

Connections

Albanian Justice Sector Donor Quarterly Newsletter

JULY – SEPTEMBER 2013

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IN THIS ISSUE:

JULY – SEPTEMBER 2013 ACTIVITIES

Improving case and court management	1
Digital Audio Recording expands in more Albanian courts	2
First Regional Training for prosecutors from Western Balkans' countries	2
Continuing prosecutors' networking	2
IT support to the Albanian General Prosecutor's Office	2
PAMECA IV project has now started	2
The National Chamber of Mediators has been established	2
Two new subprojects under ORF-LR	3
Report on Conditions in Albanian Prisons and Recommendations for Reform	3
Study visit for lecturers of the Probation Master's Program	3
Updated handbook on seeking protection from domestic violence	3
Supporting anticorruption and good governance civil society initiatives through grants	4

UPCOMING EVENTS:

OCTOBER – DECEMBER 2013



PREVIOUS ISSUES

Click issue number button to download.



Dear readers,

The constitution of the Republic of Albania and its implementing legal framework guarantee the independence of the judiciary and prohibit any interference with the exercise of judicial functions. Today, our country faces the general need for greater quality and effectiveness of the judicial power. To this end, continuous training, seriousness and dedication in guaranteeing the principles of the rule of law and respect for fundamental human rights and freedoms are required. Certainly, an improved image and the uncompromised and determined fight against corruption are also of special importance. These and many other steps need to be undertaken before this major historic moment when our country expects to be awarded the status of a European Union candidate member. The integration of our country in the EU and other international bodies necessitates several crucial reforms which would make the judiciary capable of meeting the challenges of our time and ensuring the effective implementation of the norms of the European and International Law.

It is important to point out that our country has made a lot of progress and has put into practice many reforms that noticeably improve the proper functioning of the judiciary, such as the establishment of the administrative justice system and the amendment of several laws to speed up case adjudication, make judicial decision enforcement easier, ensure respect for fundamental human rights and freedoms, reduce costs, facilitate access to justice, increase judges' accountability and transparency, etc. These reforms are a product of our country's desire and continuous efforts, but also of the generous and irreplaceable technical and financial assistance from our international partners and friends. Among them, the support from USAID and the JuST project has been ongoing and substantial.

The reforms now underway and upcoming regarding the system of the evaluation of judges, for better quality in the justification of judicial decisions, more in-depth knowledge of international norms and standards, greater public trust in the judiciary, more robust role of the National Judicial Conference as a Parliament of the Albanian Judiciary, more transparency and stronger fight against corruption, etc., are some of the key priorities where we would need the technical and financial assistance of our international partners and friends.

Sincerely,

Prof. Dr. Xhezair Zaganjori
Chief Justice of the Supreme Court

JULY – SEPTEMBER 2013 ACTIVITIES

Improving case and court management

Based on the findings from a recent study, "Toward Justice", by the OSCE Presence in Albania, the problem of inadequate number of courtrooms in Albanian courts is compounded by the fact that most scheduled hearings are either postponed or unproductive. Following

the May 2013 National Court Leadership Conference, the USAID's JuST project and the Presence met with the Chief Judge of the designated pilot Kruja District Court to plan the joint work in introducing active case management by judges, including better pretrial preparation and more attention to the principle that every court hearing should be a meaningful one. During the summer, baseline data from closed cases in the Kruja District Court regarding a variety

of issues including number of hearings per cases and reasons for postponements, was successfully compiled and summarized to serve as a benchmark for the pilot project implementation work. In addition to improving court efficiency in the pilot court, it is anticipated that this experience will serve as an example for all courts in Albania on what can be done with good court leadership, common-sense practices and political will.

Digital Audio Recording expands in more Albanian courts

By the close of the third quarter of 2013, two-thirds of all 30 first instance and appellate Albanian courts, including those for serious crimes, had implemented digital audio recording (DAR) of courtroom proceedings. With USAID support through the JuST project, the implementation of DAR technology for keeping the court sessions verbatim record is now becoming the norm. Upon the entry in force of

the latest Civil Procedure Code amendments, on September 3, 2013, the Minister of Justice issued the instruction no. 353 “On establishing the detailed rules on keeping, saving and archiving the court session audio record through audio means”, which was published in the Official Gazette no. 149, dated September 9, 2013 (available online at: www.qbz.gov.al). It updates the previous instruction, dated June 15, 2012. The Ministry of Justice makes the usage of the digital audio recording technology a requirement for Albanian courts and mandates that chancellors report regularly on its implementation.

First Regional Training for prosecutors from Western Balkans’ countries

Trafficking of Human Beings and “Illicit Drugs and International Legal Assistance” were the main issues addressed by four experienced international experts during the two-day training within the premises of the Regional School of Public Administration (ReSPA) in Danilovgrad, on September 26 and 27, 2013. Participants in this training were prosecutors from Albania, Bosnia-Herzegovina, Croatia, Kosovo, Macedonia and Montenegro. The training was organized by the project “Fight against organized crime and corruption: Strengthening the Prosecutors’ Network”

funded by EU IPA 2010 and implemented by GIZ and the Center for International Legal Cooperation (CILC). It took place as part of the implementation of the training module, which includes two national training workshops for each country and five regional ones.



From the regional prosecutors’ training at ReSPA, Danilovgrad, Montenegro, September 26 - 27, 2013.

IT support to the Albanian General Prosecutor’s Office

A mission of two Dutch IT experts was organized by the EU IPA 2010 project “Fight against organized crime and corruption: Strengthening the Prosecutors’ Network” to assess

the IT needs of the office for International Legal Assistance in the Albanian General Prosecutor’s Office (GPO) during July 2013. The experts held various meetings with actors from the GPO, Serious Crimes Prosecution Office and Ministry of Justice and came up with a report. A decision on the matter is expected to be taken soon.

The National Chamber of Mediators has been established

The general assembly meeting of licensed mediators registered with the Albanian tax authorities on July 7, 2013 marked the establishment of the National Chamber of Mediators (NCM) in Albania. It also elected its Executive Board of seven members and the Chair, Mrs. Drita Avdyli, which have in the meantime been hard at work on drafting a code of ethics, developing a schedule of tariffs and the NCM membership fees, as well as forming the regional chambers of mediators as provided

in the Albanian mediation law. The USAID’s JuST project will be assisting the Chamber to strengthen its organizational capacity, and for this purpose has issued a request for application to civil society organizations, under its grants program.



Logo of the newly-established Albanian National Chamber of Mediators.

Continuing prosecutors’ networking

Following the meeting of the Western Balkans Prosecutors’ Network in Corfu, Greece, on May 9, 2013, the EU IPA 2010 project “Fight against organized crime and corruption: Strengthening the Prosecutors’ Network” organized another in Budva, Montenegro, on September 24 - 25, 2013, with the focus on the revision of the existing Memorandum of Understanding (MoU) of the Prosecutors’ Network. Two options for the revised MoU have been elaborated and agreed upon, and are currently being circulated within the beneficiaries for approval. It is noteworthy that representatives of the European Judicial Network (EJN) have been also part of these meetings. Their participation endorses the integration of the Western Balkans Prosecutors Network into European and international organizations.

PAMECA IV project has now started

The PAMECA IV project, “Consolidation of the Law Enforcement Capacities in Albania”, funded by EU, started in June 2013. The project will support the Albanian Ministry of Interior, the Albanian State Police and the General Prosecutor’s Office as its key beneficiaries in order to increase their performance in the fight against criminal activities in line with EU best practices. The project is implemented by the Ministry of Interior of Italy as the lead partner, in consortium with the Ministry of Interior of France and the Federal Ministry of Interior of Austria. PAMECA IV will continue until October 2016. The overall goal of the project is to assist in bringing the law enforcement capacities of the Albanian institutions closer to EU standards in the field of policing and to provide trust, safety and a secure environment to the Albanian citizens. Its specific objectives are to improve the organizational, administrative technical and resource management capacities of the Albanian State Police, and to improve the performance of the Albanian State Police structures and the coordination with the General Prosecutor’s Office and other relevant agencies. PAMECA IV is led by Mr. Giorgio Butini, Lt. Colonel of the Italian State Police with a long and distinguished experience.

Two new subprojects under ORF LR

In the second phase of the GIZ's Open Regional Fund for South East Europe – Legal Reform (ORF-LR), the German government continues to support the implementation of alternative dispute resolution methods and the strengthening of South East Europe Law Schools (SEELS) Network.

Gender oriented implementation of Alternative Dispute Resolution (ADR) instruments in Western Balkans" is the new initiative of GIZ ORF-LR. This time, GIZ comes with more focus in achieving gender equality. One of

the essential aims of the subproject is promoting female law practitioners and strengthening their position as actors in ADR procedures. During its implementation period (September 2013 - March 2015), another focal point will be supporting the region in resolving cross - border disputes in commercial matters according to international standards. GIZ will not be working alone. Apart from regional partners (ADR centers, universities, ministries of justice etc.), an important collaboration has been established with international partners, such as ArbitralWomen, German Institution of Arbitration (DIS) and UNCITRAL.

The South East European Law School Network (SEELS) was established

as a first formalized and institutionalized network of thirteen public Law Faculties from South East Europe on March 25, 2011. SEELS introduced a new form of regional academic cooperation and a platform for intensified legal education, research and publishing. Until September 2014, GIZ will support the strategic development of SEELS. The main goal of this project is to strengthen the Network's operational structures and strategic positioning to contribute to legal reforms in the region. The project will focus on implementing joint regional programs, strengthening EU Funding capacity of SEELS, the development and adoption of its strategic documents as well as publications. Project target group are the participating law faculties, members of SEELS.

Report on Conditions in Albanian Prisons and Recommendations for Reform

In September 2013, the OSCE Presence in Albania released a Report on Conditions in Albanian Prisons and Recommendations for Reform. The Presence visited eleven of the twenty-two prisons in the country in late 2012, to conduct interviews and make observations. Of the numerous recommendations in this report, some that are of particular concern include urgently needed renovations to certain facilities, the importance of investigating allegations of corruption on the part of medical

personnel, and the need to provide specialized facilities and care for people with mental illness. One of the findings in the Report was the lack of a consistent practice of informing detainees of their rights upon entry into a detention facility. In order to help address this problem, the Presence, in cooperation with the People's Advocate, published and distributed a brochure in September 2013. This brochure informs detainees about their rights while in prison and in pre-trial detention, and also explains their obligations under the prison regime. Finally, the brochure provides contact information for the People's Advocate so that detainees know how to report mistreatment.

Updated handbook on seeking protection from domestic violence

In September 2013, the OSCE Presence in Albania launched an updated edition of its Handbook on seeking protection from domestic violence, in response to changes in the legal framework, as well as demand from those who work with victims of domestic violence. The Handbook, which is a 'how-to' guide in clear language that helps victims in seeking legal protection, has been in use for over six years now. 3500 copies of the updated version are being distributed to organizations and central as well as local authorities that assist victims of domestic violence.

Study visit for lecturers of the Probation Master's Program

As part of the project establishing a Master's program entitled "Administration of Social Institutions in the



Alba Jorganxhi (right) of the OSCE Presence in Albania accompanies lecturers of the Probation Master's Program on a study visit to the Turkish General Directorate of Prisons, Ankara, September 18, 2013.

Justice System", the OSCE Presence in Albania organized a study visit for the core team of six lecturers to the "Turgut Ozal" University in Ankara, on September 16 - 19, 2013. The study visit aimed to enhance curriculum quality and teaching methods, by introducing the lecturers to the experiences of the "Turgut Ozal" University in the delivery of similar Master's programs. During the study visit, several lecturers as well as experts from the field of prisons, probation and justice institutions discussed best practices with the Albanian team. The Turkish General Director of Prisons hosted the Albanian lecturers, as did the General Director of the Probation Services. The participants visited an open educational institute for juvenile offenders, which highlighted the important balance between punishment, rehabilitation and reintegration in criminal sentences.



Handbook on seeking protection from domestic violence, 2013, by the OSCE Presence in Albania.

Supporting anticorruption and good governance civil society initiatives through grants

On September 20, 2013, representatives of nine civil society organizations (CSO), grantees of the USAID's JuST project, presented to participants from other CSOs,

justice sector institutions and donors, the results of their projects undertaken in the field of good governance and anticorruption. Project beneficiaries, which included women survivors of domestic violence who have received free legal aid in Elbasan and Shkodra; trained investigative reporters; University of Tirana law students who have provided information and legal aid for the public in courts; members

of communities engaged in project activities, etc, also took the floor. The meeting provided an excellent opportunity to share successes and best practices in supporting CSO initiatives against corruption and for good governance, accountability and transparency in the judiciary and overall in Albania. More information about the USAID JuST's Grants Program is available at: www.justforumalbania.org.

UPCOMING EVENTS: OCTOBER – DECEMBER 2013

- Study Visit “On Financial Investigation” for prosecutors from Albania and Kosovo at the Office of the General Attorney of Switzerland, Berne, EU IPA 2010 project “Fight against organized crime and corruption: Strengthening the Prosecutors’ Network”, October 8 - 11, 2013
- Regional Training on Investigation Techniques and Evidence Gathering in Cross Border Cases of Organized Crime and Corruption, Cavtat - Croatia, EU IPA 2010 project “Fight against organized crime and corruption: Strengthening the Prosecutors’ Network”, October 21 - 22, 2013
- Official launching ceremony of the PAMECA IV project, “Consolidation of the Law Enforcement Capacities in Albania”, PAMECA IV, October 2013
- Publication of the 8th issue of the Bar Journal “Avokatia”, National Chamber of Advocates supported by USAID JuST, October 2013
- Training of newly-appointed administrative court judges on procedural novelties of the Law on Administrative Courts, OSCE Presence in Albania, October 2013
- Study visit for the core team of lecturers for the Master’s program “Administration of Social Institutions in the Justice System” in Utrecht - The Netherlands, OSCE Presence in Albania, November 11 - 15, 2013
- Third Regional Court Leadership Conference to share DAR implementation experiences in the Tirana appellate district courts as well as those for serious crimes, USAID JuST, November 13 - 15, 2013
- Kick-off meeting of the new subproject “Gender oriented implementation of Alternative Dispute Resolution (ADR) instruments in Western Balkans”, Budva - Montenegro, GIZ ORF-LR, November 15, 2013
- Completion of the expansion of the digital audio recording technology in the Vlora appellate district, which follows that in Korça, Durrësi and Tirana, as well as in the first instance and appellate serious crimes courts, November 2013
- Inauguration of the new legal clinic facilities, including a mock courtroom, at the University of Tirana Law Faculty, refurbished with the support of USAID JuST, November 2013
- Training of probation officers on the treatment of juvenile offenders, OSCE Presence in Albania, October - November 2013
- Retreat with judges of the Kruja District Court on efficiency of court proceedings and active case management, organized jointly by the OSCE Presence in Albania and USAID JuST, December, 2013
- Roundtable with defense lawyers on probation-related issues, OSCE Presence in Albania, December 2013
- Continued assessment of CSO grant concept papers and resulting full proposal submissions, as well as responses to request for applications on DAR regional awareness and advocacy, and on capacity building for the National Chamber of Mediators, USAID JuST, October - December 2013



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