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KOSOVO EFFECTIVE RULE OF LAW PROGRAM

Quarterly Progress Report

Year 2 Quarter 3

(October 1 – December 31, 2012)

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INTRODUCTION

This document describes USAID Kosovo Effective Rule of Law Program (EROL) progress on completion of Year 2 activities and deliverables and expected contributions to life-of-program expected results during the period Quarter 3 (October 1, 2012 through December 31, 2012). The report also highlights selected project activities, outputs, results, successes, challenges, and opportunities. This report provides a snapshot of project accomplishments and the status of milestones as of the end of Year 2 Q3, and includes planned work for Year 2 Q4.

The purpose of the USAID Kosovo Effective Rule of Law Program (EROL) is to build upon USAID's prior activities to advance the rule of law in Kosovo. Specifically, EROL seeks to:

1. Strengthen the independence, accountability, efficiency, and effectiveness of the justice system; and
2. Bolster public confidence in the rule of law by increasing public knowledge of and participation in the justice system

The four objectives of the EROL project are to assist justice-related institutions in Kosovo to:

- i. Improve the effectiveness of justice sector institutions
- ii. Increase the efficiency of court operations
- iii. Improve the professionalism of justice system actors
- iv. Increase citizen awareness and role in ensuring the delivery justice

This report is broken down into the following sections:

- Summary of program progress to date and program highlights
- Description of the current context within which EROL is carrying out activities, and both challenges and opportunities that might hinder progress or allow EROL to accelerate activities or deepen interventions to enhance results
- Component and sub-component activities broken down by the four programs (see above)
- Brief description of steps taken to ensure environmental regulatory compliance
- Updated information on the status of budget expenditures.

Following the main body of the report is a set of appendices that show the various deliverables, trainings, charts, and PMP scorecards.

PROGRAM PROGRESS AND HIGHLIGHTS

During the reporting period, EROL continued to make steady progress on program activities. The January 1, 2013 deadline for implementation of the Law on Courts required EROL to dedicate significant resources to ensuring the courts, the KJC, and the public are ready for the transition to a new court structure. To provide much needed technical support to this effort, EROL made changes to key personnel. A highly experienced attorney filled the recently approved key personnel position, Senior Technical Advisor. This will give EROL added capacity to provide much needed legal analysis, advice and follow-through at the KJC and the KJC Secretariat.

In addition, EROL fully utilized the additional short-term local staff, approved during the previous reporting period, to provide much needed additional resource for the case inventory effort that is crucial to the successful transfer of cases between all the courts. The transfer effort undertaken to comply with implementation of the Law on Courts (LoC) is literally historic. The courts, the KJC and EROL worked together to identify, inventory and enter into a case tracking database the over 240,000 cases pending in the courts across Kosovo. EROL also ensured that the cases from northern Kosovo courts were included in the effort (with thanks to EULEX for its assistance).

As part of the transfer cases between courts, EROL worked with the KJC to develop, print and distribute revised case registry books for all courts. These new registry books serve as the primary information-gathering tool for court case information. Based on the new books developed through numerous working group and advisory meetings with court staff and judges, EROL was able to use the case information gathered as part of the inventory process, populate the EROL-developed database and use that information to create pre-printed registry books for each court/department. Thus, each court/department will be able to begin 2013 with all pending cases loaded into their registry books and simply add cases as they are filed. EROL is working with the KJC to utilize an electronic registry (in addition to the manual books) so that information can be updated and accurate data on court/judicial caseloads are kept current.

While cases at all courts were being inventoried, EROL was working with the KJC and the current phase of Model Courts to start court refurbishment (CR) work at the new Court of Appeals (COA) and the Basic Court in Rahovec; both court facilities began refurbishments during the reporting period. At the COA, refurbishment work was substantially completed by the end of the year in order for the newly appointed COA judges and staff to utilize half the building space (while the other half is completed). During the Reporting period, all eight (8) Phase I Model Court designs were accepted and RFTOPs for refurbishment work were published to the CR IQC holders. CR contracts were awarded for two (2) facilities (COA and Rahovec) and three (3) CR sub-contracts were submitted to USAID for approval. The Supreme Court contract was approved by USAID, and EROL is working with the contractor to begin work once the COA is completed.

Technical support for the introduction and utilization of enhanced technology solutions continued with the KJC, KJI, MOJ, and KPC. EROL worked with the KJI to develop the requirements and select a developer to create a database system that will serve as a central repository of all information that is available in electronic form within the KJI. The database will include information on both the trainings that are conducted by KJI, as well as the internal business operations of the institution, i.e. HR, finance, procurement, and assets management. In addition, EROL worked to develop program requirements for website development at the KJC and KPC. EROL also completed the selection process for the developer to assist the MOJ's Judicial Litigation/ State Advocacy Office (DJL/SAO) and Department for International Legal Co-operation (DILC) with the design, programming and implementation of a case management system.

EROL continued its support for improving the institutional capacities of the Office of the President (OP) to help the effective exercise of constitutional competencies. In particular, such institutional support was provided to strengthen the capacities of the OP legal staff on legislative review procedures and in drafting professional legal responses to the Assembly of Kosovo when laws are referred for reconsideration.

EROL also worked with counterparts as they moved forward with developing and adopting Codes of Conduct. The KJC and KPC have both adopted their respective Codes of Conduct and are developing/amending regulations on judicial and prosecutorial discipline. EROL continues to work with the KCC to develop a Code of Ethics for its judges.

One of the many issues facing the justice sector generally is its often inability to provide accurate, timely and transparent communications with the press. During the reporting period, ERO provided substantial resources to the KJC, KPC and OP to develop communication protocols that will assist their respective organizations when they must communicate information to the public and the press. To help ensure all stakeholders were included, EROL provided workshops for journalists focusing on the specific issues unique to the justice sector.

As part of the overarching effort to keep the public informed regarding the implementation on the Law on Courts and the changes that could affect the public, EROL developed an aggressive media campaign – in five local languages as well as sign language – that described what the LoC does, where the new courts are, and what are the new jurisdictions. The Campaign included TV, radio, newspapers and website banners.

The partnerships EROL has built upon over the past seven quarters have strengthened significantly. Much of the work was planning, investing, designing and developing. The implementation of the LoC required significant operational and logistical support resources, including a “surge” of EROL staff who worked side by side with court staff to gather, verify, inventory secure and transfer over 240,000 court cases. While that initial, LoC records work is almost complete – with the requisite follow up on cases and information to maximize data and records integrity – EROL will soon begin to focus

more on operational sustainability. It will be an effort to sustain the idea of information and records timely recording and maintenance at the court; KJC strategic planning, court oversight, and decision making standards; judicial and court staff training course and curricula development; justice sector information management and reporting; and public outreach.

Much was accomplished this reporting period, and EROL looks forward to the work ahead.

CONTEXT: CHALLENGES & OPPORTUNITIES

A substantial amount of resources have been required to ensure a successful transition to the new court structure; and while the transition has been a success, in many ways, the real work is just beginning. Working Groups will need to be established to review and assess some of the strategies and methodologies that were used during the implementation and transition phase. The President Judges, Court Administrators, the KJC and the KJC Secretariat, with EROL assistance, will need to develop a stronger partnership for managing the courts.

Delays and changes with decision-making on court staffing and assignment (both judges and non-judicial staff) put additional pressures at the end of the calendar year to get people where they need to be in order for the courts to open their doors for business as usual on January 3, 2013.

As the courts begin work under the new structure, operational issues and procedures that conflict with or require amendments to current laws, regulations, etc. will need to be addressed. New administrative and procedural initiatives will need to be developed. It is difficult to predict how future changes will impact the courts (and thus impact required resources). EROL will be required to stay focused as well as flexible.

The Minister of Justice resurrected his proposal for transformation of the KJI into a Judicial Academy. International advisors have raised substantial concerns about a Justice Academy's compromise of the independence of the judicial branch. The Justice Academy proposal will therefore present many challenges, many of which will require support from the international community.

While the transition effort highlighted critical capacity building needs, EROL's work with the KJC, judges and court staff confirmed that there are a number of opportunities for continued success. A number of judges and court staff have shown commitment and dedication to ensuring their courts readily adapt to change and adopt the MCP standards that will be the cornerstone of operational and administrative sustainability.

The KJC has been very helpful and energetic regarding the potential benefits of using the EROL developed case information database. The system will provide accurate case data that can be migrated to the future Norwegian case management system, but more importantly, the EROL database will provide the opportunity for courts and the KJC to develop the working habits that will become the operational norms that will drive innovation and productivity.

In addition, EROL has continued to coordinate and cooperate with EUOK, and EULEX on justice sector programmatic activities and will continue to do so.

EROL will work closely with the KJCS to develop it into a world-class policy and decision-making Council.

ACTIVITIES

OBJECTIVE 1: EFFECTIVE OPERATIONS OF JUSTICE SECTOR INSTITUTIONS

1.1 KOSOVO JUDICIAL COUNCIL

Law on Courts

EROL continued assisting the KJC with execution of the Implementation Plan (IP) for the new LoC that becomes effective January 1, 2013. Last quarter, EROL adopted a subgroup approach to tackling the multitude of tasks required in the IP. The two main objectives for this approach, namely (a) developing action steps to deliberately and systematically manage the work, and (b) capacity building with EROL counterparts, including KJC Secretariat (KJCS) and Kosovo judiciary staff were achieved.

In early October 2012 the Steering Committee (SC) approved the final registry design, and the Working Group (WG) Chair provided all data necessary to the KJCS Logistics Department to begin the tender process for printing of the new registry books. The KJCS accepted responsibility for concluding these tasks in a timely manner. With those actions, the focus of the WG was redirected to the remainder of the tasks to be completed as outlined in the Implementation Plan. By agreement of the WG Chair and EROL, the subgroups were disbanded, and uncompleted tasks were returned to the WG itself. EROL continued daily monitoring of tasks and responsibilities to ensure that deadlines were set and met and that progress continued. EROL continued to view the remaining IP work in terms of categories as follows: human resources (judicial and support staff), logistics and physical resources (including the Model Court Program), court administration (including transfer of cases), public outreach, and training. Fourteen formal meetings and numerous weekly informal meetings were conducted and from time to time members from the subgroups were called together for brainstorming and policy discussions.

The Court of Appeals Collegium of Judges met on October 1, 2012 and after considerable discussion, agreed on the names of three judges to submit to the KJC for its selection of a President Judge. On October 8, 2012 the KJC announced the first President Judge of the newly established Court of Appeals. EROL assisted with the drafting of the Decision on Establishment, Composition and Competencies of Appellate Commission for Redeployment/Transfer of Judges to Basic Courts and Branches and it was approved by the KJC on October 8, 2012. The assignment of judges was completed on November 2, 2012. EROL staff met with the new President Judge to discuss the methodology for transferring the second instance cases from all courts in Kosovo to the Court of Appeals facility that will be located in Pristina.

Consultative Conferences were also conducted by the Collegium of Judges in each District Court, as well as in the current Municipal Courts of Ferizaj and Gjakova that will become Basic Courts under the new court structure, to select President Judges of the Basic Courts. On November 22, 2012 at a Special Session of the KJC, Council members voted on the appointment of the President Judges of the seven Basic Courts. Nine Council members were present and six of the seven President Judges were elected by secret vote. The Council members tied twice in voting for the President Judge of the Mitrovica Basic Court and voting on this position was deferred until the next Council meeting. Thereafter an appeal was filed by one of the candidates from Pristina District Court. On November 30, 2012 an Extraordinary Council meeting of the KJC was held with the only item on the agenda being the issue of the appointment of the President Judge for the Pristina Basic Court. On a vote of eight in favor, one against and one abstention, the Council voted to revoke the appointment of the judge who was appointed a week ago. On December 10, 2012 the Council again met and proceeded with secret voting for the positions of President Judge for the Basic Courts of Mitrovica and Pristina. At the conclusion of voting the Council named the President Judges for these two Basic Courts.

A proposal for the selection of Court Administrators and non-judicial personnel was adopted by the KJC on October 8, 2012. The names of the individuals selected as Court Administrators for the Kosovo Basic Courts were announced on November 16, 2012. The work involving non-judicial staffing required by the new court structure consumed considerable KJCS resources. As a result, the deadlines set forth in the IP were not met. For instance, the names and position titles for the remainder of the court staff were not finalized until the week of December 17, 2012. These delays had a domino effect and presented challenges since many procedural and strategic plans were put on hold awaiting decisions of the KJCS.

Prior to disbanding the subgroups, the KJCS Director accepted responsibility for finalizing the tasks that the Logistics and Physical Resources (LPR) working group worked on. These responsibilities included the printing of registry books and file folders, designing and installing signage and ensuring all furniture and equipment would be placed in appropriate court facilities and departments. EROL provided data at the request of the KJCS to assist with determining the number of registry books to be printed. The KJCS reported that the new registry books were printed and delivered to the KJCS on December 7, 2012.

A key component to the court restructuring involves the transfer of more than 240,000 cases from current courts to newly established courts. A system of accountability for each of the case files was adopted as a means of guiding the process, and for the purpose of ensuring the integrity of the process. In many situations the transfer of cases involved physical movement of files because those cases will remain in the courthouse where the cases are currently filed, although it was essential that accountability for every case be maintained because every case will literally be removed from the inventory of a dissolved court, and then added to the inventory of a newly established court. A proportion of the transferred cases – approximately 7,000, most of which are second instance cases – were moved from one courthouse to another. In order for success to be achieved, four conditions had to be fulfilled. First, on or before January 1, 2013, all pending court cases must be located in the archive of the court that will have jurisdiction over the matters. Second, the transferred cases must be indexed in a central registry that provides information that is necessary for court administration purposes. Third, the cases must be stored so that they are readily retrievable by judges, authorized court personnel, and other authorized parties. Fourth, courts must provide a mechanism so that parties to a pending case will be informed about the location of their case, particularly if the case file has been moved to another courthouse.

The creation and maintenance of a comprehensive, reliable database was an absolutely critical component of the transfer of cases process. The database served as the backbone of the accountability system that tracked the transfer of case files.

At the conclusion of the mission, the President Judge of EULEX wrote “This may seem like a small event but I can assure you that it took coordination by a considerable number of people from KJC, EROL, EULEX Security and KP. Getting anything done like this at the Mitrovica Courthouse is never easy, so I count this as a big accomplishment. All of those involved are to be congratulated.”

Since case files often contain original evidence and other documentation, purposeful or accidental loss of a case file during the reorganization process would be extremely problematic. Reports generated by the database were utilized to manage the selection of cases for physical transfer, the transportation of cases from one courthouse to another, the assignment of cases (and, perhaps, judges) to Departments at the courthouse destination for the case files, to assist in the registration procedures when the 240,000 cases are transferred to their new jurisdictions, and for related purposes.

One issue that EROL overcame involved the collection of case files from the Mitrovica District and Municipal Courts where staff were unable to travel because those courts had effectively been closed due to security concerns. Several meetings, discussions, and complex coordination with the KJC, KJCS, the President Judges from the courts in Mitrovica, and security officials from EULEX and the Kosovo Police were required to accomplish the transfer of second instance cases from Mitrovica. Ultimately, the Kosovo Police transported four staff members from Mitrovica District and Municipals Courts, as well as EROL staff to the courthouse.

Case files were processed according to the EROL case transfer protocol plan and then handed over to the custody of the Court of Appeals court administrator in Pristina.

EROL, KJC, and administrative support staff from various courts are using a spreadsheet to collect raw data for the database. The data collection focused on the five existing District Courts, which will become Basic Courts under the reorganization and are the current repositories for the bulk of cases that will be physically transferred (mostly to the Court of Appeals), as well as the approximately 40 remaining courts in the system. EROL began merging data in the standardized spreadsheets that contained data from each of the courts in various ways, consolidated the merged data into a master database, designed spreadsheet formulas to process the data.

EROL also retained a very experienced database engineer to develop a relational database on a Web-based platform with sophisticated processing capabilities that was populated with the case data that was collected in the field. After beta testing the application, EROL installed the database application on two interlinked KJC servers that were set up temporarily at the EROL office. EROL also developed a remote access protocol so that authorized users of the database at the KJC and in the courts will be able to access the database. The architecture of the database is designed so that statistical and managerial report requirements will met. The database also can display all fields of the relevant court registry book - 72 registry books will be in use as of January 1, 2013. Using filtering or report modes, the database will be able to display or print case-related or registry-related information, including a printed replica of any court registry. The coding and testing of these, and other, features are nearly complete, and success has been achieved.

The image shows a screenshot of a complex spreadsheet application. The spreadsheet has multiple columns with headers in both English and Albanian. The English headers include 'Case No.', 'Case Name', 'Court', 'Status', 'Date', and 'Priority'. The Albanian headers include 'Numri i Aktës', 'Emri i Aktës', 'Gjykatë', 'Statusi', 'Data', and 'Prioriteti'. The data rows contain various alphanumeric values. A large, semi-transparent watermark 'Page 1' is centered over the spreadsheet.

Criminal case electronic register with pending case data provided by the EROL developed database.

Based on last quarter's work by the working group providing technical assistance to the steering committee for the IP, the design was completed for 66 new registry books and guidelines. EROL conducted a transition-planning workshop for chief clerks from the new Basic Courts, Court of Appeals and Supreme Court. The purpose of the workshop was to introduce them to the new registry books, formats and guidelines and to discuss an appropriate training curriculum for court staff. Attendees shared plans that they had devised to prepare their court and staff for the transition to the new court structure; it was clear that many had given a good deal of thought to this matter. EROL also facilitated registry training for all of the Basic Courts.

Legal and Policy Advice and Support

Although the focus of the KJC and the KJCS was the physical work necessary to implement the LoC, EROL also identified issues with the law itself as it was adopted and worked to revise the law. EROL helped identify two major issues in the Law on Courts: 1) that the Law did not include provisions for minor offences, though they existed in the prior law, and 2) clarifying the role of the Supreme Court in third instance appeals. EROL participated in the working group established by the Ministry of Justice for the amendment of the five justice laws, where these issues were addressed. They were also addressed in regular meetings with the KJC. First, the initial version of the LoC repealed the existing Law on Minor Offences (Article 42.1) without replacing it with a new law. Without a revision to the Law, the courts would have started the year 2013 without any laws relating to minor offenses. This could have paralyzed the legal system. The second issue related to third instance appeals. The LoC for the first time provided for a separate Court of Appeals, which was to function as the court for second and third instance appeals. This shortcoming in the law could have had serious repercussions in the allocation of judicial resources and potential issues of rights to fair trials and other problems for litigants. The problem was resolved with an amendment expressly stating that the Court of Appeals would handle second instance appeals only while third instance appeals are reserved for the Supreme Court. The two issues were resolved with the amendments to the LoC approved in the last session of the Kosovo Assembly for the year 2012, on 20 December 2012 and published in the Official Gazette on 28 December 2012.

In addition to the amendment of the LoC, considerable work was also necessary to draft and approve the regulations required to make the implementation plan legal and to provide instructions to assist the court personnel and judges in

effecting the transition. The most substantial regulation was the Regulation on Organizational Matters and Activities of the Courts, based on the Law on Courts and the Law on the Kosovo Judicial Council. This regulation was a pre-condition for the operation of the courts on 1 January 2013. The regulation is the largest sub-normative act of the KJC with regards to courts. It clarifies competencies of the President Judges, Supervising Judges, court administrators, deputy court administrators and all other non-judicial court personnel. In addition, the regulation contains provisions on the organization of the departments and offices within each court and the inter-relationships of them. Registries, case management and other details of court operation are covered as well.

Starting with the existing regulations on courts, three sub-working groups were formed with members coming from the KJCS, and the courts, including judges and court administrators. The sub-working groups were included case management, HR, and court administration. EROL facilitated multiple meetings of each sub-working group and provided technical and legal assistance for the groups. The Council adopted the regulation on 26 December 2012. The KJC foresees that some modification of the regulation will be needed, and EROL will provide continued support to the effort.

At the request of the SC and the Chair of the KJC, EROL prepared a legal analysis of the process involved in the handling of certain pending court cases that will be transferred prior to January 1, 2013. The analysis addressed only the transfer of cases already assigned and examined by panels of judges as of January 1, 2013. The SC agreed with the analysis that concluded that if a case is already assigned for adjudication by a judge or panel of judges, and evidence has already been taken, the single judge or presiding judge of the panel and the other members of the panel should continue serving in that case until the case is resolved. However, the Council concluded that due to some changes in the code of criminal procedure and the role of lay judges, this decision would be applied only to pending EULEX cases including Kosovo judges who are members of the panel in mixed panels with EULEX Judges. Based on the analysis and discussion, the Instruction on the assignment of pending cases was adopted on 26 November 2012.

EROL also participated in drafting a package of three internal acts of the KJC. A working group was established within the KJC comprised of KJC staff, EULEX legal advisors and EROL. The legal acts were as follows:

- Administrative Instruction on Compensation of Members of the KJC and other Officials in Committees and Working Groups. This instruction was adopted on 2 November 2012 and will enter into effect on 1 January 2013. It defines rules and procedures for financial payments to members of the KJC and other officials for committee and working group participation.
- Regulation on Recruitment Procedure for Apprentices in Courts. This regulation entered into force on the date of its adoption, 2 November 2012. It establishes procedures for recruitment of apprentices in courts in within the KJC.
- Administrative Instruction on Compensation Procedure for Persons Wrongfully Convicted or Arrested. This instruction was adopted on 2 November 2012 and amended on 26 December 2012. It will go into effect on 1 January 2013. It defines the selection of committee members for a committee overseeing compensation, the manner in which the committee will function, the procedure for submitting a claim to the committee, the compensations available to victims and the requirements for persons able to submit claims.

EROL conducted a KJC Code of Ethics Drafting Workshop with the KJC Ethics Working Group. The Council adopted the final Code of Ethics on October 8, 2012.

The focus next quarter will be on strategic planning for the KJC and the KJCS. Once the implementation of the LoC is complete and the operational protocols in place throughout the country, EROL will begin working on improving the effectiveness of the KJCS to manage the new court system and to support the Council. EROL anticipates that for the KJCS to be an effective manager and support to the Council, it will need substantially more resources, both human and material. Therefore, part of the planning will involve what will in essence be a business plan to take to the Assembly to support an enhance budget for the KJC.

1.2 KOSOVO PROSECUTORIAL COUNCIL

The Kosovo Prosecutorial Council navigated successfully the path toward a new court structure. With significant EROL support, the Council organized and mapped out the transfer of administrative staff, identified and appointed prosecutors to fill positions throughout the system – including the new Court of Appeals and Chief Prosecutors for the seven Basic Courts – and instigated changes to the Council’s composition that are mandated by the new Law on Courts. Moreover, the KPC made significant strides with the development of a two-year strategic plan and a proactive public relations strategy, and strengthened its oversight function by properly addressing key functions of governance, discipline and prosecutor performance evaluations.

Legal Framework and Governance

At the request of the KPC, EROL provided an analysis on how the new LoC would impact the Council’s composition beginning in 2013. EROL, in collaboration with USDOJ, presented a joint analysis, which was adopted by the Chair, concluding that two Council members must relinquish their position on the Council because their respective status as a “district” and “municipal” prosecutor will cease to exist under the new court structure; the change in status triggers the end of the members’ term by operation of law. To fill these two open positions, the KPC, for the first time since its inception, was required to interpret and follow the procedures established in the Law on KPC (Art. 5) by having peer prosecutors elect a member to represent the new Basic Prosecution Office and the new Appellate Prosecution Office on the Council, respectively.

EROL, with DOJ in the lead, helped facilitate the first all-prosecutor conference in Kosovo on December 8, 2012. The main purpose of the event was to address the necessary changes to the Council’s membership composition, and to obtain prosecutor recommendations regarding the Council’s selection of Chief Prosecutors of the new Basic and Appellate Prosecution Offices. The approximately 103 prosecutors who attended the conference submitted recommendations via secret ballot. Prior to the vote, USDOJ Resident Legal Advisor, Jon Smibert, instructed that a “chief prosecutor should be prepared for a difficult job, as he or she will manage people and cases, big or small.” In addition to the advisory votes for Chief Basic Prosecutors, the KPC presented a power-point description of the new prosecutorial system to attendees. The KPC also afforded EROL the opportunity to discuss the importance of the recently adopted professional Code of Ethics.



Kosovo prosecutors gather at the Kosovo Prosecutorial Council's initial Annual Conference.

In the immediate weeks following the conference, the KPC reviewed the advisory voting results and met to elect Chief Prosecutors for all seven Basic Courts and the Chief Prosecutor for the new Appellate Prosecution Office. Additionally, the KPC reviewed and approved new prosecutors who were submitted for consideration by the Council’s interview and assessment committee. The group of 22 candidates, which includes four minority representatives, was proposed to the President of Kosovo on December 28 for appointment to their respective prosecution office.

On October 28, 2012, the KPC’s Commission for Assignment and Transfer of Prosecutors met to review all applications submitted from prosecutors seeking appointment to the new Appellate Prosecution Office (both Serious Crimes & General Departments), as well as transfers to various new Basic Courts. The Commission scored and ranked all applicants and presented its recommendations to the full Council the following week. The KPC approved nearly all of the recommendations made by the Commission.

It is important to note that neither the new LoC nor the Law on State Prosecutor contains specific provisions requiring the hiring of prosecutors to satisfy the new court structure. The GOK budget already provides for 146 prosecutor positions each fiscal year. As of the end of 2012 the state prosecution service employs 103 prosecutors. Taking into account the 22 new prosecutor candidates being proposed to the President for appointment, a total of 125 prosecutors will be in place system wide in early 2013. As such, there is no additional budgetary impact upon the Office of State Prosecutor caused by the new laws. The KPC has the budget to recruit 21 additional prosecutors as needs arise. It is crucial for the KPC to double its efforts in the next year on minority recruitment so that the Council can satisfy the constitutional mandate requiring the prosecution service to consist of at least 15% of prosecutors who represent the minority communities of Kosovo.

Coinciding with its transfer and appointment activities, the KPC revisited its desire to amend the existing regulation governing prosecutor performance and evaluations. EROL participated in the working group tasked with amending the Regulation Defining the Procedures and Criteria for Performance Assessment of Prosecutors. The same working group is also amending the corresponding Administrative Instruction for Setting Annual Prosecutor Norms. The KPC's evaluation unit has developed a database that captures statistical data and generates reports that measure performance against established norms. After viewing a demonstration of the database, which measures statistics exclusively, EROL advised the KPC that its regulatory framework must provide for qualitative measures of prosecutor performance in addition to statistical analysis of norms if the Council is to fulfill its duty of ensuring increased professionalization of the prosecutorial function in Kosovo. An evaluation of a prosecutor's work is incomplete until a supervisory prosecutor who is qualified to mentor, correct performance issues and identify potential disciplinary matters evaluates his or her on-the-job performance. EROL will assist the KPC with this drafting priority next quarter.

EROL also provided technical drafting assistance concerning the KPC's regulation on the Performance of the Disciplinary Committee (ODP). Many issues of the disciplinary process need improvement in the regulation, including how evidentiary proceedings are conducted, the standard and burden of proof used, the right and grounds to appeal, remuneration during suspension, and the length of time it takes the ODP to issue a disciplinary decision. Working in collaboration with the European Office in Kosovo (EUOK, formerly ECLO), which holds the lead implementer role in the sphere of prosecutor/judge discipline as previously negotiated by USAID, EROL encouraged the Council to allow for alternatives to the disciplinary measures in the current regulation and to recognize the need to distinguish performance issues (e.g., failure to meet job performance expectations) from actual incidents of misconduct (e.g., intentional failure to follow a written workplace rule). In the event of a performance issue, supervisors should consider remedial training and warnings in lieu of harsher sanctions like suspension or dismissal. Since the KJC set about amending its own disciplinary regulation last quarter, a joint meeting was held between the KPC and KJC to discuss the harmonization of the Regulations on the Performance of the Disciplinary Committee of each respective Council. Key points of discussion at the meeting centered on the application same disciplinary standards/measures for judges and prosecutors, statutory limitations, and suspension with/without pay. Due to the substantive differences in the existing laws and proposed amendments, both Councils ultimately agreed to suspend the adoption of new disciplinary regulations until amendments to the Laws on the KPC/KJC are adopted.

Another issue concerning discipline arose when the Balkan Investigative Reporting Network (BIRN) requested the KPC to grant it access to all documents relating to disciplinary allegations and proceedings involving prosecutors. BIRN's request underlined the need for the Council to have media guidelines as it balances the need to be transparent and its obligation to both adhere to the Law on Access to Public Documents and protect the confidentiality of various types of information, including identities of prosecutors facing discipline allegations. In addition to working with the Council to adopt media guidelines (see discussion below), EROL aided the KPC to analyze the specific BIRN request. The KPC ultimately concluded it has a legal obligation to withhold personal information pursuant to the Law on the Protection of Personal Data. The Council refused to disclose official information on the ground that such disclosure would undermine interests protected by law, namely the protection of disciplinary investigations and the protection of privacy and other private legitimate interests.

KPC Strategic Plan

As the transition to the new court system entered its final phase, EROL continued to work closely with the KPC to perform long-term strategic planning. Building upon momentum begun at the EROL-sponsored two-day strategic planning workshop in September 2012, EROL steered the drafting process, working with key personnel and small groups of subject matter experts from the prosecution service to review the Council's five main strategic objectives: infrastructure, oversight, deliberative capacity, transparency and communication, and prosecutorial strategy.

With a solid draft in hand, EROL conducted a final drafting session on December 10, 2012. Approximately 15 members (excluding international advisors) representing the Council, support staff and department heads participated in the workshop by providing detailed comments and suggesting substantive track changes to the draft plan. In addition, working group members reorganized the KPC's mission and vision, and prioritized its objectives. Following the workshop, EROL compiled, translated and incorporated changes into a near-final draft strategic plan. The Council is expected to make some additional changes on its own before putting the plan forth for adoption, which will most likely occur in early 2013. Once the strategic plan is approved – and with the court transition complete – EROL will guide the KPC in Q4 to create a detailed action plan containing concrete activities, measurable indicators and a timetable, all designed to aid the Council achieve its objectives. EROL's efforts to institutionalizing the strategic planning process will aid the KPC to make sound, forward-looking decisions with an eye towards meeting the prosecution system's long-term needs.

On November 16, the KPC unanimously approved and adopted the Strategic Plan for Inter-institutional Cooperation in Combatting Organized Crime and Corruption. In collaboration with DOJ, EROL assisted the KPC's working group in Q2 by providing logistical support for a two-day workshop during which the Council developed an initial draft of the strategic plan.

KPC Public Relations Strategy and Policies Development

An important goal of the new court structure is to increase transparency and public confidence in Kosovo's justice system; citizens are skeptical about the fairness of court procedures, and controversial decisions are sometimes perceived as having been influenced by corruption rather than the rule of law. Early in 2012, EROL approached the KPC and suggested it consider developing and executing proactive public and media outreach activities to increase transparency and bolster public knowledge of and participation in the justice system and the ongoing reforms.

EROL continued its communication-related technical support, working with the KPC and its public relations working group and staff to

- Develop media guidelines aimed at optimizing opportunities to promote a positive image of the Council and reforms;
- Formulate communication crisis management guidelines aimed at minimizing the threat of negative media coverage and potential reputational damage to the institution;
- Conduct a two-day train-the-trainer (TOT) public relations program that can be used to train future staff in the new court structure; and
- Finalize a five-year KPC strategic communication plan.

On October 31, EROL organized a "Media and the Criminal Justice System" roundtable event which brought together representatives of media and all Kosovo justice-sector institutions to discuss ways of working cooperatively to enhance public understanding and access to the justice system. The KPC served an essential role at the event, answering questions from the media and describing in detail the prosecutorial reforms underway in Kosovo. Importantly, representatives from print, television and radio covered the event, with one television station even broadcasting the roundtable in its entirety.

For many citizens, the EROL-generated media coverage was the first time they learned about justice-sector reforms including the distinctions between judges and prosecutors, prosecutors and police, and the distinct roles they each play in the Kosovo criminal justice system.

The roundtable also marked the first collaborative step in developing unified media guidelines aimed at improving judicial and prosecutorial transparency and fostering good professional relations between journalists and justice-sector officials. Participants discussed the purpose of media guidelines and the need to provide journalists with accessible justice-sector points of contact and a clear understanding of what information can be disclosed and what information must be kept confidential. Subsequent to the roundtable, EROL and KPC leadership reviewed the EROL-drafted media guidelines, an integral component of the long-term communication strategy plan, which are designed to facilitate proactive media relations for the purpose of increasing public knowledge of the prosecutorial system and the Council.

Additionally, EROL suggested that the KPC develop informational media kits with the objective of generating informative media stories about the prosecution system. EROL helped the KPC spokesperson draft a press release and a fact sheet on the new structure of prosecution offices. EROL translated the materials into Albanian, Serbian and English, and submitted the media kit to the Council for approval.

In December, the KPC requested EROL assisting in producing a televised public service announcement (PSA) that would inform the public about the changes taking place in the prosecution service. Several members of the Council were impressed with similar PSAs that EROL helped produce and were being aired on television as part of the KJC's media campaign. Upon receiving USAID's approval, EROL met with the KPC spokesperson to develop a script and create a timeframe for filming and airing the PSA. The Council then secured free broadcast airtime on Kosovo's public television station (RTK), which aired the PSA in late December and in early January 2013.

Regarding internal and external governance of the KPC's communication activities, EROL facilitated a communication strategy working session with the public relations working group and senior leadership, after which the Council established a timeline and assigned responsibilities associated with implementation of its communication strategy plan. The KPC agreed to follow crisis communication guidelines in accordance with EROL-recommended formats designed to manage issue-driven crises and negative publicity and to build the institution's reputation. By the end of Q3, EROL had delivered to the Council for official adoption (in 3 languages):

- KPC Media Guidelines
- KPC Crisis Communication Guidebook
- KPC Communication Strategy Plan
- KPC Communication Strategy Implementation Plan
- Administrative Instruction Governing Internal Communication

Due to other time-critical priorities of the KPC related to implementation of the new structure on January 1, 2013, the Council was unable to place these items on a meeting agenda for an approval vote. EROL will work with the KPC to achieve adoption and implementation in early 2013.

On November 15-16, 2012, EROL conducted a train-the-trainer workshop for the KPC spokesperson and other public information specialists working in the justice system. This training built upon the skills course offered by EROL in April 2012. Participants heard from a panel of selected district court leaders, who described their most frequent information requests and major needs with regard to public information officers. Throughout the two-day session, participants develop strategies to assist them address challenges in their jobs so as to maximize their effectiveness, including a review of several court-related websites in the United States for the purpose of identifying best practices in the use of a public website for public education and to assist court users in their interactions with the court system. Finally, the communication

professionals used an interactive exercise to design a training course that could be used for new court public information officers who are expected to be hired in the future to support the new seven Basic Court system.

1.3 MINISTRY OF JUSTICE

Draft Law on the State Advocacy Office and Future Technical Assistance to the SAO

EROL has provided continuing technical assistance to the MOJ Department for Legal Affairs in the preparation of the Draft Law on the State Advocacy Office (SAO), which was submitted to the Kosovo Assembly for consideration and adoption. Although the MOJ did not accept all of EROL's recommendations, the revised Draft Law submitted to the Assembly was greatly improved by EROL's contributions, particularly with regard to the independence and professionalization of the government representation function in Kosovo. The Assembly's first reading of the Draft Law on the State Advocacy Office was on November 8, 2012, at which point the matter was assigned to a Committee session for further review. The Assembly is expected to hold the second reading of the Draft Law in January 2013, with adoption to follow soon after. Once established, the State Advocacy Office, an agency of the Ministry of Justice, would represent the public authorities of the Republic of Kosovo in judicial, arbitration and administration proceedings, in accordance with legal provisions for public financial management and accountability.

In terms of future technical assistance to the SAO, EROL made preliminary plans to provide technical assistance to the State Advocacy Office on various levels once it is established, including regarding the drafting and enactment of SAO regulations, development of case management and database capabilities, development and presentation of an orientation program for SAO staff, and a trial advocacy skills training program for SAO attorneys.

Technical Assistance: Development of Database and Case Management Systems for the DILC and the SAO

EROL is providing technical assistance to the Ministry of Justice with regard to the database and case management system needs of the MOJ Department for International Legal Cooperation (DILC) and the SAO. EROL's technical assistance called for development of two distinct software applications that would facilitate management of casework conducted by the DILC and SAO. EROL participated in a series of meetings and communications with DILC and the Department of Legal Affairs (DLA) regarding this technical assistance, and provided implementation plans for the software development, which were approved by the MOJ IT Manager, the DILC Director, the DLA Director (which will oversee the SAO after it is established), and the Ministry of Public Administration (which provides hardware support for the MOJ network). In addition to ensuring that the proposed software applications will fulfill the needs of the Ministry, the implementation plans are intended to document and facilitate EROL's role in ensuring that the software development contract with the vendor is fully and properly carried out in the development and installation of the database/case management systems. Accordingly, EROL is in the process of finalizing selection of a software development vendor, and development of the software application is expected to begin in January 2013.

1.4 CHAMBER OF NOTARIES

EROL is no longer providing direct support to the Chamber of Notaries. EROL is supporting KJC's effort to develop informational materials that can be easily distributed in the courts, as well as content and functionality for the KJC web portal or a temporary KJC website devoted to the transition to the new notary system to assist court visitors to identify and find notaries. Since these activities will be focused on KJC, this section will no longer be reported.

1.5 OFFICE OF THE PRESIDENT OF THE REPUBLIC OF KOSOVO

Legislative Review Process

Following up on the July 2012 workshop on legal drafting, EROL conducted a two-day workshop on the legislative review process for key departments involved in legislative process: the legal staff of the OP and the staff of the Legal Department

of the Assembly of Kosovo. The focus of the workshop was on building the professional capacities of the legal advisors to define and conduct, through standardized practices, a thorough review of legislation. The workshop also included overviews of the legal context for Presidential review of legislation, comparisons with other countries, and the identification of significant issues and questions about the process, followed by group discussion on those issues and a series of practical exercises, the development of a checklist for the President to consider when reviewing of legislation as well as the design of a template for use in developing the reasons for returning a law to the Assembly. Following the legislative review training, the EROL prepared comprehensive Review Guidelines and a draft template for the President's return decision.

Improving the OP Public Relations in the Justice Sector

EROL continued its efforts to support the OP on procedures and protocols that govern the process of internal communication between the senior management and communication officers on the relevant internal and external communication issues pertaining to judicial and prosecutorial appointments. EROL conducted an OP needs assessment focusing on public communications in the justice sector. On October 24, 2012, EROL conducted a workshop for OP communication officers on the development of a communications strategy. The workshop topics included approaches and techniques in overcoming public communication barriers, ensuring qualitative message delivery, and strategies for communicating matters involving judicial and prosecutorial appointments. As part of the follow up to the workshop, EROL distributed SWOT Analysis and Profile worksheets to OP participants; these will be used to further develop public relations and communications guidelines.

OBJECTIVE 2: INCREASE THE EFFICIENCY OF COURT OPERATIONS

2.1 ASSESS AND AMEND MODEL COURTS PROGRAM STANDARDS AND PROCEDURES

EROL reviewed draft refurbishment designs to ensure they met the design specifications and would support the operational and administrative goals of the Model Court Program (MCP). EROL met with judges and court administrators in those courts that have started the refurbishment process or are scheduled in the near future. The plan is to ensure the courts have adequate, requisite information necessary to successfully shift work processes and procedures to comply with Model Court Standards. In addition, EROL reviewed MCP implementation in Kamenica in order to discuss lessons learned resulting from their MCP experience under the former USAID Rule of Law program. Clearly, staff members are dedicated; they have implemented many of the MCP standards. However, it is also clear that as the EROL MCP progresses throughout Kosovo, EROL will need to include all courts in order to develop consistent and unified operational standards based on the MCP.

EROL developed curriculum and facilitated training on the new court registry books in the Basic Courts, Court of Appeals and the Supreme Court. For capacity building and sustainability purposes, EROL assigned responsibility for the actual training to the Chief Clerks in the courts. However, EROL staff was on hand to provide support and answer questions. Training needs assessments were prepared and forwarded to Courts in Gjilan, Viti, Lipjan, Istog, Rahovec and Suharekë.

In anticipation of Model Courts refurbishment work and implementation of MCP standards, EROL worked with court staff at six of the eight Phase I refurbishment courts Gjilan, Lipjan, Istog, Viti, Rahovec and Suharekë to assess and review court management structures and court operational practices. The focus of the assessments was to determine the strategy for assisting the Model Courts with implementation of following operational standards:

- Standard 1** Assessing current court management practices with the specific emphasis on the relationship between the President Judge and Court Administrator and a view to the level of usage of the court management handbook.
- Standard 2** Identifying areas in which court staff require the greatest level of training on their day-to-day work.

- Standard 3** Determining the level of application by court staff of the court management manual requirements for streamlining the workflow, case processing and customer service.
- Standards 4, 5** Exploring what, if any, activities had been undertaken by the respective courts with a view to reducing court delays and backlog.
- Standards 7, 8, 9** Assessing the application of standard protocols regarding court communication with the public, safety of the building and courtroom usage.

2.2 SELECT AND IMPLEMENT MODEL COURTS PROGRAM IN THE COURTS

EROL finalized the prioritized list of Model Courts that will undergo refurbishment work and implementation of MCP standards. In addition, refurbishment work began at two locations: the Court of Appeals (former Pristina District Court)



One of the newly refurbished courtroom at the Court of Appeals.

and Rahovec/Orahovac Branch Court. The COA refurbishments include adding a central records management office as well as additional courtroom and secure office space for judges. The refurbishment work is designed to complement the operational and administrative changes that are the core of the MCP standards. Public areas with glass wall and views of the court records allow for greater transparency. Public posting of case filing procedures, along with electronic displays that show current court hearings, schedules and locations, aid litigants and attorneys. Renovated archive space allows courts to improve record keeping and provide better customer service for citizens and attorneys requesting case file information.

The following reflects the current Model Courts Refurbishment status:

Court of Appeals – Phase I¹ of the refurbishment is almost complete with judicial offices, courtroom and clerks' offices completed. All Court staff have moved in to the renovated area while the work on Phase II is underway.

Kosovo Supreme Court – Consent to contract has been issued by USAID. Award will not be made and work started until substantial completion of the Court of Appeals.

Rahovec/Orahovac Branch Court – Demolition of phase I is near completion.

Suharekë/Suvareka Branch Court – Recommendation to award is underway.

Viti/Vitina Branch Court – Awaiting USAID Consent to Subcontract.²

Istog/Istok Branch Court – Awaiting USAID Consent to Subcontract.²

Lipjan/Lipljan Branch Court – Awaiting USAID Consent to Subcontract.²

¹ All court refurbishment work is staged in two phases in order for court operations to continue.

² Update: on 8 January, EROL received USAID Consent to Subcontract.

Gjilan/Gnjilane Basic Court – EROL is preparing the request for consent and will submit to USAID in January.

EROL worked with the KJC to develop a ranked list of the remaining courts that will begin MCP implementation and court refurbishment once the first eight courts are completed. Architectural design for the remaining courts will begin as soon as the ranked list receives final approval, anticipated in January 2013.

MEDIATION (CONTINUATION OF SEAD ACTIVITIES)

During the reporting period, 26 cases were referred by the courts pursuant to a Protocol on Referral of Cases to Mediation Centers promulgated by the Kosovo Judicial Council. Since the opening of the mediation centers in July 2011, the courts have referred 120; no cases have been directly submitted by the public. Pursuant to a MoU between SEAD and the KJC, mediators' fees for court-referred cases were paid by the KJC and for non-referred cases by SEAD. EROL assumed the support for the development of mediation in Kosovo and mediation-related activities at least through March 2013, per agreement with USAID.

EROL has also supported the Special Office of Authentic Document Enforcement to address the problem of significant backlog of authentic documents cases. The KJC has determined that the office will be disbanded and EROL will no longer provide support for its operations beginning in January 2013.

The steady increase in cases referred by the courts to mediation is a result of initiatives taken to overcome the reluctance of judges as well as attorneys to encourage parties to try mediation and targeted marketing activities. EROL continued to regularly meet with court presidents, individual judges (including enforcement judges and enforcement clerks), and in cooperation with EU twinning program in Kosovo, EROL hosted continuing mediation trainings for Peja and Gjilan mediators. In addition, the EROL supported the mediators association and hosted meetings with the association representatives and encouraged them to participate more fully in outreach efforts. EROL and the association of mediators have developed an action plan for 2013.

The following tables shows the cases referred to the EROL mediation centers during the reporting period:

	Gjilan		Peja	
	Qtr 2	To date	Qtr 2	To date
Cases reviewed by Project for potential referral	141	510	178	693
Cases selected by Project and judge for potential referral	131	402	149	428
Cases referred to mediation (based on agreement of parties)	8	66	18	54
Cases settled through mediation and approved by court	2	38	7	22
Cases not settled and transferred back to court	7	27	4	17
Cases in progress (agreement to mediate signed and mediator selected)	1	1	15	15

OBJECTIVE 3: IMPROVE PROFESSIONALISM OF JUSTICE SYSTEM ACTORS

3.1 KOSOVO JUDICIAL INSTITUTE (KJI)

The KJI is responsible for the initial training of judge and prosecutor candidates by means of an Initial Legal Education Program (ILEP), as well as the continuing legal education of judges and prosecutors through its Continuing Legal Education Program (CLEP). Continuing legal education for judges and prosecutors is currently optional, but the LoC and

the Law on the State Prosecutor provides for mandatory participation in continuing education programs beginning in 2013, which will either be provided or coordinated by the KJI. Furthermore, the KJI Board of Directors, responding to a request for support from the judiciary, has directed the KJI to begin providing training for judicial support staff in 2013. The institute plans to initiate e-learning programs on a Web-based platform in 2013, which will support its efforts to professionalize the justice institutions.

KJI Website and Database Design/Development

KJI's current website does not conform to best practices for accessibility, ease of use, of functionality. For example, the KJI website does not support online registration, course evaluations, e-learning, library resources, or other features that would promote efficient delivery of critical educational services to targeted audiences in Kosovo's justice institutions. EROL responded to a KJI request for technical assistance in this regard by providing for a complex technology needs assessment, and submission of a sophisticated conceptualization of the technical and practical requirements for a solution to the identified needs, which included additional capabilities for management of administrative activities of the Instituted. The KJI approved the concept paper, after which EROL issued a request for proposals from software developers, selected a vendor after evaluating the proposals, and then EROL submitted an implementation plan to the KJI, which was approved. By the end of the third quarter, EROL, KJI, and the vendor had reached agreement on the process for development of the database application, which was initiated immediately.

Development of Professionalization Training Courses for Judges, Prosecutors, and Judicial Support Staff

KJI asked for assistance in developing a series of training courses in legal reasoning and writing for judges and prosecutors. The KJI Board of Directors, as well as the Judicial Council and the Prosecutorial Council, gave this module the highest priority because it will address a critical need to strengthen the capacity of judges and prosecutors, and by extrapolation members of the Chamber of Advocates and other private attorneys, to resolve legal issues and write legal documents in a logical fashion so that judicial decisions will endure under appellate review, and they will provide understandable transparency to judicial and prosecutorial functions. The skills developed in this course would be further strengthened by a mock trial training program during which judges and prosecutors, with likely participation by private attorneys, would practice resolving legal issues in simulated, but realistic, courtroom settings.

KJI also asked for assistance in developing a series of training courses in high priority subject matters relating to court management and case management by president judges, supervising judges, judges, court administrators, and other members of court leadership teams. Development of this series of courses is particularly important because the new Law on Courts provides for implementation of a new court structure, including new concepts for court leadership and specialized court departments. The courses also would address certain continuing concerns about the functionality of Kosovo courts, which involve backlog reduction, case delay reduction, ethics, use of technological tools to promote efficiency, reliance on best practices for internal and external communication in judicial settings, and sustainability of reforms.

Finally, KJI asked for assistance in developing an expansive series of training courses that would be designed to incrementally professionalize court support staff, and to introduce resource multiplying techniques, such as cross-training of support staff.

In response, EROL proposed the following eight course modules to the KJI, which were approved by the KJI Board of Directors in December 2012:

- **Case Management.** EROL will provide assistance to the KJI in the development of a training module for judges that would focus on the processing of individual cases by individual judges, in contrast to caseload management, which deals with court-wide systemic case processing issues and challenges. The training module would be based upon the concept that if a judge takes responsibility for a case at an early stage of the proceedings, the judge will have an opportunity to manage the case in the most efficient manner possible. It will also emphasize the

usefulness of a pretrial conference and scheduling order in managing cases. EROL envisions that this module will require one training day.

- **Court Management.** EROL will provide assistance to the KJI in the development of a training module for Court Presidents that would concentrate on a presiding judge's strategic management of the court over which he/she has responsibility. The centerpieces of the training module would be on judicial independence (independence of the judiciary, and independence of the judges—as well as the related principles of impartiality and fairness), inspiring public trust and confidence in the judiciary, stress management, effective communication, the strengthening of practical leadership skills (including relevant human relations aspects), interpretation and application of statistical data for strategic (including applicable principles of caseflow management) and performance evaluation purposes, executive team building (including the relationship of presiding judge, court administrator, and chief clerk) to facilitate court management, the benefits of cross training court administrative support staff, and related subjects. EROL envisions that this module will require two training days.
- **Legal Writing and Reasoning.** EROL will provide assistance to the KJI in the development of a Training of Trainers training module on the subject of legal writing and reasoning skills that would prepare KJI instructors for training judge and prosecutor candidates enrolled in the Initial Legal Education Program. The training module would orient the trainers to relevant interactive teaching techniques, a best practice for this sort of skills training objective, and include practical exercises that will promote excellence in legal writing, as well as written and oral reasoning in a way that will facilitate incorporation of legal writing and reasoning skill development into all relevant KJI coursework. EROL will also provide assistance to the KJI in presenting the Training of Trainers program on this subject. EROL envisions that this module will require two training days.
- **Information Technology.** EROL will provide assistance to the KJI in the development of a training module regarding the benefits of information technology in a legal setting, which would be presented to judge and prosecutor candidates enrolled in the Initial Legal Education Program. The focus of the training module would be on the ways in which technology can improve the efficiency and effectiveness of the work of judges and prosecutors, including as a tool for organizing workload, organizing facts and legal support, project management, and in the organization and presentation of written submissions or decisions by the court. EROL envisions that this module will require one training day, although a two-training day approach would be necessary if the KJI elects to include substantial practical exercises, which may be beneficial.
- **Communication.** EROL will provide assistance to the KJI in the development of a training module that will strengthen the communications skills of judges and prosecutors, particularly when dealing with parties, court staff, members of the public, and representatives of the news media. The course would be intended for delivery in either the Initial Legal Education Program or the Continuing Legal Education Program, or both. The training module will concentrate on skills ranging from active listening and validation, to the use of communications methods that are both respectful and respectable, conveying norms of professionalism in inoffensive language that is motivating, and related techniques. EROL envisions that this module will require one training day.
- **Training for Court Administrative Support Staff.** EROL will provide assistance to the KJI in the development of a training module for court administrative support staff. The training module will focus on court administration standards mandated by the Kosovo Judicial Council, as well as customer service, communications skills, workload organization techniques, benefits of cross training, succession planning, and related skills. The training module will introduce court administrative support staff to principles of court administration that are related to the implementation of the New Law on Courts in 2013 and the Model Court Program, as appropriate. EROL envisions that this KJI course would be delivered in the context of EROL's collaboration with the Kosovo Judicial Council regarding implementation of the New Law on Courts and overlapping aspects of the Model Court Program. EROL anticipates that the course would be delivered over the course of an as-yet-undetermined number of training days.

- **Mock Trial Exercise.** EROL, in collaboration with one or more instructors to be identified by the KJI, and one or more representatives of the Kosovo Chamber of Advocates, will provide assistance to the KJI in the development and presentation of a Mock Trial Exercise based upon a criminal case. One of the major objectives of the exercise would be to develop legal reasoning and trial strategy skills in a simulated trial setting, strengthening the participants' ability to apply substantive and procedural law as a legal proceeding evolves, adapting strategic plan as necessary. EROL indicated that the best timing of such an exercise would be in the second phase of the Initial Legal Education Program, after the candidates have decided whether to follow the judicial track or prosecutorial track. EROL also envisions that the KCA would select some newly admitted members of the Chamber to act as defense counsel in the exercise. EROL anticipates that the Mock Trial Exercise would require an as-yet-undetermined number of training days to deliver, but a rule of thumb would be five days, including time allotted to orientation, preparation, trial, and critique.
- **Judicial Ethics.** EROL will provide assistance to the KJI in the development of a course for judges regarding the application of ethical principles to their work as judicial officers. The centerpiece of the course would be the idea that public trust and confidence in the judicial institutions of Kosovo are directly and inextricably linked to the behavior of judges. The basic method of instruction would build on a discussion of applicable ethical guidelines and other norms, and utilize realistic examples of potential ethical dilemmas to encourage the adoption of an ethical philosophy that will be utilized by the judge-attendees to guide their disposition of such dilemmas as they arise in their work as judges. EROL envisions that the course would require one training day.

In the second quarter, KJI selected judges, and a few prosecutors, to work in teams with EROL. By the end of the third quarter, EROL had responded to the KJI's assignment of the highest priority to the legal reasoning and writing, court management, and case management course development. The course in legal reasoning and writing was finalized, and the courses in court management and case management were substantially completed, with a plan to begin teaching the courses beginning next quarter. EROL also made progress on the remaining courses, which are expected to be completed next quarter as well. These courses will form the nucleus of KJI's concentration on teaching practical courses in an interactive environment that will be designed for sustainability, and EROL will play an important role in this process.

Training needs of the newly established specialized Departments of the Kosovo courts such as the Serious Crimes Department, Administrative Department and Commercial Department within the Pristina Basic Court and the Court of Appeals will need to be tailored to judges who start with little previous experience to adjudicate in specialized areas of the law. EROL is working with the KJI to ensure that all Kosovo judges assigned in the specialized departments are ultimately well-equipped to professionally handle cases in their respective courts.

EROL and the KJI Director held several meetings to discuss new initiatives for implementation in 2013. In terms of an overarching strategy, the Director emphasized strengthening judicial and prosecutorial professional skills through KJI programs based upon a needs-assessment facilitated by EROL that will involve substantial consultation with the Judicial Council and the Prosecutorial Council, which has previously been described as the National Legal Education Strategy. In addition, the Director requested EROL support for the following initiatives, among others:

- An advanced training of trainers program that would include full-time and adjunct KJI instructors, with a particular focus on dialogic instruction methodologies in order to achieve a high level of sustainability of training outcomes.
- Specialized training for judges and prosecutors with new responsibilities resulting from the reorganization of justice institutions pursuant to the new Law on Courts as part of a national legal education strategy that will assist the Judicial and Prosecutorial Councils in allocating human resources, thereby increasing efficiency in the provision of judicial and prosecutorial services.
- Professionalization training for court support staff based upon a needs assessment approved by the Judicial Council, which will supplement the training already envisioned by EROL, KJC, and KJI as part of the

implementation of the new Law on Courts. This represents an expansion of the training module already under development by EROL in response to the request for technical assistance described above.

- Technical assistance for formulation of an intensive study tour for KJI staff engaged in training curricula development in order to identify and implement best practices for such activities. If approved by USAID, this would likely involve travel to a state or federal judicial training institution in the United States.
- Technical assistance for KJI's effort to enhance the legal research capacity and internship program for the new National Legal Resource Center on KJI's campus. If approved, this will involve EROL's assistance in the strengthening of KJI's utilization of interns to perform legal analysis, research, and writing.
- Follow-on to EROL's previous support for a Legal English program, which was designed to improve the capacity of government officials to undertake public policy research, engage in public policy analysis, and prepare and analyze draft laws in the English language.
- Furthermore, notwithstanding the MOJ's proposal for transformation of the KJI into a Judicial Academy, EROL envisions providing technical support for the KJI's development of a three-year strategic plan. Of course, it is possible that the realization of KJI's transformation into a Judicial Academy may change the direction of EROL's involvement in this sort of strategic planning.

3.2 CONSTITUTIONAL COURT

Web-Based Case Decision Database and Search Engine

The Constitutional Court publishes its decisions on its website in PDF format in the English, Albanian, and Serbian languages, but it does not publish electronic versions of case summaries or the indices, except in a PDF version of the Bulletin of Case Law that is published during the year following issuance of the decisions. Thus, in effect, there is no research functionality to the Web-based publication of decisions, which hampers the development of decisional law that resolves Constitutional questions. The Constitutional Court approved EROL's proposal to conduct a needs assessment regarding the utility of a Web-based case decision database and search engine. Discussions concerning the concept continued through the third quarter, which resulted in the submission and approval of an EROL implementation plan. The Constitutional Court assigned the development of the software application to its information technology vendor, and EROL contributed a modest amount of financial support to supplement the Court's IT budget for this purpose. This initiative will directly support improved performance by justice system professionals, and will become a model for similar technologies that would enhance the development of the body of law resulting from the Kosovo Supreme Court, as well as the newly established Kosovo Court of Appeals. EROL anticipates that the database development will commence in very early 2013 under KCC and EROL oversight.

International Human Rights

Earlier this year, EROL provided technical assistance to a human rights conference by the Constitutional Court on the subject of "Direct Applicability of Universally Accepted Human Rights in Kosovo – The New Imperative in the Practice of Law." The conference featured a wide range of national and international presenters, and it was well attended by justice institution leaders, judges, prosecutors, and members of the Kosovo Chamber of Advocates, as well as judges and legal officers of the Constitutional Court. In an effort to expand the audience for these important topics, the Dean of the Pristina Law Faculty and the Editor-in-Chief of E Drejta, the Law Faculty's Journal, agreed to publish the conference presentations in a special international human rights edition of E Drejta, which will include an introduction from the President of the Constitutional Court. By the end of the third quarter, drafts of the presentation materials were collected, and EROL is working to make final arrangements for publication of the special journal edition in January 2013. There are also ongoing discussions about the potential for publication of the special edition of E Drejta in the Albanian and Serbian languages, and a contemporaneous publication of the presentations in an English-language law journal.

Code of Professional Conduct

EROL continued to collaborate with the Constitutional Court to improve the professionalism of the judges of the Court for the purpose of enhancing the public trust and confidence in the Court's capacity for objective decision-making. A Constitutional Court functions differently from a conventional judicial institution, including conventional appellate courts. Cases in the Constitutional Court are referred from various sources, including the legislative and executive branches of government, as well as individuals, for resolution of Constitution-based human rights controversies. Often, the referrals present issues that are highly political and/or are the subject of considerable public interest. Frequently, judges sitting in a constitutional court have no previous experience as judges, and are appointed from positions in government or academia, with no formal training in judicial ethics. There are differences in ethical norms as between judges of a general jurisdiction judge and a constitutional court judge, but there are common denominators in the areas of independence, impartiality, fairness, confidentiality of deliberations, and the absence of bias and inappropriate influence. The Kosovo Constitutional Court has been the subject of media attacks on grounds of political influence, and there have been leaks of decisions made during deliberations before the Court issued them publicly.

The President of the Constitutional Court recognized the value of a code of conduct to guide the judges of the Court, and EROL conducted a workshop with members of the Court, and produced a proposed draft of a code of conduct. At the end of the quarter, the judges of the Court considered and voted to adopt the proposed code, an action that is awaiting signature after which the code will be published. Adoption of the Code of Conduct for Judges of the Constitutional Court was an important step toward professionalization of the Court, as well as a measure that will strengthen public confidence in the Court's decision making.

Amended Rules of Procedure

The Constitutional Court adopted Rules of Procedure pursuant to Constitutional and statutory authority. The Rules govern the operation of the court and therefore directly impact the work of the Court's judges, legal advisors, legal researchers, and Secretariat staff, as well parties and counsel who appear before the Court. Among other purposes, the Rules implement provisions of the Constitution and the Law on the Constitutional Court that directly impact the rights of parties seeking to resolve controversies with Constitutional dimensions.

EROL conducted a workshop with members of the Court, and produced a proposed draft of an Amended Rules of Procedure. At the end of the quarter, the judges of the Court considered and voted to adopt the Amended Rules, an action that is awaiting signature after which the Amended Rules will be published. Adoption of the Amended Rules is expected to enable the Court to conduct its judicial and administrative activities more efficiently and effectively. The President of the Court has requested additional technical assistance from EROL in order to address unresolved rule-based issues previously enumerated by judges of the Court during the workshop that led to the Amended Rules. It is anticipated that EROL will sponsor a workshop for that purpose in May or June 2013 during a Court recess.

Media Relations and Public Outreach

The Constitutional Court has a legal duty to conduct its work transparently, but also has a duty to maintain the confidentiality of certain activities. In that vein, the Court is sometimes subjected to criticism by news media, or for requests for information, or other contacts with the public or news media, but the law effectively controls the Court's responses to such inquiries. As part of its duty to operate transparently, the Court also engages in public outreach in an effort to inform the public about its activities, and to increase public confidence in the Court's decision making. The Court's strategic plan provided for a public information department, but received funding from the Assembly that was only sufficient to employ a single public information officer. EROL sponsored specialized training for the Court's public information officer.

EROL met with the Constitutional Court President to discuss pending and new initiatives. Potential new initiatives included the following:

- A workshop on the self-executing nature of Constitutional Court decisions.

- Videoconference-based training for the Court’s judges, legal officers, staff, and IT professionals.
- Advanced legal reasoning and writing training for the Court’s judges, legal officers, and legal researchers.

OBJECTIVE 4: INCREASE CITIZEN AWARENESS AND ROLE IN ENSURING THE DELIVERY OF JUSTICE

STRATEGIC ACTIVITIES FUND

EROL’s budgeted grants program was de-funded by \$700,000. EROL plans to utilize the remaining \$125,000 to provide technical assistance and training to USAID FORWARD grantees, as well as to conduct surveys that will provide baseline data on public perceptions of the courts.

Perceptions and opinions of persons who receive services are increasingly used as a major source of performance feedback by courts and other public institutions. Court user surveys are useful to gauge perceptions in critical areas such as access to justice, timeliness, procedural fairness and the overall effectiveness as seen through the eyes of those who actually have encountered the courts. The process of measuring Kosovo court users’ perceptions will be conducted according to international professional standards for quantitative and qualitative survey methodologies, including questionnaire design and data collection, analysis and reporting. The baseline survey will make it possible, among other things, to plan for targeted and effective public education strategies and initiatives aimed at improving both access to the court system and the quality of court services for all members of the public. The selected Offeror will then conduct a follow-on (endline) survey in order to evaluate changes in perception and to ensure that program activity and intervention results are measured in a systematic and quantitative way. EROL has finalized the RFP for the survey, and the baseline survey will be conducted next quarter.

EROL continued to provide administrative assistance to the USAID FORWARD grant program. The focus of the grant program is use host country systems and partners to build sustainable partnerships and effective programs with CSOs in two areas: 1) court monitoring; and 2) public awareness and outreach initiatives aimed at increasing transparency and fairness among justice institutions. EROL assisted USAID by providing administrative and technical support during the procurement process. USAID made an award during the reporting period, and EROL assisted with notifications to the non-winning organizations.

PUBLIC RELATIONS & OUTREACH

EROL provided substantial support for the strategic communication planning and implementation process of the KJC, KPC, KCC and OP. This assistance has and will enable these organizations to improve public access to and public confidence in the Kosovo justice system by increasing public knowledge and understanding of the judicial and prosecutorial process through proactive and interactive communication.

Law on Courts Media Campaign

One of the primary concerns during the implementation of the LoC was the public’s knowledge and understanding of what was going to happen and how the courts would change. EROL worked closely with the KJC to develop the *This is Your Court* campaign. The campaign consists of a mix of media tools that provided the public with pertinent information on the changes to courts’ jurisdictions, where the newly designated courts are, how the changes may affect citizens. The campaign was developed with total inclusion in mind – five local languages including sign



A screen shot of the public service announcement – *This is Your Court* - explaining the new court structure

language were used. To ensure adequate distribution and saturation of the information into the communities, the campaign lasted 27 days and included three different TV public Service Announcements, radio and newspaper ads, and website banners. The campaign began on December 7, 2012 and ran through January 2, 2013. In addition, EROL worked closely with the KPC to develop one TV Public Service Announcement in Albanian with subtitles in Serbian informing the general public of the changes to the prosecution offices structure.

KJC and KPC

Building up on the activities developed to improve public information and public relations strategies, policies, and protocols as well as internal communication procedures, EROL worked closely with the KJC and KPC on the following:

- Finalized 5-year strategic communication plans
- Detailed implementation plans
- Capacity building for KJC and KPC management and staff on techniques and ways to fight negative press and handle crisis communication
- Development of media guidelines

On October 22, EROL conducted a workshop with for 21 KJC Secretariat public relations staff along with court administrators and court information coordinators focusing on crisis communications. The purpose of the workshop was to familiarize them with the media tools and techniques to prepare for communication crisis, minimize consequences and mitigate damages to promote a positive image of the institution.

On October 23, EROL conducted a work session with Kosovo Prosecutorial Council senior management staff to finalize the strategic communication plan, crisis communication guidelines and media guidelines, and established a timeline and responsibilities for communication plan strategy implementation.

On October 31, EROL organized the first 'Media and the Criminal Justice System' workshop for 39 representatives of the media, all Kosovo justice institutions (KJC, KPC, Constitutional Court, Chamber of Advocates, Office of the President, Kosovo Police, Ministry of Justice, EULEX and EU programs), and media and civil society representatives to discuss ways of improving both the transparency of the justice system and the professionalism of journalists. All participants engaged in discussion how they can work cooperatively to meet their respective responsibilities and make the justice system more understandable and easily accessible to the people of Kosovo.

EROL also assisted with finalization of KJC Regulation on Office of Communication Coordinator; KJC Regulation on Public Information Officers, and KPC Instruction on Organization of Public Information Offices. EROL translated these documents into Albanian and Serbian, which were submitted to both the KJC and KPC officially to be then reviewed and adopted by each respective council.

EROL worked collaboratively with the KJC and KPC Spokespersons on producing media kits for each counterpart. Each media kit contains: a press release, a fact sheet on the new court / prosecution offices structure, a fact sheet on the role and responsibilities of KJC / KPC, and a media contact list with the names of the new court presidents, chief prosecutors and information officers where applicable. The media kits will be distributed to journalists in hard copies in the upcoming press conferences that both the KJC and KPC are planning to organize in the beginning of January 2013; and will also be made available electronically.

Training of Trainers for Public Information

In April 2012, EROL selected public relations professionals from the KJC, KPC, Constitutional Court and Supreme Court who attended the training on advanced PR Skills as trainers for court information coordinators and other court staff on all aspects of external and internal communication within the system. Building up on that activity, EROL developed and conducted training of trainers that was attended by the KJC Secretariat External Relations Officer the spokespersons from the Constitutional Court, Supreme Court and KPC. Participants focused on best practices of effective adult training and

how to teach for different learning styles, and worked in groups on developing training programs for future court public information officers. In the first day of the training, EROL organized a panel discussion between the trainees and several District and Municipal Court presidents and administrators to provide both groups a chance to exchange information and experiences on current work environment with regards to communicating with the public, how to develop relations with the media, and the role of court public information officers.

Training for Journalists

Based on the findings of EROL's rapid media assessment it was apparent that journalists and editors who cover court and other rule of law issues need more accurate information about how courts work. EROL, working with an investigative journalist with extensive experience in the Balkan region especially in reporting on organized crime, courts and corruption, conducted a series of five 2-day workshops for journalists all over Kosovo, including from minority communities. The training ran from October 22 through November 1, 2012, and were organized in Prizren, Čaglavica/Çagllavicë (minority journalists), Gjilan/Gnjilane, Pejë/ć, and Pristina. Fifty-one journalists attended the training, representing 30 national and regional media outlets (TV, radio, print and online news agencies).

The training dealt with specific reporting on court and other justice-related issues skills, and used interactive teaching techniques designed to improve the practical skills of professional journalists in covering courts and prosecution offices. The training focused on topics such as: effective reporting on the justice system, in view of the new court and prosecution offices structure; how to improve knowledge of judicial / prosecutorial processes and legal terminology; skills for investigative reporting on the justice system; ethics for journalists; how to use information obtained through court monitoring activities to develop civic journalist, and new media best practices. It is worth mentioning that EROL had the full support of the Association of Professional Journalists of Kosovo, the Union of Kosovo Journalists based in Pristina, the Medija Centar (an organization that brings together journalists from the Serbian community), and regional journalist associations in Prizren, Gjilan/Gnjilane and Pejë/Peć.

EROL Website

Following USAID clearance, EROL's website, <http://www.usaiderol.org>, went live on December 28, 2012.

Court User Information

EROL met with court administrators, clerks, legal aid officers, mediators, notaries, and attorneys to brainstorm about the best ways and format the courts should communicate to court users about the new court structure, including roles and responsibilities of the legal actors in the justice system, and developed the first drafts of court user information material for in-person, web-distribution, and TV and radio distribution, including graphics for printed materials and web.

EROL will work closely with the KJC and the courts to finalize the specific court user materials (e.g. brochures, web content etc.) and develop guidelines for KJC staff and court representatives so that information and materials can be easily updated as processes and procedures change, with the view to increasing public knowledge of the courts and encourage public participation to create more transparent and efficient justice system.

EROL also will work to develop a specific court public information officer training module; will continue to work on the development of KJC web-portal and KPC website; on the development Public Information Office policies, plans, and protocols; development of public information tools and content for court users and community outreach purposes; and public relations skills for court leadership, judges, court administrators, and staff, and court public information officers.

SUPPORT MINORITY OUTREACH

In nearly all activities, EROL works with the consideration of including minority community representatives as practicable, and keeping a gender-balance of participants, including:

- Organized a two-day training session with journalists from all minority communities in Kosovo in Medija Centar (the Media Center) in Čaglavica/Çagllavicë, which was attended by journalists of Serbian, Bosnian, Turkish and Roma communities.
- Funded a media campaign on the new Law on Courts, which included TV and radio ads in Serbian, Bosnian, Turkish and Roma, and website banners in Serbian, Bosnian and Turkish.
- Met with court clerks and users from the Serbian community to collect information and feedback on what types of materials the courts should develop and distribute to inform the parties coming from the minority communities.
- Worked closely with the Judicial Integration Division of the KJC to develop and finalize the brochures 'Choose Your Profession' that target lawyers and students of law from all minority communities to inform them how to become a judge, prosecutor, attorney, or notary in Kosovo.
- Developed media kits for the KJC and KPC in Serbian to be distributed in hard copy or online to all minority media outlets in the beginning of January 2013.

Next quarter, EROL will work with stakeholders to organize targeted minority outreach meetings as follow-up of the LoC general public information and awareness campaign that was implemented in order to reach out to all communities in Kosovo. Minority outreach meetings will be used to distribute brochures and will provide a forum for minority community participants to be informed about the new court structure and employment opportunities for candidates from minority communities in the court and prosecution system.

ENVIRONMENTAL REGULATION COMPLIANCE

EROL completed eight draft Model Court Site Specific Environmental Compliance Plans (SSECP) and submitted them to USAID for comment. During the Court of Appeals court refurbishment work all environmental compliance requirements were followed.

No additional environmental regulation compliance activities were completed this reporting period.

STATUS OF BUDGET EXPENDITURES

As of December 31, 2012, EROL had spent approximately \$6,600,000. During the reporting period, spending was approximately \$1,800,000. EROL anticipates the burn rate to continue to increase in Quarter 4 in connection with the MCP A&E design work, court refurbishments, additional STTA requirements, and training activities. [Note: amounts are approximate as the December 2012 costs have not been finalized.]

APPENDICES

APPENDIX A: LIST OF REPORTS & DELIVERABLES

By the end of Year 2 Q3, EROL had competed the following reports and deliverables:

OBJECTIVE 1

- Communication Strategy Work Session with KJC Senior Management (October 18, 2012)
- Communication Strategy Work Session with KPC Senior Management (October 23, 2012)
- Crisis Communications and PR Workshop with KJCS staff and court administrators and information coordinators (October 22, 2012)
- KJC Media Guidelines
- KJC Crisis Communication Guidebook
- KJC Communication Strategy Plan
- KJC Communication Strategy Implementation Plan
- KJC Web Portal Development Plan
- KJC Web Portal Strategy Plan
- Media and the Criminal Justice System Workshop (October 31, 2012)
- Training of Trainers for Court Public Information Officers (November 15-16, 2012)
- KJC Law on Court Media Campaign (December 7, 2012 – January 2, 2013), including three different TV/radio PSAs in five languages and website banners
- KJC Media Kit: Press Release, Fact Sheet on KJC and new court structure
- KPC Media Kit: Press Release and Fact Sheet on KPC and new prosecution structure
- KPC TV PSA on new structure of prosecution service
- MOJ/SAO Database & Case Management System Implementation Work Plan
- MOJ/DILC Database & Case Management System Implementation Work Plan
- Legislative Review Workshop with Office of President (October 27-28, 2012)
- Best Media Practices in Justice Sector Workshop with Office of President (October 24, 2012)
- Protocol for Use of OP Fire Proof Filing Cabinet
- Code of Ethics for KJC Members
- Implementation Plan Status Report (October 5, 2012)
- Implementation Plan Final Report (December 31, 2012)
- Administrative Instruction on Assignment of Pending Cases upon Entry Into Force of the Law on Courts
- Organizational Chart of New Court Structure
- President's Veto Power
- KJC Database Needs Assessment Plan

OBJECTIVE 2

- Transition Planning Workshop # 4
- Court Registry Training
- Court Standards Compliance Templates
- Case Transfer Protocols – Pristina District Court (October 1, 2012)
- Logistics Plan for Pristina District Court (October 1, 2012)
- Case Transfer Strategic Plan – Supreme Court

- Case Transfer Project Report (December 2, 2012)
- EROL Case Transfer Progress Report (December 17, 2012)
- Model Court Refurbishment – A&E Design of 8 Model Courts
 1. Pristina District Court
 2. Supreme Court
 3. Rahovec Municipal Court
 4. Suhareka Municipal Court
 5. Vitia Municipal Court
 6. Istog Municipal Court
 7. Lipjan Municipal Court
 8. Gjilan Municipal Court
- Refurbishment of Courts
 1. Pristina District Court – Phase I complete

OBJECTIVE 3

- KJI Database Concept
- Supplement to Report on Concept for KCC Search Engine/Database
- Implementation Work Plan for KCC Search Engine/Database

OBJECTIVE 4

- Justice Sector Training for Journalists (October , 2012)
- Guide to Investigative Court Reporting
- Choose Your Legal Profession Brochures for Minorities

AD HOC REPORTS

- STTA Trip Reports:
 - ✓ Barbara Swann
 - ✓ John Holland
 - ✓ John Kostouros
 - ✓ Andrea Muto
 - ✓ Howard Fenton
- USAID Advisory on Media and the Criminal Justice Workshop
- Media and the Criminal Justice Workshop Success Story
- Kosovo Crime Victims' Rights Week Roundtable (October 16, 2012)

APPENDIX B: SUMMARY OF TRAINING AND CAPACITY BUILDING EVENTS

Yr 2 Q3 Training and Capacity Building Events							
Program/Event	Date	Total	Male	Female	Alb	Serb	Min/ Others
Crisis Communications Workshop for KJC and Court Staff	18-22/10/2012	23	20	3	23	0	0
Workshop with Journalists in Prizren	22-23/10/2012	11	10	1	10	0	1
Workshop with Journalists in Caçlavica	24-25/10/2012	6	3	3	0	5	1
Workshop with Journalists in Gjiilan	27-28/10/2012	10	7	3	10	0	0
Workshop on the process of reviewing legislation	27-28/10/2012	13	10	3	13	0	0
Workshop with Journalists in Peja	29-30/10/2012	12	7	5	12	0	0
Workshop with Journalists in Prishtina	31/10-1/11/2012	15	6	9	15	0	0
Media and the Criminal Justice Workshop	31/10/2012	39	24	15	36	0	3
Continuous mediation trainings for licensed mediators	12-15/11/2012	14	7	7	14	0	0
Crisis Communications Workshop for KJC and Court Staff	15-16/11/2012	5	1	4	5	0	0
Continuous mediation trainings for licensed mediators	26-29/11/2012	9	6	3	9	0	0
Transition Planning Workshop # 4 – Case registry training for chief clerks of Basic Courts , Court of Appeals and Supreme Court	04/12/2012	11	7	4	11	0	0
KPC Annual Conference	8/12/2012	129	92	37	128	0	1
KPC Strategic Planning Workshop	10/12/2012	13	10	3	13	0	0
Training on new case registry – Pristina Basic Court Commercial Department	10/12/2012	7	5	2	7	0	0
Training on new case registry – Gjiilan Basic Court and the branches of Viti, Kamenica	11/12/2012	29	21	8	29	0	0
Training on new case registry – Court of Appeals	12/12/2012	10	5	5	10	0	0
Training on new case registry – Supreme Court	12/12/2012	4	1	3	3	0	1
Training on new case registry – Ferizaj Basic Court and the branches of Kacanik, Shterpcë	13/12/2012	17	11	6	15	2	0
Training on new case registry – Gjakova and the branches of Rahovec , Malishevë	13/12/2012	29	19	10	29	0	0
Training on new case registry – Prizren Basic Court and the branches of Suhareka , Dragash	18/12/2012	25	10	15	22	0	3
Training on new case registry – Peja Basic Court and the branches of Istog , Deçan	18/12/2012	31	24	7	30	0	1

Training on new case registry – Mitrovica Basic Court and the branches of Skënderaj , Vushtrri	18/12/2012	30	17	13	29	0	1
Training on new case registry – Pristina Basic Court and the branches of Glogove, Lipjan, and Podujeva	26/12/2012	25	16	9	25	0	0
Quarter 3 Total		517	339	178	498	7	12
Life of Project Total		1,727	1166	561	1660	18	49

EROL staff managed to include the total of 517 individuals during the second quarter of the second year of Program implementation. Evaluations³ were carried out for courses provided during this quarter with the aim of receiving feedback from participating individuals on the quality of the course.

On **Oct 18-22, 2012** EROL successfully conducted the two-day training on the Crisis Communications for KJC and Court Staff in Prishtina. The purpose of this event was to support the KJC and the courts to develop crisis communications guidelines; introduce KJC senior management, staff and court staff to crisis communication management and skills to support the introduction of Public Information Offices and Officers respectively and court information coordinators; increase media relation skills. Finalize the crisis communications guidelines. The total number of participant was 23 all Albanian nationality with Male = 20 and Female = 3.

During the month of **October⁴, 2012** EROL staff conducted series workshops with Journalists in Prizren, Caglavica, Gjilan, Peja and Prishtina. The purpose of these workshops was to improve reporting skills on court and other justice-related issues, thereby increasing the public’s knowledge of Justice-system reforms. During these workshops EROL staff trained 54 participants with Albanian = 47; Serbian = 5 and Minority/Others = 2 and Male = 33 and Female = 42.

On **Oct 27-28, 2012** EROL team organized a two day workshop on the process of reviewing legislation. This training aimed strengthening the capacities of the legal staff of the Office of the President and the Assembly of Kosovo in conducting the review of legislation prior to its promulgation by the President and how to draft professional presidential statements when referring a law back to parliament for reconsideration. The total number of participants was 13 of Albanian nationality with Male = 10 and Female = 3.

On **Oct 31, 2012** EROL team organized a workshop session on “Media and the Criminal Justice Workshop” with the objective to inform participants with changes of court / prosecution system; Changes of the system and media guidelines; and facilitate discussion between justice system and the media. Total number of participants for this event was 39 individuals. Albanians = 36, and Others = 3, with Male = 24 and Female = 15.

³ Please, note that during the EROL Program capacity building events we have had cases where participants didn’t fill the evaluation forms or they didn’t submit them

⁴ For further details on the series of Workshops with Journalists, please, refer to the table on the EROL Program Yr 2 Q3 Capacity Building Events.

On **Nov 15-16, 2012** the team organized workshop on “Crisis Communication for KJC and Court Staff” with the objective to train the future trainers in the area of public information for judicial and prosecutorial systems. This event was attended by 5 participants of Albanian nationality, Male = 1 and Female = 4;

On **Dec 8, 2012** EROL team, in collaboration with USDOJ, USAID/EROL supported the first ever annual conference for the Kosovo prosecution system. The nine members of the Kosovo Prosecutorial Council, 106 prosecutors and 14 administrators attended the event. EROL distributed Codes of Ethics (developed in YR2 Q2) and Senior Legal Advisor Mike Cunniff provided a summary and appealed for the prosecutors and administrators to adhere to the recently adopted Codes of Ethics and strengthen one pillar of Kosovo's justice system by upholding constitutional values and respecting and protecting human rights and freedoms of the citizens. This event was attended by total of 129 participants with Albanian = 128, Gorani = 1 nationality, and Male =92 and Female = 37.

On **Dec 10, 2012** EROL staff building upon its initial strategic planning seminar in Q3, facilitated the final drafting session for the KPC's Strategic Plan. Approximately 15 members (excluding international advisors) representing the Council, support staff and department heads of the state prosecution service provided detailed comments and suggested track changes to the draft plan. EROL will present the Council with the final draft strategic plan for consideration and adoption by the end of the year. This event was participated by 13 participants of Albanian nationality, Male = 10 and Female = 3.

During the month of **Nov 2012**, respectively between 12-15 and 26-29 November EROL staff conducted two trainings on Continuous Mediation training for licensed mediators. This time training objectives where to establish and build the skills and knowledge which will provide mediators an introduction to advanced mediation. This training provided 20 hour advanced mediation training and the training was not intended to limit or restrict additional learning objectives that trainers find appropriate. Upon completion of the course the participant will demonstrate the ability to conduct a complete mock mediation, skills to be used while parties are in the deadlock, role of the mediator while facing parties with or without attorney. This training was participated by 23 participants in total, all of Albanian nationality with Male = 13 and Female = 10.

During the month of **November** and **December, 2012** EROL staff organized series of trainings with Supreme Court, Court of Appeals, Basic Courts and their respective branches. The purpose of these training was to train court staff (clerks) on the guidelines on new case registries and usage of the new case registries. These trainings were attended by 360 individuals in total with Alb = 351, Serb = 2 and Other = 7, with Male = 238 and Female = 122.

Capacity Building Events organized by all four components of EROL Program we had a total number of 517 individuals. Ethnicity representation on these events is provided under the **Figure 1.** – Ethnicity breakdown of EROL Capacity Building Events for Yr 2 Q3 with Albanian = 498, Serbian = 7 and Minority Community/Others = 12 individuals participated.

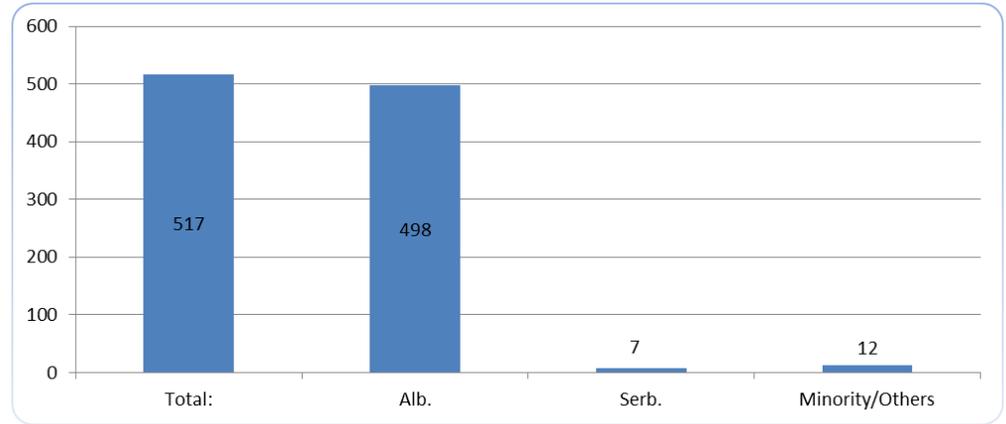


Figure 1 - Ethnicity breakdown of EROL Capacity Building Events for Yr 2 Q3

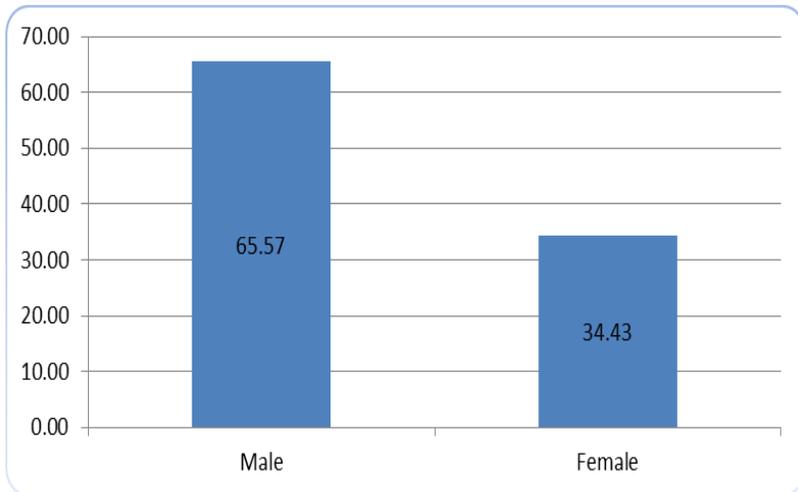


Figure 2 - Gender breakdown of EROL Capacity Building Events for Yr 2 Q3

Gender breakdown of EROL Capacity Building Events for Yr 2 Q3 represents satisfied representation between male and female government institution officials. EROL staff across all four components has managed to engage 339 or in percentage equal to 65.57% of male and 178 or in percentage 34.43% of female government officials (Please, see **Figure 2.** for reference) on capacity building events provided during the second quarter of the second year of Program Implementation.

Among participants that participated on EROL Program capacity building events there were 1 Judge, 111 Prosecutors, 172 Court Staff, 17 Executive Branch Sector Personnel, and 72 Media Relations Officers and Others 144. (Please, see **Figure 3.**)

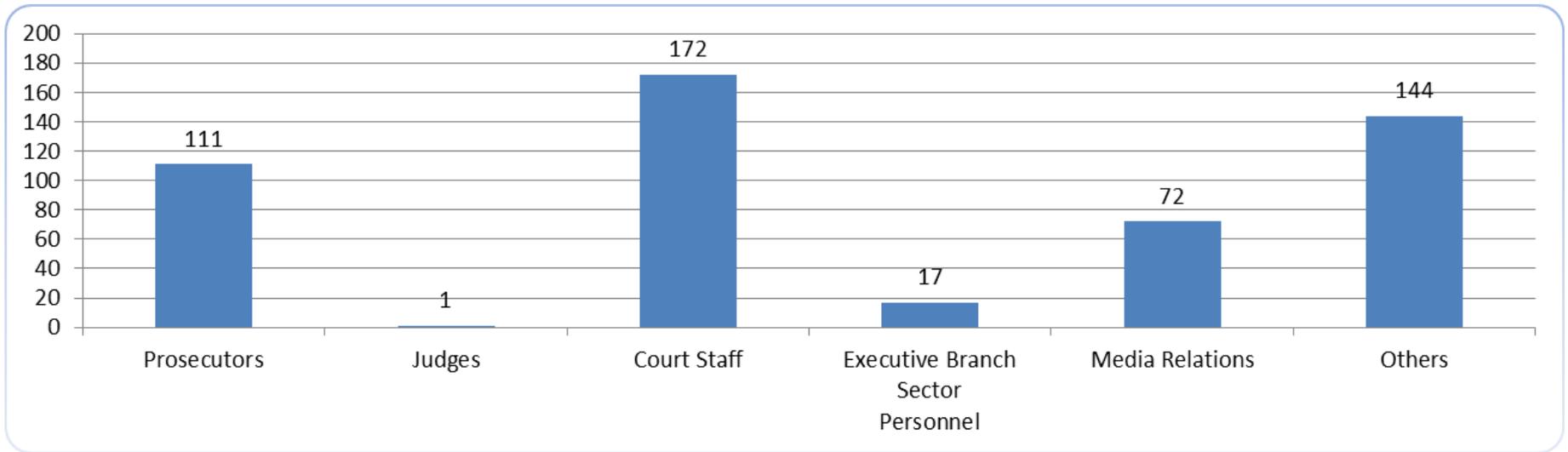


Figure 2 - EROL Capacity Building Events Yr 2 Q3 Participant divided by role

Evaluations have been carried out during all the courses. Here we present an overview of the evaluation results for EROL Program capacity building events for Year 2 Quarter three. Issues considered were: 1. General aspects of the workshop; 2. Materials presented; 3. Duration; 4. Organization of events; 5. Lessons learned; and 6. Organizational aspects of events. Regarding the general aspects of the workshop, most of participants qualified it as very successful (28.5%), moderately successful (14.5%), successful (11.7%) and not very successful and unsuccessful (1.2%). Materials presented during the workshop were evaluated very successful (28.1%), moderately successful (21.8%), somewhat successful (5.0%) and not useful/not at all useful (1.0% and 0.6%). Duration of the workshop has been qualified with about right (34.8%), too short (11.7%) and with too long (6.5%). General opinion on the organization of the workshops presented following results: very good (28.9%), good

(16.4%), satisfactory (7.5%) and poor/very poor (1.9% and 0.0%). Lessons learned have been evaluated with very useful (35.8%), moderately successful (14.0%), somewhat successful (3.8%) and not useful/not at all useful (0.6% and 0.0%). General organizational aspects have been qualified with very good (24.9%), good (14.0%), satisfactory (4.8%), and poor/extremely poor (3.4% and 2.7%). For illustrative details, please, see **Figure 4** – EROL Capacity Building Evaluations for Yr 2 Q3.

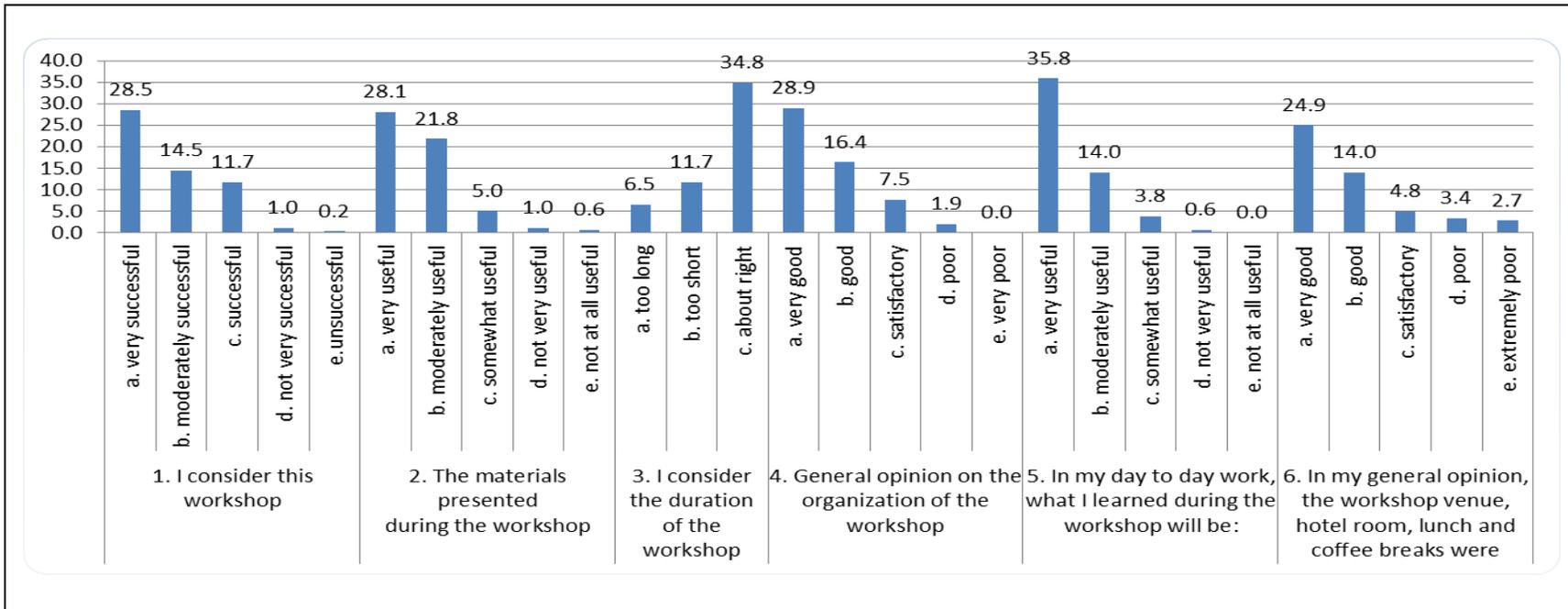


Figure 3 - EROL Capacity Building Evaluations for Yr 2 Q3

During the period Oct 1 – Dec 30, 2012 KJI provided Continuing Legal Education Program (CLEP) for sitting prosecutors, judges and court staff, including training courses for prosecutors, judges and other professionals working in the judicial system seeking promotion and to the newly selected candidates. The total of 176 individuals participated on the Continuing Legal Education Program (CLEP). Currently Kosovo Judicial system consist of total = 1910 individuals with Prosecutors=105; Judges=266; and Court Staff=1539.

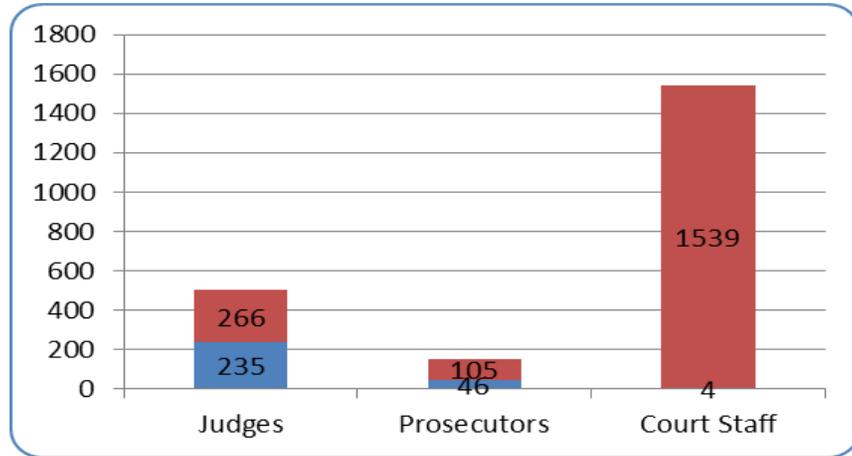


Figure 5 – Total number of CLEP Participants for Oct 1 – Dec 31, 2012 vs total number of Judges, Prosecutors and Court Staff

The total⁵ number of individuals trained during this period include Judges = 235; Prosecutors = 46; and Court Staff = 4 (Please see **Figure 5** for illustrative details)

Total percentage of Judges, Prosecutors and Court Staff participating on Continuing Legal Education program provides us with huge participation of Judges = 88.35%, Prosecutors = 43.81% and Court Staff = 0.26%. Targets set up with EROL Program for Year 2 anticipated participation of Judges = 15%, Prosecutors = 20% and Court Staff = 10%. For illustrative details please, see **Figure 6**.

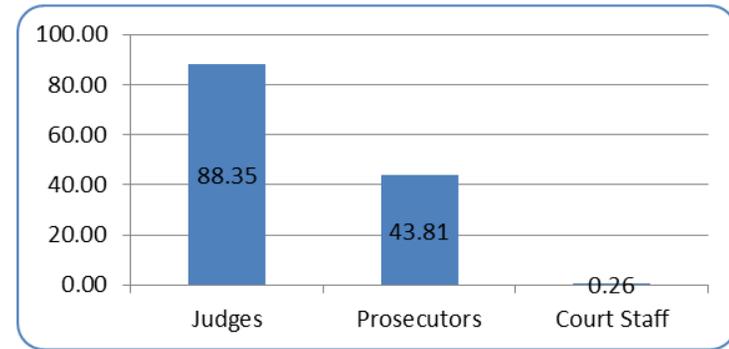
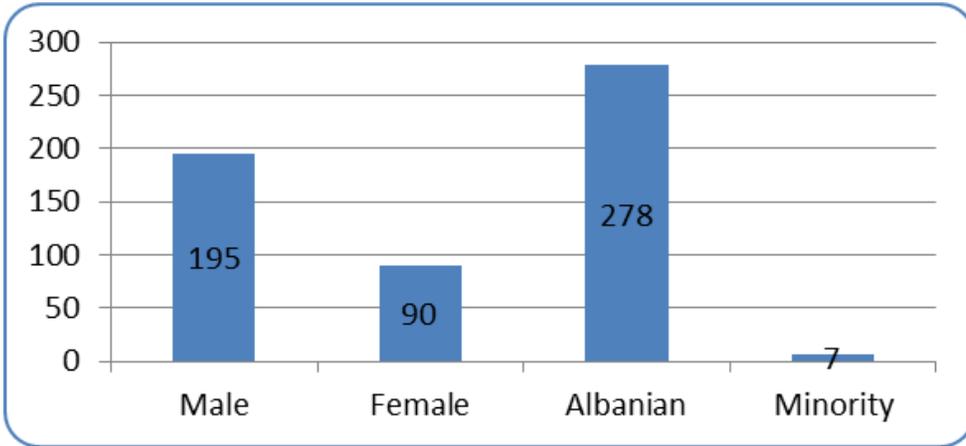


Figure 6 - Total percentage of Judges, Prosecutors and Court Staff participating on CLE Program

⁵ Please, note that provided figures for CLEP trainings do not include Prosecutors and Judges from Albania who attended CLEP training. Furthermore, it does not include participants from other Kosovar Institutions i.e. Police, Probation Service, Internationals, etc.



Ethnicity breakdown of participants on the **Continuing Legal Education Program (CLEP)** includes Male = 195 and Female = 90 with Albanian = 278 and Minority Community = 7. Please, see **Figure 7**.

Figure 7 - Gender/Ethnicity breakdown of Continuing Legal Education Program (CLEP) participants

APPENDIX C: MONITORING AND EVALUATION CHARTS

Result/Indicator/Unit of Measure	Definition/Rationale/Utility/Limitations	Baseline	Yr 1 Actual	Yr 2 Target	Program Year 2 Actual				Comments
					To date				
					Q1	Q2	Q3	Q4	
IR2:	IMPROVED DELIVERY OF JUSTICE								
1	% of citizens and court users satisfied with the justice system Unit: %. Disaggregated by sex, region, rural/urban, and minority groups.	Public opinion poll to determine whether reform has an impact on satisfaction with and knowledge of the justice system Country-wide opinion change takes time, and factors outside the program's manageable interest can arise, overwhelming program effects	TBD with first data collection	TBD after study	-Court User Survey; -Citizen Satisfaction Survey.	Draft RFP for Court User Survey developed	Draft RFP for Court User Survey developed	Draft RFP for Court User Survey finalized	To increase accuracy of results, the Program has proposed to separate the surveys into two separate activities. <i>Court User Survey</i> has been finalized and send back to Checchi home office for review and submission to USAID for approval. Upon approval the survey will be conducted during Q4 through a surveying/polling company. RFP for <i>Citizen Satisfaction Survey</i> will follow the Court User Survey.
2.1.	Increased capacity of justice sector professionals								

Result/Indicator/Unit of Measure	Definition/Rationale/Utility/Limitations	Baseline	Yr 1 Actual	Yr 2 Target	Program Year 2 Actual				Comments
					To date				
					Q1	Q2	Q3	Q4	
2	# of justice sector personnel that received USG training Unit: #; disaggregated by sex and role		M=177 F=64 O=6 T=247	M=TBD F=TBD O=TBD T=TBD	M=567 F=288 O=38 T=855	M=83 F=31 O=1 T=114	M=339 F=178 O=12 T=517	M= F= O= T=	During the third quarter of Year 2 implementation of EROL Program, staff managed to train total of 517 individuals with Male=339, Female=178 and Minority/Others=12;
3	% of judges (J), prosecutors (P) and court staff (S) participating in CLE Unit: %; disaggregated by sex and status	Mission Custom outcome indicator. Shows extent to which continuing legal education has been institutionalized in the justice system. Also shows coverage (denominator is universe of individuals).	N/A	J=15% P=20% S=10%	J=60.53% P=18.10% S=0.71%	J=48.87% P=25.71% S=1.23%	J=88.35% P=43.81% S=0.26%	J= P= S=	During the period Oct 1 – Dec 31 2012, CLE Program has been attended by Judges=235 (88.35%), Prosecutors=46 (43.81%) and Court Staff=4 (0.26%) Male=195; Female=90
4	# of legal courses or curricula developed with USG assistance Unit: #	Output indicator. Legal courses or curricula improve skills and capacity of justice sector personnel or the general public regarding the legal system in Kosovo. Development could include significant modification of existing courses or new courses.	5	3	5	No Activity to report for this quarter	1		During Y2 Q3, as required by the new LoC Implementation Plan, the MCP team developed training curriculum for use of the new court registers and guides for the court docket clerks.

Result/Indicator/Unit of Measure	Definition/Rationale/Utility/Limitations	Baseline	Yr 1 Actual	Yr 2 Target	Program Year 2 Actual				Comments
					To date				
					Q1	Q2	Q3	Q4	
									EROL is working with the KJI in the development of eight professionalization courses for judges, prosecutors, and court staff, which should be completed in the fourth quarter.
5	# of executive branch sector personnel trained with USG assistance Unit: # disaggregated by sex and role	Standard F output indicator. For the Office of the President, training in areas of administration, management or leadership skills or good governance practices.							Target for Yr 2 is 6 staff member of the OP. Eight (8) legal officers from the Office of the President and four (4) legal officers from the Assembly of Kosovo attended the workshop on the process of review of legislation held in Prishtina from 27-28 October, 2012. Eight (8) legal officers from the Office of the President attended the workshop on Best Media Practices in the Justice Sector on 24 October 2012.
			9	6	2	8	20		

Result/Indicator/Unit of Measure		Definition/Rationale/Utility/Limitations	Baseline	Yr 1 Actual	Yr 2 Target	Program Year 2 Actual				Comments
						To date				
						Q1	Q2	Q3	Q4	
6	<p># of USG-supported trainers receiving pedagogical training (ToT) for their role in KJI and other judicial trainings, and replicate skills learned</p> <p>Unit: #; disaggregated by sex</p>	<p>Output and outcome indicator. Must attend 80% of ToT training and pass post-test of knowledge, which may include observation of training practices as well as testing. In later program years training will taper for this audience.</p>		0	10	13	No Activity to report for this quarter	0	<p>Target for Yr2 is 10 Train of Trainers (ToT).</p> <p>Target achieved. Ten (10) ToT have graduated the Legal English Program.</p> <p>EROL is working with the KJI on the development of eight professionalization courses for judges, prosecutors, and court support staff. EROL will assist in the training of trainers for the eight courses, which should be completed in the fourth quarter.</p>	
7	<p>Simple case studies of persons trained by EROL or EROL-trained instructors (e.g., judge, prosecutor, PR staff, KJI instructor)</p>	<p>Qualitative cases of trainees, identified through instructors, to discover training impacts on job performance and occupational behaviors. Range of roles: judge, trainee judge, other trainees. Depending on role studied, cases can include interviews, observations, job performance data or other relevant metrics.</p>		0	10	No Activity to report for this quarter	2	2	<p>Two “Simple Case Studies” have been conducted. One with Kosovo Judicial Institute Legal English Training – Train of Trainers (ToT) training participant and One with the Office of the President Legal Drafting training participant.</p> <p>The objective of these simple case studies was to examine training outcomes in the workplace.</p>	

Result/Indicator/Unit of Measure	Definition/Rationale/Utility/Limitations	Baseline	Yr 1 Actual	Yr 2 Target	Program Year 2 Actual				Comments
					To date				
					Q1	Q2	Q3	Q4	
8	KJI Scorecard rating of EROL's progress with KJI goals	Benchmark outcome indicator. Progress on tab "KJI" toward approved and consensed activities in consultation with USAID and stakeholders. Total score possible: 68 over four years; cumulative in (#)	16	30(44)	11	13	15		Target for Yr 2 is adjusted from 12 to 30. Cumulative total for Yr 1 and Yr 2 = 44 points. During this quarter most of the activities under KJI Scorecard are on the "Ongoing=1" status with total of 15 out of 30 points
2.2.	Increased independence and accountability of the judicial system								
9	Number of laws, regulations and procedures related to judicial independence supported with USG assistance Unit: #	Standard F output indicator. Refers to laws, regulations and procedures that are official and have been passed or amended in accordance with the country's legal requirements. Laws, regulations and procedures lay out the legal basis for building judicial independence and provide one significant indicator of government commitment. Some laws may also cover transparency.	4	3	0	9	11		EROL staff provided technical assistance to the KJC working group for LoC implementation plan by actively assisting with development of : - Organizational Chart of New Court Structure; and following Instructions and Regulations:

Result/Indicator/Unit of Measure	Definition/Rationale/Utility/Limitations	Baseline	Yr 1 Actual	Yr 2 Target	Program Year 2 Actual				Comments
					To date				
					Q1	Q2	Q3	Q4	
									<p>1. KJC Code of Ethics adopted by KJC on 8 October 2012;</p> <p>2. Amendments to the Law on Courts. Adopted by Kosovo Assembly on 20 December 2012 and published in Official Gazette on 28 December 2012; (please, see link for reference: http://gazetazyrtare.rks-gov.net/Documents/Ligji.N.P%20e%20Ligjit%20per%20Gjykata%20(shqip).pdf)</p> <p>3. Regulation on Organizational Matters and Activities of the Courts adopted by the KJC on 2 November 2012;</p> <p>4. Instruction on Assignment of Pending Cases adopted by the KJC on 26 November 2012;</p> <p>5. Regulation on the Organization and Activity of the KJC adopted by the KJC on 2 November 2012;</p> <p>6. Amended Regulation on the Organization and Activity of the KJC adopted by the KJC on 26 December 2012;</p> <p>7. Administrative Instruction on</p>

Result/Indicator/Unit of Measure	Definition/Rationale/Utility/Limitations	Baseline	Yr 1 Actual	Yr 2 Target	Program Year 2 Actual				Comments
					To date				
					Q1	Q2	Q3	Q4	
									<p>Compensation of Members of the KJC and Other Officials in Committees and Working Groups adopted by the KJC on 2 November 2012;</p> <p>8. Regulation on Recruitment Procedure for Apprentices in Courts adopted by the KJC on 2 November 2012;</p> <p>9. Administrative Instruction on Compensation Procedure to Persons Wrongfully Convicted or Arrested adopted by the KJC on 2 November 2012;</p> <p>10. Amended Administrative Instruction on Compensation Procedure to Persons Wrongfully Convicted or Arrested adopted by the KJC on 26 December 2012;</p>

Result/Indicator/Unit of Measure	Definition/Rationale/Utility/Limitations	Baseline	Yr 1 Actual	Yr 2 Target	Program Year 2 Actual				Comments
					To date				
					Q1	Q2	Q3	Q4	
10	Number of regulations and procedures that improve judicial transparency adopted with USG assistance Unit: #								EROL staff provided technical assistance to the KJC on following Instructions and Regulations: 1. KJC Code of Ethics adopted by KJC on 8 October 2012; 2. Amendments to the Law on Courts. Adopted by Kosovo Assembly on 20 December 2012. Should be published in Official Gazette on 28 December 2012; 3. Regulation on Organizational Matters and Activities of the Courts adopted by the KJC on 2 November 2012; 4. Instruction on Assignment of Pending Cases adopted by the KJC on 26 November 2012; 5. Regulation on the Organization and Activity of the
			10	3	0	3	10		

Result/Indicator/Unit of Measure	Definition/Rationale/Utility/Limitations	Baseline	Yr 1 Actual	Yr 2 Target	Program Year 2 Actual				Comments
					To date				
					Q1	Q2	Q3	Q4	
									<p>KJC adopted by the KJC on 2 November 2012;</p> <p>6. Amended Regulation on the Organization and Activity of the KJC adopted by the KJC on 26 December 2012;</p> <p>7. Administrative Instruction on Compensation of Members of the KJC and Other Officials in Committees and Working Groups adopted by the KJC on 2 November 2012;</p> <p>8. Regulation on Recruitment Procedure for Apprentices in Courts adopted by the KJC on 2 November 2012;</p> <p>9. Administrative Instruction on Compensation Procedure to Persons Wrongfully Convicted or Arrested adopted by the KJC on 2 November 2012;</p> <p>10. Amended Administrative Instruction on Compensation Procedure to Persons Wrongfully Convicted or Arrested adopted by the KJC on 26 December 2012;</p>

Result/Indicator/Unit of Measure		Definition/Rationale/Utility/Limitations	Baseline	Yr 1 Actual	Yr 2 Target	Program Year 2 Actual				Comments
						To date				
						Q1	Q2	Q3	Q4	
11	<p>Number of government media relations staff trained with USG assistance</p> <p>Unit:# Disaggregated by sex and office</p>	<p>Standard F output indicator. Staff must be employed by government, and media relations must be at least one of their substantive responsibilities. A free, effective and informed press depends on government support for freedom of the press, and on responsible, responsive and professional government officials working with the press.</p>		10	10	19	26	28		<p>Target for Yr2 is 10 Media Relations staff.</p> <p>Target exceeded. During the third quarter 28 Government Media Relations staff trained.</p> <p>Unit #: 21 Male and 7 Female;</p>
12	<p>Constitutional Court scorecard rating of EROL's progress with CC's goals</p>	<p>Benchmark outcome indicator. Progress on tab "CC" toward approved and consensed activities, in consultation with USAID and stakeholders.</p> <p>Total score possible: 56 over four years; cumulative in (#)</p>		19	24(34)	20	20	22		<p>Target for Yr 2 is adjusted from 14 to 24. Cumulative total for Yr 1 and Yr 2 = 34 points.</p> <p>During this quarter most of the activities under CC Scorecard are on the "Ongoing=1" status with total of 22 out of 24 points</p>
13	<p>Improved performance on scale considering key factors of an acceptable disciplinary system</p> <p>Unit: Scale of 0-3</p>	<p>Outcome indicator. Based on key factors of an acceptable disciplinary system (including ensuring timeliness of disciplinary hearings, the presence of a system for processing complaints and adherence to that system, and a review of sanctions executed against sanctions imposed), a score of 0-3 will be assigned.</p>		0	1	1	1	1		<p>In preparation for efforts to improve resources available to judges and the effectiveness of disciplinary processes, a study tour to the US was conducted on the topic of ethics, conduct and discipline. Additionally, preparations were undertaken for an STTA to work with the KJC on the development of a Code of</p>

Result/Indicator/Unit of Measure	Definition/Rationale/Utility/Limitations	Baseline	Yr 1 Actual	Yr 2 Target	Program Year 2 Actual				Comments
					To date				
					Q1	Q2	Q3	Q4	
									Conduct and Ethics.
2.3.	More effective operations of the justice system								
14	# of USG-assisted courts w/ improved case management Unit: # Listed by site and type of court, as applicable	Standard F outcome indicator and defined by Model Court norms. KJC to provide operational definition of floor measurement for “improved case management.”		0	8	0	0	0	8 MCP courts are scheduled for Yr 2. The EROL staff and MCP team provided technical assistance to the KJC and the Kosovo Courts by developing a database for use with the new court structure. The database is populated with data collected from all the pending cases in 31 Kosovo Courts including: Supreme Court, District and Municipal Courts. This database will enable the KJC and Courts to track their workflow, transfer cases from court-to-court, ensure accurate and reliable statistical reporting and provide transparency to the public.
15	Ratio of all dispositions to new case filings in courts assisted by USG in the area of case management Unit: Ratio	Standard F outcome indicator applied to the Model Courts. Shows whether backlogs are increasing. Speed and efficiency of the courts serve as proxies for effectiveness of the justice system and of justice sector actors as a whole.		N/A	3-5% Improved	Indicator to be reported Annually			

Result/Indicator/Unit of Measure		Definition/Rationale/Utility/Limitations	Baseline	Yr 1 Actual	Yr 2 Target	Program Year 2 Actual				Comments
						To date				
						Q1	Q2	Q3	Q4	
16	% of cases heard and resolved within 24 months Unit: %	Mission Custom indicator. Similar to standard indicator above, although this one has a 2-year span before being counted.		N/A	3-5% Improved	Indicator to be reported Annually	Indicator to be reported Annually	Indicator to be reported Annually		Indicator to be reported Annually
17	More efficient and professional Model Courts	Benchmark outcome indicator. Progress on scorecard toward measures to improve Model Courts in consultation with USAID and stakeholders. Each Model Court is subject to 9 standards and score range of 0-3 for each. Total score possible: 540 over four years; cumulative in (#)		9	189 (351)	43	43	43		During Y2 Q2 and Q3, the KJC and Secretariat were engaged in development of new policies that are expected to generate positive improvements in the new court system. Implementation of these new policies, like the Regulation on Internal Operations of the Court, will present challenges for court management and court staff.
18	Number of strategic plans for justice sector reform adopted with USG assistance	Standard F output indicator. EROL will work with several bodies to develop strategic plans for justice sector reform, matching priorities with tasks, establishing timelines and benchmarks, and including broad consultation among key stakeholders. Sub-plans for departments or divisions developed as deemed useful and necessary by stakeholders.		2	TBD	0	0	0		EROL and the KJC Secretariat Director, working in concert with an appropriate STTA, will work on development a new KJC Strategic Plan for delivery in Q4

Result/Indicator/Unit of Measure		Definition/Rationale/Utility/Limitations	Baseline	Yr 1 Actual	Yr 2 Target	Program Year 2 Actual				Comments
						To date				
						Q1	Q2	Q3	Q4	
19	Mean case disposition time in courts assisted by USG in the area of case management Unit: Mean # months	Standard F outcome indicator. Median case disposition time is measured from filing to the date parties are notified of case resolution by the court. Courts as defined by specific jurisdiction. Tracking the mean case disposition time permits a better understanding of the overall disposition rate of the courts.		N/A	5% decrease	Indicator to be reported Annually	Indicator to be reported Annually	Indicator to be reported Annually		Indicator to be reported Annually
20	Improved administrative performance as defined from prosecutors' perspectives Unit: % improved	Outcome indicator. Model Court and KPC activities should improve administrative performance. Measured through questionnaires given to sample of prosecutors.		N/A	TBD with Survey	No Activity to report for this quarter	No Activity to report for this quarter	10.75%		Survey conducted with sample questionnaires distributed among 10 KPC members out of 93 in total. EROL Program received back ten (10) questionnaires with positive feedback on the improved administrative performance of KPC activities through EROL Program support.
21	Kosovo Judicial Council scorecard rating of EROL's progress with KJC goals	Benchmark outcome indicator. Progress on KJC scorecard toward approved and consented activities in consultation with USAID and stakeholders. Total score possible: 84 over four years; cumulative in (#)		24	34(50)	16	16	20		Target for Yr 2 is adjusted from 20 to 34. Cumulative total for Yr 1 and Yr 2 = 50 points. During this quarter most of the activities under KJC Scorecard are on the "Ongoing=1" status with total of 20 out of 34 points

Result/Indicator/Unit of Measure		Definition/Rationale/Utility/Limitations	Baseline	Yr 1 Actual	Yr 2 Target	Program Year 2 Actual				Comments
						To date				
						Q1	Q2	Q3	Q4	
22	Kosovo Prosecutorial Council scorecard rating of EROL's progress with KPC goals	Benchmark outcome indicator. Progress on KPC scorecard toward approved and consensed activities in consultation with USAID and stakeholders. Total score possible: 44 over four years; cumulative in (#)		7	28(36)	11	14	14		Target for Yr 2 is adjusted from 12 to 28. Cumulative total for Yr 1 and Yr 2 = 36 points. During this quarter several activities under KPC Scorecard are on the "Ongoing=1" status. Currently the KPC Scorecard totals 14 out of 28 points
23	Ministry of Justice scorecard rating of EROL's progress with MOJ goals	Benchmark outcome indicator. Progress on MOJ scorecard toward approved and consensed activities in consultation with USAID and stakeholders. Total score possible: 80 over four years; cumulative in (#)		15	28(44)	8	12	17		Target for Yr 2 is adjusted from 26 to 28. Cumulative total for Yr 1 and Yr 2 = 44 points. During this quarter several activities under MoJ Scorecard are on the "Ongoing=1" status with several other activities to start during the second quarter. Currently the MoJ Scorecard totals 17 out of 28 points
24	Chamber of Notaries scorecard rating of EROL's progress with CON goals	Benchmark outcome indicator. Progress on CON scorecard toward approved and consensed activities in consultation with USAID and stakeholders. Total score possible: 26 over four years; cumulative in (#)		1	N/A	N/A	N/A	N/A	N/A	EROL ceased assistance to the Chamber of Notaries in accordance with USAID's agreement with the Swiss Government and introduction of activities to assist the KJC and courts to prepare for the transition to the notary system

Result/Indicator/Unit of Measure	Definition/Rationale/Utility/Limitations	Baseline	Yr 1 Actual	Yr 2 Target	Program Year 2 Actual				Comments
					To date				
					Q1	Q2	Q3	Q4	
									under the Law on Notary
25	Office of the President scorecard rating of EROL's progress with OP goals	Benchmark outcome indicator. Progress on OP scorecard toward approved and consensed activities in consultation with USAID and Kosovar stakeholders.Total score possible: 30 over four years; cumulative in (#)	9	12(18)	7	8	8		Target for Yr 2 is adjusted from 10 to 12. Cumulative total for Yr 1 and Yr 2 = 18 points. During this quarter most of the activities under OP Scorecard are under the "Ongoing=1" status with total of 8 out of 12 points
2.3.1.	Courthouse infrastructure improved								
26	# of Court Improvement Plan refurbishment objectives achieved Unit: cumulative #	Outcome indicator. Tracks the impact of the Model Courts' Fund in terms of rehabilitated or improved infrastructure projects. Achievement is equal to completing the plans and being rated as a "true model court" by raters.	0	8	0	0	0		8 MCP courts are scheduled for implementation in Yr 2. Design of 8 courts is completed. Refurbishment of phase I of one court is completed.
IR3:	STRENGTHENED MECHANISMS FOR CITIZENS TO REPRESENT THEIR INTERESTS AND HOLD THE GOVERNMENT ACCOUNTABLE								

Result/Indicator/Unit of Measure		Definition/Rationale/Utility/Limitations	Baseline	Yr 1 Actual	Yr 2 Target	Program Year 2 Actual				Comments
						To date				
						Q1	Q2	Q3	Q4	
27	# of page visits per month on the MOJ interactive website for pending legislation Unit: # per month	Outcome indicator. The MOJ website invites citizen input on legislation. As citizen confidence increases, public participation and visits to website should increase. Difficult to determine whether increased knowledge of site or confidence is contributing to data. Website registration might request information on both.		N/A	250	1,752 clicks	4,999 clicks	2,625 clicks		Total number of clicks for Q1, Q2 and Q3 (period Apr-Oct 2012) is 9,376 clicks. Whereas the total number for Q3 is 2,625 clicks.
28	Number of USG-assisted Civil Society Organizations that engage in advocacy and watchdog functions. Unit: #	Standard F outcome indicator. CSOs must be actively engaged in these functions, and be able to demonstrate that they are so engaged		0	4	0	0	2		USAID awarded two (2) grants (ATRC and BIRN) under USAID Forward Request for Application -(RFA Number #01-2012) Increasing Citizens' Awareness and Participation in the Justice System
29	# of functioning Public Reception and Orientation Platforms (PROPs) in model courts Unit: #	The PROPs increase transparency and access to information while ensuring that court users are oriented in new systems. To be counted, a PROP must meet TBD standards as tested by auditors posing as court users.		0	7(13)	No Activity to report for this quarter	No Activity to report for this quarter	0		No Activity to report for this quarter
3.1.	Increased Professionalism of Citizen Groups and Journalists to Monitor Government Activity and Influence Policy									

Result/Indicator/Unit of Measure		Definition/Rationale/Utility/Limitations	Baseline	Yr 1 Actual	Yr 2 Target	Program Year 2 Actual				Comments
						To date				
						Q1	Q2	Q3	Q4	
30	# of USG-assisted campaigns to enhance public understanding; NGO support/media coverage of judicial independence and accountability Unit: #	Standard F output indicator. Tracks inputs that strengthen those mechanisms focused on public understanding, NGO support and media coverage of judicial independence and accountability. Campaigns designed to support GOK initiatives. Definitions must be shared/vetted with all NGOs involved. Targets TBD as grant TORs are accorded with USAID.		N/A	TBD	No Activity to report for this quarter	No Activity to report for this quarter	No Activity to report for this quarter		No Activity to report for this quarter

APPENDIX D: PMP SCORCARDS

KOSOVO JUDICIAL COUNCIL SCORECARD

Kosovo Judicial Council Scorecard	Year 2					Description
	Target	Q 1	Q 2	Q 3	Q 4	
Target/Actual (per Quarter)	Target	Q 1	Q 2	Q 3	Q 4	
Support drafting of implementation plan LoC	Completed					Yr 1 Target Completed.
Rapid assessment to identify focus of efforts (Action Plan)	Completed					Yr 1 Target Completed.
TA to KJC committees	Completed					Yr 1 Target Completed.
TA to KJC for building strategic alliances	2	1	1	1		No activity to report this quarter.
Support KJC in inter-Ministerial legislation working groups	2	1	1	1		EROL continued to work with the Work Group on Amendments to the Law on Courts, Law on the KJC, Law on the State Prosecutor, Law on Special Prosecutors, and Law on the KPC. EROL supported a workshop to make additional amendments as well as assist with the review, editing, and compilation of comments and proposals in collaboration with its counterparts.
Support development of follow-on Strategic Plan	2	1	1	1		EROL continued to support the KJC's effort with developing a strategic plan. With EROL assistance, KJC established a working group that will draft the plan.
Support HR functions of KJC						
Define and standardize staff job descriptions	2	0	0	1		EROL worked with KJC to establish a human resources work group that has proposed organizational structures for each court.
Staff recruitment/selection standards in place	2	0	0	1		
Staff promotion standards in place	2	0	0	1		
Staff discipline/dismissal standards in place	2	0	0	1		
Internship programs functioning successfully	2	1	1	1		No activity to report this quarter.
Judicial selection procedures improved	Completed					Yr 1 Target Completed.
Judicial evaluation procedures improved	Completed					Yr 1 Target Completed.
Judicial promotion procedures improved	2	1	1	1		EROL provided substantial support to the KJC Steering Committee's effort to develop criteria for the selection/reassignment of Basic Court judges. The KJC Steering Committee approved 1) instructions for the appointment of president and supervising judges, and 2) regulations on reassignment of judges.
Judicial disciplinary procedures improved	2	1	1	1		EROL continued to work with the KJC on the development of a Code of Ethics for the KJC. The KJC Committee on Normative Issues and the Disciplinary Committee drafted a regulation on the performance of the Disciplinary Committee. Code of Ethics adopted

						by KJC on 8 October 2012
KJC database for judicial personnel in use	2	1	1	1		Database assessment is ongoing and EROL will be working with the contractors during Quarter 4.
Track legislation reviewed by legal office	2	1	1	1		EROL continued to act in an advisory capacity to the Work Group on Amendments to the Law on Courts, Law on the KJC, Law on the State Prosecutor, Law on Special Prosecutors, and Law on the KPC, and reviewed, edited, and compiled comments and proposals in collaboration with its counterparts.
Track implementation of procedures for effective court admin						
Case flow, reception, assignment, management	2	1	1	1		EROL has reinvigorated the model court program (MCP) improvement teams at 8 model courts scheduled for MCP initiatives this year. The procurement process for design and court refurbishment of the model courts is fully underway with 8 design tasks orders in progress, and 5 court refurbishment IQC contracts submitted to USAID for approval. Procedures for ensuring smooth transition to the new court structure under the LoC is well underway with working groups established and working on HR, court admin, public outreach, and logistics requirements.
Case files and records standards and procedures	2	1	1	1		
Attention to court users	2	1	1	1		Web portal assessments (web strategy and web development plans) have been submitted to the KJC for review.
Transparency and information access	2	1	1	1		
Increased and more effective use of automation						
Assess IT needs, CMIS' contributions/gaps, and failure to use	2	1	1	1		EROL, working with the KJC sub working groups, has developed a electronic case inventory system to account for all pending cases in the country so that complete and precise transfers of cases can be accomplished as scheduled.
Provide recommendations for system operation	2	1	1	1		No activity to report this quarter.
Minority outreach efforts						
Draft minority access assessment	2	1	1	1		Draft report on Minority access submitted to USAID.
Draft outreach campaign	2	1	1	1		EROL drafted brochures - explaining the upcoming transition of the courts – for minority community citizens – approved by KJC and USAID
Draft requirements for translator program	2	0	0	0		No activities to report this quarter.
TOTAL:	34	16	16	20	TBD	

KOSOVO PROSECUTORIAL COUNCIL SCORECARD

Kosovo Prosecutorial Council Scorecard	Year 2					Description
	Target	Q1	Q2	Q3	Q4	
Target/Actual (per Quarter)	Target	Q1	Q2	Q3	Q4	
Facilitate development of strategic plan	2	1	1	1		EROL facilitated drafting of KPC strategic plan with Council and working group members. Final draft plan submitted to Council for consideration and adoption.
Facilitate development of annual plans	2	1	1	1		Yr 1 Target Completed. Activity to be attained in Yr 2, Yr 3 and Yr 4. EROL facilitated annual planning activities, including macro action plan development, in connection with the creation of KPC's Strategic Plan.
Facilitate development of implementation plan and committees	2	1	1	1		The Implementation Plan has been completed, based on a simplified version of the draft developed by USAID/EROL. EROL facilitated the establishment of committees/commissions/working groups
Instruction manual (SOP) with regulations, policies, procedures	2	1	1	1		EROL drafted various guidelines and plans in the spheres of PR communications and website design for the KPC. EROL also assisted in drafting/amending the Five Justice Sector Laws, several pieces of secondary legislation, and the KPC's Strategic Plan.
Support implementation of SOP across KPC	2	0	1	1		Activity to be attained in Yr 2, Yr 3 and Yr 4. EROL participated in working group that assisted KPC draft/amend regulations concerning discipline and prosecutor performance & evaluation, and an administrative instruction on setting annual performance norms.
Develop job descriptions/TORs for KPC Secretariat staff	2	1	1	1		Job descriptions are being developed and revised as part of the strategic planning process, and in collaboration with ECLO.
Train KPC in needs-based budgeting and justification	2	0	1	1		EROL and the KPC examined budget issues and identify specific needs through the strategic planning process. More concrete plans will be put in place with Action Plan development.
Legislative drafting support: secondary legislation	2	1	1	1		EROL participated in working group that assisted KPC draft/amend regulations concerning discipline and prosecutor performance & evaluation, and an administrative instruction on setting annual performance norms.
Development of new staff training module	2	0	1	1		As part of strategic planning process, the KPC identified staff professionalization and training as a key objective. Concrete activities will be developed in Action Plan.
Draft public relations strategy	2	1	1	1		EROL finalized and presented to KPC for consideration public relations strategy, media guidelines and a crisis communication plan.
Draft public relations training modules and materials	2	1	1	1		EROL trained KPC staff/spokesperson.
Train public relations staff	2	1	1	1		EROL trained KPC staff/spokesperson.
Support formulation of external/internal communication plans	2	1	1	1		EROL finalized and presented to KPC for consideration public relations strategy, media guidelines and a crisis communication plan.
Incorporate public messages into overall outreach activity	2	1	1	1		EROL drafted media guidelines and conducted Media and the Criminal Justice Workshop attended by legal professionals and journalists.
TOTAL:	28	11	14	14	TBD	

MINISTRY OF JUSTICE SCORECARD

Ministry of Justice Scorecard	Year 2					Description
	Target/Actual (per Quarter)	Target	Q1	Q2	Q3	
Legislative drafting						
Draft training modules	2	1	2	2		Yr 2 Target Completed. Legal Process workshop in Peja conducted during Q2. Eight professionalization training modules were under development during Q3; they are expected to be completed in Q4.
Implement training program in legislative drafting	2	1	2	2		Yr 2 Target Completed. Activity to be attained in Yr 2, Yr 3 and Yr 4. Legal Process workshop in Peja conducted during Q2.
Draft legislative enactment plans	Completed					Yr 1 Target Completed.
Define guidelines for public participation	2	1	1	1		To be addressed in the preparation of secondary legislation for state advocacy office during Q3 or Q4. The Kosovo Assembly is not expected to adopt the Draft Law on the State Advocacy Office until early 2013, after which this activity will be undertaken.
Capacity development for public participation	2	1	1	1		To be addressed in the preparation of secondary legislation for state advocacy office during Q3 or Q4. The Kosovo Assembly is not expected to adopt the Draft Law on the State Advocacy Office until early 2013, after which this activity will be undertaken.
Support for secondary legislation drafting	2	0	1	1		Activity to be attained in Yr 2, Yr 3 and Yr 4. MOJ is not preparing secondary legislation for the Law on Courts, etc. This activity will be addressed in the preparation of secondary legislation for state advocacy office during Q4. The Kosovo Assembly is not expected to adopt the Draft Law on the State Advocacy Office until early 2013, after which this activity will be undertaken.
International Legal Cooperation Department (ILCD)						
Training needs analysis report	Completed					Yr 1 Target Completed.
Develop training modules for ILCD	2	2	2	2		Training Module developed and provided during the first year of Program implementation.
Develop international legal assistance manual	Completed					Yr 1 Target Completed.
Training MOJ officials in implementation of roles	2	2	2	2		Yr 2 Target Completed. Activity to be attained in Yr 2, Yr 3 and Yr 4. In year one, conducted 2-day workshop on International Legal Cooperation in Civil Matters and delivered Practice Manual to Ministry of Justice Officials; in Q1, year 2, prepared a comprehensive sensitive case file use and storage protocol, which was accepted for use by the Acting Director of the ILCD

Complete agreements with interested nations	2	0	1	1		The ILCD has requested training in the negotiation of bilateral agreements.
Exchanges with EJN and EuroJust	2	0	0	0		No Activity to report.
Litigation Unit						
Training needs analysis report	Completed					Yr 1 Target Completed.
Develop training modules	2	0	0	1		EROL supported the MoJ in the preparation of the Draft Law on State Advocacy Office, which pending adoption at the Assembly; the Office will replace the Litigation Unit. The Draft Law will likely include continues legal education requirement for the State Advocates.
Training in inter-Ministerial coordination for litigation	2	0	0	1		
Training in oral and written advocacy skills	2	0	0	1		
ToT for local trainers	2	0	0	1		Upon the adoption of the Draft Law and the hiring of the state advocates, EROL will address the activities in this section, in Q4. The Kosovo Assembly is not expected to adopt the Draft Law on the State Advocacy Office until early 2013, after which this activity will be undertaken. In the meantime, EROL was engaged in developing training course modules for the KJI in Q3 (which will continue in Q4) that will be applicable to some aspects of these training requirements.
Training in administrative litigation	Yr3 and Yr4					Yr 3 and Yr 4 Activity
Training in civil litigation	Yr3 and Yr4					Yr 3 and Yr 4 Activity
Compilation of training into a reference book	2	0	0	1		This activity is related to the above training activities. See above.
TOTAL	28	8	12	17	TBD	

CHAMBER OF NOTARIES SCORECARD⁶

⁶ EROL ceased assistance to the Chamber of Notaries in accordance with USAID’s agreement with the Swiss Government and introduction of activities to assist the KJC and courts to prepare for the transition to the notary system under the Law on Notary

OFFICE OF THE PRESIDENT SCORECARD

Office of the President Scorecard	Year 2					Description
Target/Actual (per Quarter)	Target	Q1	Q2	Q3	Q4	
Report on justice-related competencies of OP	2	1	1	1		The report on Presidential competencies in the justice sector has been drafted. However, the amendment of the four justice sector laws, which is expected to be finalized in 2013
Establish working group per Project design TORs	Completed					Yr 1 Target Completed.
Support creation of coordination mechanisms	Completed					Yr 1 Target Completed.
Intra-governmental roundtables	Completed					Yr 1 Target Completed.
Draft PR strategy	2	1	1	1		As part of the PR needs assessment at the OP, the team has distributed to the OP SWOT Analysis worksheets and the SWOT Profile worksheets, which contain important data that will be used to develop public relations guidelines for the permanent staff of the President's Office involved in the public communication sector.
Train public relations team members	2	2	2	2		Yr 2 Target Completed. Two representatives from the Office of the President have attended the advanced training on advance PR Skills and Crisis Communications, which was held on April 24-25-26, 2012 at the University AAB-RIINVEST in Prishtina. EROL organized the workshop on "Best media practices in the justice sector" for the staff of the Office of the President on 24 October 2012.
Include outreach messages in overall PR strategy	Yr 3					Year 3 Activity
Support drafting of written protocols/circulars/guidelines	2	1	1	1		EROL through the SITTA has prepared the guidelines for the legislative review and the template on the presidential return of legislation, which will serve as a guiding document for the legislative review process.
Support agencies to implement protocols	2	0	1	1		The organization of the OP Conference on the judicial reforms has been postponed for an undetermined time. The President's Office is yet in the process of internal consultations (including the time and venue) regarding the organization of the Conference and will notify EROL as soon the decision is made
Train legal officers of OP	2	1	2	2		Yr 2 Target Completed. In July 2012, EROL conducted a two-days training in the legislative drafting process. The training was attended by the legal officers of the PO, the KJC, the KPC and the MoJ. In October 2012, EROL conducted a two-day workshop on the "legislative review process". The training was attended by the legal officers of the President's Office and the Assembly of Kosovo.
TOTAL:	12	6	8	8	TBD	

MODEL COURTS PROGRAM SCORECARD

Model Courts Scorecard		The Supreme Court	Pristina District Court	Gjilan District Court	Lipjan Municipal Court	Istog Municipal Court	Viti Municipal Court	Rahovec Municipal Court	Suhareka Municipal Court
KEY STANDARD									
1	Reorganize administrative duties between Presiding Judge and Court Administrator	0	0	1	1	1	1	1	1
2	Develop and implement a Court Training Plan	1	1	1	1	1	1	1	1
3	Maintain and updated open and closed case files accurately and chronologically	0	0	0	0	0	0	0	0
4	Develop and implement a plan for reduction of case backlogs in all types of cases	0	0	1	1	1	1	1	1
5	Develop and implement a plan for compliance with case processing time standards	0	0	0	0	0	0	0	0
6	Streamline procedures for effective procurement and use of court logistics and supplies	0	0	1	1	1	1	1	1
7	Enhance court communication with the public	0	0	1	1	1	0	1	1
8	Improve accessibility and security of court facilities	1	1	1	1	1	1	1	1
9	Ensure that court proceedings are open and that all that appear before the court have the opportunity to participate effectively	0	0	1	1	1	1	1	1
TOTAL:		1	1	1	7	7	7	6	7

EROL MODEL COURT – PMP SCORING DESCRIPTION CRITERIA

Key Standard	Scoring	
	Score	Criteria
Reorganize administrative duties between Presiding Judge and Court Administrator	0	No formal description of court administrative responsibilities.
	1	Assessment of court administrative functions completed.
	2	Plan for division of responsibilities developed and implemented.
	3	Results of implementation reviewed, plan adjustments considered.
Develop and implement a Court Training Plan	0	No formal Court Training Plan.
	1	Assessment of training needs completed.
	2	Court Training Plan developed and implemented.
	3	Results of implementation reviewed.
Maintain and update open and closed case files accurately and chronologically	0	No written plan for file management.
	1	Status of current file management assessed and deficiencies noted.
	2	Plan for case record maintenance, updating, and routing with accountability noted adopted.
	3	Status of file management reviewed.
Develop and implement a plan for reduction of case backlogs in all types of cases	0	No formal plan for backlog reduction/prevention.
	1	Assessment of current case backlog completed.

Key Standard	Scoring	
	Score	Criteria
	2	Plan for reducing backlog, with targets and responsibilities, adopted.
	3	Case backlog reassessment completed and changes to the plan undertaken.
Develop and implement a plan for compliance with case processing time standards	0	No formal plan for compliance with case processing time standards.
	1	Assessment of case processing procedures completed.
	2	Plan for timely processing of cases and compliance with time standards developed and adopted.
	3	Case processing procedures reassessed and changes to the plan identified.
Streamline procedures for effective procurement and use of court logistics and supplies	0	No procedures for effective procurement and use of court supplies developed.
	1	Inventory of court logistics and supplies completed.
	2	Plan for tracking and managing use of supplies developed.
	3	Evaluation of the supply and inventory system completed with problems identified.
Enhance court communication with the public	0	No organized public communication or community outreach.
	1	Identification of court outreach activities to enhance court/community relations.
	2	Plan for public communication and community outreach developed.
	3	Outreach activities monitored and changes made to the plan based on evaluation.
Improve accessibility and security of court facilities	0	Court is not safe and accessible.
	1	Facility evaluation completed for potential safety and accessibility improvements.

Key Standard	Scoring	
	Score	Criteria
	2	Plan for improvements in facility safety and accessibility developed and construction activities started.
	3	Facility improved and reassessment completed.
Ensure that court proceedings are open and that all that appear before the court have the opportunity to participate effectively	0	Public access to court hearings is limited or haphazard.
	1	Barriers to access identified (including physical, language, gender, security, ethnic barriers).
	2	Plan for improvement to eliminate barriers to access developed.
	3	Accessibility reassessed and plan modified based on new information.

CONSTITUTIONAL COURT SCORECARD

Constitutional Court Scorecard	Year 2					Description
	Target/Actual (per Quarter)	Target	Q1	Q2	Q3	
Needs Assessment - expertise and information needs of judges						Yr 1 Target Completed.
Support program and materials for CC judges drafted	2	2	2	2		Yr 2 Target Completed. EROL elicited and organized the presentations of eight formal presentations on substantive constitutional and legal issues for the international conference on Human Rights sponsored by EROL and Constitutional Court, on June 29-30.
Training modules developed for new CC judges	2	2	2	2		
Support attendance at regional or international conferences	2	2	2	2		
Needs Assessment - training needs for legal advisors	Completed					Yr 1 Target Completed.
Training modules developed for legal advisors	Completed					Yr 1 Target Completed.
Training provided to legal advisors	2	2	2	2		Yr 2 Target Completed. Activity to be attained in Yr 2, Yr 3 and Yr 4. Target for Yr 2 completed through the above conference
Exchanges with international jurists (visits to Kosovo or travel)	2	2	2	2		Yr 2 Target Completed. Activity to be attained in Yr 2, Yr 3 and Yr 4. Target for Yr 2 completed through the above conference, which included presentations by judge who served on European Court of Human Rights, two federal court judges from United States, and one lawyer from Ireland.
Preparation of research papers for conference	2	2	2	2		
Conference on constitutional jurisprudence and adjudication	2	2	2	2		
Internship program launched (year 2) and monitored (2-4)	2	0	0	1		The Constitutional Court administered, on its own, an internship program, and not requested any assistance from EROL in this regard. EROL revisited this issue in Q3, with additional activities expected in Q4.
Materials created and distributed as bench references	2	2	2	2		Yr 2 Target Completed. EROL prepared summaries of the 93 cases decided in 2011, as well as a complete subject matter index, for inclusion in the Court's Bulletin of Case Law 2011, which will be widely distributed to judges and other legal professionals for use and reference manual.
Library needs assessed and materials procured	2	0	0	1		The Constitutional Court maintains, on its own, a full reference library and has not requested any assistance from EROL in this regard. EROL revisited this issue in Q3, with additional activities expected in Q4.
Training module developed for internet research	2	2	2	2		Yr 2 Target Completed. The Legal English Program Legal Research Module, prepared in conjunction with KJI, will be offered to legal advisers and legal researchers with sufficient English language proficiency at Constitutional Court.
Reference manual created and distributed	Yr 3					Yr 3 Activity
ToT in adult learning principles	2	2	2	2		Yr 2 Target Completed. Completed for the legal advisers in program year one.
Local and international trainers train advisors together	Completed					Yr 3 Target Completed.
Local trainers begin to train on their own	Completed					Yr 3 and Yr 4 Target Completed.
Deploying software for full-text searchable decisions online	Yr3-Yr4					Yr 3 and Yr 4 Activity
TOTAL:	24	20	20	22	TBD	

KOSOVO JUDICIAL INSTITUTE SCORECARD

Kosovo Judicial Institute Scorecard		Year 2					Description
Target/Actual (per Quarter)	Target	Q1	Q2	Q3	Q4		
Assessment of KJI structure and curriculum, and their degree of alignment with LoP and LoC	2	1	1	1		As result of donor opposition, the MOJ draft law on Justice Academy, which would have replaced the KJI with an MOJ Academy, will apparently not be approved and submitted to Assembly, therefore, EROL will proceed with activities at the KJI that will be delayed as result of the uncertainty created by draft law on Justice Academy regarding status of the KJI. EROL will proceed to work with KJI, KJC, KPC to develop National Legal Education Strategy, this activity will take place in Q3 and Q4. EROL and KJI Director conferred during Q3, and plan to begin this initiative in Q4 after the KJC and the KPC complete their reorganization responsibilities pursuant to the new Law on Courts.	
Draft training courses	Completed					Yr 1 Target Completed.	
Training of Trainers (TOT)							
Training of trainers program developed	2	0	1	1		In conjunction with KJI instructors selected by the Director, EROL is preparing a TOT module on Interactive Teaching and Legal Reasoning and Writing to be offered to all KJI instructors. The development of course modules continued in Q3, and will be completed in Q4.	
ToT program carried out with KJI instructors	2	0	1	1		Yr 1 Target Completed. Activity to be attained in Yr 2, Yr 3 and Yr 4. The above TOT course will be presented in Q4.	
English language TOT training							
Training of trainers program developed	2	2	2	2		Yr 2 Target Completed. Legal English Program TOT Curriculum, Legal Research Module, Lower Intermediate Module, Intermediate Module and International Legal Cooperation in Civil Matters Curriculum conducted and completed during Q1, courses to be presented in the CLEP and ILEP Programs.	
ToT program carried out with KJI instructors	2	2	2	2		Yr 2 Target Completed. Activity to be attained in Yr 2, Yr 3 and Yr 4. Legal English Program TOT Curriculum, Legal Research Module, Lower Intermediate Module, Intermediate Module and International Legal Cooperation in Civil Matters Curriculum conducted and completed during Q1, courses to be presented in the CLEP and ILEP Programs.	
Training program on OSCE recommendations prepared	2	1	1	1		OSCE reports have been analyzed and administrative staff shortcomings are being addressed in a Best Practices course developed. In conjunction with KJI instructors selected by the Director, EROL is preparing a course module on court administration staff best practices. The course module development began in Q3, and will be completed during Q4.	
STTA provided in holding judicial conferences	2	0	0	0		With support from OSCE, the KJI will present a Judicial Conference for Prosecutors in 2012 and Judicial Conference for Judges in 2013; the KJI has declined EROL's offer of the assistance in the presentation of the such conferences.	
Judicial conferences held	2	0	0	0			
Develop list of potential local and int'l partner institutions	Completed					Yr 1 Target Completed.	
Support development of relationships with institutions	2	1	1	1		Activity to be attained in Yr 2, Yr 3 and Yr 4. Initial meeting with Federal Judicial Center Director of Research in Q4 of the year one; tentative plans to cooperate on legal resources. EROL and KJI Director conferred in Q3 regarding further development of this need, and there will be further concentration on this activity in Q4.	

Support to attend international conferences	2	1	1	1		Activity to be attained in Yr 2, Yr 3 and Yr 4. EROL plans to support a study tour for KJI representatives to a legal education conference in the United States. EROL and KJI Director conferred in Q3, and there will be further concentration on this activity in Q4.
KJI website enhanced						
Include reference materials and legal information on site	2	1	1	1		KJI web design and web development plans have been prepared, approved by USAID and submitted to the KJI. Additional information regarding KJI activities and the legal resource center must be gathered in order to prepare database design and development plan. That information was gathered and plan prepared during Q3. EROL is engaging an IT firm to develop and install the website and database.
Develop test version of KJI website	2	1	1	1		
Develop draft database of trainees	2	1	1	1		
Develop distance learning demonstration course	2	0	0	1		Development of the distance learning demonstration course will accompany the development of the website. Development of the KJI software application began in Q3; development is expected to be completed in Q4, which will allow commencement of related activities.
Distance learning platform and catalog deployed and in use	2	0	0	1		This activity is related to the KJI Strategy Plan and a formal KJI Website Development Plan. Development of the KJI software application began in Q3; development is expected to be completed in Q4, which will allow commencement of related activities.
TOTAL:	30	11	13	15	TBD	