity to draft key laws and regulations supporting the operation of an independent judiciary. KJCS legal officers continued to attend the comprehensive training program on legislative drafting skills. The training program, which started in January 2008, ended in December 2008. Further details are provided under Task 5. KJCS legal officers attended the Training on Legal Reasoning in February-March 2009. Further detail is provided under Task 3 herein.

During the second quarter, KJSP reinitiated direct support to the KJCS legal office by embedding a staff legal advisor on a part-time basis. The regular interaction showed quick results, with the establishment of regular team meetings within the legal office. It also led to the adoption of a concept paper, endorsed by the KJCS Director in March 2009, which lays out activities to be conducted in collaboration with Legal Office over the course of year (see attachment KJC 1). KJCS Director requested similar concept papers to be drafted for each of the major divisions in the Secretariat. The legal office concept paper is now the work plan under which all KJSP assistance is being provided. At the end of year 2, two frameworks for review of applicable and draft laws are being implemented. First, KJSP and the legal office have developed a framework for tracking laws impacting judicial implementation and to design adequate responses. The review is being implemented for all laws adopted since 2002. At the time of this report, a dozen laws have been reviewed. Second, KJSP and the legal

### Task One Deliverables in year 2:

14. Legislative drafting training completed.
15. Court leadership training delivered.
16. Review of judicial impact of legislation initiated.
17. New court structure proposed and endorsed by most stakeholders.
18. Caseload statistics adjustment conducted following first KJSP/KJCS Statistical Division recount.
19. Participatory budget planning process launched with courts submitting input for the first time.
20. Court Facility Building Standards developed.
21. CourTools endorsed for performance measurement in Kosovo courts.
22. First public opinion survey conducted.
23. Information materials, including mission statements, developed and released in Model Courts.
24. Original TV series, *Inside Justice*, developed and broadcast—the first courtroom drama developed for a uniquely Kosovar audience.

### Laws Commented under the KJSP/KJCS Legal Office Framework

1. Draft Law on Civil Service (see attachment KJC 2 for comments)
2. Draft Law on Salaries of High Public Officials (see attachment KJC 3 for comments)

office have developed a process to review and comment draft laws relevant to the judiciary. With KJSP support the legal office is taking a more proactive approach to tracking and commenting critical legislation affecting the judiciary. Currently, laws are adopted within a judicial impact statement.

**KJC Committee Support**— KJSP provided ad hoc support to KJC Committees during the first two quarters of year 2. Support was very limited due to the decline in KJC activity following the initiation of the reappointment process, the departure of several international members, and the non-participation of several Kosovar members, which repeatedly made it impossible to hold meetings due to lack of quorum. Support to the Disciplinary Committee had significantly decreased until its Chair—also the Vice-Chair of KJC—was replaced<sup>1</sup>, but quickly came to a complete halt due to transfer of many disciplinary functions to the Independent Judicial and Prosecutorial Commission (IIPC) as envisioned under applicable law. Support to the Court Administration Committee focused primarily in laying the groundwork for the year 3 rollout of reforms tested in the Model Courts. A memorandum of progress achieved in the first year of Model Court activity was submitted in December 2008. (See attachment KJC 4). Unfortunately, the memorandum was not discussed at the CAC due to the end of the KJC mandate in January 2009 under the Law on Temporary Composition of the KJC, as outlined below.

Under UNMIK Administrative Directive 2008/02, the announcement of the reappointment process and appointment of the IIPC displaced the Kosovar members of the KJC. In an effort to “fill the void” the Kosovo Assembly adopted the Law on the Temporary Composition of the Judicial Council which entered into force in late January 2009. This permutation on KJC membership, the third such permutation during 2008-2009, required appointment of three members by the Assembly.<sup>2</sup> However, no such members were appointed during the first half of 2009 resulting in no viable KJC to oversee the judiciary for at least nine of the twelve months in the reporting period. No committee of the KJC could be formed and prior committees refused to meet given their questionable mandate. One attempt to reconvene the KJC under its original composition was opposed by several international actors on the grounds that the Law of the Temporary Composition of the Judicial Council had been adopted thereby depriving prior Council members of any authority to meet and make decisions.<sup>3</sup> Support to KJC Committees is suspended pending establishment of a temporary KJC. The KJC, and its Committees, effectively ceased operating pending the appointment of a new KJC under that law. Consequently, there were no KJC meetings and no KJC Committee meetings during the last two quarters of year 2.

**Policy Formulation for Governance of the Judiciary**— KJSP undertook three tasks this year: (1) assistance in the development of the Law on Courts (LOC) and Law on the KJC<sup>4</sup>, and (2) assistance in the development of circulars and instructions, and (3) organization of a leadership seminar for Court Presidents and Administrators of regular courts. The decline of the KJC has had a noticeable impact on judicial operations in such critical areas as approving uniform operating procedures, monitoring and supporting the Model Courts Program, instituting disciplinary proceedings against judges and prosecutors, and filling judicial vacancies. The lack of KJC has also meant that the responsibility for setting judicial policy

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<sup>1</sup> The Vice-Chair of the KJC, a Kosovo Serb judge, withdrew from all judicial activities after the Declaration of Independence in February 2008.

<sup>2</sup> The structure of the KJC under the temporary law is fundamentally different than that envisioned under UNMIK Admin. Directive 2008/02, which is incorporated into the Constitution of the Republic of Kosovo.

<sup>3</sup> The President of Kosovo attempted to reactivate the old KJC on a temporary basis in March 2009. The planned KJC meeting was however cancelled following intervention of EULEX which notified Kosovar authorities that the old KJC had ceased to exist and could not be reactivate by virtue of the Law on the Temporary Composition of the KJC and the beginning of the reappointment process. Furthermore, while the Law defines the scope of the initial membership, it is unclear how the Council will structure itself in the beginning phases given its five (5) member composition. The non-functioning of the KJC has had a significant impact on the project and the development of the judiciary. For example, fourteen (14) judicial disciplinary cases are pending before the KJC but confirmation of the disciplinary action cannot be taken. Several other significant policy and operational matters remain pending and cannot be resolved.

<sup>4</sup> Development of key laws is discussed further under Task 5.

has largely devolved to the KJCS without any direct oversight or support from the KJC, the constitutionally-designated body charged with administering the judiciary.<sup>5</sup>

Under Tasks 1 and 5, KJSP provided significant support to justice sector stakeholders in the drafting of key laws related to the structure and operations of the judiciary and of the Kosovo Judicial Council. At the time of this report the status of these laws continues to be unclear due to disagreements amongst local and international stakeholders. During the first quarter, KJSP also provided a thorough analysis and assisted in drafting proposed amendments to the Law on Public Finance Management and Accountability. Certain provisions in the law have a direct impact on the judiciary as they require a sharing with the Ministry of Justice of all pending cases filed for damage compensation or property ownership against a public entity and were constitutionally questionable. KJSP collaborated closely with the USAID Economic Management for Stability and Growth Project to propose amendments to the law. During the second quarter, KJSP provided comments and suggestions on the Law on the Temporary Composition of the KJC, particularly with regards to various provisions that could interfere with its practical implementation.

KJSP continued to work on selected rules and circulars to regulate key areas of court administration and judicial governance. The KJC adopted the Circular on Court Fees in November 2008 (see attachment KJC 5). The Circular, one of the last acts of the KJC prior to disbanding, marks a milestone ending nine years of operation under locally-set court fee schedules. The uniformity and standardization of court fees helps eliminate opportunities for corruption created by random fee determination without oversight and create more equal access for all litigants. During the third quarter, the KJCS Director adopted the Internal Circular on Court Security Cameras (see attachment KJC 6). The Circular improves security management and ensures that the newly-acquired security cameras are used and maintained properly. Work on the draft Circular on Expenses of Court Proceedings continues to be pending in absence of a functional KJC.

KJSP conducted two three-day leadership training programs for presiding judges and court administrators of regular courts. The program focused on improving the working relationship between presiding judges and court administrators, articulating a strategic vision for the court, and coordinating and improving the administrative functioning of the court. The agenda of the program is included as attachment KJC 7. The distinct difference in the administrative thinking of those courts participating in the Model Courts Program and that of other courts is of particular note; it reflects the fundamental change in thinking in Model Court leaders relative to court administration and reform.

Coordination—Taking into account that EULEX has deployed two advisors to the KJCS, KJSP has strived to develop constructive collaboration mechanisms with these advisors. This has resulted in the development of several joint activities in the course of the last quarter. The activities relate primarily to policy formulation for the judiciary under task 1.1 and the development of non-vetting appointment, transfer, promotion, disciplinary, and investigation procedures under task 1.2.

#### Joint KJSP/EULEX Activities

1. Review KJC internal organization regulations
2. Draft new Rules of Internal Court Activity
3. Draft new KJC Committee Internal Rules
4. Draft new procedures for evaluation and promotion of judges
5. Draft new rules and procedures for permanent and temporary appointment of judges
6. Draft new rules and procedures for transfer of judges
7. Draft new rules and procedures for investigation of misconduct of judges

### 1.2. KJC Capacity: Results, Impact and Proposed Next Steps

The main achievements of this quarter are:

- Legislative drafting training program successfully completed by KJCS legal office.
- Initial steps to improve the legal reasoning capacity of KJCS legal officers taken with participation in training.

<sup>5</sup> One practical effect of the situation is that the Constitution requires the KJC to approve the judicial budget. The budget is currently approved internally by the KJCS and sent directly to the Ministry of Economy and Finance.

- Annual work plan for KJCS legal office developed, endorsed by the KJCS Director, and in process of implementation.
- Process for tracking of laws with judicial impact developed and in process of implementation.
- Successful coordination between Tasks 1 and 5 to bring together stakeholders from KJC and MOJ to draft and support key justice sector laws.
- Circular on Court Fees issued by KJC. This brings closure to nine years of non-uniform court fees across the Kosovo judicial system.
- Circular on Court Security Cameras adopted by KJCS.
- Leadership training program developed and delivered to all Court Presidents and Administrators of regular courts.

As noted, a number of critical challenges have impacted the implementation of activities under Task 1.1. The KJCS legal office continues to have difficulties in providing quality and professional services. The lack of progress on the legislative framework for the judiciary, especially the continued delays in adopting a Law on Courts and the Law on the Judicial Council,<sup>6</sup> has had an impact on the timeliness of certain regulatory activities within KJC as well as the willingness of stakeholders to address key issues. Staff turnover in the legal office has impacted the ability to implement some aspects of the work plan. Finally, the start of the reappointment process has injected a dynamic of instability into the judiciary as judges and court staff are reluctant to undertake significant changes in the system while the reappointment process continues.<sup>7</sup>

Next steps will focus on reinforcing the capacities built during year 2. KJSP will continue to work with the legal office to standardize policies and procedures so that when a KJC is finally constituted such procedures can be approved and implemented. Activities under this task may be significantly affected by the reappointment process.

## 2. Support the KJC in completing the vetting of sitting judges and prosecutors, and the restructuring of the court system

In light of the on-going reappointment process and of the continued delays in adopting a new Law on Courts, KJSP redirected much of its work during year 2 towards improving the functioning of the KJCS to the extent that the results of such work was not dependent on final approval from the KJC.

### 2.1. Vetting and Restructuring: Activities

Vetting—The one-time vetting process was initiated during the second quarter. KJSP immediately provided support to the IJPC by seconding an experienced investigator to head the Judicial Vetting Unit. During the third quarter, IJPC solicited expressions of interest from jurists interested in applying for judge or prosecutor positions. The application deadline is April 6, 2009. KJSP has been supporting the process since November 2008 by seconding a subject-matter expert in background investigations to head the Professional Assessment and Judicial Vetting Units of the IJPC. A series of meetings were held this quarter to secure cooperation of key international and Kosovar institutions in the background check process. Access to the EULEX police database and assistance of the Kosovo Police Service were secured. The Judicial Vetting Specialist also developed Standard Operating Procedures for background investigations during the vetting process (see attachment V&R 1).

<sup>6</sup> Note that the Law on the Judicial Council is distinguishable from the Law on the Temporary Composition of the Judicial Council. The later is intended as a temporary measure to address the void in leadership during the reappointment process while the former defines the permanent construction and operations of the KJC after the reappointment process is completed.

<sup>7</sup> The reappointment process began in December 2008. KJSP does not anticipate the appointment of judges during Phase I (Supreme Court) until late in the summer of 2009. Phase I will be followed by Phase II appointments (District Court), which will be followed by Phase III appointments (Municipal Court and Minor Offense Court judges). It should be noted that a large number of current sitting judges have either (i) opted not to reapply to the judiciary, (ii) would exceed the mandatory retirement age, or (iii) have not met initial screening criteria for reappointment. This has meant that a significant segment of the judiciary is not fully invested in the progress of the courts.

Non-Vetting Appointments, Transfer, Promotion, Discipline and Background Investigation Procedures—As noted, the IJC process has begun. The KJC has effectively ceased operating pending the appointment of a new KJC pursuant to the Law on the Temporary Composition of the Judicial Council. Given the uncertainty as to the length of the reappointment process and the lack of a KJC, it is unclear who is responsible for such non-vetting related activities. KJSP is ready to reinitiate work with the KJC, once appointed, to begin the process of establishing future procedures. The parameters for collaboration with EULEX advisors to the KJC are already established as mentioned under task 1.1.

Court Restructuring—KJSP provided support to the MOJ and other key stakeholders in the drafting of the Law on Courts (LOC) and the Law on the Kosovo Judicial Council (LOKJC), the basis for any future restructuring of the courts. During the first quarter, KJSP developed several proposals for restructuring the court system to introduce a more streamlined judiciary. The proposals were discussed and endorsed at a roundtable with stakeholders from courts across Kosovo. The proposals simplify court jurisdiction, eliminate redundancies, and provide greater access to and transparency in court services. The current court structure, a holdover from former Yugoslavia as modified by UNMIK, is confusing, complicated, contributes to jurisdictional conflicts, inefficient in the distribution of jurisdiction and resources, and not cost effective. The draft laws prepared with KJSP assistance in coordination with Task 5 were endorsed by most local and international counterparts. Progress stalled during the third quarter due to a lack of international stakeholder consensus on how to deal with judicial services in North Kosovo. The MOJ nonetheless proceeded to submit its versions<sup>8</sup> of the draft laws to the government. At the time of this report the status of the LOC and LOKJC is unclear and thus future course of restructuring activities is unclear. More detail is provided under Task 5.

Judicial Resource Distribution and Geographic Structure—KJSP continued to support the KJCS Statistics Division to improve the quality of statistical data and their use for management purposes and resource allocation. Over the course of year 2, KJSP identified growing discrepancies in the 2008 statistical reports and continued joint activities with the KJCS Statistics Division to reconcile data. Statistical data discrepancies are growing. While human errors and negligence can account for most discrepancies, intentional misrepresentation of caseload data cannot be ruled out. During the first quarter, KJSP conducted full pending caseload recounts in the Model Courts, as outlined under Task 2.

At the beginning of the second quarter, KJSP submitted to the KJCS Statistics Division a memo on recommended actions to improve the accuracy of statistical data (see attachment V&R 2). The Statistics Division immediately acted upon the recommendations, implementing the following actions in collaboration with KJSP:

1. Development of Guidelines on Accurate Statistical Reporting and Register Maintenance. The Guidelines were rolled out to all regular courts administrators in December 2008.
2. Series of court visits to audit court registers and verify accuracy of caseload statistics. The first set of visits was in December 2008. The Acting Head of the KJCS Statistics Division is considering a second set of visits this summer.
3. Proposal for the creation of a Work Group on Registers. The proposal was endorsed at the Model Courts Consortium meeting on December 16, 2008. The implementation of the Work Group has been delayed due to staffing problems at the Statistics Division and Legal Office.

Activities have been more limited since January 2009 due to the temporary leave of absence of the Division Director who is currently assisting in the establishment of the Constitutional Court registry.

Administrative Infrastructures—KJSP continued to provide assistance to the KJCS to improve administrative services. Under the Court Administrator Volunteer Program—see Task 2 for details—KJSP brought two US Court Administrators to work with the KJCS on improving the personnel system and the internal judicial budget process. Court volunteers Theresa Scott and JD Gingrich were on site during the second quarter and provided assistance and recommendations regarding the personnel and budget

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<sup>8</sup> These versions do not reflect or address all the concerns of the international community.

management systems respectively. Their reports are available as attachments V&R 3 and V&R 4. By the end of year 2, KJSP and the KJCS Director had agreed to replicate the joint work plan methodology used with the legal office to other KJCS Departments. Specific achievements with each department are outlined below.

Personnel Department: During the first quarter, KJSP initiated the development of standard job descriptions and the creation of a job classification system. Interviews of court staff were conducted in Ferizaj and Gjilan Municipal Courts for purposes to identify functions to be recorded in the job descriptions. These interviews confirmed the lack of clear job responsibilities and lines of accountability. Court volunteer recommendations made during the second quarter reinforced the need to formulate job specifications as the basis for job descriptions, to differentiate employee compensation based on experience and education, and to align the evaluation system with job specifications. The recommendations were unfortunately met with resistance, with KJCS staff, which hid behind existing civil service regulations to reject any change.<sup>9</sup> KJSP believes that the personnel regulations are written broadly enough to accommodate many of the proposed changes, which relate more to internal personnel management. The growing resistance of the KJCS Personnel Department led to the suspension of activities in that area.

Budget Department: During the second quarter, court volunteer recommendations were made to improve the internal budgeting system by opening the system to greater court input and implementing procedures in line with Kosovo's general budgeting process to ensure that local court funding needs are presented to the Ministry of Economy and Finance. Forms were developed to facilitate the collection of court input. (Forms are included to the report as attachment V&R 5). The recommendations were initially met with strong resistance from the KJCS Finance Department. Following numerous meetings with the KJCS Director and Head of the Finance Department, resistance eventually subsided. The initial idea was to implement the procedures for court input in the budget planning phase in the Model Courts, but KJCS finally decided to implement them system-wide, to all regular and minor offenses courts. KJCS organized with KJSP assistance a series of four regional one-day trainings in May 2009. The trainings were very well attended by Court Presidents, Administrators and Cashiers. Budget forms for personnel and expenditure forecast were presented and all courts then submitted their input within a week to ten days of the training. This marks the first concrete involvement of local courts in the budget planning process. (The agenda is included as attachment V&R 6)

IT Department: KJSP continued to assist the KJCS in implementing the World Bank grant to input case-related information into CMIS. KJSP support primarily centered on developing terms of reference for implementation of a performance management system using CMIS as the backbone for making strategic budget and personnel related decisions.

Logistics Department: KJSP provided assistance to the Logistics Department in a number of areas. In the context of renovations initiated under the Model Courts Program, KJSP developed *Court Facility Design Standards*—an extensive and detailed document outlining design and functional standards for new court facilities. (See attachment V&R 7). The Standards will assist KJCS in future court design by replacing the current practice of selecting the lowest bid regardless of whether the design meets the functional needs of a court with a new practice of mandating bids based on court-specific requirements. These standards are expected to be used in the construction of the planned new court complexes in Gjilan and Pristina. KJSP is increasingly involving employees of the Logistics Department in the renovation projects detailed under Task 2 to ensure coordination of Model Courts renovation with KJCS renovations and to build

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<sup>9</sup> The changes proposed by KJSP would not have been materially impacted by the existing civil law. The changes related primarily to internal procedures and sought to clarify job classifications, create more strata in the compensation system (as other government agencies had done), and streamline disciplinary procedures. As noted, the KJCS effectively rejected the proposed changes as not compliant with civil service laws, a position in which KJSP does not agree.

sustainability. For example, KJCS will renovate the roof in Peja courthouse and the building facade, enabling the reallocate of funds to other projects.<sup>10</sup>

During the fourth quarter, work was initiated on supplies and expenditures as part of the budget planning process. The KJCS Logistics Department was instrumental in providing critical data on the overall expenditures of courts by category. This data assisted in the implementation of internal budget planning procedures and provided each court, for the first time, information on their expenditure data. This enabled the courts to realistically forecast their needs. KJSP plans to continue work with the Logistics Department to improve operational efficiency by applying the new budget preparation model to the supply distribution process, thereby involving courts in planning and management.

Strategic Plan Implementation—During year 2, KJSP continued to assist KJCS in implementing the 2007-2012 Strategic Plan for the Judiciary by focusing on the development of court performance measures. Supporting the work group of judges, lawyers and KJCS representatives established during year 1, KJSP facilitated the development and finalization of *CourTools for Kosovo*. (See attachment V&R 8). The product is the first application of the NCSC CourTools © performance measures methodology in an international setting. The KJC Court Administration Committee recommended the testing of CourTools in Model Courts, a process now underway as mentioned under Task 2.

*CourTools for Kosovo* is a series of seven performance measures that the courts in Kosovo will be able to use to assess whether they are making progress in performance-related goals in the following areas:

#### Accessibility, Equal Treatment of All Under Law, Fairness, and Impartiality in Decision-making

Measure 1. *Court Users Satisfaction Survey* (short name “KQ10”) - The percent of users of the Kosovo Courts who believe that the courts have served them well in accordance with their fundamental obligations to provide accessible, fair, equal, and impartial justice.

#### Efficiency, Effectiveness and Responsible and Accountable Use of Public Resources

Measure 2. *On-Time Case Processing* – The percentage of cases disposed or otherwise resolved within established timeframes by case type or category.

Measure 3. *Cost-Effective Case Processing* – The average cost of a single case, categorized by level of court and case type.

Measure 4. *Case Clearance Rate* - The number of outgoing cases as a percentage of the number of incoming cases, disaggregated by case type.

Measure 5. *Age of Pending Caseload (Case Backlog)* – The age of active pending cases by case type or category expressed in terms of the number of elapsed calendar days between the date of filing or start of processing of the case and the current date. (Also expressed as an index of the percentage of pending cases that are in backlog, cases that exceed the on-time case processing guidelines.)

#### Professionalism, Honesty and Integrity

Measure 6. *Judicial Officer and Court Staff Engagement* – The percent of court employees, including judicial officers and staff, categorized by organizational unit, who indicate that they are committed to the mission and positively engaged in the work of the court.

Measure 7. *Professionalism of Judges*. Percent of Kosovo judges and lay judges with no criminal indictments or serious and credible allegations of misconduct referred to the Judicial Disciplinary Committee of the Kosovo Judicial Council (KJC) by the Judicial Investigation Unit (JIU) or its successor institutions.

<sup>10</sup> KJSP has also discussed with the KJCS deferring the repainting of the Gjakova court facility to enable KJSP to use model court funds to improve the functional aspects of the facility.

If fully implemented by the Kosovo courts, the CourTools will provide court leaders with access to performance data and information that can be used to chart future strategic initiatives or address pending challenges. Additionally, the CourTools will provide court leaders with information to address public concerns about performance and professionalism of the judiciary. As noted, the KJSP will pilot the CourTools in through the Model Courts Program and make any necessary adjustments in the measures in order to enable the Kosovo judiciary to address pending and future challenges.

Coordination— In order to support implementation of non-vetting related activities, KJSP has initiated regular meetings with EULEX advisors to the KJC Secretariat. These meetings have proven very effective in coordinating support and advocating for reforms.

## 2.2. Vetting and Restructuring: Results, Impact and Proposed Next Steps

The main achievements of this quarter are:

- Judicial Vetting Process Standard Operating Procedures regulating background investigation process for purposes of reappointment drafted.
- Consensus among key local stakeholders and several international partners on the future court structure achieved.
- Guidelines on accurate statistical reporting and register maintenance issued by KJCS Statistics Division and circulated to all courts.
- First audit of court caseload data conducted by the KJCS Statistics Division.
- Participatory budget planning procedures rolled out to all regular and minor offenses courts, thereby assisting KJCS in improving communications with courts and in presenting a budget reflecting the true needs of courts.
- Participation of KJCS Logistics Department in all planned KJSP renovations established.
- *Court Facility Design Standards* developed.
- *CourTools for Kosovo* developed, endorsed and currently being implemented in the Model Courts.

Activities under this sub-task continue to be plagued by external challenges. The reappointment process, though initiated in December 2008, continues to inject a factor of instability in the judiciary. Restructuring of the courts remains pending given the lack of progress in adopting the Law on Courts and the Law on the Kosovo Judicial Council, which will establish the jurisdictional and administrative structure of the judiciary. Certain committees of the KJC have not been operational for over a year due to lack of attendance from members, which prohibited quorums for conducting business.<sup>11</sup> These challenges render a number of activities planned in relation to vetting and restructuring impossible to achieve. In addition, operational shortcomings within the KJCS resulted in a tendency to focus on planning rather than implementing, which caused delays in achieving results on Strategic Plan implementation.

As with year 2, year 3 activities in the area of court restructuring are largely contingent upon adoption of the Law on the Kosovo Judicial Council, the Law on Courts, the appointment of the temporary judicial council, and progress being made on the reappointment of judges.<sup>12</sup> The passage of the Law on Courts is a necessary prerequisite to the development, adoption, and implementation of a restructuring plan for the judiciary. Absent the passage of the law, virtually no re-structuring activities can be carried out because

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<sup>11</sup> No fewer than two KJC meetings had to be cancelled due to a lack of member attendance. The Appointments Committee did not meet for almost seven months, notwithstanding a significant number of judicial vacancies. The Budget Committee met only once during the year and only at the urging of KJSP. Following the meeting of the Budget Committee, its chair departed for another international assignment and no further meetings were called as the KJC failed to appoint an interim committee chairperson.

<sup>12</sup> The draft Law on Courts, Law on the Kosovo Judicial Council, Law on Prosecution, and Law on the Prosecutorial Council each contain a transition provision that provides that the laws will not go into effect until (i) twelve (12) months after the official completion of the reappointment process under UNMIK AD 2008/02, and (ii) pursuant to a plan jointly adopted by the KJC and EULEX. Therefore, actual implementation of court restructuring will be after completion of the current KJSP project timeline. Nevertheless, KJSP believes in year 3 that case weights should be revisited and adjusted so that the KJC, once convened in its permanent permutation, is able to rapidly reallocated judicial resources to meet the needs of the people of Kosovo.

there is no certainty on what the court structure will be. It is impossible at this stage to assess when the Law on Courts will be adopted and in what form. Nevertheless, KJSP will continue to utilize opportunities to build the capacity of the KJCS and Kosovo judicial community to implement and monitor progress on goals of the Strategic Plan and building procedures and processes for the eventual transfer of appointment responsibilities from the IIPC to the KJC. Next steps will focus on reinforcing the capacities built during year 2 by employing the new budget preparation model to other aspect of the KJCS operations. KJSP is also prepared to work with the new KJC to address several critical matters in such areas as personnel management, budget approval, IT strategic planning and so forth.<sup>13</sup> Additionally, KJSP will initiate an update to the weighted caseload study complete several years ago to enable the KJC to make adjustments to the system inline with the eventual adoption of the Law on Courts.<sup>14</sup>

### 3. Public Outreach

Planned activities under this subtask sought to: 1) Utilize televised media to promote public awareness and knowledge of the judiciary; 2) Monitor public knowledge and attitudes regarding the judiciary. Year 2 activities focused on the administration of a public opinion court user surveys and the production of a full-length TV series to support increased public awareness and knowledge of the judiciary.

#### 3.1. Public Outreach: Activities

TV Series—KJSP engaged in the development and production of a TV series consisting of 10 hour-long episodes, presenting everyday legal issues and the results of legal conflicts in court. The series, currently airing on the RTK public television network, features 9 hour-long episodes and a “capstone” documentary which includes behind-the-scenes footage and commentary from the series screen-writers, producers, and actors on their experiences creating the program, the first TV legal drama produced for a uniquely Kosovar audience. The series debuted on May 27, airing in primetime before the European Soccer League Championship, ensuring a large viewing audience. Following the initial run of the series, the series will be re-broadcast and shown to focus groups, in order to sustain the subject of the rule of law in public discourse. (Full-length series overview, logical framework, episode scripts and synopses are attached, INFO 1-11).

The importance of the rule of law and a well-functioning judicial system figure prominently as themes throughout the series, tied to issues of citizenship and economic development in Kosovo. The content of the episodes, particularly with regard to legal issues and court procedures, was discussed and developed in partnership with USAID and related USAID program implementers and counterparts, particularly with the Kosovo Electricity Corporation (KEK) and the USAID KEK Support Project.<sup>15</sup>

The airing of the series, and its attendant publicity campaign online and in newspapers, dovetails both with USAID strategic initiatives and KJSP public outreach initiatives carried out in conjunction with the courts under KJSP’s Model Courts Program, including news generated from the judicial reappointment process and the refurbishment of the Ferizaj Court facility.

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<sup>13</sup> It is unclear at this point what support the new KJC will request of KJSP or KJSP will be tasked with providing. The new KJC, as envisioned under the Law on the Temporary Composition of the Judicial Council, will initially be comprised of two international members appointed by the International Civilian Representative (ICO) and three local Kosovar members appointed by the Assembly, one of whom must be from the Chamber of Advocates, one of whom must represent the Serbian community, and one of whom must represent other minority communities in Kosovo.

<sup>14</sup> The IIPC is making appointments based on the legal standards of the former-Yugoslav republic and not necessarily on true workload needs under the current or future court structure. Therefore, the KJC may have to make significant adjustments, either pursuant to a joint EULEX/KJC implementation plan or over time through attrition and reappointment. If the later is the course selected to address judicial assignments, it may be many years before judicial resources align with the court structure and workload needs.

<sup>15</sup> An *Inside Justice* episode dealing with electricity theft was developed in partnership with KEK’s legal office and was broadcast to coincide with the launch of KEK’s own anti-theft campaign.

<i>Inside Justice / Brenda Drejtësise</i>						
Series Overview						
Target Program Results						
<i>Increased knowledge and understanding of justice system reforms</i>						
<i>Changes in attitudes and beliefs toward justice system</i>						
Episode Guide						
USAID Strategic Objectives		EG		DG		Cross-Cutting & Special Objectives
		1.2	1.3	2.1	2.2	
1	Inside Justice, Part 1					Gender
2	Inside Justice, Part 2					Gender
3	The Right Path					
4	The Bitter Bite					
5	The Short Circuit					Energy
6	No Man's Land					Gender
7	The Fire					Youth
8	The Flood					
9	The Breach of Contract					
10	Inside Justice, Behind the Scenes					Capacity Development

\*Objectives based on USAID Strategic Plan (2004-2008) & Justice Support Program Objective Sub-task 1.3

#### Public Knowledge and Attitudes Regarding the Judiciary–

A general public opinion survey was developed and finalized at the start of year 2. (See attachment INFO 12). The survey was administered throughout Kosovo on a sample of 1,000 respondents of which 200 will represent minority communities. The questionnaire has been shared with USAID and with the KJC and aims to gauge public perception of the courts, the perception of the KJC and other justice sector actors. Survey results from year 2 will be compared with findings of the survey at the start of year 3, in order to track public knowledge and attitudes of the public regarding the judiciary. The results of the survey in year 2 will serve as the baseline from which to compare data received at the start of year 3 and prior to project close-out at the close of year 3.

#### General Public Survey Thematic Areas

- Trust and confidence in the judiciary
- Knowledge of the structure of the judiciary
- KJC and its responsibilities
- Judicial Inspection Unit (JIU/ODC) and its responsibilities
- Exposure to and experience in dealing with courts

#### Outreach: Results, Impact and Proposed Next Steps

The main results of public outreach activities in Year 2 were:

- Major TV series developed and broadcast.
- Baseline public survey questionnaire administered.

Next steps will build upon achievements made in year 2 to expand on the televised media productions provided to date, and to involve a broader spectrum of justice sector actors in the development of information campaigns. To build on year 2 momentum, a wide range of educational materials and program activities are planned to sustain public interest in justice system reform. Activities will include 1) establishment of Law Student Public Awareness Working Group 2) Promotion campaign related to model courts renovation 2) Production and broadcast of a second set of episodes and/or PSAs contingent upon

funding, 3) and the publication of survey results on public knowledge and attitudes towards the judiciary, and 4) other activities to be coordinated with counterparts particularly concerning minority outreach.

## TASK 2 – Improve Court Administration

Task two activities seek to improve court administration through the implementation of the Model Courts Program, and related assistance to improve enforcement of civil judgments and to support the establishment of a notary system.

### 1. Model Courts Program

#### 1.1. Model Courts Program: Activities

Framework for the MCP—The MCP framework continued to evolve during year 2 as the six initial Model Courts (“old” Model Courts) started implementing the action plans adopted in year 1 and four additional Model Courts (“new” Model Courts) joined the program during the fourth quarter. Model Courts participated in two leadership activities during year 2. A one-day leadership seminar was organized in July 2008 for Court Presidents and Administrators to prepare Model Courts for implementation of their Court Improvement Plans. (See agenda in attachment MCP 1.) Model Courts Presidents and Administrators also attended a leadership seminar organized for all Kosovo regular courts under Task 1 in October 2008. Model Courts participants were among the most active and engaged participants. More detail is provided under Task 1.

MCP Consortium meetings and MCP team meetings between KJSP and assigned KJC Secretariat staff were suspended during the first quarter due to summer leave schedules. The meetings were reinitiated at the beginning of the second quarter after a reassessment of needs of the Model Courts in the implementation phase. Through year 2, team or individual meetings with KJC Secretariat staff were held on an as-needed basis to troubleshoot specific issues raised or about to be raised in the MCP Consortium. This has been the case on staff discipline, budget planning participation, and statistical reporting. KJC Secretariat staff also participated more actively in MCP Consortium meetings. The MCP Consortium was reenergized to become a decision-making, problem-solving forum for Model Courts. A schedule was developed around key issues relevant to the implementation of standards (see attachment MCP 2). During year 2, seven meetings were held. (Agendas are included as attachments MCP 3-9.) All Model Courts attended the meetings and actively participated. “New” Model Courts attended their first meeting on June 9, 2009,

#### Task Two Deliverables this year:

1. Full caseload recount conducted in all Model Courts.
2. Court Administration Volunteer Program developed and implemented.
3. Architectural and engineering services company selected for implementation of Model Courts renovation project. Ferizaj MC renovation initiated.
4. Administrative structure of Model Courts reorganized and responsibilities of each member of the court’s administrative leadership defined.
5. Comprehensive Court Management Training Program for Model Courts designed and implemented.
6. Transfer to Central Case Management Office endorsed in all Model Courts.
7. Backlog reduction plans endorsed in all Model Courts.
8. Mission statements installed in all Model Courts.
9. Procedural and Know-your-court brochures developed for all Model Courts.
10. Court Fee poster developed for all Model Courts.
11. Partnership with KEK developed for execution case processing.
12. Basic Execution Training program developed and first module delivered.
13. Action plan for implementation of Law on Notaries endorsed by MOJ.

#### KJSP Year 2 MCP Consortium Meetings

- (3) October 3: Court administrative organization (court president/administrator, organizational chart, central filing)
- (4) November 6: Backlog reduction
- (5) December 16: Managing human resources and discipline and Statistical reporting
- (6) January 27: Central Filing/Case Management Office (filing systems and case file tracking)
- (7) March 10: Public communication and outreach
- (8) April 28: Court reorganization (follow up to executive team trainings), Ethics, and Participation in budget planning
- (9) June 9: Achievements (presentations by “old” Model Courts) and monitoring progress

where they were briefed by “old” Model Courts on the MCP standards, activities implemented, and achievements.

The MCP Consortium took a number of decisions through the year, including: functional job descriptions for Court President and Administrator were endorsed at the November 6 meeting; the Central Case Management Office was endorsed at the January 27 meeting; the drafting of a Code of Ethics for Court Staff was recommended at the April 28 meeting. Activities were implemented in follow up to decisions by the MCP Consortium. Each Model Court adopted a new, functional organizational chart (see attachments MCP 10-15.) A Management Work Group composed of Court Administrators and Acting Chief Clerks was held on February 5, 2009 (see attachment MCP 16 for agenda). The Work Group endorsed the CCMO procedures and decided on systems for shelving, case file folders, and case tracking (see attachment MCP 17). Initial discussions were held with counterparts for the setting up of an Ethics Work Group to draft a Code of Ethics for Court Staff.

Starting in the second quarter, KJSP held a series of coordination meetings with EULEX judges assigned to Gjilan, Peja, and Prizren districts. These meetings have facilitated information exchanges and helped prepare for renovations. In Gjilan and Prizren, EULEX judges have agreed to work with their court counterparts to facilitate and monitor the implementation of the backlog reduction plans. In Peja and Prizren, EULEX judges have expressed interest in assisting in rolling-out best practices from the Model Courts Program to other courts in the district. Good partnerships have been established with EULEX judges on the ground, an important step to avoid duplication of efforts and conflicting assistance. Additional coordination is outlined under “renovations” below.

Over the course of the year, KJSP strived to remedy the lack of legal reference materials in the Model Courts. To respond to recurrent complaints that laws and regulations governing court activity are not readily accessible, KJSP delivered to “old” Model Courts several copies of three binders. The first binder contains core documents related to the MCP, including the court improvement plan and the applicable 1981 Rules of Internal Court Activity. The other two binders contain key laws governing court operation and procedural activity. Similar binders will be delivered to “new” Model Courts in year 3. Following the implementation of the Comprehensive Court Management Training Program in the third and fourth quarter (see below) KJSP developed the outline of a Court Management Manual for use in the Model Courts. The Manual will be developed in year 3 and will form the basis for roll-out of best practices to other courts.

IT infrastructure needs were addressed during the third and fourth quarters with the delivery of new computers to all courts, including Model Courts, in March-April 2009. The IT equipment upgrade is part of a broader European Commission project for CMIS implementation. KJSP had several coordination meetings with the EC this quarter to discuss training and monitoring for CMIS implementation. It was agreed that roll-out would start in the Model Courts. In order to prepare Model Court staff to CMIS implementation, KJSP provided basic computer skills training in most Model Courts through the year. Training is expected to continue next year.

In an effort to bring uniformity to reporting practices and to bring attention to case clearance ratios and compliance with case processing time standards, KJSP introduced a monthly report template in September 2008. The report includes data on received and disposed cases as well as time to disposition. The template enables the courts to record their achievements and challenges. All courts have been complying on time except Ferizaj MC. These reports were used to troubleshoot continued inconsistencies in statistical reports released by the KJC Secretariat. Joint actions with Task 1 continue to be undertaken to address this problem. These reports, along with survey instruments for the general public and court employees, are at the core of the testing of the CourTools described under Task 1. A CourTool implementation package was distributed to all Model Courts at the June 9, 2009 Consortium Meeting (see attachment MCP 18).

In April 2009, four “new” Model Courts were selected and approved by USAID to join the program: Gjakova MC, Kamenica MC, Skenderaj MC, and Pristina MC. Several criteria were taken into account in

selecting these courts, including size, interest in pursuing reforms, regional diversity of the Model Courts Program, and service of minority communities. The “new” Model Courts have been fully briefed on the Model Courts Standards. Court Improvement Teams were established and met to identify priorities for implementation in all courts except Gjakova MC. Initial steps were taken in Kamenica MC to establish a mentoring relationship with Gjilan MC, an “old” Model Court.

Implementation of MCP—Implementation of the Court Improvement Plans continued through year 2. KJSP liaisons continued to travel regularly to the Model Courts for implementation of the Court Improvement Plans. The specific stage of implementation in Model Courts under each standard is described in the tables starting on page XX. A roundtable assessment of progress against the Court Improvement Standards conducted in September 2008 for the Performance Monitoring Plan showed that all Model Courts, apart from Mitrovica DC<sup>16</sup>, were on-track with their year 1 targets. An internal interim assessment conducted in February 2009 showed continuing progress with most courts having already reached their year 2 targets.

#### Summary of activities completed under each standard in “old” Model Courts

*Standard 1 (Administrative Responsibilities):* Functional job descriptions of Court President and Administrator adopted in all courts. (See attachments MCP 19-20 for the job descriptions and MCP 21-22 for the corresponding implementation plans.) Functional organizational charts adopted in all courts. Heads of functional offices, including chief clerk, identified in all courts. Training and forms for implementation of the job descriptions and new structure developed, delivered under the Comprehensive Court Management Training Program, and implemented as of June 15, 2009.

*Standard 2 (Training):* Basic computer skills training delivered in all courts except Ferizaj MC and Gjilan MC. Seven-module Comprehensive Court Management Training Program for the Model Courts developed and implementation in all courts almost completed. (See below for more information.) High attendance was recorded at all training programs.

*Standard 3 (Records Management):* Transition to Central Case Management Office (CCMO) endorsed by all courts at the January 27 Consortium meeting. CCMO procedures discussed in all courts and endorsed by the File Management Work Group on February 5. All courts agreed that CCMO will include open shelving, new edge-tabbed color-coded case files and an index card system for the tracking of case movement and deadlines. Recommendations for archive purging process developed for all courts (see attachment MCP 23). Archive purging project continued in Prizren MC. Temporary archivists are continued through the end of the quarter.

*Standards 4 & 5 (Backlog Reduction & Compliance with Time Standards):* Full caseload recount conducted in all Model Courts except Mitrovica DC (relocated at Vushtrri MC) in July-September 2008. Backlog identified. Electronic inventories maintained in all courts. Backlog priorities identified and corresponding backlog reduction plans developed and in process of implementation in all courts except Mitrovica DC (relocated in Vushtrri MC). Case status review forms were delivered to all courts and are used for obstacle troubleshooting and backlog reduction planning. Effective results of backlog reduction evident in all courts as illustrated below.

*Standard 6 (Procurement and Use of Supplies):* Court participation in budget planning launched in May 2009. Training provided through KJCS. KJSP is now troubleshooting the process. (See under Task 1 for more information.)

*Standard 7 (Public Communications):* Mission statements (see attachment MCP 24) installed in offices and public areas in all courts. Public information coordinators appointed in all courts. All courts endorsed the job description (see attachment MCP 26) which had been presented at the December 16 Consortium meeting. Outreach concepts presented to all courts at the March 10 Consortium meeting; all courts are currently working on outreach plan next quarter.

<sup>16</sup> The lack of progress in Mitrovica DC is due to the fact that the court has been relocated to Vushtrri MC with no access to its premises, equipment or records since March 2008. Through year 2, KJSP regularly reassessed support to Mitrovica DC to ensure continued engagement in the project and improve the functioning of the court despite the circumstances. In order to improve operations temporarily, KJSP provided two computer stations for use in recording cases. The equipment transfer agreement was signed on September 17, 2008.

**Standard 8 (Access and Security):** Four brochures – “Know-your-court”, “How to file a claim”, “How to file an appeal”, and “How to file an execution request” – and Frequently Asked Questions finalized in English, Albanian, Serbian and Turkish for all Model Courts and endorsed at the March 10 Consortium meeting. Design finalized and brochures will be produced in July 2009. (The four brochures are included as attachments MCP 26-28). A fifth brochure – “how to request non-judicial services” – is being developed. Court fee posters based on KJC 2008/02 Administrative instruction developed and produced in Albanian and Serbian; installation in courts planned next quarter (see attachment MCP 29). Draft forms for civil/commercial claims and civil execution requests are pending comments from the Chamber of Advocates. The Commercial Court already started using the civil execution request form to notify parties of the necessary data to be included in requests. For renovations, see below.

**Standard 9 (Open Proceedings):** Publication of hearing schedules improved in Gjilan MC, Prizren MC and Peja DC.

Backlog reduction initiatives effectively started in December 2008<sup>17</sup>. Illustrative progress in backlog reduction in Model Courts, based on data reported for January-March 2009. The tables below present areas in which Model Courts are processing cases more efficiently than non-Model Courts comparable courts. In most of these areas, they are recording clearance rates above “1” which means that more cases are being disposed than received, which in turn means that backlog is being reduced. Similar clearance rates were recorded during April-June 2009 in Model Courts, but no comparative data is available for non-Model Courts at the time of this report.

	Average Clearance			
	Civil Contests	Civil Execution	Criminal Cases	Criminal Execution
Ferizaj MC	1.09	0.16	0.68	0.51
Gjilan MC	0.82	0.52	1.42	0.71
Prizren MC	1.63	0.42	1.18	0.86
Non-MCP MC	0.89	0.46	1.04	0.79

	Average Clearance			
	Civil 1st Instance	Civil 2nd Inst.	Criminal 1st Inst.	Criminal 2nd Inst.
Peja DC	1.17	1.44	1.46	0.21
Non-MCP MC	0.98	0.95	0.86	0.77

In September 2008, KJSP launched the Court Administration Volunteer Program. Seven volunteers from the United States were recruited from NCSC’s professional association of court administrators to travel to Kosovo between September and November 2008. The volunteer program is intended to provide quick-impact, tailored services and recommendations to the Model Courts by embedding experts in the courts and the KJC for two-week periods. The volunteers helped build momentum for reform in the Model Courts and provided useful recommendations and materials for incorporation in the Court Improvement Plans and planned training. The success of this first visit led to planning for a return trip in September-October 2009, during which the volunteers will return to “old” Model Courts as well as mentor “new” Model Courts.

Volunteer	Site	On-site period	Standards	Report (attached)
Bob Zastany	Prizren MC	September 2008	1, 2, 4, 5, 6, 7 Renovations	MCP 30
Joan Bishop	Com. Court	September 2008	3, 7, 9 Records management training	MCP 31
Helen Haskins	Gjilan MC	October 2008	1, 3, 7	MCP 32

<sup>17</sup> Except in Peja DC where backlog reduction had been ongoing for a few years under the leadership of the late Court President Esat Shala and in Mitrovica DC (relocated in Vushtrri MC) where the operational circumstances do not allow case processing.

			HR management training	
Michael Bridenback	Peja DC	October 2008	3, 4, 7 Renovations	MCP 33
Sally Holewa	Ferizaj MC	October 2008	1, 2, 3, 4, 8, 9	MCP 34
Theresa Scott	KJCS	October 2008	Personnel procedures Backlog reduction planning	V&R 3
JD Gingerich	KJCS	November 2008	Budget planning participation	V&R 4

In March 2009, KJSP launched the Comprehensive Court Management Training Program. The CCMTTP covers all core areas of the Court Improvement Plans – reorganization of administrative functions, central case management office, and communications with the public – and is developed and delivered on-site in the courts by KJSP court administration specialists. Court-specific schedules are included as attachments MCP 35-40. Sample agenda of the first, second, fourth, fifth and sixth modules are available as attachments MCP 41-68. All modules of the training program were well attended by the intended participants. Materials are available at KJSP upon request. The program has increased staff understanding of their job responsibilities as well as their motivation to work. For many administrative staff it was the first time training was provided.

Modules	Audience	Timeline	Delivery
1. Vision, Mission and Management of the Court	President Judges and Court Administrators	March 17	Delivered in all courts
2. Implementation of Job Descriptions	Executive team: PJ, Deputy PJ, Court Administrator, Chief Clerk, Public Information Coordinator	March 24-April 7	Delivered in all courts
3. Functional Reorganization Briefing	All court (to be delivered by executive team)	Up to June 5	Delivered in all courts except Prizren MC and Mitrovica DC (relocated in Vushtrri MC)
4. Case Flow Management	Clerks and judicial secretaries	April 16-May 7	Delivered in all courts
5. Court Communications	All court	April 30-May 19	Delivered in all courts
6. Ethics	All court staff (non-judges)	June 26-July 9	Delivered in Commercial Court and Gjilan MC
7. Operation of the Central Case Management Office	CCMO staff	TBD (after renovations)	Delivery expected during the first two quarters of year 3

The Model Courts renovation project started in September 2008 with the visit of a facilities consultant who traveled to all projected renovation sites. The visits were an opportunity to solidify agreement on the goals of the project with court leaders in Ferizaj MC, Gjilan MC, Peja DC, and Prizren MC. Following the visit, KJSP released a solicitation for architectural and engineering services. The consultant also assisted KJSP in developing *Court Building Design Standards* which were presented under Task 1.

#### Focus of renovations

- (1) Improve public access
- (2) Develop central filing capability
- (3) Add courtrooms to promote open proceedings
- (4) Separate judges and administrative services

The first site selected for renovations was Ferizaj MC. A two step process was developed for procurement of the renovation projects. First, an architectural and engineering services company was selected followed by a construction company. The process was design to seek out local service providers for implementation. The architectural and engineering services company was selected in January 2009. (The September 2009 open request for expressions of interest and the December 2009 RFP to the three pre-qualified firms are included as attachments MCP 69 and MCP 70). A design for the renovation of Ferizaj MC was finalized during the third quarter (see attachment MCP 71). The construction company was selected for implementing the Ferizaj MC design in April 2009. (The request for qualifications for construction services for Ferizaj MC renovations and the Instructions to the five short-listed companies completing the RFP for construction services for Ferizaj MC renovations are included as attachment MCP

72 and MCP 73). Renovations effectively started in Ferizaj MC in June 2009 and are proceeding according to the dynamic plan provided by the construction company.

Due to the quality of the design produced for Ferizaj MC, KJSP quickly issued task orders to the architectural and engineering services company for Peja DC and Prizren MC. The development of designs for the Peja and Prizren courthouses—where KJSP reached agreement with the leadership of the Model Court and the other court in the building to renovate the entire building—started in the third quarter and is in the final stages at the time of this report. Discussions in Prizren MC are still on-going to explore possible relocation of EULEX to a different floor and the moving of the ground floor courtroom to make space for the municipal and district court administrative staff on the ground floor. Amendments based on feedback from court counterparts in both buildings are needed before the designs can be finalized. To avoid delays contracting a construction company for future renovation sites, KJSP issued a request for qualifications for construction services in May 2009 (see attachment MCP 74).

All renovations activities are closely coordinated with the leadership of each targeted court and with KJCS representatives, especially the KJCS architect and Head of Logistics Department. Collaboration has grown increasingly positive during the fourth quarter, reaching agreements for additional KJCS renovations to parts of KJSP renovated buildings which cannot be touched under the project.

Status of implementation of Model Courts Program activities in “old” Model Courts at the end of the fourth quarter of year 2

	Commercial Court	Mitrovica DC	Peja DC	Ferizaj MC	Gjilan MC	Prizren MC
Standard 1: Administrative Responsibilities	Responsibilities of Court President and Administrator defined. New organizational structure implementation started. All heads of offices appointed. Executive team training on new responsibilities delivered (CCMTP #2). Judge and staff briefing delivered by Administrator (CCMTP # 3). Forms templates for official communication rolled out.	Responsibilities of Court President and Administrator defined. New organizational structure approved and implementation started. All heads of offices appointed. Executive team training on new responsibilities delivered (CCMTP #2). Forms templates for official communication rolled out.	Responsibilities of Court President and Administrator defined. New organizational structure approved and implementation started. All heads of offices appointed. Executive team training on new responsibilities delivered (CCMTP #2). Judge and staff briefing delivered by Administrator (CCMTP # 3). Forms templates for official communication rolled out.	Responsibilities of Court President and Administrator defined. New organizational structure implementation started. All heads of offices appointed. Executive team training on new responsibilities delivered (CCMTP #2). Judge and staff briefing delivered by Executive Team (CCMTP # 3). Forms templates for official communication rolled out.	Responsibilities of Court President and Administrator defined. New organizational structure implementation started. All heads of offices appointed. Executive team training on new responsibilities delivered (CCMTP #2). Judge and staff briefing delivered by Executive Team (CCMTP # 3). Forms templates for official communication rolled out.	Responsibilities of Court President and Administrator defined. New organizational structure implementation started. All heads of offices appointed. Executive team training on new responsibilities delivered (CCMTP #2). Forms templates for official communication rolled out.
Standard 2: Staff Training	CCMTP #1, 2, 3, 4, 5, 6 delivered.	CCMTP #1, 2, 4, 5 delivered.	CCMTP #1, 2, 3, 4, 5 delivered.	CCMTP #1, 2, 3, 4, 5 delivered.	CCMTP #1, 2, 3, 4, 5, 6 delivered.	CCMTP #1, 2, 4, 5 delivered.
Standard 3; Records Management	Transfer to Central Case Management Office endorsed. Acting chief clerk appointed. Shelves and files needs identified. Procedures approved and initial training delivered (CCMTP #4). Implementation postponed until after renovations.	Transfer to Central Case Management Office endorsed. Acting chief clerk appointed. No further steps can be taken until Mitrovica DC returns to its premises.	Transfer to Central Case Management Office endorsed. Acting chief clerk appointed. Shelves and files needs identified. Procedures approved and initial training delivered (CCMTP #4). Implementation postponed until after renovations.	Transfer to Central Case Management Office endorsed. Acting chief clerk appointed. Shelves and files needs identified. Procedures approved and initial training delivered (CCMTP #4). Implementation postponed until after renovations.	Transfer to Central Case Management Office endorsed. Acting chief clerk appointed. Shelves and files needs identified. Procedures approved and initial training delivered (CCMTP #4). Implementation postponed until after renovations.	Transfer to Central Case Management Office endorsed. Acting chief clerk appointed. Shelves and files needs identified. Procedures approved and initial training delivered (CCMTP #4). Implementation postponed until after renovations. Archive purging project launched with temporary staff support.

	Commercial Court	Mitrovica DC	Peja DC	Ferizaj MC	Gjilan MC	Prizren MC
Standard 4: Backlog reduction	Pending caseload recount conducted. Electronic inventory developed and maintained for execution cases. Backlog reduction plan approved (priority on execution). KEK partnership launched and implemented. Communications with external stakeholders for execution backlog reduction improved.	Limited activities only due to temporary court relocation. Staff does not have access to records and only detention cases are processed. Electronic inventory of criminal detention cases developed and maintained.	Pending caseload recount conducted. Electronic inventory maintained for criminal cases. Third backlog reduction plan (first priority on civil cases, second on criminal first instance) approved. Progress continues to be recorded despite the absence of three judges after the death of the PJ, indictment of the Acting PJ, and long-term illness of another judge. Some concerns growing because their cases have not been reassigned.	Pending caseload recount conducted. Backlog reduction plan discussed (priority on criminal cases). Progress difficult to track due to the failure of the Administrator to submit project statistical reports. The death and resignation of several judges has affected progress on backlog reduction, especially in civil cases.	Pending caseload recount conducted. Electronic inventory of civil (contested, non-contested and inheritance) cases developed and maintained. Case status review of criminal cases completed. Backlog reduction plan for civil and criminal cases approved (priorities set by year). Increase in case dispositions recorded and stabilized. KEK partnership launched and implemented in execution cases.	Pending caseload recount conducted. Electronic inventories of criminal and civil cases improved and maintained. Electronic inventory of execution cases maintained. Backlog reduction plans for criminal and civil cases (priorities set by years) adopted and implemented. Increase in case dispositions recorded and stabilized.
Standard 5: Times Standards Compliance	No time standards set for Commercial Court.	See standard 4.	See standard 4.	See standard 4.	See standard 4.	See standard 4.
Standard 6: Procurement and use of supplies	KJCS transferred competences for budget planning input to courts and delivered training. Court input into judicial budget submitted.	KJCS transferred competences for budget planning input to courts and delivered training. Court input into judicial budget submitted.	KJCS transferred competences for budget planning input to courts and delivered training. Court input into judicial budget submitted.	KJCS transferred competences for budget planning input to courts and delivered training. Court input into judicial budget submitted.	KJCS transferred competences for budget planning input to courts and delivered training. Court input into judicial budget submitted.	KJCS transferred competences for budget planning input to courts and delivered training. Court input into judicial budget submitted.

	Commercial Court	Mitrovica DC	Peja DC	Ferizaj MC	Gjilan MC	Prizren MC
Standard 7: Public Communication	Mission statement finalized and handed in offices and public areas. Information coordinator appointed. Public communications training delivered (CCMTP #5). Public communications forms rolled out.	Information coordinator appointed. Public communications training delivered (CCMTP #5). Public communications forms rolled out.	Mission statement finalized and handed in offices and public areas. Information coordinator appointed. Public communications training delivered (CCMTP #5). Public communications forms rolled out.	Mission statement finalized and handed in offices and public areas. Public communications training delivered (CCMTP #5). Public communications forms rolled out.	Mission statement finalized and handed in offices and public areas. Public communications training delivered (CCMTP #5). Public communications forms rolled out.	Mission statement finalized and handed in offices and public areas. Information coordinator appointed. Public communications training delivered (CCMTP #5). Public communications forms rolled out.
Standard 8: Security and Access to Court	Three procedural brochures and know your court brochure finalized and ready for printing. Court fee poster finalized and printed. Outreach plans under discussion. Forms for litigant filings developed and made available. Renovations under discussion but postponed until status of court building clarified.	Three procedural brochures and know your court brochure finalized and ready for printing. Court fee poster finalized and printed. No renovations planned at this point due to lack of access to premises.	Three procedural brochures and know your court brochure finalized and ready for printing. Court fee poster finalized and printed. Outreach plans under discussion. Forms for litigant filings developed and made available. Draft renovation design discussed with stakeholders (court and EULEX).	Three procedural brochures and know your court brochure finalized and ready for printing. Court fee poster finalized and printed. Outreach plans under discussion. Forms for litigant filings developed and made available. Renovations design finalized. Renovation started.	Three procedural brochures and know your court brochure finalized and ready for printing. Court fee poster finalized and printed. Outreach plans under discussion. Forms for litigant filings developed and made available. No renovations planned at this point due to KJCS plans for construction of new building.	Three procedural brochures and know your court brochure finalized and ready for printing. Court fee poster finalized and printed. Outreach plans under discussion. Forms for litigant filings developed and made available. Draft renovation design discussed with stakeholders (court and EULEX).
Standard 9: Open Proceedings	Forms for citizen access to hearings developed and rolled out. No courtroom at this stage.	No activities due to lack of access to premises.	Forms for citizen access to hearings developed and rolled out.	Forms for citizen access to hearings developed and rolled out.	Forms for citizen access to hearings developed and rolled out.	Forms for citizen access to hearings developed and rolled out.

	Commercial Court	Mitrovica DC	Peja DC	Ferizaj MC	Gjilan MC	Prizren MC
General Achievement	Progress recorded on all standards. Implementation on target. Continued high engagement of Administrator and administrative staff. High participation in all trainings. Briefing on new administrative structure well received by judges and staff.	Continued engagement of several judges and clerks despite operational difficulties. High participation in all trainings.	Progress recorded on all standards. Implementation on target. Continued high engagement of Administrator and administrative staff. High participation in all trainings. Briefing on new administrative structure well received by judges and staff. Backlog reduction continuing to show success.	Progress recorded on all standards. Implementation on target. Continued high engagement of the Court President and administrative staff. High participation in all trainings. Briefing on new administrative structure well received by judges and staff. Renovations are in process. Communication with KJCS improved during renovations.	Progress recorded on all standards. Implementation on target. Continued high engagement of all judges and administrative staff. High participation in all trainings. Backlog reduction is starting to show results, especially in criminal cases. Briefing on new administrative structure well received by judges and staff.	Progress recorded on all standards. Implementation on target. Continued high engagement of Court President, Administrator and selected judges and administrative staff. High participation in all trainings. Backlog reduction continuing to show success. Archive purging processing positively.
General Challenges	Plans to relocate the court were pending for months and delayed planning for renovations. It seems that these plans have been shelved. Low, if any, participation of the Court President who is sick and has not reported to work since the beginning of June.	Political situation regarding the facilities in North Mitrovica remain unchanged. The court only operates on an emergency basis which only allows limited MCP activities. Lack of space for staff to perform their duties in Vushtrri MC.	Death of Court President in February 2009 created a vacuum of leadership. The Acting Court President then had to resign due to an indictment. Judges has not managed to select a new Acting Court President in the past few months.	Large number of judge vacancies with several resignations and the death of a judge. The Administrator's absence due to attendance at the Magistrate School delays some activities, especially since she has been unwilling to delegate.	Facilities continue to pose problems due to lack of adequate space. Three of the seven judges, including the Acting Court President, failed the ethics exam mandatory for reappointment. This has impacted motivation and may affect future case disposition and other activities.	Court President failed the ethics exam mandatory for reappointment. This has impacted the project as evidenced by the delays in delivering the briefing on the new court administrative structure.

Status of implementation of Model Courts Program activities in "new" Model Courts at the end of the fourth quarter of year 2

	Gjakova MC	Kamenica MC	Pristina MC	Skenderaj MC
Standard 1: Administrative Responsibilities				
Standard 2: Staff Training				
Standard 3; Records Management				
Standard 4: Backlog reduction				
Standard 5: Times Standards Compliance				
Standard 6: Procurement and use of supplies				
Standard 7: Public Communication				
Standard 8: Security and Access to Court				
Standard 9: Open Proceedings				
General Achievement	Initial steps were taken to establish a Court Improvement Team. Names of members were discussed with the Court Administrator. The CIT will be formalized once members return from leave.	Court leadership expressed commitment to the project. Court Improvement Team is in process of establishment.	Court Improvement Team established. First meeting conducted. Standards 1, 2, 3, 4, 7 prioritized and point persons assigned. Gracanica branch included in all preliminary activities.	Court Improvement Team established. First meeting conducted. Standards 1, 2, 3 prioritized.
General Challenges	Early summer leave of the Court Administrator delayed initial activities. The lack of full staffing of judge positions has contributed to backlog. At no time has the court has the eight allowed judges; currently there are only six.		Four civil judges resigned. An additional five (estimated) judges failed the reappointment ethics exam.	No activity on criminal cases since March 2008 due to the non-functioning of Mitrovica Prosecution (responsible for Skenderaj MC).

## 1.2. Model Courts Program: Results, Impact and Proposed Next Steps

All the activities proposed as next steps in the year 1 annual report were accomplished. The main achievements during year 2 have been:

- Model Courts Consortium meetings held regularly and attended by the leadership of all participating courts and relevant head of administrative units.
- New Model Courts selected and Court Improvement Teams established.
- Court Volunteer Program developed and successfully implemented.
- Organizational charts reflecting the functional reorganization of administrative staff and clearer internal reporting lines adopted in all courts. Functional job descriptions for Court President and Administrator endorsed at the November 6 Consortium Meeting. Head of units (Chief Clerk, Judicial Support Coordinator, Public Information Coordinator) appointed in all courts. Implementation of new organization chart and functional job descriptions launched in all courts. (Standard 1)
- Briefing on administrative restructuring and forms for official internal communications delivered by the court leadership in all courts except Prizren MC and Mitrovica DC (relocated in Vushtrri MC). (Standard 1)
- A Comprehensive Court Management Training Program for Model Courts was developed and delivered in all “old” Model Courts. The Program covers administrative organization and internal reporting lines, case flow management, public communications, and ethics. (Standard 2)
- Transition to Central Case Management Office endorsed at the January 27 Consortium meeting. Specifications for shelves, case file folders, and case event tracking endorsed at the February 5 File Management Work Group meeting. (Standard 3)
- Pending caseload recounts completed in all courts except Mitrovica DC (relocated in Vushtrri MC). Electronic inventories of civil, criminal and civil execution cases continue to be maintained in all courts. (Standards 4/5)
- Backlog reduction plans showing positive results in all courts. (Standards 4/5)
- Mission statements installed in offices and public areas in all courts. (Standard 7)
- First set of brochures developed and endorsed at the March 10 Consortium meeting. The brochures are ready for printing in English, Albanian, Serbian and Turkish. (Standard 8)
- Court fee posters based on KJC 2008/02 Administrative Instruction developed and designed for installation in all Model Courts. (Standard 8)
- Renovation process started in Ferizaj MC.
- MCP Consortium meetings held regularly with attendance from all participating courts.
- Architectural and engineering services company selected. Ferizaj MC construction company selected. Renovation started in Ferizaj MC. Design plans drafted for Prizren and Peja courthouses. (Standard 8)

Challenges—The MCP experienced continued challenges during year 2. Relationships with the KJCS have been unequal over the course of the year. The KJCS Personnel Department overruled decisions to appoint experienced clerks as acting chief clerks in several Model Courts. On the other hand, KJCS has been very cooperative in support of renovation initiatives over the last quarter. Activities in Mitrovica DC continue to be limited due to the emergency status of the court since it has been relocated from its premises after the February 2008 declaration of independence. No resolution appears in sight. Continued judge and staff vacancies due to retirement, promotions, resignations, or sick leave mean most courts function with staff levels well below their authorized human resource allocations. The staff and judge hemorrhaging has worsened with the first steps of the reappointment process as judges have decided not to apply or have failed the eliminatory ethics examination and staff are taking steps to become judges. Peja DC has been particularly impacted with the passing of the PJ in February followed by the resignation due to criminal indictment of the Acting PJ. The judges have been unable so far to choose a new PJ. Several Model Courts have had large numbers of judges failing the ethics examination mandatory for reappointment. While the judges have stayed in their positions it is unclear for how long and with what level of motivation. Several Model Courts are also affected by staff members only working part time due to attendance at the Magistrate School—the most striking example is the Court Administrator of Ferizaj MC—or departure for better paid positions—for a good part of the year there was only one field execution clerk left in Prizren MC. The KJCS has proven slow to respond to vacancies. Finally, facility flooding in Ferizaj, Gjilan, Peja, and Prizren at the end of the winter highlighted additional needs to be addressed through renovations. Uncertainty about possible relocation of the Commercial Court and a new court building in Gjilan delayed facility renovations in both sites.

Next steps—Year 3 activities will focus on finalizing implementation of Court Improvement Plans in “old” Model Courts and initiating it in “new” Model Courts while preparing for broader roll out of successful reforms and practices. First, in “old” Model Courts, KJSP will continue targeted assistance for standard implementation especially in the context of the shift to the Central Case Management Office, in backlog reduction, and in developing public outreach

initiatives. KJSP will also closely monitor implemented reforms to identify those likely of transfer to other courts. Second, in “new” Model Courts, KJSP will replicate the assistance provided during year 2 to “old” Model Courts. Two of the vehicles for delivery of assistance in year 3 will be embedding volunteer court administrators for the second year and establishing mentoring mechanisms between “old” and “new” Model Courts. Third, KJSP will implement a number of activities for roll out of Model Courts reform. These will include the development of the Court Management Manual for use by all court employees, present and future, and the development of a roll out plan with the MCP Consortium and the KJCS Legal Office. Finally, renovations in “old” and “new” Model Courts will be implemented in court buildings where renovations are possible. The administrative restructuring and the Central Case Management Office are expected to become fully operational after renovations. KJSP expects renovations to start in Prizren and Peja in late August 2009 and will be requesting architectural designs for the Commercial Court, Skenderaj MC, Kamenica MC, and Gjakova MC over the course of next quarter.

## 2. Civil Execution

### 2.1. Civil Execution: Activities

**Backlog and Delay Reduction**—In year 2, backlog reduction activities were refocused on Model Courts. A full civil execution caseload breakdown was conducted as part of the caseload adjustment recounts conducted under Model Courts Program standard 4. A partnership with KEK was initiated during the second quarter in coordination with the USAID KEK Network and Supply Project with a pilot in Gjilan MC and the Commercial Court. The partnership centers on three activities: a) regular KEK-court meetings, b) identification of priority cases for processing, and c) joint field work with KEK representatives. Activities in both courts continued through the rest of year 2. KJSP is now looking at expansion in Ferizaj MC and Prizren MC.

**Pilot KEK backlog reduction results**

KEK case closure in both Gjilan MC and the Commercial Court, through direct collection or reprogramming, increased.

KEK cases with dead debtors or debtors who have moved identified for closure.

Broader backlog reduction activities were also developed in Ferizaj MC and the Commercial Court. Due to an almost complete work stoppage in 2008, the number of pending cases in Ferizaj MC has soared to 5500, three-fourth of them utility bills. An actual plan is being developed under the Model Courts Program. KJSP assisted the Commercial Court execution clerk in building linkages with relevant external counterparts: the business registry, the Treasury, and the Central Banking Authority, to facilitate information exchange and case processing. Agreements for regular information exchanges were reached with the first two counterparts.

**Improvement of the Civil Execution System**—Activities to improve the civil execution system focused on three areas this quarter: (1) implementation of the new Law on Execution Procedures (LEP), (2) development of training capacity and training programs for execution clerks, and (3) exploring structural changes to the system.

The new LEP came into force on July 30, 2008. KJSP first reviewed the new LEP and developed materials comparing the new and the old LEP, including a full list of all procedural timelines set by law. Few substantive changes were made. The comparative review forms the basis for the update of the 2007 Civil Execution Handbook—in process at the time of this report—, training modules described below, and continued recommendations for improvements to the system. During the second quarter, KJSP coordinated with advisors from the USAID Economic Management for Stability and Growth project to discuss processing problems at the Treasury related to the implementation of the 2008 Law on Public Financial Management and Accountability which creates an expedited procedure for execution on judgments against public authorities. During the third quarter, KJSP identified actions which need to be taken by the KJC Secretariat for effective implementation of the LEP. Specifically, the KJC Secretariat must provide the courts with a form for implementation of new provisions regarding asset identification. This is one of the activities planned with the KJC Secretariat Legal Office under Task 1.

A two-module Basic Execution Training program was developed in year 2 and the first module was delivered to virtually all Kosovo execution clerks on June 25 and June 26. The core group of

Basic Execution Training Program	
Module 1 (June 09)	Session 1 Administrative and Legal Issues Session 2 The Debtor’s Assets
Module 2 (Sept. 09)	Session 1 Execution Actions (focus on monetary assets and collateral) Session 2 The challenge of authentic documents Session 3 Objections and appeals

execution clerks<sup>18</sup> selected to conduct training received advanced Training of Trainer under Task 3 in September 2008. Together with KJSP the trainers developed and administered a short questionnaire to identified topical areas in which training is needed. (See attachment ENF 1). Several planning meetings were held during the first and second quarters to develop a training curriculum and assign modules to each trainer. After a thorough peer review of materials, drafts were finalized in March 2009. The first module was delivered in June 2009. One session was organized in Klina for execution clerks of the Peja and Prizren district courts, another in Pristina for execution clerks of the Pristina, Mitrovica and Gjilan district courts. (Training agendas are included as attachments ENF 2 and ENF 3). Attendance was high with virtually all execution clerks of Kosovo participating in the sessions. Participants engaged in very active dialogue with the trainers and asked whether more sessions could be organized in the future. All clerks received a copy of the 2008 LEP at the training—most clerks had not seen the law until then.

During the third quarter, KJSP met with representatives of the regional Balkans Enforcement Project<sup>19</sup> to discuss coordinated activities in support of more efficient civil execution processes. Initial discussions were held regarding a stakeholder working group to review feasibility and timeline for possible transition to out-of-court execution agents in the medium-term. These discussions are expected to continue in the coming months. A follow up meeting has been scheduled for July 2009.

Expansion of Activities to Civil Contested Cases—KJSP continued work with the Pristina MC Civil Division, leading to the inclusion of Pristina MC in the second round of Model Courts during the fourth quarter of year 2. Short-term actions to improve case processing in civil contests were taken during the first quarter with the Court President initiating coordination with external stakeholders. Civil judges reviewed their pending cases filed between 2000 and 2003 to separate out active and passive cases. KJSP drafted, with input from selected civil judges, forms for submission and intake of civil claims as well as forms for case status review. Civil claim and execution request forms were endorsed by the Pristina MC Civil Division. During the third quarter, the forms were shared with the Chamber of Advocates for further comments. The Chamber set up a working group to provide comments, but no feedback had been received at the time of this report. (The forms project is described in more detail under the Model Courts Program.) During the third quarter, KJSP also conducted a comparative review of the 1977 and 2008 Law on Civil Contested Procedures to identify changes which may facilitate civil case processing and backlog reduction.

During the first quarter, KJSP met with EULEX representatives regarding the approximately 20,000 suspended property damage compensation cases filed by Kosovo Serb plaintiffs against KFOR, UNMIK, and PISG. EULEX is exploring options for processing these cases, including through compensation commissions. Discussions have not materialized at the time of this report. At least one court, however, has started processing these cases following the September 2008 lift of the UNMIK DOJ suspension.

## 2.2. Civil Execution: Results, Impact and Proposed Next Steps

The main achievements of year 2 are:

- Successful results of backlog reduction activities recorded in Gjilan MC and Peja MC at the end of the first quarter led to cessation of support. The percentage of civil execution cases pending for more than two years decreased by 54% and 15% in Gjilan MC and Peja MC respectively.
- First phase of pilot joint initiative between selected courts – Gjilan MC and the Commercial Court – and KEK for more effective processing of KEK execution requests successfully completed.
- First module of Basic Execution Training program successfully developed and delivered by a core group of execution clerks. Attendance and interest were very high. This was the first training organized by execution clerks for execution clerks.
- 2008 Law on Execution Procedures delivered to all execution clerks.

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<sup>18</sup> The core group initially consisted of five clerks. Two clerks are no longer with the courts. One was promoted as a municipal prosecutor last quarter; a second one was recruited by a bank this quarter. The core group now consists of three clerks: Hysen Ademi (Peja MC), Jonuz Jonuzi (Gjilan MC) and Isa Shala (Skenderaj MC). Judge Ferid Bislimi (Pristina DC) was also contacted to participate in the session on execution actions. Judge Bislimi is a KJI trainer and respected civil execution expert who has given many lectures on execution procedures and immovable property.

<sup>19</sup> The Balkans Enforcement Project is a regional project funded by the Dutch and German governments to support coordinated initiatives in the countries of the Balkans to advance more efficient civil execution processes. Transition to out-of-court enforcement agents is a component of the work plan of this project in several countries. Another project is also rumored to be about to start in Kosovo with funds from the European Union to provide support to the Ministry of Justice, including for reforms in the enforcement system.

- Implementation of June 2008 Action Plan for backlog reduction in Pristina MC civil division successfully initiated and continued engagement of the court leadership led to inclusion in the Model Courts Program in the fourth quarter.
- Comparative review of 1977 and 2008 Laws on Civil Contested Procedures completed.

In the course of next year, KJSP intends to finalize the addendum to the 2007 Civil Execution Handbook and to continue roll out of the civil execution training curriculum. Actual training has been postponed from April to June 2009 due to prior engagements of the trainers, one of whom currently attends the Magistrate School. KJSP will coordinate with the KEK Network and Supply project to expand the pilot to other Model Courts. At the same time, KJSP will continue to expand backlog reduction activities in the Commercial Court, and in Ferizaj MC.

### 3. Notaries

#### 3.1. Notaries: Activities

Delays in adopting the Law on Notaries (LON) continued at the beginning of year 2. The LON was finally adopted by the Assembly on October 17, 2008 and promulgated by the President of Kosovo on November 6, 2008. KJSP continue to collaborate closely with the Swiss Development and Cooperation Office (SDCO) which has taken primary responsibility for supporting the MOJ in implementing the LON. KJSP attended an SDCO roundtable on September 22-23 to discuss the scope and content of their project. The SDCO project started during the first quarter of 2009. In February, KJSP identified a number of gaps in the SDCO project, in line with KJSP work plan activities, which are documented in a memo to USAID (see attachment NOT 1).

Over the course of the project, KJSP coordinated with various international stakeholders to ensure proper planning for the establishment of a notary system in Kosovo. KJSP initiated coordination meetings with several EULEX stakeholders—including the Property Rights Advisor, the Anticorruption Advisor, and several MOJ Advisors—in order to ensure that all necessary input is provided for the pre-selection of candidates to the notary profession. KJSP also met with World Bank representatives to discuss linkages between notary profession and the cadastral agency. The World Bank is implementing activities to modernize the cadastre and property registration and improve service delivery. Both EULEX and World Bank representatives expressed interest in continued coordination.

Several meetings were held with experts implementing the Swiss Development and Cooperation Office (SDCO) project to discuss elements of the secondary legislation and pre-selection process to identify qualified participants to attend the notary training and sit for the notary examination. KJSP reviewed draft secondary legislation prepared by the Swiss experts of the SDCO project. All comments were incorporated by the Swiss experts. Secondary legislation covers training and selection of first notaries, training and selection of notaries, operation of notary offices, fees, disciplinary procedures, code of ethics, and chamber of notaries. Promulgation is pending.

KJSP participated as observer in all activities planned by the Swiss experts of the SDCO project. The MCP Coordinator participated in a Study Tour organized in Switzerland in May. The Study Tour was organized for six members of the ad hoc commission to be established for the pre-selection of the first notaries and two jurists of the MOJ. The members of the ad hoc commission were two judges, a prosecutor, two attorneys, and one law professor. The participants were very active and interesting. (See trip report, attachment NOT 2.)

#### 3.2. Notaries: Results, Impact and Proposed Next Steps

Three milestones were achieved towards PMP indicators with adoption and promulgation of the LON and the definition of an implementation plan between MOJ and SDCO. Progress was recorded against three additional milestones as staffing and budget requirements for implementing the LON is being defined and allocated by the MOJ and secondary legislation is in the final drafting stages.

Immediate next steps include continued indirect support to the MOJ in implementing the law. KJSP will continue to provide comments and suggestions to the implementers of the SDCO project on secondary legislation and the pre-selection process, as requested. Assistance under KJSP will be limited and complementary to SDCO assistance.

### 4. Mediation

#### 4.1. Mediation: Activities

The Law on Mediation (LOM) was adopted by the Assembly on September 18, 2008 and promulgated by the President of Kosovo on October 3, 2008. USAID support for mediation activities—suspended during year 1—were formally removed from KJSP, as indicated in the KJSP year 2 work plan approved on December 16, 2008. KJSP received confirmation from USAID that mediation activities are no longer part of the project on January 21. The contract modification was signed on February 10, 2009.

#### 4.2. Mediation: Results, Impact and Proposed Next Steps

Due to changes in the scope of the project, KJSP will request withdrawal of all PMP indicators related to this task at the time of submission of the year 2 PMP report – September 30, 2009.

## TASK 3 – Improve Professionalism and Ethics of Judges and Court Staff

### 3.1 Improve the Capacity of the Kosovo Judicial Institute to Identify and Deliver Training

During year 2, KJSP continued to build the institutional capacity of the KJI to deliver training to judges and prosecutors, by fostering the development of KJI trainers, and working closely with the KJI to co-develop and co-deliver course curriculum for the Continuing Legal Education Program (CLEP), and the Initial Legal Education Program/Magistrate's School (ILEP). The Magistrate's School is a 15-month educational program for future judges and prosecutors. KJSP supported KJI in the development and delivery of 4 full-length courses over the first 20-week session and the second 12 week session. (All course curriculum developed for KJI are attached, KJI 1 - \_\_\_\_).

KJSP worked closely with KJI to place Magistrate School candidates in the Model Courts for their internship requirement, a 6-month practicum to be carried out following the first year of training. KJSP proposed to KJI that the internship be modified to require the participants not only complete the internship program, but also produce a final report at the end of their 6-month internship which will focus on judicial reform and modernization efforts underway in their court.

#### Support for Judicial Education Training Programs

##### Continuing Legal Education – CLEP

*Basic Code of Ethics* trainings were delivered for sitting judges and prosecutors from all regions in Kosovo. Trainings were held in Peja, Prizren Mitrovica, Pristina, and Gjilan.

*Advanced Codes of Ethics* trainings were delivered for sitting judges and prosecutors from Peja, Mitrovica and Prizren districts.

##### Initial Legal Education – Magistrate's School (ILEP)

###### *Professional Ethics*

KJSP developed and delivered the multi-week course, including 5 classes.

###### *Administrative Law & Constitutional Law*

KJSP developed and delivered the multi-week course, including 4 classes of Administrative and 4 classes of Constitution Law.

###### *Legal Writing, Reasoning & Research*

KJSP developed and delivered 8 classes on legal writing, reasoning and research.

###### *Case Management, Mediation & Communication Skills*

KJSP developed and delivered 6 case management classes; 3 mediation classes, and 3 communication skills classes.

Training of Trainers—Based on findings of a needs assessment concerning KJI conducted in year 1, KJSP developed and delivered curriculum geared toward the training of trainers (TOT) with a select group of trainers working with the KJI CLEP and ILEP programs. The trainers are sitting judges and prosecutors and have not received instruction on curriculum development, lesson planning, adult-learning styles and advanced teaching methods. Indeed, most are subject matter experts in the area of instruction but have no real teaching qualifications. The TOT instruction was met with great enthusiasm and interest for further professional study. Participant evaluations of the training sessions, and of the trainer, were the highest received to date.

In order to ensure the maximum benefit of the KJI TOT sessions, KJSP replicated the training with a cross-section of KJSP counterparts including civil execution clerks and legal officers of the MOJ, JIU/ODC, JAS, CLO, and Legal Aid Commission, many of whom are involved or will be involved in the training of their peers. The training resulted in improved training across the full range of counterparts. Additional trainings in adult-learning methods and instructional skills-building are planned for year 3.

## Court Administrators & Staff Training Programs

Professional Associates—KJSP launched a training program for professional associates (law clerks) in courts. The same program will be provided for professional associates of prosecution offices at the start of year 3. KJSP delivered two day professional skills-building training program for court professional associates in the third quarter.

Court Administrators—As reported under Tasks 1 and 2 sections of this report, KJSP conducted a Leadership and Management training specifically designed for presiding judges and court administrators. The seminar addressed court administration issues faced daily, delineating the various duties of presiding judges and administrators, and demonstrating the need to maintain unity within the court leadership team.

### 3.1 KJI: Results, Impact and Proposed Next Steps

#### Results:

- Successful launch of the KJI Initial Legal Education Program for new judges and prosecutors
- Successful delivery of Training of Trainers program for KJI and related counterparts.
- Successful continuation of the CLEP program for sitting judges and prosecutors.

#### Next Steps:

KJSP will replicate much of the training conducted in year 2 in year 3 of the program, particularly as it relates to the launch of a new class in the Initial Legal Education Program/Magistrate's School (ILEP). KJSP will continue to replicate KJI-specific training material for other counterparts to facilitate a more uniform development of skills across the justice system, particularly concerning legal writing and reasoning as well as professional ethics—two areas of critical importance for the effective and efficient functioning of the justice system. Lastly, KJSP will continue to build KJI capacity to offer training to court administrators and staff, and management training for the KJI managing board.

### 3.2 Develop a Judicial Inspection and Audit Function

#### Judicial Inspection Unit / Office of the Disciplinary Council

Established by UNMIK and placed under the umbrella of UNMIK DOJ responsible for oversight and administration of ODC, the organization has encountered major difficulties. Notwithstanding UNMIK Directive 2008/7, the IJPC did not incorporate ODC within its organizational structure for the period of appointment as anticipated. The withdrawal of UNMIK and failure to transfer ODC to IJPC have left the organization largely without direction. At the present time, ODC is a stand-alone organization administered financially by the MOJ. At the time of this report, former UNMIK personnel have made recommendations to EULEX to provide oversight to the ODC, and to facilitate its administrative transfer from the MOJ to KJC.

#### Training and mentoring activities to increase efficiency, professionalism and institutional capacity

KJSP met regularly with UNMIK DOJ and ODC leadership and offered assistance in various areas including conducting an assessment of backlog, internal reorganization plan, resolution of complex cases and development of an appointment strategy. ODC stalled on accepting KJSP offered assistance citing more immediate administrative and operational constraints. KJSP drafted an Orientation Training Program for new inspectors and legal officers, covering the full scope of ODC procedures including all relevant documentation, rules and regulations, relevant Administrative Directives, laws, new standard forms and policies of the ODC. This Orientation Training Program is still pending approval with ODC. In light of the broader challenges facing ODC, KJSP seized targets of opportunity to train ODC staff in areas of immediate need, including training in computer skills, legal reasoning and writing, and minority protection—areas of critical need regardless of broader institutional development concerns.

#### Reappointment Preparation

In year 1, KJSP provided substantial support to ODC preparatory activities for the appointment process including a strategic workshop conducted. KJSP anticipated supporting the development and implementation of an ODC strategy related to its role in the process and designed draft intake forms, investigative reports and complaint forms. These documents were submitted for review and approval without a final result.

#### Cooperation with IJPC

As reported under Task 1 of this report, KJSP has seconded the Head of the Vetting Unit of IJPC in order to support the vetting process. The recruitment of members of the Vetting Unit was completed in year 2. Throughout the year, KJSP continued its cooperation with IJPC facilitating support through ongoing work with justice sector institutions including KJC, KJI, KCA, KPA & ODC, particularly concerning minority outreach initiatives.

## Judicial Audit Section

The administration of the Judicial Audit Section was successfully transferred from UNMIK to the KJC Secretariat in the second quarter of year 2. In the absence of a functional KJC, no audit reviews have since taken place.

## Results, Impact and Challenges

### Results

- Training provided to improve investigations against lawyers (initially conducted for the purpose of reappointment) and prosecutors.
- Legal reasoning training provided to improve report legal reasoning and writing skills.

### Challenges

- Technical support to ODC was suspended due to numerous internal challenges faced over the 9 months caused by withdrawal of UNMIK DOJ and lack of incorporation into the IJPC structure.
- Failure of ODC staff to approve materials provided by KJSP causing delays in the implementation process.

### 3.3 Institute a judicial code of ethics and well-functioning disciplinary system

Continuing efforts from year 1 in the first quarter of year 2, KJSP worked closely with the KJC Disciplinary Committee to identify procedural and process gaps in the disciplinary process relative to judges and prosecutors. KJSP also worked with ODC to refine the operating procedures of the committee and develop guidelines for legal officers to support the Committee and with Secretariat legal office to improve committee support and work. As reported under Task 1, the KJC and Disciplinary Committee ceased operating when many of disciplinary functions of the KJC were transferred to the IJPC under applicable law for the period of the appointment process.

### 3.4 Develop a sustainable system for distribution of laws/Access to laws by the courts

The Kosovo government Printing office (KGPO) is responsible for printing of the Official Gazette and distribution of laws and regulations. Due to the lack of funds necessary to fulfill these obligations, KJSP anticipated facilitating a grant to the KGPO to print and distribute laws. In the first quarter, however, it was discovered that the KGPO had, the month prior, entered into a contract with a local printer for all its printing needs. As a result, KJSP could not facilitate funding of this pre-existing 3<sup>rd</sup> party contract, because it had not been the subjected USAID rules and regulations on contractual agreements. As such, KJSP was unable, as envisioned, to provide assistance to the KGPO in connection with the printing and distribution of laws. Since then KGPO has received support from other international donors. KJSP is awaiting further instructions from USAID regarding the delivery of the grant to the KGPO.

## TASK 4 – Support the transformation of the court system to more effectively represent and serve non-Albanian populations

Recognizing the importance of representative diversity among the judiciary, especially as it relates to the impartial administration of justice for non-majority populations, KJSP is working to facilitate the continuous representation of minority communities in the court system. In light of political uncertainties associated with Kosovo's Declaration of Independence in year 1, KJSP took a flexible approach to aid the effective representation of minority communities.<sup>20</sup>

To ensure adequate attention to issues affecting minority participation in the justice system, KJSP worked with multiple Kosovo government institutions including the KJC; the MOJ and Court Liaison Offices Program (CLO) administered by the MOJ; Legal Aid Commission (LAC); and other organizations such as the Kosovo Chamber of Advocates (KCA) and the Kosovo Judges Association (KJA). KJSP is working to build sustainable, collaborative relationships between these institutions, and to facilitate increased inter-organizational cooperation.

### 4.1 Support the KJC to develop and implement strategies to increase the representation of non-Albanian staff in the judiciary and enhance court operation in minority areas

KJC Advisory Committee on Minorities (KJC/AC)—KJSP held several meetings with the Chairperson of the KJC and Director of the KJC Secretariat with the goal of resuming the work of the KJC/AC to develop and implement a strategy for increasing the number of judges, prosecutors and support staff from under-represented communities. Though more than one year has elapsed since the declaration of independence and the reported withdrawal of Kosovo Serbs from their judicial and prosecutorial positions, there has been relatively no change in levels of participation and non-participation (which vary greatly depending on district/municipality locations). Under these unique set of circumstances, KJSP prepared an alternative approach to the KJC/AC by outlining compulsory objectives and next steps for the KJC, in accordance with the Kosovo Status Settlement proposal and Kosovo Constitution. This "Framework Assessment Outline," attempted to streamline the areas that were identified as critical to achieving the requirements of the Status Settlement Proposal and the Kosovo Constitution as they relate to the one-time appointment process. (See MIN 1, attached). While the Framework Assessment Document was received favorably by the Chairperson of the KJC/President of the Kosovo Supreme Court, no action was taken. Despite firm assurances that the issue of the Advisory Committee would be discussed at the next KJC meeting, there was no progress prior to the cessation of KJC activities subsequent to the launch of the reappointment process conducted under the IJPC.

Independent Judicial & Prosecutorial Commission (IJPC)--With the exception of the Secretariat, the KJC and its committees have ceased functioning with the commencement of the appointment process under IJPC. In response, KJSP established close cooperation with IJPC with the objective of increasing the number of non-Albanian applicants for judicial and prosecutorial positions through the appointment process. KJSP advised and assisted the IJPC Secretariat to identify partners for outreach of the minority legal community. KJSP directly facilitated IJPC contact with numerous organizations, including the KJC, KJA, KPPA, KCA and the CLO Program. KJSP facilitated IJPC contact with minority civil society representatives and media organizations operating in Mitrovica to reach as many individuals in the minority legal community as possible. Prior to KJSP involvement, little if anything had been done to raise awareness of the appointment process within minority communities. The collaborative efforts of KJSP and IJPC undoubtedly contributed to the considerable number of minority candidates applying for positions with the Kosovo judiciary.

Professional Associations—In the absence of a functioning KJC, KJSP targeted assistance to the Kosovo Judges Association (KJA), Kosovo Public Prosecutors Association (KPPA) and Kosovo Chamber of Advocates (KCA), with the intent to facilitate increased representation in the justice system, and to raise of awareness of access to justice issues affecting minority communities.

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<sup>20</sup> The political uncertainty following the declaration of independence was a key challenge to KJSP assistance concerning minority participation in year 1, as evidenced by the withdrawal or suspension of participation of the majority of Kosovo Serb judges, prosecutors and Court Liaison Officers. Following the declaration of independence, KJSP focused its efforts on targets of opportunity which have maintained continuity of assistance to the CLOs and the KJC Advisory Committee (KJC/AC). KJSP monitored political developments as they concerned USAID objectives, and reviewed relevant newly-applicable laws, regulations, institutional strategic plans and reports by relevant organizations on an on-going basis.

Kosovo Judges Association: Although KJA appointed a Committee for Women & Minorities, no meetings were held, nor had a mandate been defined in year 1. To address the inactivity, KJSP worked with KJA to conduct research on court practices and various areas that affect access to justice for minorities. KJA then held a series of roundtables and workshops, eventually publishing a report with policy recommendations for improvements on the participation of minorities and women in the justice system. These workshops were initiated as a direct result of earlier KJSP trainings focusing on women and minorities in the justice system.

Kosovo Public Prosecutors Association: The KPPA did not have an active committee engaged on minority issues prior to KJSP efforts to convene a committee in year 2. KJSP approached KPPA concerning the establishment of a committee for women and minorities and facilitated the committee's inaugural meeting. The meeting focused on defining the committee mandate, rules of procedure and discussions on ways to address future program interests related to increasing levels of minority and gender representation in the prosecution system. In the course of these discussions, the KJSP determined that while there was much talk about insufficient representation of minorities in the justice system, there was little data supporting such statements, or knowledge on how to measure representation of minorities. In year 2, KJSP will continue to work with this Committee to develop a comprehensive strategy ensuring sustainability of efforts.

Kosovo Chamber of Advocates: The KCA had previously established a Committee for Women & Minorities but had not engaged in any specific work to further its objectives with respect to minority affairs. KJSP offered to assist the committee to develop a strategic plan to increase the number of minority members of the KCA, or alternatively, to ensure that the KCA general Strategic Plan included substantive measures to increase the number of lawyers from minority communities. KJSP worked very closely with KCA in developing a Strategic Plan focused on increasing minority membership in KCA and capacity building of the Committee for Women & Minorities. The KCA committee is now fully operational, meets regularly, and has adopted an annual workplan for increasing the minority representation in the KCA through facilitation of the registration procedures for minority lawyers; outreach activities to minority lawyers and translation of KCA monthly bulletin in Serbian. Since the ABA/ROLI in Kosovo supports the KCA extensively, KJSP initiated collaborative discussions to avoid overlap and to ensure coordination and synergy between these two programs. To further KCA engagement with minority communities, in cooperation with ABA/ROLI, KJSP sponsored the participation of a Kosovo-Serb member of the KCA to attend the American Bar Association's Annual Bar Leadership Institute in Chicago.

#### 4.2 Assisting non-Albanian populations gain access to courts including adequate and effective legal services

##### Court Liaison Offices (CLO)

As indicated in year 1, the Kosovo Serb staff of the CLO Program effectively stopped fulfilling their duties to provide services to non-Albanian populations following Kosovo's declaration of independence. During the first quarter of year 2, the KJSP maintained regular contact with the Kosovo Serb staff and throughout the year witnessed their gradual return to the level of operations that they had prior to the declaration of independence.

Unfortunately, this renewal of their operations was marked by a culmination of a lack of administrative support from MOJ, resulting in fixed telephone lines to some offices being disconnected and closure of 5 liaison field offices due to failure of the MOJ to pay rents in a timely fashion. The landlords of these buildings changed the locks to the offices. KJSP carried out an assessment of CLO administrative constraints in order to identify their priority needs. (See MIN 2, attached). The report also noted that since the CLO Program's transfer from UNMIK to MOJ, numerous administrative and operational constraints had a direct impact on the ability of the CLO to work effectively. KJSP concluded that these organizational constraints hindered the effective outreach of the CLO to minority communities—an essential function of the CLO program. At the time of this report, many of the office rents have been paid by the MOJ for the greatest part of the debt, but only after intervention from KJSP and others from the international community.

##### Legal Aid Commission (LAC)

In addition to the services of the CLO Program, a very important factor in ensuring access to justice for minority communities is the ability to obtain legal aid services. In year 1, KJSP conducted a preliminary assessment of the newly established Legal Aid system and the organizations providing the services. One of the gaps identified during this preliminary assessment was the lack of sufficient measures to provide legal aid to non-Albanian communities. To that end, KJSP embarked on activities to address the deficiency in the cooperation between LAC and the Kosovo Chamber

of Advocates (KCA). KJSP was successful in bringing the two sides to the table to identify problems in their cooperation in providing legal aid to those who otherwise would not be able to afford legal representation.

After extensive discussions with LAC and KCA, it was agreed that cooperation should be formalized through a Memorandum of Understanding (MOU) that would specify the terms of cooperation and provide the formal grounds for establishing a sustainable coordination mechanism. LAC and KCA agreed to appoint two focal persons to work together with KJSP on the drafting of MOU. The KJSP worked with both sides to produce a first version of the MOU and organized a signing ceremony of the MOU between the LAC and KCA. The ceremony included high-level speakers such as the Deputy Prime Minister of Kosovo and USAID Mission Director and was attended by representatives of the Ministry of Justice, Kosovo Judicial Council, members of the Legal Aid Commission, Chief Prosecutors, Judges, Government officials, and international organizations. The MOU aims to coordinate the work of the Legal Aid Commission and the KCA, to ensure access to justice for all eligible citizens of Kosovo regardless of their ethnicity, gender, or economic status. (See MIN 3, attached).

The signing of MOU has resulted in a notable increase in coordination between the LAC and KCA. Thereafter, KJSP held numerous meetings with LAC and KCA to set forth a joint mechanism for coordination, responsible for the implementation of the MOU and the development of uniform and transparent attorney referral procedures. With the facilitation of KJSP, a joint coordination mechanism composed of LAC and KCA was established. In their first meeting, the LAC and KCA appointed members for the central level and are in the process of appointing members for the regional level cooperation.

To assist the LAC in its outreach to minority communities, KJSP organized and arranged the distribution of 5,200 Legal Aid informational pamphlets, including 3,000 Albanian; 1,000 Serbian; 600 Turkish, 400 Roma; and 200 English language copies, (See MIN 4, attached). KJSP facilitated the distribution of the brochures with a series of outreach visits to minority communities, including a Roma-Ashkali-Egyptian (RAE) community in the Plementina camp; the Croat community in the village of Janjevo; and the Serb communities in Gušterica, Dobrotin and Lipjan.

Government, Non-Governmental Organizations & Civil Society—In addition to working with relevant government institutions, KJSP sought to directly engage civil society organizations working on issues related to minority communities. One of the initiatives explored was the establishment of citizen advisory boards involving minority communities, presidents of courts relevant to the community, and the KJC, in order to create a forum for discussing community issues with the Kosovo justice system actors. The CLO Program welcomed the initiative as an effort to bring the justice system closer to minorities.

Since Kosovo's declaration of Independence and the general withdrawal of the Kosovo Serb community cooperation with Kosovo government institutions, KJSP re-examined its strategy regarding the establishment of the Citizen Advisor Board (CAB). In order to gain support for the development of citizen advisory initiatives, KJSP met with numerous NGO stakeholders, including the Humanitarian Law Center, RTI/EMI and Council for Defense of Human Rights and Freedoms; "Futura"- Gracanica; Center for Peace and Tolerance –Pristina; and MPDAL-CLARD (International NGO). The European Center for Minority Issues (ECMI), working closely with the Consultative Council for Communities (CCC), was also determined to be an important partner. The Council operates within the framework of the Office of the President of Kosovo and is comprised of communities and government representatives, established by law to further minority communities' access to and participation in the political, economic and social life in Kosovo. It provides a mechanism for regular exchange between the communities and the Kosovo government; affords the communities the opportunity to comment at an early stage on legislative or policy initiatives that may be prepared by the Government; and the right to have their views incorporated in projects and programs specifically affecting communities. To advance the citizen advisory initiative targeting minority communities, KJSP will seek to support the establishment of a CCC working group to address issues related to minority representation in the justice system and access to justice.

KJSP worked closely with UNDP regarding the inclusion of minority candidates and outreach of applicants for the legal internship program supported by UNDP.

## Results & Challenges

### Results

- Considerable number of minority candidates applied for judicial and prosecutorial position in IJPC appointment process – a direct result of collaborative efforts of KJSP & IJPC.

- Memorandum of Understanding between LAC and KCA specifying terms of cooperation and establishing sustainable coordination mechanism ensuring the access to justice.
- Professional Associations KJA, KCA and KPA convened committees on Minority and Gender Representation, a first for three main professional associations and key actors in the justice system.
- Public outreach and communication skills CLO and Legal Aid staff improved through KJSP training. Workshops were attended by 41 staff from both institutions from which 65% were members of the minority communities.
- Public outreach strategies for CLO and Legal Aid were developed in cooperation with CLO and Legal Aid Services.
- Informational pamphlet on court liaison services developed, targeting minority participation in the Kosovo justice system.
- Framework agreement developed to ensure adequate cooperation and inter-agency communication between CLO and Legal Aid.

## Challenges

- The declaration of independence of Kosovo and subsequent developments in the political and security arena have impacted KJSP activities, impeding progress in a number of areas as they relate to representation of minorities and minority participation.

## TASK 5 – Develop Ministry of Justice (MOJ) legal drafting and policy formulation and guidance skills

### 5.1 In conjunction with a local institution, develop and support a long-term legal drafting training program.

Training Program—Building on the comprehensive legislative training program established in year 1, KJSP developed and delivered the last legislative drafting training modules in year 2. The six Modules delivered in year 3 were: 1) primary legislation drafting; 2) secondary legislation drafting; 3) legal and policy act drafting (e.g., decisions, recommendations, opinions, advisory opinions, etc); 4) drafting commentaries related to draft laws; 5) Regulatory and Financial Impact Assessments, and 6) Explanatory Memoranda. Each of these modules was delivered in a manner similar to the 10 previously delivered modules. The modules were organized in two parts, including an “in class” section<sup>21</sup> consisting of a combination of theoretical and practical training, and an “on-site” section that consisted of purely practical applications of lessons learned. Practical exercises were developed and successfully completed in the KJC, MOJ and Assembly Legal Offices.

#### Legislative Drafting Training Modules delivered in year 2:

1. Primary legislation drafting
2. Secondary legislation drafting
3. Legal & Policy decisions, Recommendations, & Advisory opinions
4. Commentaries
5. Regulatory Impact Assessment and Financial Impact Assessment,
6. Explanatory Memoranda

KJSP is currently working to develop a capstone legislative drafting training to be disseminated in year 3 in conjunction with the release of KJSP's Legislative Drafting Manual. The training will be designed to reach a much broader audience and will be designed around the roll-out of the legislative drafting manual.

Results, Impact and Proposed Next Steps – Based on the evaluation/questionnaires completed by participants and their direct feed back, the series of trainings appear to have increased the capacities of the legislative drafters and the quality of legislative drafting in general within the MOJ. However, KJSP has continued to find gaps in the overall ability of legislative drafters to prepare uniform and sound legislation. The absence of standardization across ministries has resulted in legislation of varying quality. Variations in style, form and structure remain indicative of the shortcomings. While the overall capacity of the MOJ drafters has increased, KJSP is still called upon to provide technical assistance and analysis for working groups. To address this issue, KJSP in Year 3 will:

- Finalize and deliver a detailed, user-friendly legislative drafting manual.
- Deliver to all interested legislative drafters regardless of current assignment an intensive course on drafting designed primarily around the legislative drafting manual.<sup>22</sup>
- In conjunction with counterparts in the MOJ, provide a two-day orientation course that Ministry lawyers can give to new government lawyers concerning legislative drafting techniques.

### 5.2 Compile and produce a manual on legal and policy drafting; and provide assistance on the preparation of commentaries to laws

Drafting Manual—KJSP neared completion of the Legislative Drafting Manual in year 2. A draft of the manual was shared with the legislative drafters of the MOJ to ensure its relevancy and ease of use. The manual provides a comprehensive guide on legislative drafting process and techniques divided into the following chapters: The Law Making Process in Kosovo, Drafting Legislation, Order and Language, Policy Analysis and Policy Documents, Hierarchy of Legal Norms, Research and Special Provisions, and Ethics and the Legislative Drafter. The Legislative Drafting Manual includes the Drafters Checklist as a useful tool in drafting legislation as well as a series of other appendixes, with useful documents for helping legislative drafters during the drafting process.

Technical assistance for legal drafting, including harmonization of laws—KJSP continued to offer regular support to MOJ lawyers in the drafting of key justice sector laws. The support consisted of conducting research for different draft laws; analyzing and recommending relevant policy choices for the laws; revising draft laws; participating

<sup>21</sup> In-class trainings were delivered in a group setting at KJSP.

<sup>22</sup> This training is expected to be a big event and will be based on the International Legislative Drafting Institute of the Tulane University. It is expected some 50 participants will benefit from this training.

in working groups for drafting different pieces of legislation; reviewing, and modifying and harmonizing draft laws with the Constitution of the Republic of Kosovo and other legal acts.<sup>23</sup>

KJSP support to the MOJ included regular work with the Legal Office (especially the Head of the Legislative Division and the Director of the Legal Affairs Department), and substantive involvement in supporting the drafting of four key justice sector laws.<sup>24</sup> Specific support provided to the MOJ related to the key laws is described as follows:

- Law on Courts: KJSP prepared and presented a policy paper and an organizational chart for a proposed Kosovo court structure to the stakeholder Working Group. The proposal received the support of the Ministry of Justice, the Kosovo Judicial Council, the Kosovo Judges Association, the State Prosecutor's Office, the Kosovo Public Prosecutors Association, the Kosovo Chamber of Advocates, and the Office of Legal Support of the Prime Minister of Kosovo. Additionally, the proposal was generally endorsed by key international stakeholders including EULEX.

Following endorsement, KJSP has worked with the MOJ lawyers and other key stakeholders to prepare a draft of the LOC reflecting the new structure. KJSP participated in a series of working groups at the NCSC facility. Additionally, KJSP attended and advised a working group that met over several days in Ohrid, Macedonia.

As one of the most important laws for the judiciary in Kosovo, the draft was discussed with other international stakeholders, including the ICO and EULEX. The structure of the Appellate Court was not well received by the ICO and created significant delay in the consideration of the law. Nevertheless, the Ministry of Justice finalized the law and submitted it to the government. The laws (four justice sector laws) were submitted to the government in March but have not been put on the Government's agenda for approval.

- Law on Kosovo Judicial Council (KJC): KJSP continued to work with MOJ lawyers and other key stakeholders to finalize a draft of the LOKJC. Following the Ohrid meetings, several proposed changes to the initial draft law were made. These proposed changes were analyzed and the law adjusted accordingly. KJSP supported MOJ lawyers in completing the draft, which was revamped and consolidated into a new draft. The Law on Judicial Council was submitted together with the 3 other laws to the Government.
- Law on Kosovo Prosecutorial Council: KJSP organized a series of working groups with MOJ lawyers to assist in the drafting of the LOPC. This effort was in addition to support offered by USDOJ. The draft has been finalized and submitted to the government in the package with the three other laws.
- Law on Prosecutors: In conjunction with USDOJ, KJSP has offered limited technical support to the drafting of the LOP. This support included providing technical analysis before, during, and following the Ohrid roundtable. The draft was submitted to the Government in the package with the three other laws.

Legal commentaries—All laws drafted by the MOJ legal staff are to be accompanied by commentaries in the form of Explanatory Memoranda. KJSP assisted in developing a model explanatory memorandum using the LOKJC as the foundation. MOJ legal staff need to present analyses and opinions on draft laws in public hearings and Committee meetings. KJSP has supported the MOJ legal staff in drafting explanatory memoranda and legislative briefing documents.

Legislative Analysis—KJSP prepared or assisted in preparing a considerable amount of legal analysis and commentaries on a wide variety of laws and other legislative matters impacting the justice system. This analysis addressed issues related to public financial management, the Law on Pardon, the Law on Courts, the Law on KJC, and the Law on KPC, and response memorandum to various comments offered by key local and international stakeholders relative to these laws.

#### 5.3.1. Provide technical assistance to MOJ legal drafting unit and convene legal drafting roundtables

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<sup>23</sup> Other legal acts include applicable Kosovo laws, the Comprehensive Settlement Proposal (CSP), and applicable UNMIK regulations and directives to the extent they are relevant and in force.

<sup>24</sup> The four key justice sector laws are the Law on Courts (LOC), the Law on the Kosovo Judicial Council (LOKJC), the Law on the Prosecutorial Council (LOPC) and the Law on Prosecutors (LOP). KJSP took a lead role in assisting in the drafting of the LOC and LOKJC and supported the drafting of the LOPC and LOP in conjunction with USDOJ.

Roundtables on justice sector laws—KJSP organized and hosted a series of round tables in cooperation with the MOJ legislative Unit. The most significant round table was organized in cooperation with the MOJ and it was held at the Ministry of Public Services in Kosovo to discuss proposed changes to the Kosovo court structure. The participants included the Minister of Justice and representative of the KJC, KJA, State Prosecutors Office, KPPA, KCA, Office of the Prime Minister, as well as other international stakeholders including USAID and USDOJ, EULEX, ICO, among others. KJSP presented and argued the rationale of the new court structure. Following this roundtable, a series of smaller working sessions were organized by KJSP, including MOJ lawyers, the President of the KJA, and the President of the KPPA.

## TASK 6 – Establish and support the organization and critical tools necessary to build an effective public prosecutor service

### 6.1 Develop policy and legislation necessary to establish a statutory organization to oversee the work of public prosecutors; support implementation of legislation and development of necessary organizational capacity

As detailed in Task 5, KJSP provided substantial technical assistance to the MOJ in year 1 and 2 developing draft justice sector legislation including Law on Prosecution (LOP) and Law on Prosecutorial Council (LOPC). These laws are still pending and have not been adopted to date. KJSP has nevertheless, to the extent possible, worked to advance the public prosecution function despite the absence of a new underlying legislative framework.

**PCK Working Group**—The activities of Prosecution Council of Kosovo Working Group (PCK WG), established in year 1 by KJSP in cooperation with the USDOJ, COE and EAR, were postponed as directed by USAID due to the lack of progress on the laws. The absence of the LOP and LOPC severely hampered the activities of the PCK WG. KJSP remains in position to assist the PCK WG should the passage of the laws take place early in year 3 of the program.

#### Next Steps

- Contingent upon enactment of the LOP & LOPC, stage discussions with PCK WG members on composition of the WG, i.e. replacing current members with new members.
- Develop Rules of Procedure of PCK WG.
- Provide help to the PCK in developing PCK related subsidiary legislation and other documents necessary for efficient functioning of PCK.
- Facilitate Working Group reform initiatives (and sub-working groups) on Performance & Evaluation Standards; Gender and Minority Representation; and Ethics and Discipline.

### 6.2 Assist in establishing necessary systems to support an effective and professional prosecution function

**Case Management Information System (CMIS) implementation and monitoring**—KJSP worked closely and actively with the Prosecution CMIS Working Group to support the implementation of CMIS in pilot project sites. During year 2, KJSP continued CMIS implementation in Gjilan District and started implementation in two new project sites, Peja District and Gjilan Municipal Public Prosecution Office. As with the original project site, KJSP monitored the implementation of CMIS and provided technical assistance and training to support the use of the software. In addition, as a follow-on activity to the implementation of CMIS, KJSP developed an Implementation Plan (See attachment PRO 1) on Prosecution Administrative Manual (PAM), integrating the use of CMIS with other office workflow procedures to create a more efficient, standardized prosecutorial case management system.

KJSP compiled the CMIS implementation report (See attachment PRO 2) of the work carried out during the deployment, installation and transfer of CMIS into an operational system at the Gjilan District Public Prosecution Office. The report presents the results of three user surveys on CMIS carried out during this period, major accomplishments, deficiencies, conclusions and recommendations.

The report also outlines the major deterrents to full use of CMIS, including the lack of protected and secured IT infrastructure, low-level of security of personal computers and CMIS access (use of same password shared by all users), low-level of staff skills, limited capacity for continuous IT personnel support at all levels of assistance, and lack of an autonomous, safe and protected system for information exchange through e-mail. The lack of continuous IT support to staff is chief among KJSP concerns, as the uninterrupted functioning of PCs, networks and software are essential to sustained use of the computer-based management system.

#### The CMIS Implementation - Accomplishments

- All prosecutors and majority of support staff have been equipped with new computers providing basic conditions for the use of CMIS;
- Entire staff (prosecutors and support staff) has been trained on basic computer skills; and
- CMIS training provided to all staff (prosecutors and support staff) using “elbow method” i.e. side-by-side training was conducted in the workplace processing cases utilizing CMIS application.

CMIS implementation conclusions from pilot sites:

- Most of the support personnel and prosecutors were equipped with new computers creating basic conditions necessary for implementation of CMIS.
- All prosecutors and support staff received basic computer skills training essential to their ability to use CMIS.
- All prosecutors and support staff were trained on CMIS use through “elbow method”, i.e. training focused on processing and management of actual cases in day-to-day practice at workplace.
- Grammatical and software errors in CMIS application were identified and corrected in a collaborative effort with the pilot site, KJSP and ProNet software developers.
- The manual workflow was recorded, assessed, documented, and compared with the CMIS (software) workflow. Follow-on activities by CMIS WG include an assessment of data collected and resolution of identified gaps in manual and computerized processes.
- 445 cases from 2008 were registered and processed with CMIS program. Cases were electronically managed and processed by prosecutors and support staff including case registration; case movement (horizontal and vertical); calendar and scheduling of cases; internal document management and electronic archiving.

KJSP developed comparative analysis (See attachment PRO 3) of users surveys carried out for Gjilan District staff. The level to which users mastered the software on average was assessed as good, with an increase from the first and slight decrease on the last questionnaire (See attachments PRO 5, PRO 6 and PRO 7).

#### The CMIS Implementation - Recommendations

- Provide each user with personal computer.
- Train each user on basic computer skills.
- Train each support staff and prosecutor on CMIS use through the elbow method – side-by-side training in the workplace on day-to-day tasks using CMIS.
- Continuous support of users by IT personnel in all levels of assistance:
  - Assist in uninterrupted functioning of PCs
  - Assist in uninterrupted functioning of communication network/infrastructure
  - Assist in uninterrupted functioning of CMIS program
- Continue to promote CMIS as a primary rather than secondary tool for case management.
- Establishment of mentoring system for new CMIS users in other Prosecution offices by District PPO and future pilot sites, sharing best practices and lessons learned pioneering use of CMIS.
- Increase internal prosecutorial IT capacities.
- Set a timeline for the full and proficient use of CMIS by all users in the pilot sites.
- Develop and distribute a quick CMIS user manual.

Application Updates and Statistical Reporting—Software testing and verification was a significant part of the CMIS pilot project implementation. KJSP coordinated with the CMIS software developer, ProNet, concerning the correction of software errors and grammatical errors in the system. These errors were usually encountered by the CMIS users as they began using CMIS on daily basis. Following a series of meetings and discussions with ProNet, initiated by KJSP, the software provider worked on updating and upgrading the CMIS. On a regular basis, ProNet installed newly revised CMIS versions in the pilot sites. In addition, KJSP coordinated with ProNet development and installation of local statistical reporting capabilities resulting in the automatic generation of monthly, quarterly and yearly statistical reports for data analysis and management purposes.

Replication of pilot project through USAID and other donors—The CMIS WG concluded that CMIS IT Implementation Plan in the District Public Prosecution Office in Gjilan had been implemented with considerable success and recommended the Municipal Prosecution Office in Gjilan and District Prosecution Office in Peja as next two pilot sites for the KJSP year 2. With the support of KJSP, the CMIS WG ensured transfer of best practices by facilitating inter-prosecution office cooperation, creating a mentor-advisor relationship between District Prosecution Office staff and Municipal Prosecution Office staff in Gjilan and Peja. KJSP facilitated productive site visits for Peja staff to Gjilan, which served as an important venue for exchange of best practices and views on CMIS use, advantages and challenges. Gjilan District staff presented the CMIS IT implementation process and demonstrated CMIS use at the registration and prosecutors desks.

Prosecution Administrative Manual—Currently, no standard written operating procedure exist to govern the administration and workflow of prosecution offices. Staff have few guidelines to conduct work effectively and efficiently, which affects both manual case processing and the broader use of CMIS. To ensure the sustainability of CMIS usage, KJSP recognized the need to create an internal administrative manual integrating CMIS and manual workflow procedures. In addition to complementing CMIS, the manual will assist with the transition to CMIS as primary case management tool. The manual will standardize workflow in all prosecution offices Kosovo-wide; create written standard operating rules and procedures; and showcase best practices.

KJSP embarked on a phase of information gathering for the development of the manual by collecting data initially from the CMIS pilot sites (Gjilan and Peja) and later from all prosecution offices with the full cooperation and assistance of prosecution staff. The methodology for the development of the manual is detailed in the implementation plan. During the third quarter of year 2, workflow diagrams of the pilot sites were presented to CMIS WG (See attachments PRO 7, PRO 8 and PRO 9). Following the collection of data, (See attachment PRO 10), a sub-working group comprised of chief prosecutors and administrators was formed by CMIS WG. The objective of the sub-working group was to conduct analysis of varying practices and issue recommendations for standardization to the CMIS WG. Areas of focus included registration books, processing of confidential information and processing of appeals.

#### Administrative Manual Activities

- Assessment of manual and electronic CMIS workflow procedures at pilot sites Gjilan & Peja District Public Prosecutor's Offices and Gjilan Municipal prosecution office.
- Comparison of manual with electronic CMIS workflow.
- Compilation of workflow data from all prosecution offices Kosovo-wide.
- Sub-working group analysis of different prosecution practices and recommendation to WG.

#### Next steps

- Facilitate a workshop for stakeholders to achieve consensus on administrative practices with the purpose of unifying administrative practices in prosecution offices Kosovo-wide.
- CMIS WG roundtable presentation of draft manual to stakeholders and donors for additional commentary and recommendations. Distribution of final manual to all Prosecution Offices.

Study Tour—KJSP planned study tour to Estonia for members of the CMIS WG was postponed by USAID following the commencement of the appointment process. The overall goals of the tour were to expose the Kosovo delegation to a prosecutorial system that had undergone similar reforms as those underway in Kosovo and allow them to observe first-hand the successful implementation of computerized case management and information sharing mechanisms; review prosecutors' work and effective tools for increasing efficiency in the prosecutorial system including plea bargaining, and other procedures; role of the Public Prosecutor's Office in administering justice including policy decisions and participation in drafting laws & regulations in connection with its function; and visit to Prosecution training institute. (See Attachment PRO 11) The delegation was to include representatives from CMIS and PCK working groups and IT staff. Subject to USAID approval, contingent on progress of the appointment process, the study tour can be reassessed upon completion of the reappointment process.

Kosovo Public Prosecution Association—Since the PCK has not yet been established, KJSP determined that the Kosovo Public Prosecution Office (KPPA) could be of significant value to the prosecutorial system in the interim. Moreover, some of the endeavors of the KPPA are transferable to the PCK once it is functioning. In turn, KJSP partnered with USDOJ and ABA/ROLI to discuss coordinated support to the KPPA, building its capacity to sustain an organization essential to improving the work of prosecutors. In line with program objectives, KJSP will support KPPA's Ethics Committee and Committee for Women & Minorities, (discussed under Task 4). Pending approval, USDOJ will serve in an advisory capacity to the KPPA Steering Council; support strategic development in cooperation ABA RoLI; upgrade the website; and support membership and training activities.

#### Next Steps

- Continued close coordination with USDOJ and ABA concerning issues related to PCK and KPPA.
- Convene Ethics Committee and continue development of Committee for Women & Minorities.

# CONCLUSION

In order to remain effective and responsive to Kosovo's fluid political environment, in the absence of a defined legal framework and continued uncertainty, KJSP activities in year 2 have remained defined by near-term goals and quick-impact action steps with an emphasis on sustainability of reform in light of likely future developments. In year 3 of the anticipated 3-year program, as in years 1 and 2, KJSP will continue to provide support in the form of training and mentoring to justice system institutions, while remaining capable to adapt activities to emerging circumstances on the ground. KJSP will also continue to integrate the activities of other donors and implementers to avoid duplication of efforts. NCSC anticipates delivery of the KJSP close-out plan in the second quarter of year 3, 6-month prior to the anticipated end-date of the program on June 17, 2010.