

RULE OF LAW PROGRAM IN ALBANIA

Report on Durres Public Forum Held February 18, 2008
At the Adriatik Hotel, Durres

On February 18, 2008 the Rule of Law Program in Albania (ROLP) supported the conduct of a facilitated, structured court and community dialogue in the judicial district of Durres. This public forum, which was entitled, "Court in Service to the Community," was a first of its kind in Albania. The specific objectives of the public forum were set forth in the initial Scope of Work approved by USAID, as follows:

Specific objectives the Pilot Public Forum include, but are not limited to:

- Developing a better understanding of the perceptions and experiences in how the Durres District Court is administering justice;
- Exploring methodologies and techniques for successfully stimulating interaction, dialogue and greater understanding between the courts and the public in Durres and in other districts.

The invitation to the Forum was issued both by ROLP and the Chief Judge of Durres District Court. From the first discussions with the Durres Court District Court Chief Judge, he was curious about the event and not certain of its interest or benefits, but we was willing to join in the initiative to explore the possibilities and to understand if it could be a model for future replication. The facilitators for the forum were Ass. Prof. Dr. Mariana Semini and Ass. Prof. Dr. Arta Mandro.

The invitation list was designed to bring together a broad cross-section of the groups or stakeholders who interact with the Courts in Durres. Approximately 50 people were invited and almost all attended. The invitees ranged from Judges of the District Court and the Appeal Court of Durres to Prosecutors, private attorneys, public notaries, representatives of the university in Durres, members of civil society, individual litigants, judicial police, two persons from the Office of the Bailiff and a municipal officer.

Following an initial presentation, the participants were divided into four discussion groups. Thereafter they returned to a plenary session for reporting and discussion. The reports from the four discussion groups have been gathered by the Facilitators into a report entitled "Conclusions of the Forum, The Court at the Service of the Community." In addition, the Facilitators have prepared and submitted their own report with their observations and conclusions, supported with all of the underlying documentation.

The purpose of this Report from the ROLP is to express the findings and conclusions of the ROLP on this activity. In brief, these findings and conclusions are as follows:

1. The ROLP personnel who participated in this Public Forum all thought it was very successful, consider that it met the specific objectives, and believe that it should be repeated.
2. The Project was impressed that after the Public Forum the Chief Judge of Durres repeated on several occasions to several of us that he was very impressed with the Forum and thought it had been a very good idea and he wanted follow up. The conclusion of the Project is that as the MOUs with District Courts are concluded and as extra Legal Experts join as regional

coordinators, follow up must occur through further court-community meetings, including the development of the anti-corruption/integrity development strategy.

3. The participants expressed one common view: This was the first time that they had ever had the chance to sit down together in such a group with different types of stakeholders, including civil society and judicial officers. They repeatedly said on that day and afterwards, e.g. at the MOU signing at the District Court, that they had never been able to sit down with judges in this way and they found it was very important. The fact that this was something that has not happened before and that it is something highly appreciated means that there is a lot of work to do to connect the courts and the communities.
4. The Project has found that in fact in numerous ways the community is cut off from easy access to the courts and that the concept of “courts in service to the community” is a very new one both for the judges and court officials and for civil society. It is the concepts that justice delivery is a public service and that courts exist to serve the community that must be introduced and must start to be accepted before fundamental change can occur. This Public Forum, although not by itself radically effecting change, is the start of that change process that is essential. The fact that both the judges and civil society were all interested in continuing this dialogue is viewed as very important.
5. Each discussion group was to some extent absorbed with its particular interests. This was perhaps most true for the judges. For example, the judges spent quite a bit of time talking about their salaries and the unequal treatment they receive when compared with other public servants of an equivalent rank, e.g. passports and visas. Rather than being a waste of time, this was very interesting in showing how far a distance must be traveled by the judiciary in its mindset to help them understand they are judges in order to serve the community. Second, of course, it appears to reflect the attitude of the Executive toward the Judiciary and this should be a matter of concern.
6. The Project recommends that in the next Public Forum increase the number of civil society members, and perhaps decrease the attendance of a few judges and possibly also the number of prosecutors. It was very helpful to have two Notaries Public there, particularly since so many civil cases arise due to the negligence or intentional errors of Notaries Public. The Prosecutors were notably outspoken in identifying problems and made good contributions.
7. The Project recommends that the same Facilitators continue, if possible, because they have now put in the basic work and have gained an individual experience that will continue to accumulate and benefit all future Public Forums. The basic methodology was successful. At the start of the Activity development the ROLP did not know how the different stakeholders would react. Experience shows that this methodology is interesting and engaging.
8. ROLP recommends that in a second district a court/community forum be repeated, with the adjustment to ratio of civil society to judicial officers. Then in both Durres and in the second district a suitable follow on would be a second Forum to start specific discussions, e.g. on the Anti-Corruption/Integrity Development strategy. These should not be combined into one Forum. The Durres experience shows that the first forum should be more general and open and should allow the participants to speak what is on their minds. Thereafter, it will be possible to focus and facilitate productively in more specific directions.
9. The absence of Press and media attention and the absence of national personages from Tirana was helpful and allowed the participants to feel that this was a genuine intervention and not a publicity matter. ROLP’s perception is that people spoke what is on their minds.

For the foregoing reasons, ROLP recommends, as set forth in our Work Plan, that we proceed to replicate this activity.