

# Connections

Albanian Justice Sector Donor Quarterly Newsletter

JANUARY – MARCH 2014

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### UPCOMING EVENTS: APRIL – JUNE 2014

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Dear readers,

In the last two years, the University of Tirana Law Faculty (UTLF) has significantly changed its image. Standards of the legal education curricula and plans as well as the physical infrastructure have increased considerably in number and quality. In the EU countries and the U.S.A., the partnership of law faculties with key national and international stakeholders is a tradition that yields fruitful results in the field of legal studies and the improvement of legislation. The inclusion of the Faculty in the focus of these partners' interests is a guarantee in the development of the legal education sector as the incubator for the justice system in the country.

Effective cooperation initiatives with various partners represent the major innovation of this period. In this context, it is worth mentioning the partnership with the Embassy of the United States of America, Embassy of France, OSCE Presence in Albania, GIZ, the Konrad Adenauer Foundation, the National Chamber of Advocates, the American Chamber of Commerce in Albania, and the National Chamber of Notaries, which aim at enhancing the quality of legal education in Albania. One of the most ambitious and successful projects is the one designed to introduce the required standards of clinical legal education in the Law Faculty, a dimension that has been lacking until now. Conceived and finalized with USAID support, this project seeks to emphasize the commitment to the orientation of law students' education toward practical professional training. The Law Clinic, already operational at the Faculty, has started to give its first results. In addition, worthy of note is the establishment of the interdisciplinary Master's program "Administration of Social Institutions in the Justice System" initiated and supported by the OSCE Presence in Albania.

Our efforts aim at formulating a vision that embodies the priorities of our actions as a higher education institution to strengthen the legal education. This is another step forward toward the accomplishment of the common goal of further improving the overall standards based on the positive energy of all the actors in the field of higher education.

Deepened cooperation with the national and international institutions will enable the UTLF to continue being the leading institution of higher legal education in Albania. Our motto has been and remains: "To be a leader and provide the very best in contemporary legal education".

Sincerely,

**Prof. Dr. Altin Shegani**  
Dean of the UTLF

## JANUARY – MARCH 2014 ACTIVITIES

### UT law students Internship Program at the State Advocate's Office

In March, the State Advocate's Office, in collaboration with the University of Tirana Law Faculty and the support of USAID and the Ministry of Social Welfare and Youth, launched the first Professional Internship Program for University of Tirana graduate law students in the last year of the Professional and Scientific Master's Programs. Following the application and selection processes, 21 participating students have begun this six-month formative experience offering them opportunities for practical legal work to bridge the gap between theory and practice in Albanian legal education and better prepare them as future young legal professionals.

### SEELS Network and the EU law application

One of the projects of the South East European Law School Network (SEELS), supported by GIZ ORF-LR, is the "European Union Law Application by the National Courts of the SEE countries". This project offers a theoretical model for instructing the SEE courts' capacity on how to apply EU law in the pre-accession period (largely applicable for the post-EU accession period as well). According to this model, the project will also develop a theoretical and practical framework for monitoring the capacity of the SEE aspirant countries' courts for applying EU law during the pre-accession stages. As such, it will contribute to the setup of regular periodical monitoring on such national courts' capacity and practice by relevant institutions of

particular countries and the SEE region. The project has already launched an initial study of the existing SEE courts' practice on a country-specific and a comparative regional basis. The initial findings by the assigned experts from the Law Faculties, members of SEELS, were presented and discussed in a Regional Conference hosted by the Faculty of Law in Belgrade, on March 25 and 26, 2014. The results of the study and its outputs will be published in a special SEELS publication.



*From SEELS Regional Conference, Belgrade, Serbia, March 25 - 26, 2014.*

### “For Justice Without Delays”

Thanks to the cooperation between the USAID’s JuST project and the OSCE Presence in Albania and with the support of the Ministry of Justice and the High Council of Justice, Kruja District Court began in February 2014 to implement active case management practices for avoiding unproductive hearings, wasted time and unnecessary delays. The pilot project entitled: “For Justice Without Delays” was presented to local stakeholders in Kruja on January 27. It includes specific targets, such as reducing the number of court sessions from an average of 14 to 4 in complex civil cases, and almost 9 to 3 for criminal cases. Practices already implemented in the Kruja District Court focus on improving the practice of evidence submission, the conduct of preliminary sessions, and contact with the parties. Based on the positive results, plans are under way to expand the project to a second district court, that of Korça.

### Joint CoE-EU project has commenced

“Increasing Efficiency of the Albanian Justice System, in line with European Standards” is a new 24-month project by the Council of Europe and the European Union, which formally started in January 2014. The project, mainly funded by the EU, focuses on supporting and assisting judicial authorities in developing an efficient court system, in line with the Justice Reform Strategy of Albania and European standards. This will be pursued through the application of the tools and methodology developed by the European Commission for the Efficiency of Justice (CEPEJ) and capacity-building of key players in the field of the judiciary and court staff. The project aims at enhancing the efficiency and effectiveness of courts and court proceedings as well as improving the status, organization and professionalism of court staff, and the quality of the public service of justice and courts. Among others, project activities

include: - An in-depth assessment of the Albanian judicial system; - Extending the CEPEJ Court Coaching Program on the SATURN Guidelines on judicial time management to all Albanian courts; - Improving the collection and analysis of judicial statistics for policy-making purposes; - Strengthening the capacity of the High Council of Justice and Judicial Inspectorate; - Analysis of court organization and court administrators’ capacity; - Review of the training modules for judges and court staff; - Capacity-building for the School of Magistrates; - Study visits of the Constitutional Court staff to the European Court of Human Rights; - Court satisfaction surveys carried out in 10 selected Albanian courts, and court plans developed accordingly; - Improving the accessibility of the public to court decisions; - Improving the relationship between the courts and the media.

*“Increasing Efficiency of the Albanian Justice System, in line with European Standards”*  
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### A new milestone in the expansion of digital audio recording in Albanian courts

With USAID support, by the end of March 2014, 25 courts, including every court in the five appellate districts of Korça, Durrësi, Tirana, Vlora and Gjirokastra, as well as the ones for serious crimes, had the digital audio recording (DAR) technology installed in all their courtrooms. DAR usage in the courts is regularly tracked by date, case, location and judge thanks to the PAKS+ application developed with the assistance of the USAID’s JuST project, which is available to all these courts. These automated reports are periodically submitted to the Ministry of Justice in line with the requirement in the Minister’s DAR-related instruction. To discuss about the experience of DAR usage in the Vlora appellate district, the JuST project organized on February 27, the fourth Regional Court Leadership Conference with the participation of over 100 court personnel from the Vlora, Fieri, Berati and Lushnja district courts and Vlora Appellate Court.

### IPA 2010 project comes to a close

During the first quarter of 2014, the project “Fight against organized crime and corruption: Strengthening the Prosecutors’ Network” funded by EU IPA2010 and implemented by GIZ and CILC focused in finalizing several activities. Thus, the project prepared and published a Manual on Joint Investigation Teams applicable to the countries of the Western Balkans and conducted an assessment of the respective mutual legal assistance legislation of the countries of the region. It organized another national training on cross border international legal assistance in collaboration with the School of Magistrates, based on the curricula of the previous trainings. Around 20 prosecutors attended the seminar that was delivered by three local experts. In addition, the project provided legal

English courses to more than 30 prosecutors from the General Prosecution Office (GPO) and the Tirana District Prosecution Office. 14 prosecutors and specialized police officers combating organized crime in all the project beneficiary countries participated in the study visit to law enforcement institutions fighting corruption and organized crime in Austria and the Czech Republic. Similarly, another study visit to Romania focused on the issues of organized crime and high-level corruption. The project also organized a meeting of 25 prosecutors of the bordering regions of Albania and Macedonia with a view to strengthen the mutual cooperation by discussing jointly, based on the daily practice, the experience and challenges which prosecutors face. The idea was strongly supported by the respective departments of jurisdictional relations with abroad in the GPOs in the two countries. The project concludes in April 2014.

### Civil society outreach on digital audio recording of court sessions

Under the slogan: “Digital Audio Recording: All that is said in a courtroom is now recorded”, the Albanian Legal and Territorial Research Institute (A.L.T.R.I) has undertaken a six-

month fourteen-district awareness and advocacy campaign on DAR in Albanian courts, supported by a grant from the USAID’s JuST project. Among others, it comprises local and national media TV and radio DAR ad broadcast and a variety of public activities, such as open courts days that include a mock trial by law students. CDs with the label “Get your copy” accompanied by informative materials on DAR are being distributed to members of the public, while, online, in the social media, exchanges have begun under the hashtag: #RegjistrimiAudioNeGjykata. The campaign includes also the monitoring of the usage of the new DAR technology in 15 courts, as well as

advocating with decision makers for common standards in its operation.



A.L.T.R.I Center DAR outreach under a grant from USAID JuST, March 2014.

## Continued support to the Serious Crimes Prosecution Office

OPDAT-Albania continued its assistance program to the Serious Crimes Prosecution Office (SCPO) with several training and mentoring programs. On February 12, Resident Legal Advisor Vaccaro hosted a workshop on “Proffers, Cooperation Agreements, and Use of Cooperators” that was attended by prosecutors and judicial police officers. Its purpose was to discuss the need for working with cooperators, as an essential tool in building successful organized crime cases. Through presentations on the U.S. system and case studies, RLA Vaccaro drew their attention on the benefits of using cooperators, and on techniques for handling them before and during trial. On March 26 - 27, OPDAT followed with a

Cybercrime Workshop for SCPO prosecutors and judicial police officers, organized in partnership with the FBI Legal Attaché Office in Sofia. The presentations included an introduction to cyber investigations, open source research, social networking, and hacktivism, as well as a case study. It was apparent in this workshop that SCPO members need more exposure to information in these areas and current technological capacities. On March 11 - 13, OPDAT-Albania sponsored a National Workshop on Human Trafficking for approximately 25 participants from SCPO (prosecutors and judicial police officers), the Albanian State Police investigators, and anti-trafficking specialists from the Office of the National Coordinator for the Fight against Trafficking in Person. Two U.S. experts, Ms. Jessica Ginsburg from the Department of Justice and Ms. Katerina Kane from Homeland

Security, provided the Albanian participants with a thorough description of the legal principles of human trafficking, as well as case examples and current trends in the USA, investigative techniques and challenges in human trafficking cases, victim issues, international law enforcement strategies and cooperation including Mutual Legal Assistance and Extradition Treaties between the two countries. During March, OPDAT also coordinated the visit of a prosecutor from the National Security Division of the U.S. Department of Justice to mentor and provide assistance to SCPO in building successful terrorism cases, and review the proposed amendments to the Criminal Code to criminalize receiving terrorist training or travelling to another country to participate in terrorist activities. As a result, OPDAT was able to provide specialized comments to the Parliamentary Law Commission on these amendments.

## First International Conference on “Preventing Environmental Crime in Albania”



Environmental crimes due to their complexity and multidimensional nature are often difficult to be detected, investigated and properly prosecuted, transforming the fight against them in a big challenge for every law enforcement agency. The situation on environmental crime was the subject of the first International Conference on “Preventing Environmental Crime in Albania”, held on March 18, 2014. This Conference was organized

within the framework of the projects “Consolidation of the Law Enforcement Capacities in Albania” (PAMECA IV) and “Technical Assistance for Strengthening the Capacity of the Ministry of Environment in Albania for Law Drafting and Enforcement of National Environmental Legislation” (SELEA). High ranking officials from the Ministry of Justice, Ministry of Environment and General Prosecutor’s Office participated in this event. Given the sensitivity of issues related to the environment, the Conference aimed to bring together representatives of law enforcement agencies such as judges, prosecutors, judicial police officers, environmental inspectors and distinguished national and international experts, to discuss on the need to improve the Criminal Code of Albania to bring it closer to the standards of the EU Directive 2008/99 “On the protection of the environment through criminal law”. This Conference served also as a platform to present EU experiences in the fight against environmental crime.

## Third Mutual Legal Assistance and Extradition Training

On March 31 and April 1, OPDAT-Albania coordinated with the U.S. Department of Justice Office of International Affairs to host the third Mutual Legal Assistance and Extradition Training for Albanian specialists from the General Prosecutor’s Office, Ministry of Justice, and Ministry of Foreign Affairs. Prosecutors and judicial police officers from the Serious Crimes Prosecution Office and prosecutors from several regional prosecution offices also participated. The program included presentations on using non-judicial cooperation channels to obtain assistance from the U.S., obtaining mutual legal assistance, requirements for obtaining electronic evidence, system for extraditing fugitives, preparing a successful extradition request, and guidance on writing effective extraditions and mutual legal assistance requests. There was also a workshop with hypotheticals on extradition and mutual legal assistance cases.

## Enhancing ADR awareness towards legal and business communities

Considering the importance of providing the appropriate and interested audience with the relevant information, GIZ organized a variety of informative events through the Open Regional Fund for South East Europe - Legal Reform (ORF - LR) within the framework of the subproject “Gender oriented Implementation of Alternative Dispute Resolution (ADR) instruments in Western Balkans”. They included training workshops with magistrates at the Magistrates’ School, lectures

with law students, roundtables with lawyers and business community members in Albania. These events took place during the first week of February 2014 and included key contributions by the invited experienced international experts, Dr. Judith Knieper from the UNCITRAL Secretariat, and Mr. Ilija Mitrev Penusliski from the international law office Sheaman & Sterling. The latter presented international arbitration in general, its advantages and cycle, and the New York Convention, for which a recently created website provides an opportunity for member countries to submit their cases. The number and active involvement of participants in these events served as proof of the high interest on arbitration

procedures among business representatives and lawyers. Considering the success of this roadshow, GIZ is planning to implement such activities in other Western Balkans’ countries.



ADR roadshow event, GIZ ORF-LR, February 2014.

## South East Europe Law Journal

In January 2014, as part of its activities, the South East European Law School Network (SEELS) published the SEE Law Journal. This is the first regional law journal in English language in South East Europe. It offers a discursive space to legal researchers and practitioners for scholarly exchange on the issues of legal reform and harmonization at the domestic level in direct relation with questions regarding regional cooperation as well as European integration. The call for papers for the second edition of the SEE Law Journal is already published on the SEELS website: [www.seelawschool.org](http://www.seelawschool.org).

## 2<sup>nd</sup> year of CLE courses is completed

February 2014 marked the successful completion of the 2<sup>nd</sup> year of the pilot Continuing Legal Education (CLE) program for lawyers and assistant lawyers organized by the USAID's JuST project in partnership with the National Chamber of Advocates (NCA) and the regional chambers of Vloora and Durrës. This year saw also the expansion of the program in a third regional chamber, that of Fieri. The number of year 1 and 2 CLE participants has exceeded 550. Discussions are now underway with the NCA and the newly-created National School for Advocates to plan for the future CLE courses in Albania.

## Ongoing Anti-Corruption Campaign

OPDAT continued to roll out its anti-corruption public awareness campaign, in partnership with the Prosecutor General's Office and the U.S. Embassy's Public Affairs Office. Joint Investigative Unit prosecutors continued to make presentations on corruption issues in public high schools. Posters submitted by high school students as part of an anti-corruption poster contest were put on display at the National History Museum in March. As part of this campaign, an anti-corruption ad was produced and shown on six different television stations. It is also on social media sites.

## UPCOMING EVENTS: APRIL – JUNE 2014

- Arbitration Conference, Pre-moot and Roundtable on Code of Ethics, GIZ ORF-LR, Belgrade, Serbia, April 4 - 6, 2014
- Judicial Ethics Trainings (4 workshops), OPDAT-Albania, April 7 - 11, 2014
- High Level Meeting on the Kruja District Court Project "For Justice Without Delays", organized with the support of the USAID JuST and the OSCE Presence in Albania, Ministry of Justice, April 9, 2014
- SEELS Post-doc Colloquium in Public Law, GIZ ORF-LR, Tirana, Albania, April 10 - 11, 2014
- Announcement of the winners of the high school students anti-corruption poster contest, a media event part of the anti-corruption public awareness campaign, OPDAT-Albania, April 17, 2014
- Joint Investigative Units' quarterly roundtable, OPDAT-Albania, April 30, 2014
- Publication of the 10<sup>th</sup> issue of the Bar Journal "Avokatia", National Chamber of Advocates, supported by USAID JuST, April 2014
- Justice Day Pedonale awareness event on digital audio recording in Albanian courts, A.L.T.R.I Center supported by USAID JuST, Tirana, May 10, 2014
- School of Magistrates trip to the Bulgarian National Institute of Justice, OPDAT-Albania, May 12 - 16, 2014
- Serious Crimes Prosecution Office study tour, OPDAT-Albania, Sicily, Italy, May 19 - 23, 2014
- SEELS Regional Conference "Promotion of Scientific Research and Education on European Integration and Policy", GIZ ORF-LR, Rijeka, Croatia, May 27 - 28, 2014
- Publication of a practical manual on civil procedure for newly practicing lawyers to be distributed and promoted in law faculties and Chambers of Advocates, and accompanied by professional training sessions, OSCE Presence in Albania, May 2014
- Completion of work for a new public service and information area at the Kurbini District Court, USAID JuST, May 2014
- Start of the new EURALIUS project, May 2014
- 11<sup>th</sup> Regional Conference "Private International Law in the Jurisprudence of European Courts - Family at focus", GIZ ORF-LR, Osijek, Croatia, June 11 - 12, 2014
- Regional Balkan Human Trafficking Conference, OPDAT-Albania, June 17 - 19, 2014
- SEELS Regional Conference "EU Administrative Law and its impact on the process of public administration reform and integration into the European administrative space of SEE countries", GIZ ORF-LR, Zagreb, Croatia, June 17 - 20, 2014



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INCREASING EFFICIENCY OF THE ALBANIAN JUSTICE SYSTEM, IN LINE WITH EUROPEAN STANDARDS

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