



**USAID**  
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# **KOSOVO EFFECTIVE RULE OF LAW PROGRAM**

## **Year 2 Annual Progress Report**

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**TABLE OF CONTENTS**

Introduction..... 4

Program Progress and Highlights ..... 4

Context: Challenges & Opportunities ..... 6

Activities ..... 7

    Objective 1: Effective Operations of Justice Sector Institutions ..... 7

    Objective 2: Increase the Efficiency of Court Operations..... 20

    Objective 3: Improve Professionalism of Justice System Actors ..... 23

    Objective 4: Increase Citizen Awareness and Role in Ensuring the Delivery of Justice ..... 30

Environmental Regulation Compliance ..... 34

Status of Budget Expenditures..... 34

Appendices..... 35

    Appendix A: List of Reports & Deliverables..... 35

## INTRODUCTION

This document describes USAID Kosovo Effective Rule of Law Program (EROL) progress on completion of Year 2 activities, deliverables and expected contributions to life-of-program expected results during April 1, 2012 through March 31, 2013. The report also highlights selected project activities, outputs, results, successes, challenges, and opportunities and provides a snapshot of project accomplishments and the status of milestones as of the end of Year 2.

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, including 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 components (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 document the various deliverables, trainings, charts, and PMP scorecards.

## PROGRAM PROGRESS AND HIGHLIGHTS

This was truly a year of dramatic change for the Kosovo justice sector. Successful implementation of the Law on Courts (LoC) brought about a comprehensive transformation of the Kosovo court structure; the introduction and implementation of information management and technology initiatives at the KJC, KPC, KJI, MOJ, KCC and at every court; the development and adoption of codes of conduct and ethics; the ramping up of design and refurbishment work to improve the final 15 new model courts; and the creation of a court case database with all Kosovo first and second instance court cases. EROL played a significant role – providing overarching legal and operational analysis and advice, delivering country-wide training, logistical and administrative support, and leading a focused, tactical planning effort, all at an audacious level.

EROL's support of the judiciary's transition to the new structure in advance of the January 1, 2013, effective date allowed for the courts to basically close under the old system on Monday, December 31, 2012, and re-open after the New Year Holidays on Thursday, January 3, 2013, as Branch, Basic and Appeals Courts along with their respective new, pending caseloads (except

minor offense cases). In the months leading up to the transition date, EROL worked with the KJC and the courts to inventory, ship, track and verify over 240,000 cases. To make this happen, EROL approached the problem on three fronts: 1) creation of a comprehensive, detailed case-transfer plan 2) deployment of a surge in staff into the courts in order to inventory and coordinate the transfer of cases, and 3) development of an automation tool that would facilitate the consistent and accurate capture of pending case information.

Working closely with the KJC, judges, and court staffs, EROL developed procedures to identify, map, and document the process for transferring court cases. New court jurisdictions, especially those involving appeals, required cases to be moved between all levels of courts from the Supreme Court to the Basic Courts. EROL, working collaboratively with numerous advisory groups and meetings with court staff and judges, developed the case transfer methodology. Central to this methodology are revised case registry books (both manual and electronic, spreadsheet based) that serve as the primary information-gathering tool for court case information. Next, multiple EROL teams visited every court location, including the North, to work directly with court staff inputting basic case information and preparing case files for transfer. Ultimately, EROL, through the case inventory/transfer process, populated a database system that created pre-printed registry books for use by each court, including every department at the court. As a result, each court began 2013 with all pending cases loaded into their registry books.

Another focus during Year 2 was the development of information management tools and technology for justice sector counterparts. The increased focus on the development of information management has been, and will continue to be, designed to meet counterparts' operational needs in order to better address and sustain increased and better use of information. To do that, corresponding technology has been, and will be, introduced and implemented consistent with EROL's objectives of increasing effectiveness, efficiency, and access.

For example, EROL continued the development of an advanced application for the KJI, and provided two computer servers that will host internal repositories for human resources, finance and procurement department records and reports. In addition, EROL sponsored the development of a public web portal that will feature training course materials and registration capabilities for participants in KJI programs, as well as a gateway to an e-learning platform that will greatly expand the availability of KJI's continuing legal education programs. The software development for these initiatives is in mid-course, and will be completed early in Year 3. To assist lower courts gain access to case decisions and judgments so that a consistent body of law might be used a persuasive precedent, EROL supported the development of a searchable database at the Constitutional Court that contains all the Court's decisions. It is now in the testing phase. EROL has been in discussions with the Supreme Court and Court of Appeals to explore further expansion of the database that would include their decisions. In addition, EROL worked to develop program requirements for website and web portal development at the KJC and KPC. EROL is providing technical assistance to the Ministry of Justice with database and case management system development to meet the needs of the International Legal Cooperation (DILC) and the State Advocacy Office (SAO). EROL supported the development of two distinct software applications designed to facilitate improved management of casework conducted by the DILC and SAO.

Beginning in Quarter 2, EROL worked with counterparts as they moved forward with developing codes of conduct and Ethics. As a result, the KJC, KPC, and KCC each adopted their respective code. These codes are an important step in strengthening the justice sector and they serve as a critical foundation for the public's confidence in the efficiency and effectiveness of the justice system. The codes also promote excellence in public service through the pursuit of identified core values, providing assurances to the public that governing bodies are accountable for maintaining a high level of trust and professionalism, which in turn promotes public confidence in governmental institutions. In addition, EROL has been working with the KPC and KJC as they develop and amend regulations on judicial and prosecutorial discipline.

The model court program (MCP) is moving forward at full speed. During Year 2, EROL finalized and signed IQC contracts for design and refurbishment. Eight design and refurbishment contracts representing approximately \$3.7MM were signed. Refurbishment work began 7 court facilities, and two were completed with final handover and ribbon cutting ceremonies taking place in Quarter 4. The next 8 courts to be refurbished were identified and the design specifications were developed; the next design RFTOP was published to IQC holders as well. The EROL MCP has evolved from an initial pilot-type initiative to a country-wide program that, in fact, makes all Kosovo courts model courts.

During the reporting period, EROL 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. EROL worked with the KJC and the KPC to develop public and media outreach activities designed to increase transparency and bolster public knowledge of and participation in the justice system and the ongoing reforms. The councils acknowledged the need and ultimately took proactive steps to communicate their missions and successes directly to the public; EROL supported this through extensive trainings and workshops specifically geared to the councils' outreach and spokesperson programs as well as including communications and outreach as part of their strategic planning. To help ensure all stakeholders were included, EROL also provided workshops for journalists focusing on the specific issues unique to the justice sector.

EROL continued its support for improving the institutional capacities of the Office of the President (OP) to help the effective exercise of the OP's 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.

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.

With the de-funding of EROL's originally planned grant program, EROL took a supporting role with the introduction of the USAID *FORWARD* grant program. One focus of the program is for Kosovo partners to build sustainable and effective programs with CSOs. EROL assisted with the procurement of two major grant awards that involve court monitoring and public awareness and outreach initiatives aimed at increasing transparency and fairness among justice institutions. EROL is providing technical assistance to the grantees to develop proper work plans and budgeting processes.

The EROL program made significant progress during Year 2. That progress was a direct result of EROL's counterparts' resolve to meet the truly ambitious reform goals years established before. The transition of the courts to a new structure was made on schedule with minimal impact on the cases pending before the courts or the public. Thus the courts and the justice sector as a whole are operating on a new level – designed to provide a fair, open, just, and sustainable forum for resolving disputes and ensuring security. EROL looks forward to the work ahead.

## CONTEXT: CHALLENGES & OPPORTUNITIES

Programmatic work continues to make robust progress. Counterparts are receiving extensive training on new approaches to old (as well as new) problems; facing wholesale changes to how and when their work is expected to be completed; adapting to new technologies; and being asked to provide more open, accessible, and accurate information about their operations. In order to maintain the gains made at counterpart organizations, EROL is working to expand the focus of activities so that sustainability becomes a key factor in the planning and implementation of programs. Building sustained programs will require continued side-by-side training and mentoring of court staff. It will include further introduction of new concepts, processes and procedures for judges, senior judicial managers, and operational staff. While the effort will be significant, EROL

anticipates that soon there will be a sea change during which counterparts will realize that old processes were truly inferior to the present and few, if any, will want to return to how things used to be done.

As with most government institutions, there seems to be a consistent disconnect between anticipated budgetary requirements and actual budget resources. This was evident over the reporting period as critical needs for the implementation of the LoC were met with substantial EROL resources that would normally be handled by the KJC. Sustainability requires adequate resources, both human and financial. EROL views this as an opportunity to develop a structured, rational and documented process for budget creation, justification, defense, and administration.

EROL also has been able to continue substantial coordination efforts with other rule of law focused programs. During the transition, EROL worked closely with EULEX on a number of issues related to pending and transferred cases in the North. In addition, EROL has worked and will continue to work with EUOK on coordination of efforts with support to the KJC and KPC. For example, EUOK's support to the Councils regarding budgetary processes will inform many components of the each Council's strategic plan. Similarly, EROL's work with the Councils on the issue of ethics will complement the EUOK-led effort to improve disciplinary regulations and procedures currently employed by the KJC and KPC. The synergy of these efforts will provide additional sustainability by ensuring operational and administration consistency for counterparts.

There was renewed interest at the government level to transform the KJI into a Judicial Academy. EROL began working with the MOJ on a concept paper that outlines the potential changes and initiatives resulting from this effort. International advisors have continued to raise substantial concerns about how a Justice Academy could compromise the independence of the judicial branch.

## ACTIVITIES

### OBJECTIVE 1: EFFECTIVE OPERATIONS OF JUSTICE SECTOR INSTITUTIONS

#### 1.1 KOSOVO JUDICIAL COUNCIL

Throughout Project Year 2, EROL assisted the Kosovo Judicial Council complete all critical components of the implementation of the LoC that became effective January 1, 2013. In addition, EROL strived to increase the capacities of the Council in the areas of ethics, the collection and use of data, legal analysis and policy-making to steer the judiciary toward a more responsive and transparent institution.

##### Law on Courts Implementation

The LoC reorganized the Kosovo courts into a new hierarchical level that is expected to simplify and increase the efficiency of judicial institutions in several ways, including by means of reassignment of jurisdictional responsibilities. The dissolution of the existing courts (except for the Supreme Court, and the Special Chamber of the Supreme Court), establishment of new courts, and certain adjustments to jurisdiction became effective January 1, 2013. Seven Basic Courts and 20 subsidiary Branch Courts serve as courts of first instance, the Court of Appeals acts as a court of second and third instance, while the Supreme Court primarily retains the competence in adjudicating cases brought by means of extraordinary legal remedies. EROL worked closely with the KJC and Secretariat (KJCS) to not only ensure compliance with tight deadlines, but to build skills and capacity of key staff members at the KJCS in an effort to ensure long-term sustainability. To that end, EROL insisted on a true working partnership of KJCS staff and court staff who participated on six committees or work groups that held 51 productive meetings during the period of April 4 to October 2, 2012 which constituted Phase I of implementation work on the implementation plan (IP). In fact, while January 1, 2013 marked the commencement of a historic time in the history of the

Kosovo judiciary, it also marked the beginning of important work to be done, not only by those individuals who played key roles in the successful implementation of the Implementation Plan, but by all stakeholders throughout Kosovo.

In support of the implementation of the LoC, EROL identify two critical issues: (1) the LoC did not include provisions to deal with minor offenses, though such provisions existed in the prior law, and (2) the unclear role of the Supreme Court in third instance appeals. First, the LoC repealed the Law on Minor Offences (Article 42.1) without replacing it with a new law. Without an amendment to the LoC, the courts would have begun 2013 with no laws regarding minor offenses. This could have paralyzed the judicial system. Second, the LoC identified the new Court of Appeals as the court for second and third instance appeals. This shortcoming in the LoC could have had serious repercussions in the allocation of judicial resources and potential issues of rights to a fair trial and other problems for litigants. Both problems were solved with amendments to the LoC reinstating the Law on Minor Offences and clarifying that the Court of Appeals would handle second instance appeals only, leaving third instance appeals to be reserved to the Supreme Court. Amendments were approved in the last session of the Kosovo Assembly for the year 2012.

In addition to the amendment of the LoC, considerable work was also necessary to draft and approve the regulations required to make implementation of the LoC legal, and to provide instructions to assist 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 LoC and the Law on the KJC. Adoption of this regulation was necessary for the courts to function on January 1, 2013. As the largest sub-normative act of the KJC regarding courts, the regulation clarifies the 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 how each interrelates. Registries of cases, case management and other details of court operations are covered as well.

EROL took the lead in supporting the drafting of the Regulation for the Internal Organization of the Court. Starting with the existing regulations on courts, three sub-working groups – human resources, case management and court administration – were formed with members of the KJCS, judges and court administrators. EROL facilitated multiple meetings of each sub-working group and provided technical advice and translation services for the groups. Each sub-group submitted recommendations and the KJC adopted the final regulation on December 26, 2012, in time to distribute it to all courts. A few necessary amendments to this regulation were subsequently approved and adopted on January 4, 2013. EROL provided all necessary assistance for the amendments, including technical advice and translation services.

At the request of the Steering Committee and the Chair of the KJC, EROL prepared a legal analysis of the process required to handle certain types of pending cases that were to be transferred prior to January 1, 2013. The analysis addressed only the transfer of cases already assigned and examined by panels of judges. The Steering Committee agreed with EROL's analysis that if a case is already assigned for adjudication by a judge or panel of judges, and evidence has already been taken, the judge or panel of judges should continue following the case until it is resolved. The KJC concluded that due to some changes in the Criminal Procedure Code and the role of lay judges, the decision would be applied only to pending EULEX cases, including Kosovo judges who were members of the panel in mixed panels with EULEX judges. Based on this analysis and discussion, the KJC adopted the Instruction on the Assignment of Pending Cases November 26, 2012.

### **Case Transfers to New Court Structure**

During Phase II of the IP process (October 1 through December 31, 2012) and at the request from the KJC for technical assistance, work focused primarily on a key component of the court restructuring – the transfer of more than 240,000 cases from courts operating under the old to the newly established structure. In many situations the transfer of cases did not involve physical movement of files because those cases remained in the courthouse where they were originally filed; however, approximately 9,600 transferred cases were physically moved; with EROL guidance, from one courthouse to another. The case transfer project consisted of three teams: the Data Collection Team to capture the data; the Logistics Team to assist and

train local court staff in the verification of the transferred cases, as well as to assist in the physical movement of cases; and the Strategic Team to coordinate all aspects of the case transfer project from case files to database development.

While the case transfer process was developing, EROL's refurbishment team was in the process of mobilizing the Pristina District Court – Kosovo's largest court – for the demolition phase of the MCP refurbishment plan. This required the removal of archived files by the court. EROL developed a responsive logistics plan for the retrieval of case files resulting in 123 file boxes of pending cases being securely moved from the Pristina District Court to a temporary Central Records Management Office created and retrofitted with EROL assistance at the KJC campus. An additional 108 boxes of files, representing cases to be transferred to the new Court of Appeals (that would reside at the building occupied by the Pristina District Court after finalization of the refurbishment project), were also moved from courts throughout Kosovo to the temporary CRMO.



Time stamp and registry in action at the Court of Appeals.

### **Collection and Use of Essential Case Information**

The creation and maintenance of a comprehensive, reliable database was an absolutely critical component for the transfer of cases. Due to the time pressure to complete this work for the successful transition to the new court structure, EROL retained a very experienced database engineer to develop a relational database on a Web platform with sophisticated processing capabilities. (This development work was being done simultaneous to the data-collection efforts.) EROL, in collaboration with (and in an effort to continue building capacity skills and sustainability) members of the KJCS staff and court personnel, performed an inventory of all cases pending in Kosovo courts. The EROL-developed database also served as the backbone of the accountability system that tracked the transfer of case files and was ultimately populated with case data collected in the field. The architecture of the relational database is designed so that an authorized user is allowed to view or input data by means of a Web-based interface that allows the user to choose a particular court, a particular department of a court, a particular type of case, or a particular type of activity when utilizing the database. The database displays all fields of the relevant court registry book, which includes the 72 registry books the courts began using on January 1, 2013. Using filtering or report modes, the database is capable of displaying or printing case-related or registry-related information, including a printed replica of any court registry.

EROL retained 26 Database Entry Assistants (DEAs) as temporary employees to form the Data Collection Teams. Teams of DEAs, Regional Court Liaisons and other EROL staff, working with KJC and court staff, then collected essential information (not all case information could be collected because court registry books are not completed until the conclusion of a case) on the approximately 240,00 cases pending in 31 courts using an EROL-developed EXCEL spreadsheet as a data collection tool. This was the first time that the Kosovo judicial system utilized a case inventory methodology for case management purposes.

EROL achieved its goal of collecting essential case information in the EXCEL spreadsheets for all cases pending in Kosovo prior to December 31, 2012. EROL reformatted the spreadsheets and printed the information in A-3 format that exactly replicates the 72 case registry books used in the Kosovo courts. EROL then delivered this list of all pending cases to each Basic Court, the Court of Appeals and the Supreme Court. Additionally, EROL developed a training manual and educated court staff to use the EXCEL program; they are currently updating the automated registry books utilizing this program.

Concurrently, the EROL database developer imports data from the EXCEL spreadsheets into the EROL-developed Web case registry database. EROL continues working in the courts to (a) populate the Web case registry database with information not previously collected; and (b) train court staff how to populate the Web case registry database remotely. While the work performed to date has been significant, it is merely the beginning of a labor-intensive process that must continue so as to automate the courts in Kosovo; this effort will provide reporting tools and other projects (backlog and delay reduction) that will increase efficiency, accountability and transparency throughout the Kosovo judiciary.

EROL overcame a major obstacle concerning the collection of data and case files from the Mitrovica District and Municipal Courts; namely the inability of staff to travel to the court facility because of security concerns despite the fact that it is a totally renovated Model Court. Following a significant amount of time and elaborate coordination with the KJC, chief judges from the Mitrovica courts, and security officials from EULEX and the Kosovo Police, EROL was able to transfer second instance cases from the Mitrovica facility to the temporary Central Records Management Office on the KJC campus. 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.

The work undertaken and completed this project year clearly demonstrates enormous progress by EROL's counterparts in recognizing and accepting responsibility for sustaining project planning, oversight, and follow-through that is required for long-term sustainability and success of the Kosovo judicial system. When the EROL program began its work, the enormous amount of time and resources that would be expended to provide assistance to the KJC and the Kosovo courts to ensure a successful transition to the new court structure was not foreseen. Also unforeseen was the surprising amount of capacity building that would take place.

KJC Secretariat Department Head: "Without the engagement of EROL, the Implementation Plan of the Law on Courts would have been Mission Impossible."

#### **Improved Organization**

EROL completed an organizational assessment of the KJCS, including all current departments and offices of the Secretariat. When conducting the organizational assessment, EROL utilized a simple mapping tool, and prepared a list of questions that was used during interviews of key staff members assigned to various departments or offices. More than 16 interviews from July 2 through July 16 informed the final report. The interviews were designed to gain an understanding of the working relationship

between departments and offices, and the scope of responsibilities and duties for each KJCS unit. Some recommendations identified processes or procedures that would benefit from further review. Other recommendations called for specific action that should be implemented sooner, rather than later.

Recognizing that the new structure would require not only physical changes in court structure, but also psychological changes in the mindset of court leaders and staff, EROL led a Change Management for Leaders Workshop for members of the KJC, Directors of the KJC Secretariat and members of working groups involved with judicial transfer and court administration issues. EROL built on this event by conducting additional leadership seminars for president judges and administrators in all courts in Kosovo. Additionally, EROL and the KJC jointly sponsored a number of transition planning workshops for judges, administrators and court staff who received updates on the process for transition to the new court structure.

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. The KJC largely completed the assignment of judges in early November 2012. Additionally, EROL supported revision of the existing Regulation on the Appointment of Judges during workshops in Peja on February 8-10 and on March 29, 2013. The regulation is expected to be completed in early Year 3 since it is necessary to start the appointment process for the next round of new judges.

EROL also participated in drafting a package of three internal acts of the KJC:

1. Administrative Instruction on Compensation of Members of the KJC and Other Officials in Committees and Working Groups – this instruction defines rules and procedures for financial payments to members of the KJC and other officials for committee and working group participation.
2. Regulation on Recruitment Procedures for Apprentices in Courts – this regulation establishes procedures for recruitment of apprentices in the courts and KJC.
3. Administrative Instruction on Compensation Procedure for Persons Wrongfully Convicted or Arrested – this instruction defines the selection of committee members that oversees compensation claims, the procedure for submitting claims to the committee, and the compensations available to victims and the requirements for persons to submit claims.

### **Policy and Legal Analysis**

As the lead advisor to the working group developing amendments to justice-sector laws, EROL reviewed, edited, and compiled comments and proposals regarding the amendments. These efforts required close coordination with officials of the KJC, KPC, MOJ, and representatives of the international donor community. EROL coordinated the first of several planned workshops in Peja on June 14-16, 2012. The objective of the workshop was to amend and finalize the following five judicial-sector draft laws:

- Law on Courts
- Law on the Kosovo Judicial Council
- Law on State Prosecutor
- Law on the Prosecutorial Council of Kosovo
- Law on the Special Prosecution Office of the Republic of Kosovo

The 3-day session was chaired by Ismet Kabashi, Chairperson of the KPC and Chief State Prosecutor. Other members of the working group included representatives from the U.S. Embassy, MOJ, EULEX, KPC, Supreme Court, and an independent expert. Work with the LoC and LKJC was postponed because of the time needed to address the prosecution laws. USAID/EROL reached a tentative agreement with the members of the KJC and the other members to postpone entry into force of the justice-sector laws so that they correspond to the date of entry into force of the LoC. The working group is expected to resume work on the laws in Year 3. EROL will continue to be the lead supporter of the MOJ's work of amending the five laws, which must be completed by June 2013 in order to be included in the Assembly's legislative agenda for the year 2013.

EROL also worked with the KJC and their working groups to develop a Code of Professional Ethics for the KJC. The Code resembles the one adopted by the KPC, although it was adapted to conform to the duties and responsibilities of the Judicial Council, and revised to reflect the Judicial Council's policy outlook.

EROL also supported a working group session for the drafting of a Regulation for the Certification of Court Interpreters and Translators. Representatives of EULEX, MOJ, EULEX Twinning Project and the University of Pristina Master Program for Translation and Interpretation also participated in the session. The basis for the regulation arose from the new Criminal Procedure Code. Under the regulation, the KJC will administer the examination for certification which will be supervised by a board presided over by representatives from the KJC and MOJ and an independent language expert. Still undecided is whether the Ministry of Justice or the KJC will issue the certification.

The issue of judge salaries under the LoC proved vexatious due to inconsistencies in the LoC and due to the fact that the KPC set prosecutor salaries in a way inconsistent with the Law on the KPC. At the request of the KJC, EROL analyzed the judicial salary issue and judicial salaries were set in accordance with EROL's analysis. Since both judicial and prosecutorial salaries are keyed to certain same salaries, the harmonization of judge and prosecutor salaries was the topic of a joint KJC-KPC meeting.

No harmonization was possible and the respective Councils agreed to seek a resolution by amending the laws with the help of the MOJ.

Regarding the issue of discipline, the KJC asked EROL to research how other countries treat the issue of publishing judicial disciplinary decisions. Since EUOK is the international lead implementer in the sphere of disciplinary regulations, EROL coordinated with EUOK which also provided a comprehensive research paper on the issue.

## 1.2 KOSOVO PROSECUTORIAL COUNCIL

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EROL helped the Kosovo Prosecutorial Council pilot the prosecution service successfully into the new court structure set forth in the Law on Courts. While prioritizing time-sensitive needs of the KPC, EROL advised the Council to employ a long-term strategic approach to policy-making and problem solving that will serve the goals and objectives of the justice system beyond the transition. Specifically, Year 2 support of the KPC focused primarily on the development of (1) policies and regulations that strengthen the Council's key oversight functions of governance, prosecutor performance and discipline; (2) a strategic plan, and (3) a public relations and communication strategy.

### **KPC Legal Framework and Governance**

The KPC is an independent institution with a Constitutional mandate to ensure that all persons have equal access to justice and that the State Prosecutor is independent, professional and impartial and reflects the multi-ethnic nature of Kosovo and the principles of gender equality. In carrying out this mandate, the KPC is responsible for recruiting, proposing, promoting, transferring, reappointing and disciplining prosecutors. Further, a key element of the Council's oversight function includes the development, implementation and enforcement of conduct and ethics regulations. In Year 2, EROL aided and mentored the Council to meet its governance and policy-setting responsibilities.

In Year 2 EROL spent much effort supporting the KPC's efforts a code of ethics. Following several EROL-led drafting workshops, the KPC adopted and issued three (3) separate codes of ethics applicable to Council members, frontline prosecutors and prosecution support staff, respectively. The materials also included a manual containing commentaries to enhance apprehension of the codes' principles and concepts. Finally, as a way of building the KPC's capacity for implementation of the ethics codes, EROL facilitated a training-of-trainers (ToT) session to equip prosecutors with skills to provide regular ethics trainings through the curriculum of Kosovo Judicial Institute.

The codes of ethics are an important step in strengthening the prosecutorial institutions and they should serve as a critical foundation for the public's confidence in the efficiency and effectiveness of the prosecutorial system. The codes promote excellence in public service through the pursuit of identified core values and provide assurances to the public that the membership of governing bodies are accountable for maintaining a high level of professionalism, which will promote public confidence in governmental institutions. Moreover, the Codes will become a basis for a good understanding of the strong dedication, superior qualifications and excellent work of the Council, prosecutors, and the prosecutorial support staff.

The new court structure delineated in the Law on Court necessarily required the KPC to assess staffing implications and analyze regulations concerning the appointment of new prosecutors and the transfer of current prosecutors and support staff. In particular, EROL helped the KPC to prepare for the new Court of Appeals by participating in the working group tasked with amending the Regulation for the Assignment and Transfer of Prosecutors. The amendments were necessary to facilitate the Council's recruitment and selection of prosecutors, including minority candidates, for the new Appellate Prosecution Office and the Serious Crimes Department of the Basic Prosecution Office. During the process, EROL successfully persuaded the Council to allow for qualitative information about a prosecutor to be captured in the transfer process and weighed equally with statistical data indicating compliance with norms.

Transfer decisions compelled by the LoC were not limited to prosecutors; the law impacted prosecution support staff as well. Consolidation of courts meant that staff (e.g., professional assistants, secretaries, legal offices, typists, drivers, security, etc.) had to be moved to support a yet-to-be-determined ratio of support vis-a-vis prosecutors. EROL organized a one-day



KPC reviews applications for transfer and appointment in preparation for the new the Law on Courts.

drafting workshop for the working group tasked with developing the new Regulation on Transfer and Assignment of Prosecution Service Support Staff. The group created a framework by examining several documents, including the Regulation of Civil Servants, the Law on Civil Servants, as well as examples from Europe and the U.S. The workshop resulted in a solid draft that was tweaked by the full Council before being unanimously adopted.

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. EROL viewed a demonstration of a KPC-developed database that captures exclusively statistical data and generates reports that measure performance against established norms. As with the appointment and transfer processes, EROL again advised the KPC that evaluations of prosecutors must include qualitative measures 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 and identify potential disciplinary matters – articulates his or her views on an individual's on-the-job performance. EROL will continue this support in Year 3.

The KPC sought EROL's advice about how to amend its disciplinary regulation. 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, EROL provided technical assistance in drafting amendments to 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.

Often, prosecutors become subjects of disciplinary complaints for mistakes emanating from poor performance rooted in inadequate training rather than for overt acts of misconduct. 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. During drafting sessions, EROL recommended the Council (1) define and distinguishing the deference between actual misconduct that requires discipline compared to a performance issue that arises when a prosecutor fails to meet job performance expectations and (2) explain types of corrective actions (e.g., training) that may be imposed as appropriate disciplinary measures. Much of EROL's work ended up in the final draft version of the amended regulation. However, late in 2012 the KPC and the Kosovo Judicial Council jointly agreed to postpone work on their respective disciplinary regulations until proposed amendments to the Laws on the KPC/KJC are adopted in 2013; the ultimate goal being to harmonize their disciplinary regulation since they deal with similar issues.

This issue of data protection arose when the Balkan Investigative Reporting Network (BIRN) requested the KPC to grant it access to all documents relating to disciplinary allegations and proceedings – not just official findings of wrongdoing –

involving prosecutors. BIRN's request underlined the need for the Council to have media guidelines as it balances the need to be transparent and protect privacy rights espoused in the Constitution and laws, including the Law on Access to Public Documents. 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. In Quarter 4 the Council unanimously voted to deny a BIRN request for 2011 personnel/evaluation records of prosecutors.

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.

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.

In Quarter 4, EROL worked with the KPC to address a variety of issues including (1) hiring and compensating experts used in a criminal trial (new Criminal Procedure Code element), (2) analyzing the impact of the new Criminal Code and CPC on prosecutor workload, (3) harmonizing forms used in combating organized crime and (4) amending the regulation governing the function and activities of the KPC.

The most significant regulation addressed by the Council in Quarter 4 concerned the function and activities of the KPC. EROL participated on the working group that essentially re-wrote the regulation so that it more accurately reflects the organization and work of the Council. Many of the ideas advocated by EROL in the last two years are reflected in the amended regulation, including the use of permanent committees; strategic and annual planning; public relations, a dedicated website; protection of data; and budget management. However, the inherent conflict and tension still exists by having the OSP's secretariat providing administrative, and in some cases decision-making functions, for the KPC. This issue will only be resolved if the Law on the KPC is amended to create a separate secretariat of the Council.

EROL participated in a KPC working group tasked with developing an Administrative Instruction concerning the selection and compensation of experts used in criminal cases as contemplated by the new Criminal Procedure Code. The goal is to create a uniform instruction jointly with both the KPC and KJC. The working group may create a list of "pre-qualified" experts in a variety of topic areas that can be consulted by prosecutors when necessary. The trickier question for the Council concerns budgetary obligation imposed by the law regarding the use of experts at trial. While all agree that experts from government institutions who provide forensic work during working hours should not be entitled to additional compensation, the law on Forensic Medicine provides that (1) the expenses of an autopsy shall be paid by the entity that requested the autopsy and (2) forensic experts who do work outside of normal working hours are entitled to additional compensation paid by the requesting court. In Year 3, EROL will support a smaller working group that has been formed to research the compensation issues, including possible changes in various laws.

### **KPC Strategic Planning**

In Year 2 EROL made great strides steering the KPC to institutionalize long-term strategic planning processes within the Council's overall governance activities. EROL took the lead, focusing the Council's attention and energies on creating a two-year strategic plan. EROL prompted the KPC to identify and work through policy decisions regarding roles and responsibilities of the KPC and State Prosecutor Office.

Initially EROL formed a working group consisting exclusively of international advisors to the KPC. The International Advisor Working Group (IAWG) consisted of EULEX, ECLO, USDOJ and various short-term experts from those institutions. Over the course of a half dozen meetings facilitated by EROL, the IAWG created a framework for the KPC 2013-2014 Strategic Plan, including a detailed breakdown of strategic objectives, milestones and activities. With a draft plan in hand, EROL conducted a two-day workshop for the KPC and appropriate members of the various working group. The first part of the workshop was designed to indoctrinate the Council toward an appropriate strategic planning mindset so that its deliberations would be meaningful. After deliberating a long list of possible objectives, KPC Chairman Ismet Kabashi agreed that the Council must focus in the next few years on five 5 key themes: infrastructure, oversight, deliberative capacity, transparency and communication, and prosecutorial strategy. The working group expressed a desire to have the strategic plan state broad, aspirational objectives that could be supported with tangible activities and milestones laid out in a separate detailed action plan.

After buy-in from the KPC, EROL went about facilitating the drafting process by meeting with key personnel and small groups of subject matter experts from the prosecution service to review the Council's five main strategic objectives. To reach a final draft, EROL conducted a second full-working group drafting session in December 2012. Participants provided detailed comments, made substantive track changes, reorganized the KPC's mission and vision, and prioritized the plan's objectives. Following the workshop, EROL compiled, translated and incorporated changes into a near-final draft strategic plan.

Prioritizing implementation of the LoC, the KPC tabled further strategic planning activities until early 2013. In late March, EROL reignited the process by facilitating a KPC working group meeting focused on completing the Council's plan. The working group decided that the near-final draft would benefit from some slight revisions and reorganizing. The Council also advised that it would not present the final plan to the Normative Committee for consideration unless an action plan is also simultaneously submitted. In Year 3 EROL will guide the KPC to create a detailed action plan containing concrete activities, measurable indicators and a timetable, all designed to aid the Council achieve its objectives. With the transition to the new court system now complete, the KPC's capacity to perform long-term strategic planning must become ingrained in its operations; strategic planning – establishing a mission, vision, objectives, concrete goals and measurable performance indicators – will lead to better decision-making and should be viewed as the only acceptable means of planning by the Council. In addition to the strategic plan and corresponding action plan, EROL will assist the KPC draft a useful annual work plan for 2013. Entrenching this systematic process of planning will aid the KPC to make sound, forward-looking decisions with an eye towards meeting the prosecution system's long-term needs.

In collaboration with USDOJ, EROL assisted the KPC develop a three-year Strategic Plan for Inter-institutional Cooperation in Combatting Organized Crime and Corruption. The working group consists of five members, including three prosecutors from the Special Prosecution Office of Kosovo (SPRK). USDOJ's Resident Legal Advisor, Jon Smibert, led the process. Chairman Kabashi stressed that the plan was a critical priority for the European Union. With USAID approval, EROL provided logistical support for a two-day workshop at which the KPC developed the plan that was ultimately adopted in November 2012. In Quarter 4, with USAID clearance, EROL participated in three separate working group meetings held by the KPC in connection with its strategic plan for combatting organized crime and corruption. One meeting was dedicated to identify all corruption offenses in the new criminal code so that statistics of prosecutions of these offenses may be harmonized across all government law enforcement institution. A second meeting focused on standardizing report formats used by all

government entities that conduct organized crime and corruption investigations. The goal is to improve the efficiency of prosecutors who work with numerous criminal reports submitted during investigations and prosecutions of corruption and organized crime cases. The final meeting involved harmonizing the memoranda of understanding regarding the sharing of information of organized crime and corruption by law enforcement bodies with the OSP.

### **KPC Public Relations Strategy and Policy Development**

An important goal of the newly implemented 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. The Council acknowledged a need to respond to baseless allegations and daily criticisms by journalists, and to take proactive steps to communicate its mission and successes directly to the public at large.

In Year 2, the overarching purpose of EROL communication-related support to the KPC was to improve public access to and public confidence in the Kosovo justice system by increasing public knowledge and understanding of judicial and prosecutorial processes through proactive and interactive communications. EROL's activities were designed to help the KPC (1) systematize internal communication within the judicial and the prosecution systems; (2) optimize justice system external communications with citizens and the media, and (3) formulate strategies and establish procedures to achieve goals (1) and (2).

Several times during the year, KPC Chairman Kabashi expressed frustration that the public and media do not delineate the difference between the prosecutorial service and the judiciary, viewing them as one in the same. He expressed the desire to develop a communication strategy that, in part, tells the story of the prosecutors (successes and failures) and highlights the differences between the work of the prosecutor and that of the judge. EROL developed and presented the KPC a concept paper that described communication planning and how to analyze internal and external communications strategies.

Throughout Year 2, EROL conducted strategy development sessions with the KPC and members of the public relations working group to identify the Council's respective organizational communication vision, mission and goals, as well as target audiences, key messages and communication tools. With this information, 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 2012, EROL had delivered to the Council for official adoption (in 3 languages): (1) Media Guidelines; (2) Crisis Communication Guidebook; (3) Communication Strategy Plan; (4) Communication Strategy Implementation Plan; and (5) Administrative Instruction Governing Internal Communication. However, due to time-critical priorities related to implementation of the new structure, the Council was unable to place these items on a meeting agenda for an approval vote.

With continued EROL support in Year 3, the KPC is expected to finalize and implement the cohesive communication strategies. EROL will guide the Council's communication efforts and ensure that PR staff remains cognizant of its responsibility of enhancing public understanding of the activities and functions of the prosecution service to build public confidence in the justice system.

While working with KPC management to develop sound communication policies and strategies, EROL simultaneously facilitated skills training for the KPC spokesperson and other PR staff working in the justice sector. The trainings were wide-ranging, teaching a plethora of topics such as how to deal with high profile crisis, the importance of outreach activities, dealing with barriers of public access to the justice system, and the role of websites and social media.

Many of the trainings used practical exercises and interactive mock interviews – with in-class critiques – to demonstrate verbal and nonverbal communication skills, media interview methods, and message development and delivery techniques. Spokespersons were provided tips on proactively communicating with media and gained a basic understanding of media characteristics. Skills training in Year 2 also included a train-the-trainer workshop at which participants learned from court leaders the most frequent requests made by media and citizens. The PR professionals developed strategies 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.

In Year 3 EROL will continue to support the professional growth and development of the KPC's public relations spokesperson and ancillary staff if the Council dedicates more resources to its PR department. EROL will advise the Council to use its PR tools proactively to recruit and hire prosecutors from these communities, thereby satisfying ethnic composition requirements imposed by law on the Council.

Moreover, unlike the KJC, which plans to hire and place a public information officer in each Basic Court, the KPC expects to maintain its PR office in Pristina, putting the onus of communication responsibilities on the shoulders of the Chief Prosecutors of the Basic Courts. With the promulgation of a final communication strategy, these prosecutors will need instruction and mentoring to improve their PR skills. If the Council decides to mirror the KJC's model and place a public information officer in each court, EROL will be ready to provide media relations/communication skills training for the newly hired personnel.

A critical tool lacking in the KPC's arsenal for increasing transparency and communicating its mission and vision is a website solely dedicated to the Council. Since its inception, the sole online resource posting public information about the prosecution service is the OSP's website. In Year 2 EROL addressed this deficiency by consulting with the KPC to develop requirements and specifications for the Council's own dedicated website. With guidance from EROL, the KPC developed initial requirements with enough flexibility for the site to grow to include citizen-centered content and user-friendly functionality such as online complaint forms and links for victims of crimes. EROL conducted a request for proposals and identified a vendor to develop the KPC's web portal in collaboration with the Council's IT experts. In Year 3, EROL will provide technical, design and content support so that the website becomes a sustainable communication vehicle for the KPC.

### 1.3 MINISTRY OF JUSTICE

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EROL supported MOJ in the development of structures and procedures that will facilitate management oversight, training, and continuing legal education. EROL's assistance is designed to ultimately improve the capacity of the departments and legal officers so they are equipped to deliver high quality services to the government and the people of Kosovo. Specifically, as foreseen by its work plan, EROL's support to the MOJ is limited to the three areas described below.

EROL assists the Department for International Legal Cooperation (DILC) with the strengthening of its capacity for international cooperation in civil matters, whereas the European Union's new Twinning Project, which was inaugurated at the end of Year 2, provides support to the DILC in criminal and child abduction matters. Due to the fact that the Twinning Project will provide identical capacity-building support, except in the criminal context, EROL will propose that collaborative training and regulation drafting efforts are undertaken in Year 3. It was impossible for such efforts to be initiated earlier because of the lateness of the Twinning Project's commencement. Also, the DILC Director was on extended medical leave during critical periods in Year 2, making liaison difficult under the interim organizational structure of the DILC; the DILC Director returned to duty at the end of Year 2, so the liaison impediment has been removed.

EROL assisted the MOJ in preparing for establishment of the new State Advocacy Office (SAO), which will function under the umbrella of the MOJ Department for Legal Affairs (DLA), and a Draft Law on the State Advocacy Office was submitted

to the Kosovo Assembly (Parliament) in Year 2. In addition, EROL will support the SAO with training and regulatory activities once it is established. However, the Draft Law on the State Advocacy Office was still in the committee stage of enactment at the Assembly at the close of Year 2.

EROL was assigned to support the MOJ with the development of a software application that would provide a sophisticated database and case management capability to the DILC and the SAO once it is established. EROL obtained MOJ approval for its concept for the database and case management system. EROL issued a contract to a vetted software development company, and the development process commenced with oversight by a working group consisting of the MOJ, EROL, and vendor staff. It is anticipated that development of the software application will be completed in early Year 3.

#### **Improving Capacity of the Department for International Legal Cooperation (DILC)**

Based upon an agreement that was negotiated at the donor level between USAID and the European Union Office in Kosovo, technical assistance in the area of international legal cooperation has been, and will continue to be, provided by EROL regarding civil matters while the European Union will assist with criminal and family matters. The EUOK, through a new Twinning Project, will support the MOJ by, in part, providing training in the negotiation, preparation, and implementation of bilateral agreements covering criminal and family matters. EROL's support of the MOJ was planned to coincide with the initiation of the new UN Twinning Project at the end of Year 2; the extended medical leave of the DILC Director also delayed the initiation of these activities.

EROL lead the effort to develop a database and case tracking software application to improve the DILC's management capacity; the DILC employs legal officers that perform traditional lawyer work and are engaged in judicial activities and proper case tacking and supervision is essential to the delivery of consistent high-quality professional representation. The DILC is responsible for international legal cooperation requests that often contain confidential information or information that presents a risk to institutional or personal security, and officials at the MOJ recognize that any database and case management system must ensure the confidentiality of this information. Until the EROL-sponsored system is activated, the DILC will continue to utilize a desktop application custom-built by a private company, for which the source code is unavailable, making it inadequate to meet the evolving demands of the DILC. Because the DILC is engaged in activities that involve court cases, the database and case management system ultimately developed will allow for appropriate integration in the future with the planned Norwegian government-supported case management information system for the judiciary.

#### **Improve Capacity of MOJ to Effectively Advocate for GOK**

EROL supported the MOJ in its effort with the preparation of an analysis of policy alternatives for a Draft Law on State Advocacy that reviewed the Croatian, Albanian, and Delaware laws on state advocacy as representative examples of three different approaches. EROL also presented the MOJ with three models of government representation, as well as a list of public policy issues requiring resolution; EROL presented the analysis at a one-day workshop for MOJ representatives and 21 stakeholder representatives. EROL also submitted a first draft of a Draft Law on State Advocacy. The Draft Law was reviewed and revised during additional workshops and conferences. Through that process, EROL focused on building institutional capacity for a style of legislative drafting that is based upon policy analysis. EROL sought not only to improve technical drafting capabilities but also to engage the MOJ in stakeholder analysis by encouraging the MOJ to bring together stakeholders to discuss alternative models and their implications for the system of representation of the GOK in litigation. This approach compliments the government's rules for development of new laws and amendments, which mandates policy analysis. Current GOK requirements for policy analysis contain enough loopholes such that sponsors of legislation rarely conduct in-depth policy analysis or a review of alternatives. The Kosovo Assembly was expected to establish the State Advocacy Office (SAO) within the Ministry of Justice during Year 2; however, the legislation was still at the committee stage at the end of the year.

## 1.4 CHAMBER OF NOTARIES

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EROL is no longer providing direct support to the Chamber of Notaries. Since this component is not included in the amended contract with USAID, EROL will no longer report on notaries in all future Progress Reports.

## 1.5 OFFICE OF THE PRESIDENT OF THE REPUBLIC OF KOSOVO

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The President of Kosovo has shown a commitment to support the rule of law and strengthen an independent judiciary in Kosovo. The President completed the fourth wave of judicial and prosecutorial appointments (candidates that have completed the introductory legal education program at the Kosovo Judicial Institute). This allows both the KJC and the KPC to meet current staffing objectives as represented by their respective implementation strategies. The appointments were constitutionally-sound and the process was conducted through administrative protocols that EROL designed to ensure legality, transparency and fairness of the process. The President also effectively discharged duties associated with promulgating legislation, striving to ensure (through the use of veto if necessary) that enacted legislation conforms to the principles and fundamental values of the Constitution. Recent examples have shown the President's reliance on the EROL-designed legislative review guidelines.

### **Legal Drafting**

Because legislative activity in Kosovo is rather dynamic, it is critical that the skills of legal drafters and researchers provide high quality legislation for presentation and consideration by the Assembly. Specific to the justice sector, well-developed laws will lead to greater access to justice by ensuring a well-functioning and independent justice system in Kosovo. EROL provided extensive technical assistance to the Office of the President (OP) to improve the legal staff's drafting skills. EROL designed various workshops and trainings to build legislative drafting and analytical capacities. EROL also strove to make these events intra-institutional in the sense that they included representatives from all the justice-sector institutions in Kosovo (namely the OP, the KLC, the KPC and the MoJ) as participants. The practical trainings examined the legal basis for initiating the legislative process, legal drafting principles and techniques, and the importance of ensuring consistency and harmonization with other impacted laws and regulations in the course of the legal drafting process.

### **Legislative Review Process**

Another important component of the law-making process is the ability of the OP's legal staff to review proposed legislation prior to promulgation by the President. EROL conducted training on the legislative review process for the legal staffs of both the OP and the Assembly. EROL created a workshop to strengthen the professional capacities of the legal advisors to conduct, through standardized practice, a comprehensive review of legislation and demarcate the scope of Presidential review by identifying the permissible categories in which such legislative review may occur. Providing such structure to the review process is particularly indispensable when legislative activity is high and deadlines loom. EROL developed and provided counterparts a checklist containing a list of items to be considered when reviewing legislation. Additionally, EROL designed a template for the OP legal department to use when it decides at the conclusion of its review process to return a law to the Assembly for further work or amendments.

### **OP Public Communication**

EROL helped the OP consider how it can better communicate with citizens on matters involving, but not limited to, the judicial and prosecutorial appointment process. Through a series of trainings and roundtables, EROL created a venue for an intra-institutional discussion on issues pertaining to effective and structured communication in the justice sector. EROL conducted consultative meetings with representatives from the OP to discuss possible ways of supporting its public communication efforts. EROL developed questionnaires and conducted a needs assessment to identify specific demands of the OP in the area of public communication.

Based on the findings of the needs assessment, EROL conducted a workshop for OP public information officers to create a targeted communications strategy. The workshop introduced participants to contemporary approaches and techniques in overcoming public communication barriers, ensuring qualitative message delivery, and strategies for communicating matters involving judicial and prosecutorial appointments. Based on participant feedback, EROL drafted media relations guidelines that are intended to

- improve the flow of justice-related information from the Office of the President to the public through media;
- to educate the public about the important but limited role of the President in appointing Kosovo judges and prosecutors and;
- to strengthen relations of the Office of the President with media by encouraging public participation in justice sector reform processes.

Follow-up training brought together media relations officers from the OP, the KJC and the KPC to comment on the draft media relations guidelines and share experiences and challenges in an effort to improve the document. The OP has indicated that it uses the guidelines when conducting public communication in the justice sector, while always being mindful of the need to be transparent without sacrificing standards of data protection and the constitutional requirements related to the privacy.

### **English Language Program**

EROL successfully completed the first module of the Legal English Program (LEP) for OP legal officers. The program consists of three courses with fully developed curricula, syllabi, session plans, in-class exercises and homework exercises, instructor notes and examinations. The LEP includes a lower intermediate module, intermediate module, and legal research and analysis module. Four legal officers from the OP attended the 1st module to aid their work with legal drafting and research. The legal staff occasionally works with foreign experts and is sometimes called upon to incorporate legal or institutional standards from donor countries into their own sublegal regulations, policies and practices.

## **OBJECTIVE 2: INCREASE THE EFFICIENCY OF COURT OPERATIONS**

### **2.1 ASSESS AND AMEND MODEL COURTS PROGRAM STANDARDS AND PROCEDURES**

EROL worked hand-in-hand with the Kosovo Judicial Council leadership, KJCS department heads, and court leadership and staff across Kosovo to synchronize LoC implementation efforts and the development of refined court operations and administrative practices grounded in MCP standards and adapted to meet the changing needs of the courts. EROL formed Court Improvement Teams (CIT), introduced mandatory standards, and equipped court leadership with methods to create strong internal organizational structures and lines of communication.

#### **On-site Regional Support to Courts**

EROL conducted training, for the 8 model courts that are undergoing refurbishment, to help finalize individual court improvement plans. The CITs focused on changes their respective courts would need to address as result of both the implementation of the LoC as well as the introduction of operational and administrative standards. EROL worked with – and at – each court and met with judges and administrators to discuss standards and facility design specifications. EROL also conducted assessments in several of the courts designed under the previous JSP program to determine compliance with the core MCP standards and operating procedures, and to determine what lessons could be learned regarding sustainability. Much focus was placed on court leadership, emphasizing the necessity for president judges and court administrators to accept more responsibility and ownership of the work that needs to be accomplished in the courts. EROL reinforced the need for cross-training of all court staff, the importance of monitoring work, and the need to engage everyone in the operational training programs that are available.

### **Training Court Staff**

There is a critical need to provide training and educational programs for court staff; without it, sustainability of EROL initiatives may be at risk. EROL developed a number of training programs to meet immediate and long-term objectives. A change management program was delivered; designed to introduce change management leadership concepts in all courts and provide senior leaders with tools (e.g.; planning, communications) to successfully implement the Law on Courts. Exercises were developed to solicit court staff involvement in identifying tasks and steps necessary for implementing changes. EROL delivered the training to all court president judges, courts administrators and a significant number of court staff. Additionally, EROL conducted training on Model Court Standards to 7 Branch Courts (Glogovc, Dragash, Decan, Podujevo, Kacanik, Kline, and Malisheva). Since court restructuring requires adaption of the MCP standards, EROL hosted numerous transition planning workshops for president judges and court administrators focusing on logistical planning for case transfers, data collection, and the use of the automated case registry tools. EROL also delivered orientation and training programs to court staff appointed to the new positions of statistician as well as the chief clerks and IT personnel assigned to the Court of Appeals and Basic Courts. Part of the training demonstrated the EROL-developed case registry database, including the reports available to monitor employee work progress. Discussions centered on ways to approach job responsibilities from an analytical perspective so there is better understanding and adoption of reporting protocols in order to assist general court management.

EROL also 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 conducted additional training for chief clerks in order for them to conduct further training for staff at their respective courts.

The KJC and KJCS recognize the need for increased understanding and use of automated tools. EROL has begun to assist the court leadership in understanding how automation can be used to modernize case management, streamline case flow practices, reduce case delay and backlog, and better manage court operations generally. EROL conducted training in each of the courts on the EROL-developed case registry database and EXCEL spreadsheets. Most court staff has demonstrated great enthusiasm for the new tools and an eagerness to learn the new system. While staff are essentially performing double-work (staff must continue to maintain the manual case registry system), they recognize the potential benefits of an automated case processing and tracking system within the court. EROL worked side-by-side with court staff to provide on-the-job training and support. Because automation will play a critical role in the future of the Kosovo judiciary, EROL is working to ensure all court administrative and operations staff receive basic computer skills training.

Court employee: “Now it (new automated registry program) is a great help to us. Earlier we had to search manually and sometimes it took a few hours to find the data; now it takes less than a minute.”

### **Collection of Reliable and Uniform Statistics**

The EROL-developed case registry database is the genesis for future data collection and the resulting accurate and timely statistical reports that can be created. EROL worked directly with the KJCS and court staff to determine the Council’s mandatory reporting requirements to the Kosovo Assembly so that regular, conforming reports can be generated. Additionally, EROL is developing a suite of monthly management reports for president judges and court administrators to improve court and case management as well as provide critical information needed to improve overall leadership.

EROL reviewed the newly adopted Regulations on Internal Organization of Courts in order to identify required changes in case processing procedures. EROL is mapping of the workflow of different types of cases as they move through the court in order to identify each distinct step in the case processing work flow. Once mapped, procedures for streamlining tasks can be developed that offer increased efficiency and effectiveness. While statistics include numbers of case, etc., due to the detailed

case registry process, individual milestones within the life of a case – motion filed, trial scheduled/heard, etc. – can also be included and used to determine workload statistics and time standards.

## 2.2 SELECT AND IMPLEMENT MODEL COURTS PROGRAM IN THE COURTS

EROL finalized the procurement process for the design and refurbishment of 8 courts. Construction began on 7 courts, two of which were completed with hand-over ribbon cutting ceremonies, including the newly created Court of Appeals. The next round of courts was identified, and the design process started.

### Design

The process for developing, procuring and finalizing the design for each court refurbishment involves site visits and collaboration with the judges and court staff on the space requirements within the court building footprint. Since refurbishment does not include building new space – rather it is the redesign and refurbishment of existing space to make it more conducive to model court standards.

In order to more quickly procure design services, EROL awarded an IQC for design services to three Kosovo firms. Requests for task order proposals for individual court designs were then sent to the IQC holders. EROL awarded 8 design task orders totaling approximately \$130,000.

The next phase of designs is underway with the first request for task order proposal sent to the IQC holders.

### Refurbishment

Similar to the design process, EROL awarded a court refurbishment (CR) IQC to 4 firms. The first court location to begin CR work was the Court of Appeals. Pre-refurbishment work included significant coordination with the court and KJC. As part of the CR process, both dynamic (work) and mobilization plans were submitted to EROL for approval. The approval process included on-site review with the court presidents and administrators as well as the KJC. Once approved, the CR work is scheduled. At the Court of Appeals, CR work began in October 2012 and was completed in early February 2013; the ribbon cutting ceremony was held on February 20th.



USAID Director Maureen A. Shauket, Enver Peci, Chairman of Kosovo Judicial Council and Sali Mekaj, Presiding Judge of Kosovo Courts of Appeals, inaugurate the new Court of Appeals.

In January 2013, the CR work began at the Branch Court in Rahovec/Orahovac. Work was completed and the ribbon cutting ceremony held on March 27, 2013. This is the first court refurbishment that includes Norwegian funding.

The remaining courts currently under refurbishment are:

Suharekë/Suvareka Branch Court – CR began March 11, 2013, scheduled completion is June 15, 2013

Viti/Vitina Branch Court – CR began January 17, 2013, scheduled completion is April 18, 2013

Istog/Istok Branch Court – CR began January 21, 2013, scheduled completion is May 8, 2013.

Lipjan/Lipljan Branch Court – CR began January 28, 2013, scheduled completion is May 18, 2013

Gjilan/Gnjilane Basic Court – CR began February 28, 2013, scheduled completion is April 22, 2013

The next round of courts that will undergo refurbishment work includes:

Dragash/Dragas Branch Court

Glllogoc/Glllogovac Branch Court  
 Kačanik/Kaçanik Branch Court  
 Deçan/Deçane Branch Court  
 Podujevë/Podujevo Branch Court  
 Kline/Klina Branch Court  
 Malishevë/Malishevo Branch Court

EROL has awarded 8 CR task orders totaling approximately \$3,560,000.

## MEDIATION (CONTINUATION OF SEAD ACTIVITES)

During the reporting period, 53 cases were referred by the courts pursuant to the 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 145 civil/commercial cases; no cases have been directly submitted by the public. Pursuant to a MoU between the SEAD program and the KJC, mediators' fees for court-referred cases were paid by the KJC and by SEAD for non-referred cases. EROL assumed the support for the development of mediation in Kosovo and mediation-related activities in March 2013 per agreement with USAID.

The steady increase in cases referred to mediation is a result of initiatives undertaken to overcome the reluctance of judges and attorneys to encourage parties to attempt mediation in lieu of litigation. EROL met with municipal court presidents as well as with individual judges (including enforcement judges and enforcement clerks) to support the referral of cases to the mediation centers. In cooperation with the EU Twinning Program in Kosovo, EROL hosted continuous trainings for mediators of the Gjilan/Gnjilane and Peja/Peć mediators. EROL also supported the mediators association and hosted meetings with association representatives in the centers to encourage participation with outreach efforts and promotion of mediation services. EROL's outreach efforts also targeted individual users such as insurance companies and micro-finance institutions.

The following table shows the number of cases referred to the EROL mediation centers during Year 2:

	Peja/Peć		Gjilan/Gnjilane	
	Year 2	To Date	Year 2	To Date
Cases reviewed by Project for potential referral	357	803	315	640
Cases selected by Project and judge for potential referral	231	275	265	492
Cases referred to mediation (based on agreement of parties)	31	69	24	76
Cases settled through mediation and approved by court	14	29	11	44
Cases not settled and transferred back to court	11	19	15	32
Cases in progress (agreement to mediate signed and mediator selected)	0	21	0	0

## OBJECTIVE 3: IMPROVE PROFESSIONALISM OF JUSTICE SYSTEM ACTORS

### 3.1 KOSOVO JUDICIAL INSTITUTE (KJI)

EROL assisted the KJI in strengthening its capacity to provide quality legal education services to justice institutions. EROL sponsored the development of an advanced software application and provided two computer servers that will host internal repositories for human resources, finance and procurement department records and reports. In addition, EROL is supporting the development of a public web portal that will feature training course materials and registration capabilities for participants

in KJI programs, as well as a gateway to an e-learning platform that will greatly expand the availability of KJI's continuing legal education programs. At the close of Year 2, the software development was in mid-course, and should be completed in early Year 3.

### **Developing Teaching Capacity of KJI**

Virtually every observer, visiting instructor, and judicial leader in Kosovo has at one time or another noted that the most telling weakness of the country's judges and prosecutors is a lack of critical thinking, analytical reasoning, and legal/judgment drafting skills. Because neither the justice system nor EROL can afford to wait until investments in undergraduate legal education begin to pay dividends, EROL and KJI conceived of a methodology for achieving rapid progress toward developing a new generation of judges and prosecutors with strong analytical and writing skills.

Initially, EROL held several ToT sessions with judges and prosecutors who serve as adjunct KJI instructors, as well as full-time KJI instructors, to discuss the best practices in teaching and reasoning methodologies. EROL developed a Legal Reasoning and Writing training module for judges that revolved around a dialogic, interactive teaching methodology. The program was co-delivered by an EROL legal advisor with law school teaching experience and a judge/adjunct KJI instructor to an audience of Court of Appeals judges.

EROL initiated the preparation of various course modules that will be co-taught by EROL and KJI instructors, and ultimately solely taught by KJI instructors: Case Management, Court Management, Information Technology, Communication, Training for Court Administration Support Staff, Judicial Ethics, and Mock Trial Program. Training modules for the case management, court management, judicial ethics, court administration staff skills, and legal reasoning and writing programs were completed with the development of the programs in communications, information technology, and mock trial continuing into Year 3. Delivery of the programs began at the end of Year 2.

### **Training of Judges, Prosecutors and Court Administrative Staff**

The development of training modules supporting EROL's capacity building efforts include: an indoctrination of KJI staff to dialogic teaching methodologies; an intensive introduction of best practices in court management and case management to president judges, supervisory judges, judges, and court administrators; communication and technology skills among judges and judicial support staff; court administration skills for judicial support staff; and, a combination of training modules including legal reasoning and writing skills among judges.

EROL delivered the court management course module to president judges (in a separate session, which resulted in a beneficial buy-in regarding best practices), as well as to most of Kosovo's supervisory judges and court administrators. As with all of the educational programs, it is expected that KJI counterparts (who are frequently judges who are designated as KJI adjunct instructors) will continue delivery of these programs to additional audiences.

EROL will integrate training across all components and can thereby train a substantial portion of both judges and court administration staff. In some instances, this training is coordinated and/or developed only with the KJI. In other instances, the training is built into other program components, and the KJI plays a co-training, observational, participant, or future curriculum development planning/input role in the EROL-sponsored training activities.

EROL initiated the development of following six training modules:



Legal Reasoning and Writing Course presented at the KJI

- **Case Management.** A one-day course module for judges that will focus on the processing of individual cases by individual judges, as well as with caseload management, which deals with court-wide systemic case processing issues and challenges. The training module will 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.
- **Court Management.** A two-day course module for court presidents and supervising judges concentrating on the judge's strategic management of the court over which he/she has responsibility. The centerpieces of the course module are 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 planning (including applicable principles of caseload management) and performance evaluation purposes, executive team building (including the relationship of court president or supervising judge, court administrator, and chief clerk) to facilitate court management, the benefits of cross training court administrative support staff, and related subjects.
- **Information Technology.** A two-day course module regarding the benefits of information technology in a legal setting, which will be presented to judge and prosecutor candidates enrolled in the ILEP. The training module focuses 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 to or decisions by the court.
- **Communication.** A one-day course 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 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.
- **Training for Court Administration Support Staff.** Various course modules for court administrative support staff focusing on court administration standards mandated by the KJC, as well as customer service, communication skills, workload organization techniques, benefits of cross training, succession planning, and related skills. The training module introduces court administration support staff to principles of court administration that are related to the implementation of the Law on Courts that became effective in 2013, as well as the Model Courts Program, as appropriate. This KJI course will be delivered in the context of EROL's collaboration with the KJC regarding implementation of the Law on Courts and overlapping aspects of the Model Courts Program. EROL Model Court Program staff developed and delivered a number of training programs under this umbrella during PY2.
- **Judicial Ethics.** A one-day course module for judicial candidates and sitting judges regarding the application of ethical principles to their work as judicial officers. The centerpiece of the course is 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 builds on a discussion of applicable ethical guidelines and other norms, and utilizes realistic examples of potential ethical dilemmas to encourage the adoption of an ethical philosophy that will be utilized by the attendees to guide their disposition of such dilemmas as they arise in their work as judges.

EROL and KJI counterparts have completed development of the modules on legal reasoning and writing, court management, judicial ethics, and case management. Legal reasoning and writing, and court management, training sessions began in Year 2. Using case studies developed for the legal reasoning and writing program, EROL created a mock trial program that includes ToT elements in order to support hands-on skills development for judge and prosecutor candidates participating in the ILEP,

as well as for continuing legal education purposes. One of the primary objectives of the exercise is 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 planning as necessary.

By design, EROL and judges acting as KJI adjunct instructors—including in one class, the president judge of the Kosovo Supreme Court—delivered the program on legal reasoning and writing to judges of the Supreme Court and the newly-established Court of Appeals. The high courts were selected for the initial roundtable sessions on the theory that acceptance of the proposed methodologies by higher courts will facilitate implementation of better legal reasoning and writing practices in the lower courts. To validate that theory, two trial judges from Branch Courts attended a session with Court of Appeals judges. Thus far, judge-participants have overwhelmingly accepted the practices proposed by KJI and EROL.

### **Legal English**

Judges and prosecutors increasingly need to review international and comparative legal resources. For example, court decisions from the European Court of Human Rights (ECtHR), accessible in the English language, may be cited as applicable in court proceedings pursuant to Constitutional provisions requiring adherence to ECtHR decisions. Few primary or secondary legal resources are translated into Albanian, and only a small additional number are available in Serbian. There are currently no commercial or government plans to translate foreign-language documents on a consistent basis for provision to legal professionals within or outside governmental institutions such as the courts. Furthermore, members of the KJC and KPC, as well as senior leadership of the KJI, work with foreign experts regularly and are often called upon to incorporate legal or institutional standards from donor countries into their own sub-legal regulations, policies and practices. Most sample documents, templates, and reviews of successful practices are presented in English and require translation into Albanian and Serbian. However, translation is often cumbersome and accompanied by a serious risk of misunderstanding and misapplication of concepts and norms.

At the KJI's request, EROL developed a legal English program that would be taught in the Continuing Legal Education Program and Initial Legal Education Program levels. EROL arranged to have English language instructors work with KJI to develop legal English courses at three levels: lower intermediate, intermediate, and advanced for legal research. EROL utilized a comprehensive English language proficiency examination to identify 12 potential ToT students, and 10 students successfully completed the 27-hour program. The successful students participated in a 22-day, 50-hour course development exercise. The KJI plans to retain the students to present the modules in the ILEP and CLEP settings.

### **Bench Book Resource**

An outgrowth of the legal reasoning and writing programs has been a proposal for 'bench books'. A significant proportion of Kosovo judges are new to the bench—many were appointed within the last three years or are new to the particular field of law that falls within their responsibilities. The resulting lack of experience, combined with a lack of judicial reference resources, has contributed to non-standard judicial practices, especially in a courtroom setting, or in judicial decisions and judgments. It is possible, for example, that three judges presiding over a preliminary proceeding may resolve the matter in three completely different, potentially incompatible, formats. An increasing number of Kosovo judges have been advocating informally for the creation of bench books to address key areas of judicial practice, and the legal writing and reasoning programs have provided a forum for judges who would like additional guidance in specific areas of judicial practice. In general terms, those areas include criminal, civil, commercial, administrative, juvenile, and execution fields of law, each with its own set of substantive laws, procedural rules, and case management practices.

### **National Legal Education Strategy**

Given directives in the Law on Courts and the Law on State Prosecutor, the KJC and the KPC will consider the introduction of mandatory continuing legal education (CLE) requirements in 2013 for sitting judges and prosecutors. The KJI is in a position to address the training needs of sitting judges and prosecutors through the CLEP, and to act as the institution

responsible for verifying and reporting course hours completed to the KJC and KPC. As noted in EROL's Year 1 CLEP Assessment, continuing legal education training needs have been determined by the KJI on the basis of questionnaire responses from judges and prosecutors, and course offerings by international donors based upon priorities established by the donors. The KJI also provides inception training for judge and prosecutor candidates through the ILEP. EROL conducted a workshop with representatives from the KJI, KJC, and KPC to encourage them to begin to think more strategically and cooperatively to better assess the training needs of judge and prosecutor candidates, as well as sitting judges and prosecutors and court administration staff. Accordingly, EROL proposed the development of a National Legal Education Strategy (NLES). EROL will propose to the KJI, the KJC, and the KPC the formation of a working group to develop a work plan for creating the NLES. At the appropriate time, EROL will provide technical support to the working group in the form of a proposed work plan, and will guide the working group in its deliberations and preparation of the NLES. However, the KJI has postponed the NLES project due to the Ministry of Justice's proposal for transformation of the KJI into a Justice Academy.

### **KJI Educational Website and Supporting Database**

Until EROL's intervention, KJI's website was outdated and inadequate as an interactive tool to permit course calendaring, on-line registration, on-line evaluation, distance learning, and the presentation of important information to Kosovo institutions, the legal profession, and the public at large. Its database did not have the capacity to support a modern educational institution website, confirm and report course attendance to the KJC and the KPC, and record and report on KJI programs and internal administrative activities. EROL is supporting the development of an advanced software application for KJI, and provided two computer servers that will host internal repositories for human resources, finance and procurement department records and reports. In addition, EROL sponsored the development of a public web portal that will feature training course materials and registration capabilities for participants in KJI programs, as well as a gateway to an e-learning platform that will greatly expand the availability of KJI's continuing legal education programs. At the close of Year 2, the software development was in mid-course, and should be completed in early Year 3.

## **3.2 CONSTITUTIONAL COURT**

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### **Availability of Constitutional Court Decisions Through a Web-Based Case Decision Database and Search Engine**

Although the Constitutional Court is only in its fourth year of existence, it is progressively developing a body of decisional law, which, under the Constitution, is binding on all persons, and all courts and institutions in Kosovo, in similar cases. EROL's support of the professionalization of the Court's publication of its developing body of law has been a key to strengthening the rule of Constitutional law in Kosovo. In 2011, the Court published a Bulletin of Case Law containing all of the Court's decisions from 2009 and 2010. With donor assistance, the Court included a summary with each decision and a list of keywords from the summary that were included in an index of legal terms. Then, the theory was that judges, legal advisors and researchers, as well as other legal practitioners and interested persons, could find relevant decisions by using the index. However, no effort was made to mentor Court staff in the preparation of decision summaries, which became problematic. For example, oftentimes the keywords did not correspond to entries in the index. Consequently, the index was not a reliable guide to the Court's decisions. This required remediation because, under the Kosovo Constitution, the primary European human rights conventions and covenants are directly applicable in Kosovo, as are the decisions of the European Court of Human Rights. Likewise, the decisions of the Constitutional Court, which often resolve allegations of human rights violations, are binding on all persons and institutions in Kosovo. In essence, the Constitutional Court is developing a body of precedential case law that is similar to the body of case law being developed by the ECtHR. For that reason, it became becoming increasingly important that the decisions of the Constitutional Court be easily accessible to Kosovo judges, legal practitioners, and interested persons. Concomitantly, it is important that the summaries of case decisions be clear, concise, and accurate, as they provide an entry to the decisions themselves.

The Court had maintained a website where its decisions were published in English and the national languages; however, the website did not include a search engine to assist in the identification of case decisions arranged by legal issues presented or remedies. EROL prepared a conceptual framework and proposed a comprehensive website search engine database that would permit the identification of Court case decisions based upon legal issues raised and/or decided; and based upon articles of the Constitution, articles of applicable international covenants and conventions, articles of national laws, prior Court decisions, and decisions of the ECtHR cited in the case decisions. With EROL's guidance, the Court's IT advisor prepared the specifications for the programming of the search engine for inclusion in the KCC's next website hosting contract. Subsequent to the programming, EROL worked with legal advisors and legal researchers to test the effectiveness of the search engine, which resulted in recommendations for appropriate modifications. The testing and modification of the website and search engine was completed, and the research resource will be posted through a portal on the Court's website in early Year 3.

### **International Human Rights**

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. The editorial review of the joint KCC/EROL submissions to the Journal was completed, with the special edition of E Drejta scheduled for publishing in early Year 3.

### **Code of Professional Conduct**

EROL continued to collaborate with the Constitutional Court to improve the professionalism of the judges of the Court with the goal 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 typical appellate courts. Cases are referred to the Constitutional Court 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. The judges of the Court considered and voted to adopt the proposed code, an action that is awaiting final approval after which the code will be published in early Year 3. 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. The judges of the Court considered and voted to adopt the Amended Rules, which were promulgated immediately.

Adoption of the Amended Rules is expected to enable the Court to conduct its judicial and administrative activities more efficiently and effectively. The Amended Rules will also provide much-needed guidance to the growing number of Constitutional law practitioners, and will assist pro se applicants with requests for the Court's intervention.

### **Media Relations and Public Outreach**

Print and broadcast media representatives in Kosovo are very diverse and active, but they are frequently partisan. Unfortunately, members of the news media have also been criticized for inaccurate reporting. This combination presents a challenge to all public institutions, including the Constitutional Court. The Court is called upon render decisions regarding controversies that present significant financial, economic, and partisan political issues. To ensure that public institutions and officials, political parties, and the public at large understand the Court's decisions, the decisions must be explained to the media in a straightforward and understandable way at the time of official issuance. This explanation is often accomplished through a press release or an interview. Judges should not be placed in a position to be asked or forced to defend or further explain a decision. Rather, the decision must speak for itself, and EROL has undertaken initiatives to assist the Court's efforts to strengthen its legal reasoning and writing capacities. The job of explaining and summarizing the decision must fall to the public information officer.

The Court's strategic plan provides for a public information department, but received funding from the Assembly that was only sufficient to employ a single public information officer (PIO), which presented challenges to the Court and the PIO. EROL sponsored specialized training for the Court's public information officer in an effort to assist the Court in meeting the challenges posed by media relations and public outreach. The Constitutional Court has a legal duty to conduct its work transparently, but it also has an obligation to maintain the confidentiality of certain activities. In that vein, the Court is sometimes subjected to criticism by news media, or to requests for information, or engages in 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 initiates public outreach in an effort to inform the public about its activities, and to increase public confidence in the Court's decision making. EROL's intervention therefore was key to assisting the Court in meeting the challenges of these responsibilities.

### **Case Summaries**

In 2011, the Constitutional Court, with assistance from the United Kingdom through an East – West Management Institution project, published a "Bulletin of Case Law 2009 – 2010," containing summaries of all the Court's decisions rendered in 2009 and 2010, and a subject matter index guide to those decisions. While all the Court's decisions are published on its website, the website does not offer a searchable database. Therefore, the Bulletin presently represents the only feasible way for law faculty professors, legal professionals, government representatives, and the public to search the Court's decisions. This year, the Court requested assistance from EROL in the preparation of the case summaries and subject matter index. EROL agreed to prepare the summaries, subject to the understanding that the Court, with technical assistance from EROL, would develop the capacity to prepare summaries of 2012 cases as they are rendered, thereby avoiding the need to seek assistance from a donor or implementer in 2013. In Year 1, EROL prepared a case summary protocol and template, and trained legal advisors on their use during a two-day workshop on legal analysis and decision drafting. In Year 2, EROL completed and submitted to the Court, in Albanian and English, summaries of the 93 decisions rendered by the Court in 2012, accompanied by an improved comprehensive subject matter index. The Bulletin, containing EROL's summaries and index, was published by the Court.

## 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.

In Year 2, USAID made one of two awards to the Advocacy Training and Resource Center (ATRC) was selected to act as an intermediary umbrella grants manager that will solicit, award and manage sub-grants to local CSOs to carry out court monitoring and anticorruption initiatives. EROL supported ATRC by helping it design a work plan and a Request for Application and related documents. Early in Program Year 3, EROL will conduct information sessions with sub-grantees.

The second award went to the Balkan Investigative Research Network (BIRN) to conduct a public awareness and outreach program aimed at combating corruption and increasing transparency and fairness among justice institutions in Kosovo. The objective is to enhance citizens' understanding of the court system and the roles played by individual professionals in the court system in order to increase constructive public engagement in the justice system and rule of law reforms. EROL assisted BIRN design its project work plan at the end of Year 2.

### PUBLIC RELATIONS & OUTREACH

EROL intensified activities targeting support that focuses on (1) building capacities within existing public information officers of counterpart organizations; (2) strengthening the foundations for the further development of PIOs with strategic communication and implementation plans, regulations and administrative instructions; (3) developing information and education campaigns that target both majority and all minority communities in Kosovo; (4) and training the journalists who cover justice sector issues.

The public information offices within the KJC and the KPC have functioned from the start without any formal procedures or protocols to guide the internal and external communication of the Councils. Further, the PIO offices continue to be seriously

understaffed. As of January 2013, the Supreme Court of Kosovo had no spokesperson. The KJC employs one spokesperson and one external relations protocol officer. The Office of State Prosecutor employs one spokesperson. Information coordinators in courts have no education or professional background in either journalism or public relations.

EROL worked with justice sector stakeholders to dedicate additional resources to their respective PIOs. As a result, the KJC Secretariat is recruiting public information officers for the Basic Courts and the Court of Appeals. Similarly, the Office of the State Prosecutor announced a vacancy for an additional spokesperson. Throughout the Year 2, EROL cultivated an understanding within the KJC and the KPC about the importance of improving and increasing public information activities. EROL provided support by creating public relations strategies, policies, and protocols, and by training public information staff to enhance the skills necessary effectively communicate to media and educate the public.

### **PR Skills Training and Communication Strategies**

EROL organized various trainings for spokesperson and public information officers working in the justice sector. Much of the training focus on supporting communications planning and developing professional PR skills – with special focus on crisis communications and effective media relations – of spokespersons and senior management of EROL’s counterparts. PR staff learned verbal and nonverbal communication tools, successful media interview techniques, and message delivery techniques. Training activities involved a lot of interactive exercises, including role play drills in which participants formulate media interview questions during videotaped simulated television interviews. Other training sessions focused on the role of court information officers, the importance of outreach activities, dealing with barriers of public access to the justice system, the role of court websites and social media. Following the training, EROL experts identified four participants to take part in a subsequent Training of Trainers program.



Justice sector spokespersons participate in mock interview exercises.

EROL conducted a two-day workshop with the leadership and senior management of the KJC Secretariat and District Courts, and a two-day work session with the leadership and senior management of the KPC and Chief District Prosecutors focusing on the management of effective internal and external communication. The three main goals of the workshops with the KJC and work sessions with the KPC were to 1) systematize internal communication within the judicial and prosecutorial systems, 2) optimize justice system communications with citizens and the media, and 3) formulate strategies and established procedures to achieve the first two goals. Prior to conducting the training sessions, EROL conducted individual meetings and work sessions with the Councils to facilitate collaborative thinking and consensus-building on internal and external communications strategies. To enable those processes, EROL created guidebooks that identify best practices in judicial and prosecutorial media/public relations and developed group exercises framed discussions in the context of overcoming negative media stereotypes and other communication barriers.

EROL worked with each Council to identify their respective organizational communication vision, mission and goals, as well as target audiences, key messages and communication channels/tools. These meetings and workshops led to (1) a draft regulation aimed at streamlining and systematizing internal communications of the KJC and Kosovo courts, and (2) a proposed administrative instruction to coordinate internal communications between and among KPC and the Kosovo Prosecution Offices. Additionally, EROL worked collaboratively with both the KJC and KPC to develop:

- Strategic communication plans
- Communication implementation plans
- Crisis communication plans to fight negative press

- Media guidelines

EROL organized the Media and the Criminal Justice System’s workshop that brought together for the first time 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 civil society representatives to discuss ways to improve the transparency of the justice system and the professionalism of journalists. Participants expressed a willingness to work cooperatively to meet their respective responsibilities while striving to make the justice system more understandable and easily accessible to the people of Kosovo.

### **Training for Journalists**

It is clear that journalists and editors who cover court and other rule of law issues in Kosovo need more accurate information about how courts and the justice system operate. To address this glaring deficiency, EROL engaged an investigative journalist with extensive experience reporting on corruption and organized crime in the Balkans to conduct a series of 2-day workshops for journalists all over Kosovo, including from minority communities. The 51 journalists who attended the training represented 30 national and regional media outlets (TV, radio, print and online news agencies).

The training used interactive teaching techniques designed to improve the practical skills of professional journalists in covering courts and prosecution offices. Participants learned about Kosovo’s new court structure, legal terminology, the roles and responsibilities of criminal justice actors, journalistic ethics, way to obtain information through court monitoring activities, and new media best practices.

### **Law on Courts Education**

In the reporting period, 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.

EROL and the KJC established the Law on Courts Implementation Plan Public Outreach Sub-Group. The Public Outreach Sub-Group (POSG) was established with the purpose of developing a public information and outreach plan, and carrying out the related activities. The main activity of the POSG in Q2 involved using focus groups to help the KJC formulate and propose a key slogan for its Law on Courts public information and outreach campaign. EROL engaged three focus groups representing varying audiences and a focus group with media and civil society to test the various messages. EROL also worked with representatives of leading Kosovo companies in the area of graphic design and corporate identity to discuss the image, brand and logo of the KJC. The POSG presented the KJC with a final report containing proposed first and second tier slogan messages and two types of logos. EROL also worked closely with KJC’s communications team to develop messaging and outreach initiatives as one way to increase public trust and access to the courts.

### **Court User Information**

EROL met with court administrators, clerks, legal aid officers, mediators, notaries, and attorneys to brainstorm about the ways the courts should educate court users about the new court structure. EROL developed a set of brochures called “This is Your Court” as part of this educational effort. The set of brochures, translated into Albanian, Serbian, Bosnian, Turkish and Roma, includes:

- General brochure on the new court structure (narrative and chart);
- Helpful information on the Supreme Court of Kosovo;
- Helpful information on the Court of Appeals of Kosovo;
- Helpful information on the Basic Court of Pristina;

- Brochure on the Administrative Department of the Basic Court of Pristina;
- Brochure on the Commercial Department of the Basic Court of Pristina;
- Brochure on the Department for Minors of the Basic Court level; and
- Helpful information on the six remaining Basic Courts: Prizren, Pejë/Peć, Gjiilan/Gnjilane, Ferizaj/Uroševac, Gjakovë/Djakovica, and Mitrovicë/Mitrovica.

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 in Q3 to develop the "This is Your Court" campaign. The campaign was rooted in three separate Public Service Announcements that were appeared on television and radio, and in newspapers and website banners. The multi-media campaign consisted provided the public with pertinent information on the changes to court jurisdictions and how the changes may affect citizens. The campaign was developed with total inclusion in mind – five local languages, including sign language, were used. To ensure adequate distribution and saturation of the information, the campaign ran for 27 days. 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 structure.



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

In addition to the PSAs, EROL taught the KJC and KPC spokespersons how to produce media kits as a way to proactively educate the public. Both Councils made media kits containing a press release, a fact sheet on the new court 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.

### **EROL Website**

In this reporting period, EROL established its own website at [www.usaiderol.org](http://www.usaiderol.org). The website is in three languages (Albanian, Serbian, and English) and mainly serves an educational purpose by containing regular updates on EROL activities and events.

### **Cross-Cutting Activities**

**Crime Victim's Week Round Table** - During Kosovo's Crime Victim's Rights Week, EROL conducted a roundtable with a leading U.S. victims' rights activist, Rich Pompelio. Mr. Pompelio spoke to an audience of judges, lawyers and victims' rights advocates about his experience with rights of victims in the U.S. criminal justice system.

**Women Making Justice** - EROL organized the event 'Women Making Justice' to celebrate International Women's Day and the contribution of women in the justice sector in Kosovo. USAID/Kosovo Mission Director, Maureen Shauket, shared her inspirational personal experience with the audience, emphasizing the importance of women supporting one another. Panelists of the event included Court of Appeals and Basic Court judges; two prosecutors of the basic prosecution office level; two court administrators; one advocate; and one police station commander and one police officer. Participants shared their diverse professional and personal experiences to an audience composed of female law students and media.

### **SUPPORT MINORITY OUTREACH**

EROL partnered with the KJC and the KPC to conduct educational outreach meetings targeting members of underrepresented communities in Kosovo. At the informal gatherings, EROL staff members, prosecutors and judges answered questions and provided youth with specific information on the recently enacted court structure. Participants also

learned about employment opportunities in the justice system and what it takes to become a judge, prosecutor, advocate or notary through a set of brochures developed by USAID in cooperation with the KJC.

During the outreach meetings, EROL distributes a set of educational brochures designed specifically for minority youth, potential law students and graduated lawyers who might consider continuing their future legal profession as judges, prosecutors, lawyers, or notaries. The brochures are used as a way of increasing minority inclusion/recruitment into these professions and legal institutions. Copies of the brochures were sent electronically to KJC, KPC and the Kosovo Chamber of Advocates so they can be posted on their respective websites. In March 2013, these brochures were also posted on the web portal at Radio Television of Kosovo (RTK – public television).

EROL's meetings will continue through June 2013 to reach a broad cross-section of youth from all minority communities in Kosovo, including students, educational institutions, NGOs and minority members of the media. In all, EROL will conduct meetings in 22 different municipalities.

## ENVIRONMENTAL REGULATION COMPLIANCE

EROL completed eight (8) 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 March 31, 2013, EROL had spent approximately \$9,314,000. During the reporting period, spending was approximately \$2,600,000. EROL anticipates the burn rate to continue at a relatively high rate as MCP court refurbishments continue. [Note: amounts are approximate as the March 2013 costs have not been finalized.]

## APPENDICES

### APPENDIX A: LIST OF REPORTS & DELIVERABLES

By the end of Program Year 2, EROL had completed the following reports and deliverables:

#### OBJECTIVE 1

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- Change Management Seminar for Judiciary and Court Leaders (April 12, 2012)
- Leadership/Change Management Seminar for Presiding Judges/Administrators (April 17&19, 2012)
- Change Management Seminar #1 for judges/administrators/court staff (April 20, 23-24, 2012)
- Change Management Seminar #2 for judges/administrators/court staff (April 26-27, 2012)
- Facilitator's Guide for Change Management Seminars
- Judicial Ethics U.S. Study Tour (June 19-27, 2012)
- KPC Codes of Conduct Drafting Workshop (May 24-26, 2012)
- Code of Professional Ethics for Kosovo Prosecutors
- Code of Ethics for Kosovo Prosecutorial Support Staff
- Code of Professional Ethics Kosovo Prosecutorial Council Members
- KPC Code of Conduct Training of Trainers Workshop and Curriculum (June 4-5, 2012)
- KPC Council Codes of Conduct Commentary/Manual Drafting Workshop (June 7-9, 2012)
- Manual/Commentary for Code Of Professional Ethics for KPC Members (June 20, 2012)
- Manual/Commentary for Code of Ethics for Prosecutorial Support Staff (June 20, 2012)
- Manual/Commentary for Code of Ethics for Kosovo Prosecutors (June 20, 2012)
- Advance PR Skills and Crisis Communications Training (April 24-26, 2012)
- Analysis of Policy Alternatives for Draft Law On State Advocacy (May 2012)
- MOJ/Department of Legal Affairs Database Assessment Report (May 15, 2012)
- MOJ/Department for International Legal Cooperation Database Assessment Report (May15, 2012)
- Rapid Need Assessment & Feasibility Study – Legal English Courses (June 2012)
- Protocol for use of Fireproof Security Cabinet (April 23, 2012)
- KJC Transition Planning Workshop #1 with Checklist/Action Plan/Concept Paper (June 1, 2012)
- KJC Transition Planning Workshop #2 with Checklist/Action Plan/Concept Paper (June 28, 2012)
- Memorandum to President's Office on Submission of Simultaneous Applications by the Same Candidate
- Four Laws Legal Drafting Workshop (June 14-16, 2012)
- Draft Comments on the Law on the Courts
- Draft Comments on the Law on the Kosovo Judicial Council
- Draft Comments on the Law on the State Prosecutor
- Draft Comments on the Law on the Kosovo Prosecutorial Council

- Best PR Practices for Better Media Relations Workshop for KJC Senior Management and Court Leaders, Part I (July 20, 2012)
- Communicating Effectively with Media and Public Workshop for KJC Spokespersons and Court Information Coordinators (July 23, 2012)
- Best PR Practices for Better Media Relations Workshop for KJC Senior Management and Court Leaders, Part II (July 24, 2012)
- Best PR Practices for Better Media Relations Work Session for KPC Senior Management and District Chief Prosecutors, Part I (July 26, 2012)
- Communicating Effectively with the Media and Public Work Session for KPC Spokesperson and Municipal Chief Prosecutors (July 27, 2012)
- Best PR Practices for Better Media Relations Work Session for KPC Senior Management and District Chief Prosecutors, Part II (July 30, 2012)
- KJC Draft Regulation on Office of Communications Director
- KJC Draft Regulation on Public Information Office
- KJC Draft Strategic Communication Plan Components
- KJC Web Portal Development Plan
- KJC Web Strategy Plan
- KPC Draft Instruction on Organization of Prosecutorial Public Information Offices
- KPC Draft Strategic Communication Plan Components
- KPC Website Development Plan
- KPC Web Strategy Plan
- Report on Focus Group Activity for the Development of the Law on Court Public Communication and Outreach Campaign Slogan and Message
- Comments on Proposed Draft Law on State Advocacy Office (July 30, 2012)
- Draft Law on State Advocacy
- Ministry of Justice State Advocacy Office Database Design and Development Plan (September 14, 2012)
- Ministry of Justice Department for International Legal Cooperation Database Design and Development Plan (September 17, 2012)
- Steering Committee Retreat on Reassignment and Transfer of Judges to the Basic Courts and Branches (August 31 – September 2, 2012)
- Regulation on Reassignment and Transfer of Judges to the Basic Courts and Branches of the Basic Courts
- Instruction on Appointment of President Judges and Supervising Judges
- Decision on Reassignment of Judges
- KJC Drafting Workshop on Code of Ethics
- Code of Ethics for KJC Members
- Policy Guideline on Reassignment of Non-Judicial Staff and Organizational Chart
- Steering Committee Decision for Supervision of the Implementation of the new Law on Courts (Regarding Policy Guideline on Human Resource issues including Criteria for Selection of Court Administrators)
- Steering Committee Decision for Supervision of the Implementation of the new Law on Courts (Regarding Court Registry List and Guideline)
- New Court Registries and Guidelines

- KJCS Organizational Assessment Report
- Legal Drafting Process Workshop for Legal Officers of OP, MOJ, KJC and the KPC (July 19-20, 2012) including Compilation of the Primary and Secondary legislation governing the drafting process in the Republic of Kosovo
- 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)LB
- 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)
- 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 Memo
- Amended Regulation on the Function and Activity of the KPC
- KJC Database Needs Assessment Plan
- Memorandum on KJC Transparency of Judicial Disciplinary Decisions
- Amendments to Regulations on Organization and Internal Activity of the Courts
- Analysis Judicial Salaries under Law on Courts
- Administrative Instruction for Selection of KJC Chair
- Court User information brochures (13 total in one language; printed in 6 languages – 78 total)
- Office of the President
- Legislative Review Guidelines & Template for Presidential Return of Legislation
- Draft Media Guidelines and Workshop for the Office of the President of the Republic of Kosovo

## OBJECTIVE 2

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- Court Improvement Team Action Plan Drafting Workshop (September 4-5, 2012)
- Draft Court Improvement Team Action Plans
- Final Court Improvement Action Plan for Gjilan District Court
- Final Court Improvement Action Plan for Municipal Courts of Lipjan, Viti, Istog, Suhareka and Rahovec
- Memorandum of Understanding between KJC and USAID Contractor Implementing the EROL Program
- Transition Planning Workshop # 4
- 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 (January 2013)
- Model Court Refurbishment – A&E Design of 8 Model Courts:
  - ✓ Pristina District Court
  - ✓ Supreme Court
  - ✓ Rahovec Municipal Court
  - ✓ Suhareka Municipal Court
  - ✓ Viti Municipal Court
  - ✓ Istog Municipal Court
  - ✓ Lipjan Municipal Court
  - ✓ Gjilan Municipal Court
- Refurbishment of Courts:
  - ✓ Pristina District Court – Phase I complete
- Case Registry Database (we could show a picture of a computer!)
- Electronic Date/Time Stamp Machines – and EROL-developed training manual
- Refurbishment Design Specifications for 7 Courts
- Excel training booklet
- Excel printed registry books for each Kosovo court (we do not have copies – they were turned over to the courts)
- Case Transfer Project – Final Report
- IT Assessment Questionnaire – Ferizaj Basic Court
- Workshop on Introduction of Model Court Standards/Court Refurbishment Process
- TO 01 Court of Appeals-A&E Design
- TO 02 Supreme Court-A&E Design
- TO 03 Gjakova Basic Court-Branch Rahovec- A&E Design
- TO 04 Prizren Basic Court-Branch Suhareka-A&E Design
- TO 05 Gjilan Basic Court-Branch Viti-A&E Design
- TO 06 Peja Basic Court-Branch Istog- A&E Design
- TO 07 Pristina Basic Court-Branch Lipjan-A&E Design
- TO 08 Gjilan Basic Court- A&E Design

### OBJECTIVE 3

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- Reference Manual (and Curriculum) on International Legal Assistance in Civil Matters
- International Legal Assistance In Civil Matters Workshop (May 15-16, 2012)
- International Legal Assistance In Civil Matters Workshop (May 17-18, 2012)
- International Legal Assistance In Civil Matters Workshop for Judges (May 2012)
- Kosovo Judicial Institute Website Workshop (April 18, 2012)
- Legal English Program Course
- Legal English Program Training Of Trainers (TOT) Course
- Constitutional Court Conference on Direct Applicability of Universally Accepted Human Rights in Kosovo (June 29-30, 2012)
- KCC Bulletin Case Summaries
- Constitutional Court Online Searchable Case Law Database Conceptual Framework (September 2012)
- KJI Database Concept
- Supplement to Report on Concept for KCC Search Engine/Database
- Implementation Work Plan for KCC Search Engine/Database
- Legal Writing and Reasoning for Judges (Training Module)
- Kosovo Judicial Institute: Court Management Responsible Leadership Roundtable Series (Training Module)
- Judicial Roundtables Series-Judicial Ethics: The pledge of professionalism (Training Module)
- Case Management: Promoting access to efficient, effective, and transparent justice services (Training Module)

### OBJECTIVE 4

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- Radio Dukagjini Interview – EROL's Visar Morina and Secretary General of Constitutional Court (June 27, 2012)
- Speech for KPC Chairman KJC Transition Planning Workshop #1 (June 1, 2012)
- USAID Forward RFA (July 2, 2012)
- Justice Sector Training for Journalists (October 2012)
- Guide to Investigative Court Reporting
- Choose Your Legal Profession Brochures for Minorities
- Minority Outreach
- EROL Story
- Court Inauguration / Court of appeals and Rahovec Court

### AD HOC REPORTS

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- Comments on GIZ Concept Paper – *Transformation of the KJI into an Academy of Justice*
- Terminology Inconsistency Matrix Four Laws and Constitutions
- Draft EROL Technical Comments on Law on Courts & Concept Paper
- Four Laws Policy Issue Identification

- STTA Trip Reports Q1
- STTA Trip Reports Q2
- STTA Trip Reports Q3
- STTA Trip Reports Q4
- Weekly Reports (April 2012-March 2013)
- 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)
- Media Review