

Connections

Albanian Justice Sector Donor Quarterly Newsletter

JULY – SEPTEMBER 2014

ISSUE 15

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Dear readers,

The State Advocate’s Office, established by special law since 15 years, is the institution exclusively tasked with providing legal assistance to state institutions and public entities. The assistance includes legal counseling and representation services at the national and international level. In the field of human rights, the State Advocate’s Office plays an active role in proposing solutions to what are deemed as violations in the decisions of the European Court of Human Rights. It primarily assists the Ministry of Justice, but also other institutions, serving as a bridge between the Committee of Ministers of the Council of Europe and the Albanian government, with the observance of these rights in the Republic of Albania as the final objective.

With regard to defense in court cases, the State Advocate’s Office aims in the first place to reduce the number of trials by strengthening its counseling role to public institutions. A stronger presence of the Office in the preliminary procedures and a better legal counseling service to the institutions provide for a better understanding of rights and obligations, and diminish conflicts. Additionally, priorities of the State Advocate’s Office include the organization of competitive admission procedures, drafting of the code of ethics, and the establishment of an evaluation system for the state advocates, with the goal of building a career system based on objective grounds and ultimately enhancing the institution’s capacities.

The State Advocate’s Office strives to contribute also in the education of the new generations of lawyers, who would be capable to serve effectively in such a specific field, as is the safeguard of state’s proprietary interests. To this end, it organized this year, for the first time, an Internship Program for Law Students with the participation of students from the Tirana University. We hope that the success of this program inspires others as well, making the cooperation between higher education institutions and public administration a tradition.

Sincerely,

Alma Hicka
General State Advocate

JULY – SEPTEMBER 2014 ACTIVITIES

EURALIUS IV starts

In continuation of the three forerunning projects, EURALIUS IV began on September 1, 2014 and will have a duration of 40 months. The overall objective of the project is to strengthen the independence, transparency, efficiency, accountability and public trust in the Albanian justice system in line with the EU *acquis* and best practices. It will focus on the following five fields of activities: 1) Reform of the judicial system and the Ministry of Justice; 2) High Council of Justice and Supreme Court; 3) Criminal Justice and Prosecution Office; 4) Judicial Administration, and 5) Legal Professions. EURALIUS IV is implemented by a consortium composed of IRZ (Deutsche

Stiftung für international rechtliche Zusammenarbeit e.V.) - mandated body of the German Federal Ministry of Justice (lead), the Center for International Legal Cooperation (CILC, partner) from the Netherlands, and the Agency for Economic Cooperation and Development (AED, partner) from Austria. Project Team Leader is Dr. Rainer Deville.

Internship opportunity for UT law students

September marked the successful completion of the first Professional Internship Program at the State Advocate’s Office for University of Tirana graduate law students in the last year of the

Professional and Scientific Master Programs. The first group was composed of 18 students who were able to take advantage of opportunities for practical skills building, professional development and orientation into the labor market while they prepare to enter the work force as new legal professionals. The six-month internship program was organized with the support of the Ministry of Social Welfare and Youth, and USAID. Through the JuST project, USAID is supporting the University of Tirana Law Faculty (UTLF) to increase opportunities for practical education for its students. It has assisted in establishing the UTLF clinical legal education program and Legal Clinic, and is providing trial advocacy and ethics training, which include mock trials.

“For justice without delays” underway in two Albanian courts

The launching event of the project “For justice without delays” in the Korça District Court to support judges in actively managing trials in order to avoid unnecessary delays, took place on September 10, 2014. The President of the Republic, Bujar Nishani, Minister of Justice, Nasip Naço,

the Supreme Court Chief Justice, Xhezair Zaganjori, U.S. Ambassador in Tirana, Alexander Arvizu, and the Head of the OSCE Presence in Albania, Florian Raunig, all addressed a large audience of judges, prosecutors, lawyers and representatives of state institutions, which are key project stakeholders. During the event, a role-play demonstrated the difference that active case management techniques can make. Kruja and Korça district courts have fully

embraced the project “For justice without delays” and are achieving important gains in trial efficiency. The project developed by the Presence in cooperation with USAID JuST and supported by the High Council of Justice and the Ministry of Justice, follows the implementation of the practical recommendations of the Presence’s 2012 trial monitoring report “Towards Justice”, which found that 47.7% of all observed civil hearings were completely unproductive.

Digital audio recording training for judicial inspectors

On July 7, 8, 10, and 16, the USAID’s JuST project organized training sessions on the court digital audio recording (DAR) system and the monitoring of its usage for 20 judicial inspectors in the High Council of Justice and Ministry of Justice inspectorates. The training served to provide the inspectors with an in-depth knowledge about the functioning of the system, as well as utilizing the information management tool, known as PAKS +, which automatically produces reports on DAR usage based on case number, judge or date.

Judicial Ethics Inspection Workshop

From July 9 - 11, 2014, OPDAT-Albania, in partnership with the French Embassy, hosted a Judicial Ethics Inspection Workshop for High Council of Justice and Ministry of Justice inspectors. This activity was part of a series of judicial ethics events that included a symposium, a Judicial Opinion Writing Workshop, and three separate training events for Supreme Court, appellate court, and trial court judges. The main instructors at the July workshop were U.S. Appellate Court Justice, Eugene Siler, OPDAT-Algeria Resident Legal Advisor, Cynthia Eldridge, and retired French career judge and

inspector, Sylvie Guebel. The topics covered included, among others, the standards of judicial conduct in the U.S., France, and Albania; discipline mechanisms for judicial misconduct; receiving and investigating complaints; working with other agencies and law enforcement; and writing good reports.



From the Judicial Ethics Inspection Workshop, Tirana, July 9, 2014.



The Gjirokastra Regional Court Leadership Conference on the usage of digital audio recording took place on July 25, 2014, with the participation of all judges, chancellors, session secretaries, and IT specialists from the Gjirokastra, Saranda and Përmeti district courts and the Gjirokastra Appellate Court. These courts make up the fifth appellate judicial district where the DAR system, installed with support from USAID JuST, is now functioning in every courtroom.

Study visit to Strasbourg

The study visit to Strasbourg for members of the Constitutional Court and Supreme Court of Albania, organized by the EU / CoE Support to Efficiency of Justice project (SEJ), took place on July 7 - 9, 2014. The aim of the visit was to gain

a better understanding of the functioning of the Council of Europe, the work done by CEPEJ, and the SATURN methodology and tools. Its purpose was also to further increase the knowledge of the European Convention on Human Rights and the standards derived from it.

EU Administrative Law and SEE countries

The EU administrative law is not as explored as other legal fields, especially in the South East European (SEE) countries. To address this, members of the SEE Law School Network (SEELS), supported by GIZ ORF-LR, designed and

are implementing a regional academic project entitled “EU Administrative Law and its impact on the process of public administration reform and integration of SEE countries into the European administrative space”. The main objective of the project is to increase research and expertise in the area of administrative law in SEE countries. The protagonists of this exploration are SEELS members themselves, by engaging their academic staff, prominent scholars and other practitioners. These actors had an important role in analyzing and conducting an interdisciplinary study of the practice and theory of the EU administrative law, its implementation in national contexts, and facilitating international networking and cooperation of SEELS with the line European networks and institutions for

education, research, training and publishing in the field. The outcomes from the regional research and a comparative overview of the recommendations were presented at the SEELS regional project conference hosted by the Faculty of Law in Zagreb, on September 4 - 5, 2014. The Conference gathered thirty-five participants from law faculties - members of SEELS (professors and assistant professors), administrative courts, as well as ministries and agencies of public administration from SEE. South Caucasus region participants from ministries of justice and appellate courts also had opportunities to share their experience in the field, and learn from SEE best practices. A publication with collection of papers in English language will follow this event.

Vademecum for Albanian lawyers

On July 1, the OSCE Presence in Albania, in cooperation with the Albanian National Chamber of Advocates, launched the Vademecum for Lawyers, a legal manual that will help advocates improve their performance in civil court proceedings. The launch was attended

by attorneys, representatives of state institutions and international partners. The manual was produced in the context of the project “Enhancing the professional skills of young Albanian lawyers”, which is implemented by the Presence and funded by the Government of the Kingdom of Norway. Drafted by experts in civil proceedings, the Vademecum will serve as a reference tool in the daily work of

lawyers, in particular those who are new to the profession. A second promotional event for the Vademecum was held on July 7, at the University of Tirana Law Faculty, with the participation of students of the National School of Advocates. The publication was also launched with the local Chambers of Advocates in Vlora, Korça and Shkodra, and a series of further promotional events is planned.

Joint Investigative Unit activities

On July 14, 2014, OPDAT-Albania hosted the Quarterly Joint Investigative Unit (JIU) Roundtable for the eight JIU Heads, attorneys from the General Prosecutor’s Office, and the Liaisons from eight law enforcement agencies. Discussions on the JIUs’ success cases and legal and institutional problems were held. OPDAT informed about the anti-corruption

public awareness campaign and the training activities for JIUs planned for the future. Mr. Eugen Beci, the Head of the Serious Crimes Prosecution Office and Mr. Francesco Ciardi, Long Term Expert on Organized Crime/Prosecution of the EU PAMECA IV project, also participated in this activity. The PAMECA IV representatives discussed efforts to streamline the process for obtaining telephone subscriber information and recommendations regarding asset forfeiture investigations.

Anti - Corruption efforts

During July 2014, OPDAT Anti-Corruption Resident Legal Advisor (AC-RLA), traveled to Durrës, Fier, and Shkodër and met with the entire staff of the JIUs for mentoring. He also met with the chief judges of Durrësi, Fieri and Shkodra district courts to discuss the JIU’s performance and proposed legislation regarding judicial evaluation and discipline. OPDAT AC-RLA met also with the directors of the Albanian State Police in these towns to discuss obstacles to JIUs investigations. Discussions centered on the use of informants and ways to reward cooperators, as well as personnel issues.

Support to improve detention conditions in Police Commissariats

In the framework of Component 3 “Human Rights and Community Policing”, specifically the Activity 3.2 “Support to improve detention conditions in Police Commissariats, in line with international and EU standards”, the PAMECA IV project is supporting the European Institute of Tirana (EIT) - an Albanian NGO active in the area of human rights - in preparing and delivering training to Albanian State Police (ASP) relevant personnel on the rights of persons accompanied, detained or arrested by police. Ten training sessions are scheduled to take place in eight regional police directorates (RPD) from July 2014 to January 2015, according to the schedule

agreed between the ASP and the EIT. The first pilot training took place in the Police Education Center in Tirana, on July 31 - August 1, with the participation of 15 police officers from the Tirana RPD.



From the Training on Human Rights at the Police Education Center in Tirana.

The second one was held on August 5 - 6, in the Durrësi RPD, with 19 participating police officers. Another training session was organized in the Elbasani RPD in the month of September. In support of EIT,

PAMECA IV has recruited and deployed a local senior short-term expert to deliver the training together with two other experts from the organization. While the training was based on a dedicated manual prepared by EIT, the PAMECA IV expert delivered it from a comparative perspective. The Albanian legislation’s standards for the protection and fulfillment of fundamental rights of persons deprived of their liberty in police custody were presented against the background of the EU *acquis* and best practices. In addition, the expert developed and conducted practical exercises modeled on training materials of the Fundamental Rights Agency (FRA).

Offender Assessment Tool for juveniles and young adults

In July, the OSCE Presence in Albania chaired a working group on developing an Offender Assessment Tool for Juveniles and Young Adults and a user manual. The working group was composed of two international and four national experts.

The Assessment Tool provides a structured approach to all young offenders, looking at the young person’s offence and relevant factors leading to the contact with the justice system. These can range from issues with education to mental health problems. The information gathered from the Assessment Tool can be used to inform court reports so that the Probation Service can draw up appropriate intervention

programs. It also helps to measure changes in needs and risk of reoffending over time. The Presence will conduct broad consultation on the newly-developed Offender Assessment Tool for Juveniles and Young Adults. In July, the Presence organized also a four-day training seminar in Tirana regarding this tool for about 30 probation officers from all local probation offices.

Modern public service area in Kurbini District Court

Citizens that require services and information from the Kurbini District Court are now served in a modern Public Service and Information Area, built and furnished by the USAID's JuST project. The facility embodies contemporary standards in terms of public service delivery, which is efficient, accountable and ensures that citizens can receive

services and information from the court in a consistent, transparent and satisfactory manner. Kurbini is the third court where the public service and information space has been modernized with JuST project support. The two previous ones were the Pogradeci and Kavaja district courts. As a capstone contribution, based also on the interventions that have taken place, the project aims to assist the Office of the Administration of the Judicial Budget (ZABGJ) in compiling a design manual

for court public service and information facilities in Albania.



USAID/Albania Director, Marcus Johnson, during the inauguration ceremony in the Kurbini District Court, Laç, September 29, 2014.

PLANNED EVENTS FOR OCTOBER – DECEMBER 2014

- Regional Study Tour on Alternative Dispute Resolution to Berlin, Germany, GIZ ORF-LR, September 29 - October 3, 2014
- Assessment mission of an international expert on matters related to the efficiency and quality of judges' evaluation in Albania, EU / CoE SEJ project, October 1 - 3, 2014
- One-day training for administrative court observers as part of a project funded by the German Government, OSCE Presence in Albania, October 6, 2014
- Meeting of the National Coordination Committee for conducting court user satisfaction surveys, Tirana, Albania, EU / CoE SEJ project, October 13, 2014
- Training on Surveillance Techniques for the Special Operational Force of Albanian State Police, PAMECA IV, October 13 - 17, 2014
- Briefing session with the Inspectorates of the High Council of Justice and Ministry of Justice on active case management, OSCE Presence in Albania and USAID JuST, October 14, 2014
- Roundtable with defense lawyers on probation related issues, Vlora and Shkodra, OSCE Presence in Albania, October 13 and November 4, 2014
- Certificates ceremony for the successful completion of the first Internship Program for Tirana University Law Students at the State Advocate's Office, with support from USAID JuST, October 17, 2014
- Two daylong initial training sessions for lawyers and state advocates on administrative justice in Albania, OSCE Presence in Albania, October 27 and 31, 2014
- Workshop on Investigation and Prosecution of Corruption with the participation of representatives from the General Prosecutor's office, High Council of Justice, and Albanian State Police, PAMECA IV, October 30, 2014
- Assessment mission of an international expert with the view to reviewing the training curricula of the Magistrates' School, Tirana, EU / CoE SEJ project, October 30 - 31, 2014
- Announcement of successful grantees under the Anticorruption Initiatives Request for Proposals, USAID JuST, October 2014
- Publication of "Avokatia" No.12, the Bar Journal of the National Chamber of Advocates launched with support by USAID JuST, October 2014
- Working meeting on improving the collection and analysis of judicial statistics, Tirana, EU / CoE SEJ project, November 3 - 7, 2014
- Regional Roundtable on "Promotion of female practitioners in the field of Alternative Dispute Resolution: Best practices and experiences", Tirana, GIZ ORF-LR, November 14, 2014
- Training of Trainers for lecturers of the Magistrates' School and administrators of pilot courts on the CEPEJ quality tools, as well as Court Coaching meetings, Tirana, EU / CoE SEJ project, November 17 - 21, 2014
- Expansion of digital audio recording technology to Shkodra appellate district courts, USAID JuST, October - November 2014
- Mock trial with the National School for Advocates, coordinated by the OSCE Presence in Albania, November 2014



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Acknowledgement and Disclaimer

October 17, 2014. The newsletter articles are contributions from donor projects active in supporting justice sector reform in Albania. Their contents are the sole responsibility of the contributors and do not necessarily reflect the views of the respective donors or national governments.