

Connections

Albanian Justice Sector Donor Quarterly Newsletter

JANUARY – MARCH 2011

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UPCOMING EVENTS: APRIL – JUNE 2011



Dear readers,

I am pleased to greet the publication of this newsletter as an opportunity for us, actors in the justice sector, to build Connections. The aspiration for an efficient judiciary that is capable of responding in a timely manner to the country's economic development, has urged our international partners to offer their help in support of all those who want the courts and the justice system to turn a new page that embodies the desire for sustainable and constructive development. Connecting via this electronic newsletter compliments these wishes. All of us will be able to find here the space to engage and exchange.

The judicial system in Albania is facing problems that can be resolved only with the assistance of our international friends.

In these few lines, I would like to dwell on one issue, which could become in the future of greatest concern to courts, namely, the nearly complete lack of an electronic communication system. I am referring to a system that is able to address and resolve the issue of courtroom scheduling; to manage the lot of judicial cases; to enable communication among judges, not only within one court, but also between different courts, the exchange between courts and other justice sector institutions, etc. The existing systems are either deficient, or poorly developed; therefore, it is more than necessary to build a single centralized and user-friendly system. Such a system would also make it easier for the public to remotely connect with the court, without having to visit its premises. I am convinced that the next challenge for the Albanian courts will be technological, and I believe that this is the right time to start dealing with it, relying also on the valuable assistance from USAID.

Wishing you success in your work, I would like to reiterate the readiness of the High Council of Justice to support all the initiatives aimed at improving the Albanian justice system.

Sincerely,

Kreshnik Spahiu
Deputy Chairman of the High Council of Justice

JANUARY – MARCH 2011 ACTIVITIES

Round table discussions on the need for a comprehensive criminal procedure reform

In close partnership with EURALIUS, USAID, PAMECA, ICITAP, OSCE, as well as the Albanian Ministry of Justice, the U.S. Office of Overseas Prosecutorial Development, Assistance and Training (OPDAT) organized a series of roundtables on the need for comprehensive criminal procedure reforms in Albania. The roundtables, which took place in Shkodër (March 7), Vlora (March 9), and Tirana (March 11), were designed as forums for law practitioners to discuss the areas where changes are needed, such as: uninterrupted trials and contempt power, time limits on investigations and rules of evidence, summary trials, and immunity for public officials. The

U.S. Ambassador, the Deputy Ambassador of the EU Delegation in Tirana, the Minister of Justice, the Prosecutor General and the Deputy Chairman of the High Council of Justice all delivered remarks at the roundtable held in Tirana. They expressed agreement about the demand for reform in the area of criminal procedure and emphasized the need for changes regarding the constitutional immunity for members of Parliament, judges and other high officials. These events were part of OPDAT's implementation of one of the components of the Millennium Challenge Corporation Albania Threshold Program II (MCCA2) which calls for establishing, equipping and training six regional Joint Investigative Units to Fight Economic Crime and Corruption. Criminal Procedure Code reform is a necessity for bringing more and successful corruption cases.

Increased transparency in the appointment of judges

In its February 16, 2011 meeting, the High Council of Justice approved the draft decision "On the organization and functioning of the Candidate Judges Review Commission." The decision was drafted with support from the EU project "Consolidation of the Justice System in Albania" (EURALIUS) from a working group that included also representatives of judges' organizations, and several chief judges. In line with the recommendations of the latest European Commission progress report, and to address the needs identified during the work of the Commission, the decision strives to ensure that the process of the appointment of judges is carried out with transparency, professionalism and integrity.

Supporting effective probation practices in Albania

On January 31, 2011, in cooperation with the General Directorate of the Probation Service and in the framework of its project “Effective Probation Practices in Albania – Phase II”, the OSCE Presence in Albania



Photo: Roundtable on the development of the Master's degree in the Administration of Social Institutions in the Justice System, February 7, 2011.

organized a training session in Korça for 25 social workers of selected municipalities and communes on issues dealing with probation. The curriculum included the planning of cases, the assessment of offenders' needs and problems, programs to deal with offending behavior, inter-agency co-operation in rehabilitating offenders, working with problematic and non-problematic offenders as well as working in groups and with individual offenders to help them overcome aggressive and violent behavior.

On February 7, 2011, the Presence organized a roundtable to discuss the development of a new interdisciplinary advanced program of studies aimed at improving the standards of social services, in particular those offered by the justice system. The University of

Tirana will offer the Master's degree in the Administration of Social Institutions in the Justice System beginning with the 2011-2012 academic year. It is designed to educate and train current and future professionals and volunteers working with offenders in Albania's criminal justice system. Officials of the judiciary, representatives of ministries and other state institutions, as well as international institutions and civil society organizations participated in the roundtable discussions.

On February 17 and 18, the Presence carried out probation management training for directors and inspectors of the Albanian National Probation Service. Two experts, one from Romania and one from Albania, trained about 15 probation inspectors and directors of the eight local Probation Offices in Tiranë, Durrës, Shkodër, Elbasan, Lezhë, Fier, Korçë and Gjirokastër on management issues, including communication, negotiation techniques, leadership, and case allocation.

EU support for the Albanian Probation Services and the further development of alternative measures to detention

The European Union's one year, 1 million euro project “Support to the Albanian

Penitentiary Reform” was launched on March 25, 2011 in Tirana in a ceremony attended by the UK Minister of Justice, Lord Tom McNally, the Albanian Minister of Justice, Bujar Nishani, and the Head of the EU Delegation to Albania, Ambassador Ettore Sequi. The project is a twinning between the Albanian and UK Ministries

of Justice that aims at promoting and improving the use of alternative sentences, such as community service, for petty offenders, in order to ease overcrowding in prisons, reduce the overall management requirements of prisons and costs, as well as foster better re-integration and rehabilitation mechanisms for offenders.

Identifying challenges and formulating solutions in strengthening the Albanian legal profession

Over 100 attorneys from 11 districts of Albania: Vlora, Fieri, Berati, Tepelena, Durrësi, Tirana, Lushnja, Lezha, Kruja, Kurbini and Shkodra, came together during December 2010 – January 2011 in three roundtables in Vlora, Durrës and Lezhë, organized with the support of the USAID Albanian Justice Sector Strengthening Project (JuST) to discuss about the challenges facing the legal profession in Albania, and provide recommendations on tackling them. Made possible thanks to the collaboration with the National Chamber of Advocates (NCA) and the three regional chambers, the roundtables gave rise to lively discussions about the

internal workings of the organization both at the national and local level, professional ethics and discipline, as well as the need for continuing professional training. The self-assessment forms completed by the participants also offered important insights into issues related to management and decision-making, planning and staffing, services to members and capacity building. The roundtables resulted in a series of recommendations, which are now part of a comprehensive report (available online at: www.albania.usaid.gov/JuST), and have informed a detailed action plan to guide the joint NCA - USAID collaboration. Work is now under way on three key initiatives: establishing a Continuous Legal Education Program, publishing a National Bar Journal, and organizing an Annual Albanian Lawyers Conference.



Photo: NCA Chairman, Maksim Haxhia (on the left), receives the first copies of a Compendium of the Law on the Profession of Advocates in Albania, the NCA Statute and the Advocate Code of Ethics, produced and distributed throughout the country with USAID JuST project support, in response to a roundtable conclusion on the need to raise awareness among the advocates about these key governing acts for the profession.

Mock Trial Competitions with law students

In an effort to bring the corruption issue into the public spotlight, OPDAT, as part of its activities under the MCCA2 program, organized Mock Trial Competitions at the University of Vlora (March 15), and the University of Tirana (March 17) with undergraduate law students. Teams of two prosecutors and two defense attorneys conducted direct and cross-examination of witnesses and handled opening and closing statements. The scenario was a bribery case involving a mid-level government official over a garbage contract, and facts to suggest that a higher level official entitled to immunity under the Albanian Constitution, was also culpable. After reviewing the performance, OPDAT, Joint Investigative Unit Prosecutors, and faculty members led lively discussions about corruption with the audience. The mock trials were filmed and will hopefully be shown in other law faculties throughout Albania.

Forging ties with civil society partners and media towards more transparent, efficient and accountable justice

Working with the civil society and media in bolstering their watchdog and anti-corruption role is one of the three key areas of intervention by the five-year USAID JuST project begun in October 2010. To jumpstart the process, at the beginning of February 2011, JuST issued two calls for expression of interest for civil society organizations and media to cooperate with the project, receiving over 90 applications. The collaboration includes a need assessment process, a capacity building program, grants for civil society organizations and the establishment of an independent venue for investigative journalists in Albania. In the meantime, JuST has finished the organizational needs assessment of the Union of Albanian Judges and the Association of Albanian Judges - an important first step towards strengthening the collective voice of judges in the justice sector reform.

Albania has a new mediation law

On February 24, 2011, the Albanian Parliament enacted the law no. 10 385, "On mediation in conflict resolution", drafted in line with the EU directive 2008/52/EC. It was decreed by the President of the Republic on March 8, 2011, and published in the Official Gazette no. 25, dated March 25, 2011, with the entry in force 15 days after its publication. The law sanctions mediation as an extra judicial independent activity taken voluntarily by parties in all civil, commercial, labor and family disputes, and in certain penal cases. It assigns the Ministry of Justice the responsibility of creating and maintaining the Register of Mediators, and establishes the National Chamber of Mediators. The law obligates judges to invite parties in relevant court cases to participate in mediation, thus providing increased impetus to the support of existing mediation programs, such as at the Durrësi District Court, established with funding from the International Finance Corporation (IFC) and supported by USAID.

UPCOMING EVENTS: APRIL – JUNE 2011

- Financial Investigation Training for prosecutors and judicial police officers supported by OPDAT, April 4-15, 2011.
- Domestic Violence Conference supported by OPDAT and the U.S. Embassy Public Affairs Office, April 18-22, 2011.
- Signing of a cooperation agreement on the mediation program among the USAID JuST project, the Durrësi District Court, and the Albanian Foundation for Conflict Resolution and Reconciliation of Disputes, April 22, 2011.
- Regional Witness Protection Conference supported by OPDAT, May 10-12, 2011.
- Finalization of a Memorandum of Understanding on the establishment of a Continuous Legal Education Program between the USAID JuST project and the National Chamber of Advocates, May 2011.
- Issuing of a court room use study report for the District Courts in Tirana and Durrës, conducted by USAID JuST project, May 2011.
- Introductory training seminars for new probation officers in four additional locations organized by the OSCE Presence in Albania.



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