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IMPROVING TRANSPARENCY THROUGH COURT VIDEO RECORDING IN KAZAKHSTAN

KAZAKHSTAN JUDICIAL ASSISTANCE PROJECT
PHASE II FINAL REPORT

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EXECUTIVE SUMMARY

The Kazakhstan Judicial Assistance Project (KJAP) was designed to build and sustain a more democratic culture among citizens and target institutions by supporting the Kazakh judiciary's modernization efforts and building public demand for a fair and transparent judiciary. Phase II of the project focused on facilitating the expansion of a court video-recording system by Kazakh vendor IZET to 32 new courts and Almaty City Court. (The Almaty City Court also received a video-recording product from vendor Special Recording Systems (SRS) during the Phase I expansion). This was pursuant to a memorandum of understanding (MOU) with the Court Administration Committee (CAC) of the Supreme Court. The program included a considerable cost-share from the Supreme Court toward the purchase of video-recording systems, a testament to the political will for reform in Kazakhstan and the partnerships that USAID has developed with the Kazakh judiciary.

KJAP specifically (1) assisted IZET to complete the design of its video-recording software, (2) helped design and deliver 16 regional and two specialized trainings to court staff in the use of the system, and (3) monitored the six target courts that received the SRS system in Phase I to gauge the system's impacts on the official protocol (i.e., court record), court processes, and support for widespread use of video recording. Further, KJAP established a hotline to build court staff capacity and skills to troubleshoot and resolve technical issues on site. Finally, KJAP installed six integrated voice-disguising units in the Phase I target courts. KJAP's capacity-building approach with the judiciary and its vendors during Phase II should better ensure the sustainability of video recording. The textbox to the right lists key results for the project.

Key Project Results

- According to survey respondents, video-recording systems improve the transparency of legal proceedings, reduce corruption, and improve the level of professionalism among all parties.
- Case monitoring reveals no complaints concerning the protocol (official court record) in video-recorded cases.
- Public trust in video-equipped courts increased by 21 percent, also according to survey respondents.
- Six court video-recording and voice-disguising systems by vendor SRS were installed in six target courts.
- Thirty-three court video-recording systems by vendor IZET were installed in other courts. KJAP helped design the system and trained court staff on how to use it.
- Conducted 16 regional and two specialized trainings on IZET systems for 60 courts throughout Kazakhstan
- Trained 581 justice sector personnel on use of new court technologies
- Thirty-eight calls to project-supported hotline built system administrators' capacity to effectively troubleshoot systems issues.
- Distributed 7,800 public information leaflets through courts that explained new technologies
- Provided the Supreme Court and the CAC with legal recommendations on the expansion of court video recording to all courts of Kazakhstan.
- Achieved accelerated improvements in rates of appeal in video-recorded cases compared with non-recorded cases (i.e., -11 percent change from baseline values in video-recorded cases against -1 percent change for non-recorded cases)

As stipulated by the KJAP task order, this report presents KJAP's progress toward the targets established in USAID/CAR Strategic Objective (SO) 2.1 "Strengthened

Democratic Culture Among Citizens and Target Institutions.” The report covers KJAP’s Phase II: October 2007 – September 2009.

SECTION I. COUNTRY AND PROJECT CONTEXT

Since achieving independence in 1991, Kazakhstan has undergone significant political, economic, and social changes. In 1997, the government of Kazakhstan adopted the Kazakhstan-2030 Strategy, which outlines President Nazarbayev's overall strategy for transforming Kazakhstan into a prosperous, developed state. In response to this initiative, the Government of Kazakhstan has implemented reforms in different sectors. The modernization of the judicial system and strengthening of the rule of law are critical to achieving Kazakhstan's development objectives.

Despite the Government of Kazakhstan's implementation of judicial reforms, public confidence in the effectiveness of the judicial system remains low. Public distrust of the legal system stems from perceptions of legal professionals as incompetent and of the prevalence of corruption in court proceedings. High appeals rates underscore public distrust of the courts. These defects in the legal system, coupled with low levels of public awareness, weaken the role of the judiciary as an independent institution.



Video-recording equipment installed by KJAP at the Bostandyk District Court of Almaty.

Prior to KJAP, there was no system for retaining verbatim records of court proceedings. A verbatim court record is typical in many western countries; in Kazakhstan the court secretary usually writes the court records by hand. These records are typically broad summaries of the case, not explicit transcripts. Some

courts use audio recording, but those transcripts are of imperfect quality and are easily subject to manipulation. The government's interest in increasing court transparency, reducing corruption, and fostering greater confidence in the judicial system served as the premise for carrying out the activities of KJAP.

Court video recording was one of the components of the original KJAP performance period (awarded in 2005), featuring a 12-month pilot project at the Bostandyk District Court of Almaty. The success of this pilot project and its outcomes (e.g., fewer procedural violations, lower rates of appeal, and higher public trust in courts that use video recording) served as the impetus to expand the system to 38 additional courts in Phase II.

The video-recording solution is consistent with Kazakhstan’s aims to reduce public corruption and increase public confidence in the administration of justice. Rigorous internal recordkeeping, which places constraints on the opportunities to manipulate the judicial system, will remain central to ongoing government efforts. Additionally, as Kazakhstan prepares for further integration into the global legal community, concrete improvements in judicial system operations — such as those provided by the video recording systems — will provide a crucial foundation for local courts to embrace the larger challenges of operating in compliance with the full range of international legal obligations.

SECTION II. COURT VIDEO-RECORDING EQUIPMENT INSTALLATION AND TRAINING

During Year 1 of KJAP Phase II, the United States Government and the CAC signed an MOU on the Court Video Recording Project. Pursuant to the terms of the MOU, KJAP was responsible for installing video-recording equipment and training court personnel in six target courts and purchasing software systems for 33 courts. After the MOU was signed, KJAP entered negotiations with the Supreme Court to determine which courts would receive the equipment, set an installation schedule, and discuss a method for monitoring the performance of the video-recording system. The following courts were identified as target courts: Almaty City Court; Astana City Court; Karaganda Oblast Court; East Kazakhstan Oblast Court; Schutzhinskyi Rayon Court of Akmola Oblast; Saryarkinsky Rayon Court No. 2 of Astana City.

Trainings for court secretaries, bailiffs, and other personnel began after the video-recording equipment was installed in the target courts in May 2008. KJAP supplemented on-site training for all court staff in the usage of the SRS equipment with a three-day immersion training for system administrators. In June 2008, KJAP provided an intensive introduction to the SRS system for 12 system administrators, and delivered training-of-



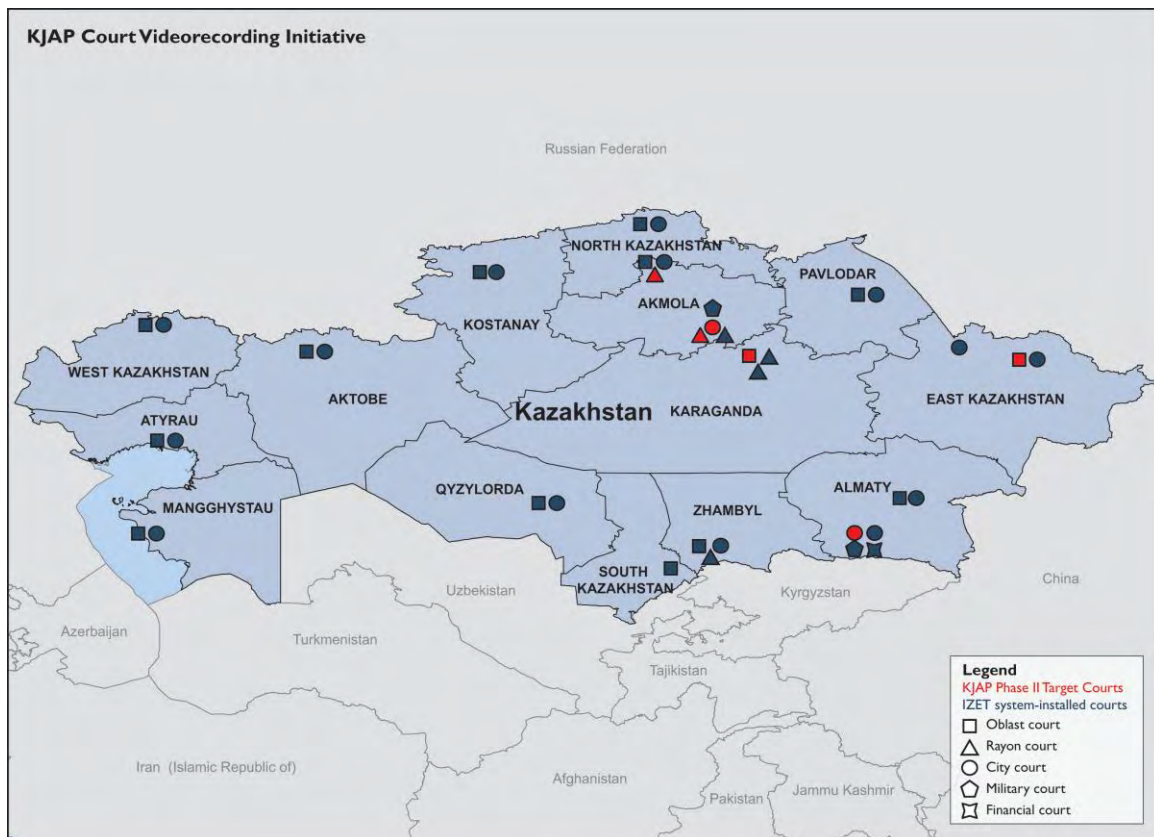
KJAP COP Julia Maliyeva and DCOP Sholpan Tashmukhambetova lead a training session for staff of the Almaty City Court. (March

to review them, (3) archiving records when the server memory is full; and (4) maintaining the video recording equipment.

trainer (TOT) sessions to enable system administrators to train their fellow court staff.

The training oriented participants to the role of the system administrator for: (1) ensuring the video-recording equipment functions properly every day, (2) allowing only court trial secretaries to edit video records while providing attorneys and prosecutors with access

To widen the project's reach to other regions of Kazakhstan, KJAP worked closely with the CAC to select additional target courts for the expansion of the video-recording project, prioritizing oblast courts and city courts to ensure the greatest access to courts hearing jury trials and appellate-level decisions. Though KJAP originally worked to ensure SRS voice-disguising software was compatible with the hardware provided by IZET, the revised MOU allowed KJAP to levy the knowledge and experience of its staff



to help IZET complete the development and installation of their software in 33 courts and train court staff in its use. The map above shows locations of project-supported courts. Side-by-side court symbols in Almaty refer to Almaty City Court, which received both the SRS and IZET video-recording systems.

KJAP worked closely with IZET to help them complete the development of their video-recording software, ensure its smooth installation in the new courts, and develop and deliver tailored templates and training. Regional trainings for court staff began in February 2009, after hardware and software were installed. Trainings targeted people who would use the system and court administrators. Each training session covered the following topics:

1. An overview of the concept of video recording, highlighting the benefits of using the system and the functional capabilities of the system
2. The creation of templates in Russian and Kazakh for the video recording of civil and criminal trials
3. Guidelines on the organization of “bookmarks,” or electronic placeholders, that secretaries can designate during a recording to denote the important aspects of a court trial
4. Procedures for recording lists of participants of the court trial
5. Procedures for maintaining and storing court records electronically
6. Procedures for providing court secretaries with individual access to video court records



Court staff from the Kokshetau City Court participates in a training led by KJAP on using the IZET video-recording system. (March 2009)

The trainings gave participants the opportunity to test the system's various functions, and provided court staff the opportunity to troubleshoot any identified issues with the developer's representatives. KJAP furnished each participant with written materials that can be used as reference manuals on the system. In total, 490 court staff came away from the trainings with a working understanding of how to use the video-recording system.

SECTION III. VOICE-DISGUIISING UNITS: INSTALLATION AND TRAINING

KJAP signed a subcontract with SRS in January 2009 to purchase six fully integrated voice-disguising units for the six courts that received court video-recording equipment in Year 1 of Phase II. The voice-disguising units were installed in May 2009, and KJAP trained court staff in their use. Trainings covered both theoretical and practical considerations; KJAP training specialists discussed using the equipment as a means of witness protection, and instructed participants on its technical capabilities. The training enabled participants to use the system to its fullest extent and showed them how to adjust its features to specific individuals. In total, KJAP trained 98 individuals on how to operate the voice-disguising equipment.

The TOT approach was the primary method for planning and conducting trainings during KJAP. The TOT model provides sustainability of the project's activities beyond the project's end-date, allowing those who have benefited from the trainings to share their practical knowledge of the system with newcomers.

SECTION IV. PROJECT IMPACT: CASE- AND PERFORMANCE-MONITORING RESULTS

Case Monitoring Statistics

KJAP monitored rates of appeal in video-recorded versus non-video-recorded cases, as well as the number and quality of court video records. To ease the target courts' information-gathering, KJAP designed a form and conducted twice-weekly calls to discuss the operation of the video recording systems. As shown in Table 1 below, between June 2008 and May 2009, the six target courts reported statistics for 3,766 cases. Only 116 of these cases (3 percent) were video-recorded, because the equipment had been installed in only one room in each court. The usage rate for the video-recording equipment, also shown in Table 1, breaks down to 19 percent of cases in oblast and city courts, and only 2 percent of all cases heard in rayon courts.

As reported in KJAP's Semi-Annual Report for September 2008 – February 2009, KJAP's monitoring suggests that busier courtrooms (e.g., Schutzhinskyi) are more likely not to use the video-recording equipment. The discretion of the judge is always cited as the reason for not using the system. KJAP also observed that, when pressed by the Supreme Court to use the recording equipment, Schutzhinskyi's usage rate increased to 100 percent, while the number of proceedings held in the equipped courtroom dropped. These dynamics may suggest that more interventions be directed at judges to address their apparent hesitations to use the system.

If KJAP had little influence on the use of video recording, among the 190 cases that were heard in equipped courtrooms, 61 percent were recorded. Oblast and city courts, whose cases tend to be decided more quickly, had an equipment usage rate of 85 percent (40 of 47 cases). Rayon courts, whose cases take longer, had an equipment usage rate of 53 percent (76 of 143 cases).

As shown in Table 2, among the 116 monitored cases, aggregate baseline values for rates of appeal (derived from the first six months of monitoring data) reflected an 18-percent rate for video-recorded cases, while only 11 percent of non-video-recorded cases were appealed. Result values (derived from the second six months of monitoring data) show a 7-percent rate of appeal in video-recorded cases, with 10 percent for non-video-recorded cases. Over time, and as court staff became accustomed to the new systems, KJAP data shows that the rate of appeal in video-recorded cases dropped much more quickly than in non-video-recorded cases. The rate of change is -11 percent for the former and -1 percent for the latter.

Notably, Karaganda Oblast Court reported no appeals for the entire monitoring period; Schutzhinskyi Rayon Court reported no appeals in video-recorded cases for the entire monitoring period.

TABLE 1: CASE MONITORING DATA DISAGGREGATED BY TYPE OF COURT

Court	Number of Recorded Cases	Number of Cases Held in Equipped Courtrooms	Total Number of Hearings Held in Unequipped Courtrooms
Oblast and City Courts			
Almaty City Court	9	12	50
Astana City Court	19	19	30
Karaganda Oblast Court	5	7	27
East Kazakhstan Oblast Court	7	9	57
Total	40	47	164
Percentage of recorded cases as a portion of the total number of cases heard in equipped courtrooms	85 (40 of 47)		
Percentage of recorded hearings as a portion of the total number of cases held in the pilot courtrooms	19 (40 of 211)		
Rayon Courts			
Schutzhinskyi Rayon Court of Akmola Oblast	55	122	2674
Saryarkinsky Rayon Court No 2 of Astana City	21	21	812
Total	76	143	3486
Percentage of recorded cases as a portion of the total number of cases heard in equipped courtrooms	53 (76 of 143)		
Percentage of recorded hearings as a portion of the total number of cases held in the pilot courtrooms	2 (76 of 3,629)		
All Courts			
Oblast, City, and Rayon Courts	116	190	3650
Percentage of recorded cases as a portion of the total number of cases heard in equipped courtrooms	61		
Percentage of recorded hearings as a portion of the total number of cases held in the pilot courtrooms	3		

Court Customer Satisfaction Survey

KJAP polled attorneys, prosecutors, and parties to a trial (i.e., plaintiffs, defendants, and witnesses) to capture in broad terms how the introduction of video recording in courts has been received. A total of 122 individuals from five of the target courts participated in a court customer-satisfaction survey: 36 percent were attorneys, 26 percent were prosecutors, and 38 percent were civil participants of legal proceedings. (Survey results from Karaganda were reportedly lost in the mail.)

More than three-fourths of all respondents had participated in a video-recorded case. Below are some of the major findings from the survey data:

- Though respondents had slightly differing interpretations of the exact purpose of the new technology, the majority saw a connection between the introduction of video recording in courts and efforts to increase transparency, reduce corruption, and improve the level of professionalism among all parties.
- Seventy-seven percent considered it necessary to create video records of any judicial proceeding.
- Forty-one percent stated that all cases in this category should be recorded. However, 46 percent believed video-recording should be used only in certain litigated cases.
- Twenty percent believed the judge alone should have the authority to decide whether to use the video-recording system during a case. The majority (73 percent) agreed that the judge should not have to consider the parties' views to determine whether the system should be utilized.
- Forty-one percent recommended the mandatory usage of video recording in all cases.
- Sixty-nine percent said they felt greater confidence in the administration of justice at courts that used the video-recording system versus those that did not use the system.
- Seventy percent supported the expansion of video-recording technology to all courts of Kazakhstan.

Respondents put additional comments at the end of the survey form; most expressed support for the widespread application of the video-recording technology. Moreover, respondents expressed support for passage of legislation mandating the use of court video-recording technology and guaranteed access to the recorded information by the parties to an action.

Overall, the results of the Court Customer Satisfaction Survey demonstrate support among court personnel for the expanded use of video-recording technology in the courts. Moving forward, it would be useful to gain greater support from judges, because they have the authority to decide when the technology is used.

Survey Results from IZET Courts

In August 2009, the project distributed surveys to eight of the 33 courts equipped with the IZET court video-recording systems: Pavlodar Oblast Court, Pavlodar City Court #2, Akmola Oblast Court, Kokshetau City Court, Zhambyl Oblast Court, Taraz City Court #2, Aktobe Oblast Court, and Aktobe City Court #2. The surveys collected feedback from court personnel and external participants in a proceeding (e.g., attorneys, defendants, plaintiffs, and witnesses) on the efficacy of the new technology.

The surveys also asked for information on the quantity of appeals and complaints in each court's caseload, but only two of the eight courts fully furnished this information. Accordingly, KJAP cannot accurately analyze the reported results.

In total, 346 people took part in the surveys. Of respondents who identified themselves as a court employee or party to a trial, court secretaries comprised the largest proportion (31 percent), followed by judges (16 percent), defense attorneys (23 percent), and prosecutors (10 percent). Responses from plaintiffs, defendants, or witnesses comprised less than 2 percent of all survey participants.

Analysis of Court Secretaries' Responses

KJAP conducted a separate analysis of responses by court secretaries because their work is most directly affected by the introduction of court video-recording technology. The major findings:

- Despite that the majority of secretaries received some form of training on using the IZET system — either through KJAP, informal training from colleagues, or self-study — only 32 percent had used the system to record a trial. Fifty-two percent had never used the IZET system during a case; 16 percent did not respond.
- Fifty-four percent agreed that use of the IZET system enhanced their ability to do their work; 16 percent felt using the system made their day-to-day job more burdensome.
- Though the IZET video-recording system is equipped with a program that creates a protocol template, providing a more efficient method for completing the protocol, the majority (57 percent) continue to record court records by hand in the traditional manner. Moreover, those who reported using the automated IZET protocol feature then redo the protocol based on the old templates. This finding highlights redundancies in the current procedure of generating protocols.

Analysis of Responses from all Participants

KJAP polled all categories of court employees and litigation participants to determine their views on the benefits of video-recording technology in courts. Overall, the majority viewed the use of the video-recording system as an effective means of improving the professionalism of court personnel.

- Of all survey respondents (i.e., judges, court secretaries, attorneys, and other court personnel), 75 percent agreed with the statement that using the video-recording system enhanced prosecutors' and defense attorneys' level of preparation for a trial. (Sixteen percent disagreed with the statement; the remaining proportion could not answer the question.)
- Fifty-seven percent also felt that using the system could reduce the level of corruption in courts; 22 percent disagreed.
- Seventy-three percent agreed that using the technology could influence the execution of a fair and unbiased trial; only 12 percent disagreed. Fifteen percent could not respond.
- Sixty-five percent (including all five defendants who were polled) support the use of video recording in all courts of Kazakhstan.

The findings from these surveys are largely consistent with the results of surveys conducted at the original six target courts where KJAP worked. The majority of court personnel and attorneys support the use of court video recording and further expansion of the system to additional courts. Furthermore, the majority of survey participants see the benefits of the new technology to improve transparency and reduce corruption in courts.

Hotline

In June 2008, KJAP established a hotline to allow target-court staff to quickly reach a KJAP staffer to report and/or troubleshoot technical issues that may arise during implementation. The project printed and distributed business cards with the hotline number — which is connected to a cell phone carried at all times by a KJAP staff member — and instructions on when they should call. The hotline operated from June 2008 to May 2009. KJAP developed a monitoring form to track the number and nature of calls.

KJAP recorded a total of 38 calls to the hotline. Many concerned power-supply issues and equipment malfunctions; these were quickly resolved. Sixty percent of all hotline calls were made during the first three months it was operational, indicating that most issues concerned initial glitches in software or equipment, or court staff's lack of familiarity with the new systems. Decreased use of the hotline over time demonstrated court staff's growing capacity and skills-development to troubleshoot and resolve technical issues on site.

Performance Monitoring Plan: Indicator and Results

The cumulative data collected against KJAP's project performance monitoring plan (PMP) is shown in the table below. This data was also reported in the September 2009 monthly report. The terms of the revised MOU with the Supreme Court exceeded original targets for the expansion of court video-recording systems (from 21 to 38 per Indicator 1), while KJAP's regional approach to training in the IZET system outperformed the targets for the number of courts receiving KJAP-supported staff training (from 21 to 60 per Indicator 2).

Per Indicator 3, 69 percent of survey respondents have more confidence in video-equipped than in non-video-equipped courts. This is a 21-percent increase from the baseline value of 48 percent. Indicator 4 records differences in rates of appeal between video-recorded and non-video-recorded cases and is also reflected in Table 2. Monitoring data showed a change of -11 percent in rates of appeal in video-recorded cases and a corresponding change of -1 percent in non-video-recorded cases.

Indicator 5's ending value of 581 justice sector personnel trained is drawn from the regional and specialized trainings conducted in the IZET system between February and April 2009, as well as the training in voice-disguising units for the SRS systems conducted in May 2009. Regional trainings reached more personnel than originally envisioned, again outperforming target values.

Indicator 6 counts the number of project-supported courts with functioning video-recording systems to gauge improved case management. This corresponds to the example in the United States Government’s definition of systems that uphold procedural law, because video recording has been linked to fewer procedural violations and lower rates of appeal. Because Almaty City Court was one of the 33 courts receiving the IZET video-recording system and one of the six original target courts receiving the SRS video-recording system, the count for Indicator 6 is 38. The total number of courts assisted by KJAP, including the Bostandyk pilot court, is 39.

RESULT STATEMENT	PERFORMANCE INDICATOR	INDICATOR DEFINITION AND UNIT OF MEASUREMENT	BASELINE DATA		TARGETS AND ACTUAL RESULTS			
			YEAR	VALUE	FY 2008		FY 2009	
					Target	Actual	Target	Actual
Judicial transparency and accountability increased	Indicator 1: Number of courts that have one courtroom equipped with a video-recording system as a result of this expansion	The count is the number of non-pilot courts that have at least one courtroom equipped with the SRS Femida or IZET video-recording systems as a result of project efforts. Project staff will supervise and/or test for proper equipment installation, and monitor system usage.	2007	0	6	6	21	38
Judicial transparency and accountability increased	Indicator 2: Number of courts whose staff were trained by KJAP and SRS or IZET video-recording system representatives on the proper usage of the systems	The count is the number of courts receiving KJAP-supported staff training in the proper usage of video-recording systems. Project staff will deliver the actual training, together with SRS and IZET staff, and record participant data.	2007	0	6	6	21	60

Public support for the judiciary increased	Indicator 3: Percentage of survey respondents indicating more confidence in video-equipped than non-video-equipped courts	Project and target court staff will have citizens complete baseline, mid-term, and final surveys. The survey question is, "Will you have more trust in courts that use video recording than those that do not?" The measurement is the proportion of respondents that answer "yes."	2008	48%	25%	--	50%	69%
Judicial transparency and accountability increased	Indicator 4: Rate of appeal in video-recorded cases compared to non-video-recorded cases	For all completed cases heard in video-equipped court rooms, a percentage will be calculated using the number of appeals initiated each month (numerator) against the total number of cases heard using the video-recording equipment (denominator). The same proportion will be calculated for all completed cases heard in non-video-equipped court rooms.	2008	VR 18%	-10%		-10%	VR 7% (-11%)
				NVR 11%				NVR 10% (-1%)

Judicial transparency and accountability increased	Indicator 5: Number of justice sector personnel that received U.S. Government training	Personnel includes judges, magistrates, prosecutors, advocates, inspectors, and court staff. Training refers to all training or education events, whether short-term or long-term, in-country or abroad. Project staff will deliver the actual training, together with SRS and IZET, and record participant data.	2007	0	75	121	40	581
Judicial transparency and accountability increased	Indicator 6: Number of U.S. Government-supported courts with improved case management	The count is the number of project-supported courts with functioning video-recording systems. This corresponds to the example in the U.S. Government's definition of systems that uphold procedural law. Project staff will supervise the equipment installation and monitor its use throughout the project.	2007	0	6	6	21	38

SECTION V. RECOMMENDATIONS

Recommendations on the Project Implementation

Based on observations of the pilot courts and lessons learned over the course of the project, KJAP submitted recommendations to the CAC on ways to enhance the effectiveness of the video-recording systems in courts. Our recommendations can be divided into four categories: technical, capacity-building/training, procedural, and legislative.

Technical Recommendations

1. Ensure that courts have the necessary infrastructure to handle the operation of video-recording technology
2. Demand high-quality assembly of equipment from vendors to ensure long-term durability of video-recording and voice-disguising systems
3. Install and customize a local network
4. Immediately upon installation of the video-recording system, identify a system administrator among court staff who is responsible for monitoring the equipment's functionality
5. Install antivirus software on all computers storing electronic court records to prevent security breaches
6. Budget for all costs related to the operation of video-recording technology in courts, specifically expenses related to backing up recorded data to DVD and safe storage of electronic records
7. SRS will be responsible for providing technical support to courts using the voice-disguising units through June 1, 2010, per the terms of the contract. After that date, the CAC will be solely responsible for maintaining the equipment
8. To maximize the utility of the video-recording and voice-disguising equipment, courts should prioritize equipping courts with up-to-date computer equipment
9. Ensure that the video-recording software is installed on each court secretary's personal computer

Recommendations on Future Trainings for Court Personnel

Based on lessons learned, we recommend the following for developing skills among court personnel in operating the court video-recording systems:

1. When recruiting for court secretaries, KJAP recommends that courts consider a candidate's computer skills and typing speed, which will affect how proficiently he/she will be able to operate the video-recording equipment.
2. Initiate compulsory courses in law schools to develop students' computer skills in preparation for the workplace
3. We recommend adopting the TOT model for administering trainings in courts where video equipment is expected to be rolled out.

Procedural Recommendations

1. According to Clause 6, Article 328 of the Criminal Procedure Code of the Republic of Kazakhstan, all records of hearings must be attached to the protocol [summary court record written by hand] and stored together with the case material.
2. According to Clause 3, Article 257 of the Civil Procedure Code of the Republic of Kazakhstan, records of hearings must be stored with other case materials until the court's judgment comes into effect. After the court reaches a verdict, the DVD record containing the video-recording information must be stored separately from the case material. However, if the paper protocol will be replaced by an electronic version in the future, then this clause would need to be revised. Given the uncertain status of an electronic protocol as a legal document, the question of where to store video-recorded information remains unanswered. KJAP urges the CAC to reach a decision on the legal status of an electronic protocol in order to resolve this procedural issue.
3. KJAP recommends canceling the paper protocol in courts of primary jurisdiction. Only in a case of appeal from a judgment, which was recorded using the audio- or video-recording equipment, preparation of a paper stenographic version of the protocol of proceedings should be provided for. Thus, it is necessary to create conditions to secure storage of the court video-recording information on disks, and consequently, storage of the electronic protocol on disks as well.
4. We recommend building secure, temperature-controlled storage facilities for archiving video records saved to DVD.
5. Provide for the appropriation of funds to ensure effective operation of the court video-recording system and archiving of electronic records

Legislative Recommendations

As discussed above, KJAP recommends formalizing the status of an electronic protocol as a legal document. To that end, the project submitted draft legislation “On Making Amendments and Additions to the Procedural Legislation of the Republic of Kazakhstan on the Court Video Recording Procedure” to the judiciary for review.

SECTION VI. CONCLUSION

Video-recording technology offers a means to standardize the administration of court proceedings and records, resulting in the improved professionalism and preparedness of parties, improved case management, and increased public confidence in the judiciary as a trustworthy and impartial body. KJAP survey findings indicate that the project has made a strong impression on justice sector personnel regarding the potential of court video recording to strengthen the administration of justice in Kazakhstan.

KJAP enabled the expansion of video recording in partnership with judicial institutions; it did so with enough flexibility to accommodate the CAC's preferred vendor. KJAP's focus on capacity-building helped equip Kazakhstan's judicial institutions to introduce and manage similar court innovations into the future. KJAP capacity-building took many forms:

- With vendor IZET, particularly adapting their software to the court environment and delivering user training
- With court secretaries, who received technical and TOT training
- With system administrators, who received technical and TOT training, and who through the hotline and on-the-job training deepened their ability to maintain systems, troubleshoot, and resolve technical issues
- Through the delivery of training materials that double as user manuals for continual access to information
- Through legislative, procedural, and technical recommendations that provide KJAP's counterparts with near-term options for improvement as they take ownership of the video-recording initiative

KJAP extends its thanks to the Supreme Court of the Republic of Kazakhstan, the United States Agency for International Development, partner courts, and all other counterparts for working successfully and productively to help ensure a fair and transparent judiciary in Kazakhstan.

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