

Connections

Albanian Justice Sector Donor Quarterly Newsletter

OCTOBER – DECEMBER 2013

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UPCOMING EVENTS: JANUARY – MARCH 2014

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Dear readers,

In my capacity as the Minister of Justice for more than a hundred days, I have been utterly committed to meet a crucial challenge as the one of building an independent and reliable justice system in conformity with the Constitution, the law, and the citizens' fundamental rights and freedoms, as well as in affirmation of the great aspiration of integration into the European family.

The Ministry of Justice is currently determined to turn a new page in ensuring the rule of law in Albania, by establishing a new and clear vision of a justice system that provides security to every citizen.

The reform, modernization and digitalization of the justice system have been and remain our priorities. In parallel, we are taking unshaken steps for an uncompromising fight against corruption and organized crime.

I am convinced that through a program that is based on new vision and policies, we will successfully meet our common challenges in the justice system.

In conclusion, let me take this opportunity to thank all the donors and partners for the implemented projects, and express the full commitment of the Ministry of Justice to further realize the political will and objectives for transparent, efficient and accountable governance.

Great achievements require great ambitions!

Sincerely,

Nasip Naço
Minister of Justice

OCTOBER – DECEMBER 2013 ACTIVITIES

Judicial Ethics Symposium

OPDAT Albania partnered with the National Judicial Conference and the Union of Albanian Judges (UAJ) to organize a Judicial Ethics Symposium on November 5 - 7, 2013. The purpose was to provide a forum where judges of the three levels could discuss current ethical standards and dilemmas, the public perception of the judiciary, and how to make ethical rules binding and remove corrupt and unethical judges. To facilitate the debate and add a different perspective, OPDAT invited U.S. District Court Judge Richard Berman from the Southern District of New York, while UAJ invited Gerhard Reissner, Chief Judge of the District Court of Florisdorf in Vienna and President of the International Association

of Judges. The symposium was attended by Supreme Court justices, appellate and trial judges, High Council of Justice (HCJ)



Opening session of the three-day Judicial Ethics Symposium, Tirana, November 5, 2013.

inspectors, Ministry of Justice staff, School of Magistrate professors, advisors to the President of the Republic, etc. The symposium opened with welcoming remarks by the

U.S. Ambassador Alexander Arvizu and the President of Republic, Mr. Bujar Nishani, HCJ Chair. Both Ambassador Arvizu and President Nishani stated that judges need to show courage in standing up to pressure and in rooting out corrupt and unethical judges from among their ranks. At the end of the symposium, the participants adopted conclusions that will be forwarded to all actors in the justice system, and will serve as a guide for future OPDAT activities. The participants agreed, among others, that specific legislative steps need to be taken to ensure that ethical rules are binding and that ethical performance is a factor in transfers and promotions. They also asked for more training activities on judicial ethics issues, and advocated for such trainings to become mandatory and a requisite for career advancement.

Continued expansion of digital audio recording in Albanian courts

As of end of December 2013, with the support of the USAID's JuST project, the digital audio recording (DAR) technology had been installed in 23 courts in Albania, bringing the number of courtrooms where sessions could be audio recorded to 107. According to the law, the audio record is now the verbatim record of court sessions, and the DAR technology has positively impacted the work of the courts. This was the message from the judges and administrative staff of the six Tirana Appellate District courts as well as the Serious Crimes courts who participated in the third Regional Court Leadership Conference on DAR usage that took place in Tirana on November 13 - 15, 2013. DAR expansion work is now continuing in the last two appellate districts of Gjirokastra and Shkodra.

Workshop with administrative court judges

On November 21 and 22, the OSCE Presence in Albania and the Magistrates' School organized a workshop for administrative court judges on implementing the administrative justice system in Albania. The administrative courts in Albania started to function on November 4, 2013 and the workshop aimed to give the newly-appointed judges a better understanding of the novel procedural elements introduced by the Law on Administrative Courts. The Presence assisted with the drafting of this law in 2012 and will continue to support the transition toward a specialized administrative justice system with unique procedural rules.

Discussion on judges' evaluation and inspection

With support from the JuST project, the Union of Albanian Judges conducted two workshops on "The Evaluation and Inspection System of Judges in Albania: Alignment with International Standards". Thirty-three participating judges from the Tirana, Elbasani, Durrësi, Lushnja, Kavaja and Kruja district courts, as well as Serious Crimes courts engaged in lively discussions about the system for evaluating judicial ethics and professionalism, as well as the regulation governing inspections by the High Council of Justice Inspectorate. Resulting conclusions and recommendations were summarized in a report made available to all UAJ members and relevant institutions.

PAMECA IV launching ceremony

PAMECA IV launching ceremony was held on December 11, 2013. H.E. Ambassador Ettore Sequi, Head of the Delegation of the European Union to Albania, H.E. Mr. Saimir Tahiri, Minister of Internal Affairs of Albania, Prefetto Alessandro Pansa, Chief of Italian State Police, General Director of Public Security Department, Mr. Artan Didi, General Director of Albanian State Police, Mr. Adnan Xholi, Director of Investigation, Prosecution and Control of other offences and Juveniles, on behalf of General Prosecutor's Office, and many other stakeholders participated in the event. It was followed by the project's First Stakeholder Committee Meeting co-chaired by PAMECA IV, the General Prosecutor's Office and Albanian State Police. PAMECA IV is a technical assistance project funded by EU,

which will support and assist Albanian law enforcement agencies, in particular the Albanian State Police and the General Prosecutor's Office. The project is organized into five activity areas: 1) Structure, Organization, Human Resources, Logistics, Budgeting of the Albanian State Police; 2) Organized Crime, Serious Crimes and Anti-corruption Investigations; 3) Human Rights and Community Policing; 4) General Patrol and Traffic Policing; and 5) Integrated Border Management (IBM).



Launching ceremony of PAMECA IV, Tirana, December 11, 2013.

Action plan on active case management in Kruja District Court

The USAID's JuST project and the OSCE Presence in Albania continued their engagement with the Kruja District Court, which is committed to changing case management practices that result in unproductive hearings, wasted time and unnecessary delay. A two-day

retreat was organized in December for all six judges and the chancellor of the court. Honorable Truman A. Morrison, a senior U.S. judge on the D.C. Superior Court facilitated the discussions. The judges focused on practical steps that can be taken to make court hearings productive and efficient. By the end of the retreat, the group had come to consensus around specific, measurable goals, along with the outlines of an action plan resulting in improvements in the delivery of justice.

Judicial Opinion Writing Workshop

On December 10 - 11, 2013, OPDAT Albania organized a Judicial Opinion Writing Workshop with 31 participants including trial and appellate judges, Supreme Court and appellate court law clerks, and students of the School of Magistrates. The Honorable Consuelo Callahan, judge of the U.S. Court of Appeals

for the Ninth Circuit and Richard Schickele, her career law clerk, delivered the workshop. Some of the topics discussed were: preparing to write, organizing and writing an opinion, language and self-editing, etc. There was also a session dedicated to ethical issues related to writing with other judges, as well as the discussion of a randomly chosen Albanian court opinion. The participants welcomed the workshop and actively participated in the discussions.

Modern public information and service area at Kavaja District Court

In November 22, 2013, the USAID Albania Mission Director, Jim Barnhart, and Chief Judge, Entela Shedula, inaugurated the new public service and information area at the Kavaja District Court, which was refurbished by the USAID's JuST project. The reconstruction has resulted in a modern facility where citizens can obtain the services and information they need from the court

in a transparent and reliable fashion, while the responsible court staff are able to do their work more easily and efficiently. Kavaja is the second court where USAID has modernized the public service and information space. The first was the Pogradeci District Court, and work is underway to begin a third project at the Kurbini District Court. In close collaboration with the Office of the Administration of Judicial Budget (ZABGJ), through this effort, JuST is striving to help detail and consolidate the overall standards for public service and information areas in Albanian courts.

Regional approach to fight organized crime and corruption

With the aim of strengthening the fight against organized crime and corruption and enhancing the cooperation among the countries of the region, 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), organized three more regional trainings and three study visits for Western Balkans prosecutors. The regional training on cross-border collection of

evidence took place in Cavtat, Croatia, the one on financial investigation, in Ljubljana, Slovenia, and the third, on Joint Investigation Teams, in Danilovgrad, Montenegro. The study tours were organized in the offices of public prosecutors in Switzerland, Germany and Italy and all focused on financial investigation. To strengthen the cooperation of project beneficiaries with their European counterparts, the project made it possible for two representatives of the Western Balkans Prosecutor’s Network, one prosecutor from Albania and one from Macedonia, to participate in the European Judicial Network (EJN) meeting in Vilnius, Lithuania and discuss additional and more efficient ways of cooperation. With regard

to the legislative framework governing the mutual legal assistance in the beneficiaries, the project has started a legislative assessment of all the respective legal frameworks. The purpose is to analyze the extent to which these laws facilitate or hinder the mutual legal assistance among the beneficiaries, and then prepare the necessary recommendations for improvement. In addition, during the last quarter of 2013, the project made progress in establishing secure channels of communication among the prosecution offices of the beneficiaries. Under this activity the project will install different communication devices in the beneficiaries that will enable them to communicate and exchange information in a secured way.

Organized Crime Workshop

On November 19 - 21, 2013, OPDAT Albania sponsored an Organized Crime (OC) Workshop that included Department of Justice International Organized Crime and Gang Section Deputy Chief Thomas Ott, RICO Trial Attorney Robert Dalton, and FBI Balkan-Eurasian Transnational Organized Crime Operations Unit Supervisory Special Agent Jennifer Turner. The workshop also included an ICITAP OC Expert, an Italian OC Prosecutor, and six Albanian OC experts. The recipients of the training included approximately 25 prosecutors, judicial police officers, judges, and Albanian State Police OC investigators that work in the Serious Crimes Prosecution Office and Serious Crimes Court. The agenda included the history of the organized crime in the U.S. and Albania; an overview of the current situation of the Albanian organized crime in Albania, Europe, and the U.S.; an overview of Albanian and U.S. Organized Crime statutes; law enforcement tools to combat transnational organized crime (use of proffers, pleas and cooperation agreements); and a presentation on asset forfeiture statutes and implementation. This workshop was the launching pad for more specific future trainings in 2014 on the use of cooperators, financial investigations, money laundering, cybercrime investigations, and asset forfeiture.

Anti-corruption public awareness campaign

With support from OPDAT, the Albanian Prosecutor General’s Office launched an anti-corruption public awareness campaign. The campaign is designed to increase public awareness of the ill effects of corruption, increase cultural resistance to bribery, and encourage the reporting of corruption crimes. The campaign began on International Anti-Corruption Day -

Alternative Dispute Resolution Network regional meeting

The Deutsche Gesellschaft für Internationale Zusammenarbeit GmbH, GIZ, in the framework of the Open Regional Fund for South East Europe - Legal Reform (ORF-LR), gathered the heads of centers for Alternative Dispute Resolution (ADR) from Western Balkans in a regional roundtable on November 15, 2013, in Budva, Montenegro, in order to present the new subproject “Gender Oriented Implementation of ADR Instruments in the Western Balkan”.



GIZ ORF-LR regional roundtable on the ADR project, Budva, Montenegro, November 15, 2013.

These centers included the Arbitration Court of the Foreign Trade Chamber of Bosnia and Herzegovina, the Permanent Arbitration Court of the Croatian Chamber of Commerce, the Mediation Center of the Croatian Chamber of Commerce, Kosovo’s Permanent Tribunal of Arbitration, the Permanent Court of Arbitration of the Economic Chamber of Macedonia, the Foreign Trade Arbitration and Permanent Elected Court of the Chamber of Economy of Montenegro, and the Foreign Trade Court of Arbitration at the Chamber of Commerce and Industry of Serbia. International partners like DIS (Deutsche Institution für Schiedsgerichtsbarkeit) and UNCITRAL Secretariat also attended this meeting. During the roundtable, the centers exchanged information about the latest developments in the area of arbitration in their countries, relevant arbitration rules of the centers, statistics on cases, and data on arbitrators and staff of centers disaggregated by gender, which is the main focus of the project. The meeting decided that relevant organizations from different countries can join the existing network which at present has nine members, including the Albanian Commercial Mediation and Arbitration Center (MEDART).

December 9, with anti-corruption presentations by prosecutors at 12 public high schools in Shkodër, Durrës, Fier, Korça and Gjirokastër. Students were invited to participate in an anti-corruption poster contest. Winning posters will be displayed at the National Art Gallery in late March 2014, as well as on U.S. Embassy web and social media sites, and will be used as the basis for print advertising. Plans are for the poster campaign to be followed by the creation of anti-corruption videos to be used as televised public service announcements and a large campaign event in Tirana. OPDAT has also sponsored 10,000 rubber wrist bracelets displaying the campaign’s slogan “I Oppose Corruption – Kundërshtoj Korrupsionin” for

distribution to school students and others. Public High Schools in Korça have already received and distributed the rubber wrist bracelets. A logo with the same slogan is being used by prosecutors for the campaign. The Ministry of Education, the Regional School Directorates and public high schools in the seven cities containing Anti-corruption Joint Investigative Units provided approval and logistical support for the campaign.



Anti-corruption campaign logo.

Training of probation officers on the treatment of juvenile offenders

Between November 20 and 22, 2013, the OSCE Presence in Albania organized training for 20 probation officers. The training focused on improving probation officers' skills in working with juvenile offenders to increase their chances of social reintegration. Probation practitioners studied effective practices for community-based treatment, learning how to develop treatment programs based on assessments of risks and needs. The training was organized as part of the Presence's project to develop effective

probation practices in Albania. Over the years, the Probation Service has been successful in reducing both the cost and the negative effects of imprisonment, with an increasing proportion of juvenile offenders under probation.



Probation officers after completing training on the treatment of juvenile offenders, November 22, 2013.

Forum on domestic violence

On December 2, the OSCE Presence in Albania organized the first of a series of forums for university and high school students to raise their awareness on the issue of domestic violence and available legal protection. This first forum, co-organized with the Ministry of Social Welfare and Youth and that of Education and Sports, was held with University of Tirana social science students. These forums aim to change the mentality and behavior of youth in relation to domestic violence, which is still widespread in Albania, and also to enhance knowledge of legal redress mechanisms to prevent and end such violence.

Legal Clinic at the University of Tirana Law Faculty

The USAID's JuST project completed the work to create a students' laboratory and clients' reception area for the Legal Clinic at the University of Tirana Law Faculty (UTLF).

A mock courtroom was also refurbished. Following the adoption of rules and regulations for the operation of the Clinic, JuST assisted in preparing the necessary administrative paperwork to be used in live-client assistance delivery. In addition, the project produced informative materials about the Clinic targeting

both potential clients who can receive free legal aid and students. The goal of clinical legal education program at UTLF is to assist students in developing critical legal thinking and practice skills, and engage them directly, under proper supervision, in providing legal services to disadvantaged clients.

UPCOMING EVENTS: JANUARY – MARCH 2014

- National workshop on the investigation and prosecution of human trafficking offenses, Sheraton Hotel, Tirana, OSCE Presence in Albania and the Ministry of Internal Affairs, January 23, 2014
- Joint Investigative Units roundtable and site visits, OPDAT Albania, January 2014
- Roundtable with defense lawyers on probation related issues, OSCE Presence in Albania, January 2014
- Publication of the 9th issue of the Bar Journal "Avokatia", National Chamber of Advocates, supported by USAID JuST, January 2014
- Organized crime workshop "Proffers, Cooperation Agreements, and Using Cooperators", OPDAT Albania, February 11 - 12, 2014
- National anti-trafficking workshop, OPDAT Albania, February 24 - 25, 2014
- Regional Court Leadership Conference on DAR usage with the five Vlora appellate district courts, USAID JuST, February 27, 2014
- Regional Balkan anti-trafficking workshop, OPDAT Albania, February 27 - 28, 2014
- Video reporting training for members of the Association of Journalists for Justice (SHGD), USAID JuST, February 2014
- Completion of the 2nd year Continuing Legal Education classes for lawyers and assistant lawyers in Vlora and Durrës, organized by USAID JuST in cooperation with the National Chamber of Advocates and the two regional chambers, February 2014
- Expansion of digital audio recording technology (DAR) to Gjirokastra and Përmeti district courts, USAID JuST, February - March 2014
- Judicial ethics roundtable - Supreme Court, OPDAT Albania, March 10, 2014
- Judicial ethics training - Appellate Courts, First Instance Courts, OPDAT Albania, March 12, March 14, 2014
- Organized crime workshop "Financial Investigations and Asset Forfeiture", OPDAT Albania, March 26 - 27, 2014
- Concluding project activities, EU IPA 2010 project "Fight against organized crime and corruption: Strengthening the Prosecutors' Network", January - March 2014



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