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JUSTICE SYSTEM STRENGTHENING PROGRAM IN KOSOVO (JSSP)

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LIST OF ACRONYMS

ACDC	Advocacy Center for Democratic Culture
CCK	Constitutional Court of Kosovo
CDCS	Country Development and Cooperation Strategy
CMIP	Court Management Improvement Plan
CPRU	Court Performance Review Unit
CSO	Civil Society Organization
ECR	Electronic Case Registry
EU	European Union
HR	Human Resources
ICT	Information and Communications Technology
JSSP	Justice System Strengthening Program
KJA	Kosovo Justice Academy
KJC	Kosovo Judicial Council
LAU	Legal Advisory Unit
MCLE	Mandatory Continuing Legal Education
MOJ	Ministry of Justice
ODC	Office of Disciplinary Counsel
RFP	Request for Proposals
USAID	United States Agency for International Development

ABOUT THE PROJECT

PROJECT OBJECTIVES

In November 2015, the United States Agency for International Development (USAID) awarded the four-year Justice System Strengthening Program (JSSP) to Millennium DPI Partners. Building on USAID's earlier investments in the justice sector, JSSP is helping to ensure that the rule of law takes root in Kosovo by strengthening the independence, professionalism, efficiency, and accountability of Kosovo's judicial system.

JSSP's activities focus on three main objectives:

- **Objective 1:** Strengthen the efficiency and effectiveness in the administration of justice and the delivery of quality services by the Kosovo Judicial Council (KJC) and courts
- **Objective 2:** Enhance the accountability and professionalism of justice system institutions and actors
- **Objective 3:** Support the functioning and integration of judicial structures in the North of Kosovo

STRATEGIC FRAMEWORK

JSSP supports USAID's Country Development Cooperation Strategy 2014–2018 (CDCS) and the overall goal of Kosovo progressively integrating into the Euro-Atlantic community, with more effective and accountable governance. Specifically, the program supports Development Objective I, Improved Rule of Law and Governance that Meet Citizens' Needs. This includes improving the institutional and human capacity of justice sector institutions to build a democratic and more inclusive society.

Program activities are designed to advance the CDCS' Intermediate Result (IR) 1.1, More Efficient, Transparent, Independent, and Accountable Justice Sector, by improving court administration and the capacity of key justice institutions and enhancing the skills of justice sector professionals. They also further IR 1.3, Improved Integration of Ethnic Minorities, by improving conditions for ethnic minorities to have access to justice. The relevant IRs and Sub-IRs for JSSP's work are listed below.

IR 1.1	More Efficient, Transparent, Independent, and Accountable Justice Sector
Sub-IR 1.1.1	Better Court Administration and Management of Judicial Institutions
Sub-IR 1.1.2	Enhanced Skills of Justice Sector Professionals
Sub-IR 1.1.3	Improved Legal Regimes in Key Areas with Stronger Implementation
IR 1.3	Improve Integration of Serb-Populated North
Sub-IR 1.3.1	Enhanced Capacity to Address Minority Issues
Sub-IR 1.3.2	Increased Participation of Minority Populations

EXECUTIVE SUMMARY

Highlights of JSSP's work to advance the rule of law in Kosovo during the reporting period are summarized below. More detailed information on each accomplishment can be found in the body of the report.

OBJECTIVE I

Objective I focuses on strengthening the administration of justice and delivery of services by the KJC and courts. JSSP continued technical support to build capacity of the KJC, support committees, and offer technical assistance for drafting regulations. Quarterly achievements included:

- Closing over 2,000 backlog cases.
- Assisting the Basic Courts in reducing their backlog by 50% (cumulative since project inception).
- Expanding backlog reduction activities to 14 courts (4 Basic Courts and 10 branch courts).
- Developing a set of civil case management practices for speeding case processing.
- Supporting the implementation of caseload management improvement plans that JSSP helped develop for six Basic Courts.
- Finalizing updated case weights for calculating the amount of time required for judges to process different case types.
- Assisting the KJC in developing regulations and policies on judicial training, document retention, court fees, and execution cases relating to court fees.
- Drafting guidelines for storing, archiving, and disposing of court records.
- Drafting standard operating procedures for publishing, archiving, and indexing KJC policy documents.
- Developing a tracking system for reviewing, assigning, and monitoring progress on issues brought to KJC and KJC Secretariat management.
- Further improving the regulatory drafting process by creating protocols for enhancing the consultation process, including methods for distributing proposed policies and regulations, criteria for targeting key stakeholder audiences, timelines for input, and guidance for stakeholders providing comment.
- Mentoring KJC committees and legal staff on policy research and documentation.
- Training KJC legal staff and professional associates from the courts on policy analysis and legal drafting.
- Helping the KJC's budget office develop a draft plan for addressing audit findings from the National Audit Office's 2016 annual audit report on the KJC.
- Helping the KJC's Performance Evaluation Committee develop a standardized reporting template for the evaluation of judges based on established indicators.
- Assisting the KJC's Court Performance Review Unit in its assessment of decentralization.
- Mentoring court budget staff on developing budget requests.
- Helping develop budget priorities and instructions for guiding courts in developing preliminary budget requests.
- Developing training curricula for court executive training, building court administration skills, and orienting new court presidents and supervisory judges.

OBJECTIVE 2

Objective 2 activities are designed to enhance the accountability, transparency, and professionalism of justice system institutions and actors. During the reporting period, JSSP:

- Awarded three subcontracts to civil society organizations to assist the KJC and courts in improving public communications and outreach, enhancing service delivery, and increasing public understanding of Kosovo's court system.
- Developed standardized templates for KJC and court press releases and media advisories.
- Finalized a draft regulation on the management and organization of training for judges that introduces mandatory continuing legal education for judges.
- Helped the courts publish over 500 final decisions.
- Published and distributed its Legal Writing Handbook for judges in Albanian and Serbian.
- Awarded a subcontract for the development of a new website for the Constitutional Court of Kosovo (CCK).
- Worked with the CCK to amend its rules of procedure and harmonize them with court practice.
- Developed an orientation package for newly hired CCK judges and legal advisors.

OBJECTIVE 3

Objective 3 focuses on supporting the functioning and integration of judicial structures in the North of Kosovo. Highlights for this quarter included:

- Finalizing an analysis of the furniture, equipment and information and communication technology (ICT) needs for integrated courts in the North.
- Analyzing steps required so that Kosovo's free legal professions can be quickly staffed in the North when integration occurs.
- Developing a case transfer protocol to guide the relocation of cases to appropriate locations when integration occurs.
- Mentoring 12 interns on backlog reduction in Mitrovica Basic Court.
- Publishing an Orientation Package for new judges and court staff and distributing it to 53 newly appointed judges.

SECTION I – ACTIVITIES AND RESULTS

OBJECTIVE I: STRENGTHEN THE EFFICIENCY AND THE EFFECTIVENESS OF THE ADMINISTRATION OF JUSTICE AND DELIVERY OF QUALITY SERVICES BY THE KJC AND COURTS

Activity I.1: Conducting Rapid Stocktaking Assessment

JSSP completed a stocktaking assessment of the judiciary during its first year of operations. Its related report proposed various recommendations for addressing weaknesses in the legal and operational framework of the KJC and courts. JSSP continued to implement these recommendations throughout the reporting quarter, including efforts to strengthen the KJC as a policy development and performance management body, strengthening KJC committee operations, and refocusing the KJC Secretariat on its role as a service provider.

As noted in prior reports, the Government of Kosovo has approved of a functional review of the rule of law sector in Kosovo, to be led by the Ministry of Justice (MOJ). The review process stalled with the government's call for new elections in May 2017. Little progress has been made since. USAID and JSSP have since agreed that JSSP's role is to support the KJC's active participation in the functional review when it moves forward.

Activity I.2: Strengthening the Capacity of the KJC

JSSP is working with the KJC to improve the judiciary's legislative and regulatory framework and the KJC's policymaking capacity. It is also empowering the KJC's standing committees to play a more effective role in policy development, and enhancing the KJC Secretariat's ability to provide operational support for the courts.

Assistance in Drafting Laws and Sub-Legal Acts

Strengthening the KJC's policymaking capacity requires enhancing its ability to effectively take the lead on policy, legislative, and regulatory matters affecting the judiciary. Last quarter, JSSP assisted the Ministry of Justice (MOJ) in developing draft amendments to the Law on KJC and the Law on Courts, and helped shape a proposed Law on Disciplinary Liability for Judges and Prosecutors. Work on these laws stopped after the government called for new elections in May 2017. JSSP will re-engage with the MOJ on the first two laws once a new government is formed.

The KJC was not engaged until late in these legislative initiatives. It needs to be more proactive in the legislative process to ensure that the judiciary's voice is heard on matters relating to its work. Accordingly, JSSP began discussions with the KJC about enhancing its processes for reviewing, tracking, and commenting on legislative initiatives, beginning with engaging the MOJ and commenting on draft laws earlier in the legislative process.

Regulations and Policies Addressed During the Quarter:

- Administrative Instruction on Court Fees
- Decision on Criminal Fee Execution Cases
- Regulation on Judicial Training
- Directions to Establish Document Retention and Archive Standards

While its legislative work slowed, JSSP's regulatory interventions continued apace. First, and in response to a request from the courts and the bar association, it helped the KJC amend its

administrative instruction on court fees to eliminate payments required when a defendant files an appeal or extraordinary request. This will reduce the burden on those lacking the means to pay.

Second, JSSP helped draft a decision to withdraw criminal fee execution cases from the system. These

Withdrawal of Criminal Fee Execution Cases:

The Basic Court in Peja and its three branch courts expect to dispose of over 25% of their execution case backlog when the decision to withdraw criminal fee execution cases is formally adopted.

are cases that go to collection/execution because a defendant fails to pay a small fee to the courts. They are low value claims where the cost of collection exceeds their revenue potential. Removing them from the system will significantly reduce the volume of low value execution cases that clutter the system. The draft decision was circulated for comment and should be adopted next quarter. Once adopted, the decision will help remove thousands of execution cases from the system.

Third, JSSP helped draft a regulation on managing and overseeing judicial training which, among other things, will provide the basis for establishing mandatory continuing legal education (MCLE) for judges (see Activity 2.3 for more detail). The draft was distributed for comment and should be adopted next quarter.

Finally, JSSP and the KJC began developing guidelines and standards for storing, archiving, and disposing of court records. Such standards will help speed the retrieval of case information, reduce staff requirements for handling information, and free filing space for other needs. The standards are expected to be completed and adopted next quarter.

While the KJC's Normative Committee advanced the foregoing regulatory changes, it continued to fall behind on its 2017 regulatory agenda. Much of the committee's time was instead devoted to revising the regulation on the appointment of court presidents in response to CCK rulings and requests from the international community. To get back on track, the committee and JSSP began reworking the regulatory agenda to reflect current KJC priorities. A revised agenda will be completed in September 2017.

Strengthen KJC Operations

JSSP has made significant progress in increasing the KJC's policy focus. Last quarter, and with JSSP's assistance, the KJC established five mid-term strategic priorities for enhancing the work of the KJC and courts: (1) improving caseload management and judicial efficiency; (2) improving KJC policy development and management; (3) enhancing performance, transparency and accountability; (4) preparing for integration; and (5) improving the functioning of the Secretariat. JSSP efforts this quarter started translating these concepts into action. First, JSSP identified a set of action items for moving each strategic priority forward. Next, it secured the KJC Chairman's commitment to implement the action items. Finally, it set the action plan in motion.

For example, to improve KJC policy management, JSSP developed a process and tracking system for reviewing, assigning, and monitoring issues and requests brought to KJC and Secretariat management. The tracking system prioritizes each issue for response, records which office is responsible for addressing it, tracks progress made, and notes its final disposition. Other activities in support of the KJC's strategic priorities are described throughout this report.

JSSP also improved upon the regulatory drafting process it introduced in 2016. The process currently requires the KJC to circulate draft regulations to the courts and other key stakeholders for comment, thereby promoting greater inclusiveness and transparency in policymaking. To enhance the consultation process, JSSP developed criteria for targeting key stakeholder audiences, timelines for input, and guidance for stakeholders in providing comments. As these new protocols are implemented, JSSP will mentor the KJC's legal staff on analyzing and reporting on stakeholder input.

JSSP also continued to mentor KJC committees and legal staff on conducting research and drafting briefing memoranda in support of policy and regulatory interventions. For example, it mentored legal office staff on preparing briefing memoranda in support of the judicial training and other policy interventions described above, and helped draft the decision and supporting documentation relating to records retention and archiving policies.

In addition to day-to-day mentoring, JSSP conducted a two-day training for over 20 legal staff from the KJC and courts on policy analysis and legal drafting, and provided guidance on how to effectively implement new regulations and policies.



*Training legal staff from KJC and courts on legal drafting
- Pristina, June 2017*

JSSP also worked with the KJC on improving communications with court presidents and further engaging them in policymaking and problem solving. The KJC chairman held meetings with court presidents throughout the quarter, emphasizing the importance of reducing case processing delays and exchanging ideas on how efficiency can be enhanced. Additionally, the chairman resumed the practice of requiring periodic reporting by court presidents on the work of their courts.

Next quarter, JSSP will develop a standard reporting template for court presidents to use in presenting their performance management information to the KJC. The template will combine the requirements of reporting on annual court plans with reporting on case management improvement plans (see below), thereby increasing accountability and providing the KJC with consistent measures of performance.

In June 2017, the National Audit Office issued its 2016 annual audit report on the KJC. It found deficiencies in governance arrangements relating to accountability and risk management, as well as weaknesses in personnel and expenditure management. To remedy these issues, JSSP worked with the KJC's budget office to review audit findings and develop a draft plan for addressing the identified weaknesses. The plan will be completed and implemented next quarter.

Strengthen Committee Operations

The KJC's standing committees must play an increased role in policy development for it to effectively fulfill its policymaking role. JSSP continued to empower these committees through mentoring and other technical support.

Efforts to assist the Normative Committee in addressing key policy issues, and to assist the Normative and Court Administration Committees in developing sub-legal acts, are described above. Support for the KJC's Budget Committee is described under Activity 1.3, below.

Last year, the KJC formally adopted a regulation on performance evaluation of judges that JSSP helped craft. The regulation, among other things, requires the KJC's Performance Evaluation Committee to develop all necessary forms/templates to be used in the performance evaluation process. This quarter, JSSP helped the committee finalize the required templates and a related user's manual.

The final documentation is structured to provide guidance and ensure unified application of performance criteria in the evaluation process. It includes a structured scoring methodology and requires written justification for scoring. A summary of international standards and best practices for the performance evaluation of judges was also developed to serve as a guide for committee members in their work.

JSSP also continued its support for the KJC's Disciplinary Committee. At JSSP's urging, the committee published all 14 of its 2016 disciplinary decisions and 10 of the 13 decisions it issued in 2017. JSSP will next help the committee develop protocols for the regular and timely publication of such decisions.

JSSP will continue to monitor the work of the committee and provide additional assistance as needed.

Supporting the Restructuring of the KJC Secretariat

Strengthening the KJC's capacity also requires improving the organization and operations of its Secretariat. JSSP deferred efforts to restructure the Secretariat pending appointment of a new Secretariat director and additional experience with decentralization. A new director will be in place and an evaluation of decentralization completed (see Activity 1.3) next quarter, providing an opportunity to reassess and optimize the Secretariat's structure. Accordingly, JSSP, the KJC Chairman, and the director-elect discussed the nature, scope, and timing of a Secretariat assessment, which should begin next quarter.

Activity 1.3: Functionalizing Budget Planning and Decentralization

Support Decentralization of Administrative Processes

The decentralization of budget, human resources, logistics, and procurement functions from the KJC to the courts formally occurred in 2016. The goal of decentralization was to make these administrative processes more efficient and responsive to the needs of the courts. It has not fully delivered on its promise. Instead, the courts continue to grapple with the vestiges of inadequate planning and execution by the Secretariat's former leadership.

To help with the transition, JSSP previously developed comprehensive manuals and standard operating procedures to guide court staff in implementing decentralized competencies. It also provided related training, and helped adjust court structures and staffing to accommodate new administrative responsibilities. Throughout the current reporting period, JSSP continued to build the courts' capacity to implement, and the KJC's ability to monitor implementation of, decentralized functions.

Capacity building efforts during the reporting period focused on supplementing its human resources (HR) manual with additional guidance and procedures for resolving employment disputes. JSSP drafted

practical step-by-step guidance for the courts to use in receiving, processing, and deciding such disputes, including timelines and responsible parties for each step, and templates for submitting complaints and documenting decisions. The supplement will be finalized next quarter.

Monitoring activities centered on helping the KJC's Court Performance Review Unit (CPRU) evaluate the results of decentralization. Last quarter, JSSP helped the CPRU develop a framework for assessing progress made. It was agreed that the assessment would be based on information gleaned from roundtable discussions, questionnaires, and court visits.

Activities in the current quarter focused on executing this plan. Four roundtable discussions were held - one on each decentralized process (HR, procurement, budget management, and logistics). The roundtables provided an opportunity to openly identify and review continuing challenges in the decentralization process. Procurement, for example, was decentralized to provide the courts with greater control over resource planning and acquisition. However, the courts struggle to get multiple vendors to participate in court-level procurements - the quantity of goods sought are often too low to attract interest. Similarly, efforts to improve asset management at the court-level have been undermined by an e-asset application that has not been updated to reflect the court system's current structure. Responses to the questionnaires identified additional concerns.



*Assessing Decentralization Efforts.
- Pristina, August 2017*

Towards the end of the quarter, JSSP helped the CPRU document roundtable and questionnaire results. It is anticipated that the CPRU will release its draft decentralization report in September 2017 for review by the KJC and courts. KJC actions in response to report findings are expected to impact the composition and organization of both the courts and the Secretariat.

Enhance Budget Development

Decentralization offers an opportunity to build the budget development and advocacy skills of the KJC and courts. JSSP helped introduce a budget hearing process in its first year, promoting a dialogue between the KJC and each court about budget needs and priorities. The hearing process on individual court budgets for the current budget cycle will take place after the KJC holds preliminary discussions with the Ministry of Finance. These discussions have been delayed pending the formation of a new government.

Last quarter, JSSP helped improve the budget instructions that the KJC sends to the courts. Under the improved instructions, courts are required to develop their budgets based on the KJC's strategic priorities. This quarter, JSSP and the KJC mentored court budget staff on developing budget requests in line with these new instructions. Courts were advised, for example, on proper argumentation and documentation for requesting budget increases. Specifically, a court seeking an increase must demonstrate that the funds sought will promote one of the strategic priorities identified above. JSSP also worked with budget staff to ensure that adequate funding for professional associates, automated case management, and integration are addressed in the KJC's final budget submission to Parliament.

JSSP also helped the KJC with two additional aspects of proper budget planning. First, it completed an update to the court personnel database it previously developed for the KJC. The database can be used to better analyze current and future court staffing needs during the budget process. It will also assist courts in more efficiently deploying staff in support of case processing.

Second, JSSP worked with the KJC to analyze staff attrition rates anticipated in 2017 and 2018. Next quarter, the KJC will begin issuing monthly reports reflecting position status and projected staff and judicial vacancies for the ensuing five-year period, making it easier to adequately plan for these needs.

There is still a need for additional training for court budget staff, as well as a need for greater involvement of court presidents and court administrators in all stages of the budget planning process. JSSP will reassess the budget development process next quarter and identify additional process improvements and training needs of KJC and court budget staff.

Activity 1.4: Improving the Independence and Capacity of Court Administrators and Staff

Law on Judicial Administration

Court staff remain members of the civil service under the Ministry of Public Administration. This inhibits the ability of the KJC and court presidents to effectively manage staff and, by extension, their courts. It also undermines their ability to allocate resources where most needed.

JSSP's Task Order envisions moving court staff from the civil service into the judiciary through a new law on judicial administration. While JSSP developed a concept note for the required legislation, the initiative has gained little traction and is unlikely to be a priority when a new government is formed.

With USAID's concurrence, JSSP will instead explore alternatives for addressing the underlying human resource issues. Next quarter it will assess potential amendments to the Law on Civil Service to provide the judiciary with greater flexibility in recruiting, hiring, training, retaining, disciplining, and dismissing judicial staff.

Court Management Training

To improve the leadership skills of court presidents, supervisory judges, and court administrators, JSSP is developing a court executive training program that encourages operational enhancements and problem solving via management teams. Draft curricula and a relating training guide were prepared for review by the Kosovo Justice Academy (KJA).

The training guide provides curricula for three programs. The first program is a court executive course designed for court president-court administrator management teams. It focuses on issues of leadership, ethics, and court and caseload management. The second addresses a series of court administration skills, including courses on budget and financial management, HR, court performance and accountability, and records and information management. The third is a court president orientation program designed to acquaint new presidents and supervisors with their roles and responsibilities, including specific reporting and oversight requirements.

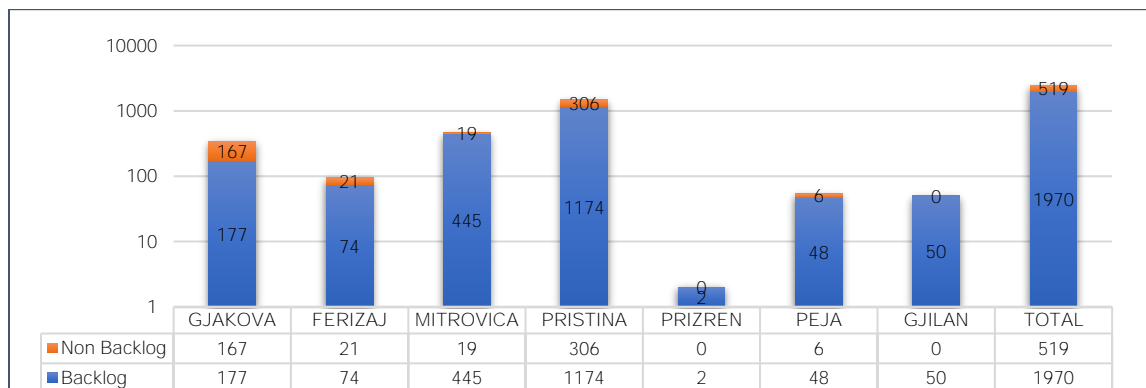
JSSP and the KJA will next identify and train appropriate trainers for each program, and develop related course materials.

Activity 1.5: Strengthening Court Operations and Processes

Improved Case Management and Backlog Reduction

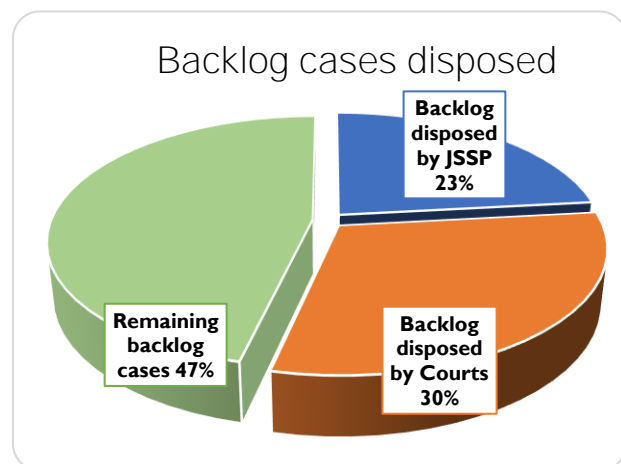
JSSP's backlog reduction team continued to assist Kosovo's Basic Courts in reducing their civil and criminal case backlogs. Its hands-on approach helped 14 courts and branches dispose of nearly 2,000 backlog cases during the quarter, and over 11,000 since the program started.

**Backlog and non-backlog cases disposed
by JSSP from 25 May through 24 Aug 2017**



JSSP's broader efforts to improve caseflow and performance management, as described elsewhere in this report, helped further reduce the backlog. KJC statistics show that the backlog of cases filed before December 31, 2013 has dropped from 39,459 to 18,585 – a 53% reduction since JSSP started providing assistance. Other data confirms the courts' improvement in overall caseflow management, with JSSP's assistance. The total inventory of cases has dropped from 440,627 cases in January 2016 to 359,307 in June 2017, marking the lowest total since the courts were reorganized in 2013. The clearance rate for most courts and departments was above 100%, meaning that they are disposing of more cases than they are taking in.

To sustain and expand these successes, JSSP developed a set of civil case management practices for speeding case processing. It will launch a pilot program for testing these practices in Pristina Basic Court in September 2017.



The program has three principal components. First, a new case screening protocol will be implemented for newly filed civil cases. Screening involves reviewing the complaint for sufficient information about the identity and location of parties, for payment of fees, and for jurisdiction. Cases not meeting these basic filing requirements will be dismissed or returned to parties for correction by

a date certain. By allowing for the dismissal or withdrawal of insufficient cases, the screening process will prevent such cases from clogging the system, where they will otherwise linger and be more difficult to process with the passage of time.

Second, when cases are assigned after initial screening, they will be reviewed by legal staff and orders will be prepared to move the cases forward (e.g., to obtain the response of the defendant, collect evidence, etc.). Legal staff will also assist in scheduling the preliminary hearing within 60 days of assignment (although the hearing may occur later).

Third, legal staff will apply the same screening criteria to backlog cases, allowing these older cases to be scheduled for the next hearing, for dismissal, or for other disposition. The target for the pilot is to have all backlog cases disposed or set for hearing by the end of the calendar year.



*Improving Civil Case Management Practices.
- Pristina Basic Court, July 2017*

JSSP is also planning to pilot enhanced screening of criminal cases at Pristina Basic Court. A protocol for early screening of general criminal cases is under development and will be reviewed with the court next quarter. Such screening is critical because a substantial number of complaints are filed with deficiencies, including inadequate identification of defendants, lack of address information, and inadequate quality of the indictment. Effective screening will allow the courts to quickly return inadequate complaints to the prosecutor for correction, thereby reducing the burden of processing insufficient claims.

The case management improvement plans (CMIPs) that JSSP helped develop for six basic courts will also help reduce and prevent backlogs. Each CMIP documents a court's undertakings to improve caseload management in the future, and identify measures for evaluating the impact of proposed activities. As the plans are implemented, court presidents will periodically report to the KJC on progress made.

This quarter, JSSP and the courts reviewed common CMIP activities, developed recommendations for CMIP implementation, and identified areas for potential assistance from JSSP and other sources. Identification of common activities will allow courts to collaborate on intended reforms, and allow JSSP to efficiently allocate its resources in support of CMIP implementation. Common activities that JSSP will support include the initial screening of incoming cases (as described above) and decreasing hearing postponements.

JSSP and the courts also established indicators for performance improvement under the CMIPs. Actual targets for each court will be set in collaboration with court presidents in follow-up visits to be completed next quarter.

Future backlog reduction efforts will be more targeted as details emerge about where and why cases are stalling. The automated case management information system was supposed to provide such details, but is unlikely to be fully operational during JSSP's mandate. To fill this gap, JSSP is helping Pristina Basic Court inventory all of its civil and criminal cases. 17,000 cases were inventoried by the

end of the quarter. The exercise will help identify and address case processing bottlenecks, and provide the court president with the data needed to more effectively manage and assess judicial workloads and performance.

Weighted Caseload Formula

JSSP is developing an updated case weighting system for criminal, civil, administrative, and economic case categories. Case weights calculate the amount of time required for judges to process different case types, allowing court leaders to calculate the number of judges needed to process new case filings and the amount of judge-time required to process existing backlog and inventory. Court presidents can also make use of case weights to determine the allocation of judges to branch courts and to specific court departments based on the number and type of cases in each. JSSP's report on updated case weights was completed at the end of quarter and is being translated for use by the KJC and courts.

OBJECTIVE 2: ENHANCE THE ACCOUNTABILITY AND PROFESSIONALISM OF JUSTICE SYSTEM INSTITUTIONS AND ACTORS

Activity 2.1: Strengthening Ethics and Discipline

Through JSSP's assistance, a new Code of Professional Ethics for Judges and a regulation defining judicial misconduct were adopted in 2016, providing Kosovo's judiciary with an up-to-date ethics code based on the Bangalore Principles of Judicial Conduct. Judges, however, still face challenges in properly understanding and interpreting the code.

To remedy this problem, JSSP began developing additional guidance on the key ethical principles of professionalism and integrity. The resulting commentaries, which will be completed next quarter, will provide details on the purpose and meaning of each principle, as well as in-depth discussions on how it should be implemented in practice. Case studies and scenarios will also be provided to guide judicial conduct. The commentaries will ultimately promote wider understanding of, and compliance with, the ethics code.

Court staff should be bound by the same ethical principles as judges. JSSP planned to finalize an ethics code for court staff once they were moved from the civil service into the judiciary through a new law on judicial administration (see Activity 1.4). With work on the law stalled, JSSP instead researched how to ensure that similar ethical guidelines are put in place in the event that court staff remain within the civil service.

As noted under Activity 1.2, the MOJ is developing a new law on disciplinary liability for judges and prosecutors. Work on the law stopped when the government called for new elections in May 2017. If the proposed changes to the disciplinary framework move forward in their current form, the Office of Disciplinary Counsel (ODC) will be eliminated and its duties absorbed by the judiciary and prosecution. While the ODC currently continues to fulfill its mandate, it has little interest in planned interventions to improve its operating procedures or increase its capacity to administer the disciplinary system.

With the legislative framework in flux, USAID and JSSP agreed that JSSP will instead focus on developing a "portable" set of best practices for registering, screening, investigating, adjudicating, documenting, and publishing the results of disciplinary proceedings. Once completed, the best

practices will be shared with the bodies responsible for various stages of disciplinary proceedings under any new law.

Activity 2.2: Developing KJC Communications and Outreach

The KJC desires to improve its communications with the public. A primary focus is replacing its existing website – which is too slow, static, and difficult to navigate – with a new website that promotes greater transparency and citizen engagement. During the reporting period, JSSP helped the KJC develop the technical and functional requirements for such a new website. Next quarter it will issue a Request for Proposals (RFP) to procure website design services.

In addition to improving the KJC's public interface, JSSP is enhancing civil society's opportunity to interact with the KJC and courts by engaging civil society organizations (CSOs) to improve transparency and accountability in the judicial system. A RFP was issued seeking CSOs interested in assisting JSSP, the KJC, and Kosovo's courts in improving public communications and outreach, enhancing service delivery by the courts, and increasing public knowledge of Kosovo's court system. After a careful review of all proposals against its evaluation criteria, JSSP awarded subcontracts to BIRN, Democracy Plus, and the Advocacy Center for Democratic Culture (ACDC).

Activities under each subcontract will begin in September 2017. BIRN will, among other things, facilitate live communications and publish news articles about judicial issues of public interest, develop the social media capacity of the KJC and the Pristina and Gjiilan Basic Courts, and train the courts' public information officers on compiling newsletters and other communication materials.

Democracy Plus will conduct a survey to collect citizens' feedback on the quality of services provided by the courts and on how courts can improve the transparency and quality of services offered. The resulting citizens scorecard will provide useful information to courts for improving their efficiency and reputation.

Finally, ACDC will facilitate focus group discussions and KJC meetings on integration matters, establish mechanisms for building public awareness about integration, and facilitate court-community outreach in Mitrovica.

Additionally, JSSP held several meetings with the KJC spokesperson and court public information officers to discuss key elements of their communications strategies, including providing easy access to public information and cultivating proactive and professional media relations. JSSP will continue these efforts in the coming months, with emphasis on effectively using social media platforms to improve communications to the public, and using the new standardized templates for press releases and media advisories developed by JSSP to improve engagement with the media.

Activity 2.3: Enforcing Mandatory Continuing Legal Education

Attendance at the KJA's judicial education programs remains voluntary and is not well tracked. As a result, some judges attend many training events and others none. As a result, the judiciary cannot track if training needs are truly met.

To address this problem, JSSP is working with the KJA and KJC to establish an MCLE program for judges. During the quarter, JSSP researched and finalized a draft regulation on the management and

organization of training for judges which, among other things, will provide the foundation for MCLE. The regulation, once adopted, will require all judges to attend a minimum number of MCLE hours each year based on their years of experience.

Judicial ethics will be the focus of MCLE in 2018. In subsequent years, the KJC's training committee, in coordination with the KJA and court presidents, will determine the mandatory training hours and subject matters required.

The draft regulation empowers court presidents to manage and oversee the training of judges – they must approve all training requests, including study visits. It also links MCLE to the performance evaluation of judges. If a court president identifies a discipline in which a judge requires improvement, the president can require the judge to attend a related training program or, alternatively, appoint a mentor to build the required skills. Similarly, the KJC's Performance Evaluation Committee can identify subject matters in which they find judges deficient and require MCLE in that area.

As previously noted, the draft regulation is expected to be adopted in October 2017, with MCLE scheduled to begin in 2018. To prepare for its introduction, JSSP developed and circulated an action plan detailing the steps the KJC must take for proper implementation of the regulation, including the relevant timelines.

Activity 2.4: Improving Judicial Decisions

Publication of Court Decisions

Access to the work and decisions of courts is a hallmark of any democratic society. Yet until the end of last year, less than 100 final court decisions from Kosovo's Basic Courts and Appellate Court were made available to the public. Courts often cite a lack of human resources as the reason for not publishing more decisions, claiming they lack enough qualified staff to redact personal data from the decisions prior to publication, as required by law.

JSSP's review of the legal framework revealed, however, that the legal requirements for redaction were not as extensive as claimed. It therefore developed standard operating procedures to speed the redaction and publication of final decisions, which the KJC approved and distributed to the courts for implementation last quarter.

This quarter, JSSP held a roundtable to discuss challenges related to implementing these standard operating procedures. Participants acknowledged a 50% increase in volume of decisions published in the two months since the procedures were adopted. They noted their preference, however, for professional associates – who are tasked with redaction - to spend more time on case processing. Accordingly, JSSP, the KJC, and courts agreed to revise the procedures so that other court staff can participate in the redaction process.



*Roundtable on increasing the publication of judicial decisions
- Pristina, June 13, 2017*

To test the proposed changes, JSSP engaged two interns to support the redaction and publication of decisions in Pristina Basic Court. The interns quickly readied over 200 decisions for publication, and began inventorying additional 2016 and 2017 final decisions to be published.

In addition, and on JSSPs recommendation, the KJC Chairman sent a letter to all court presidents complimenting their recent progress in publishing decisions and encouraging them to intensify their efforts. The letter also thanked JSSP for its assistance in helping the courts overcome the practical challenges associated with the publication process.

Legal Writing Handbook



JSSP's Legal Writing Handbook

JSSP and the KJA published a Legal Writing Handbook for Judges to help improve the quality of judicial decisions and legal writing. The handbook consists of three parts: (i) principles of legal writing; (ii) drafting civil judgments and guidelines; and (iii) drafting criminal decisions. It also contains numerous templates to assist judges in drafting better structured and reasoned judgments.

During the quarter, JSSP and the KJA also agreed to update the KJA's legal writing training modules for judges based on the handbook.

Activity 2.5: Provide Capacity Building for Constitutional Court Transition

JSSP continued to help strengthen CCK operations. First, it assisted the court in developing revisions to its rules of procedure. A comparative analysis of regional court procedures was drafted, and a three-day workshop held to harmonize the rules with court practice. JSSP is currently drafting recommended changes to the rules and will submit them to the CCK in September 2017.

Second, JSSP is assisting the CCK in making its website a more effective tool for communications. While the website includes information that is important for the public - such as decisions, public announcements, and annual reports – its user interface makes accessing such information difficult. To remedy this, JSSP issued a RFP to develop a new CCK website that provides for ease of navigation and a high-quality decision search capability. After a careful review of all proposals received against its evaluation criteria, JSSP awarded a subcontract to Rrota to develop the new website by the end of the year. Design work will begin in September.



Workshop on strengthening Constitutional Court rules of procedure. - Durres, June 2017

Third, JSSP developed an Orientation Package for new CCK judges and legal advisors. The package provides a comprehensive set of materials on court processes and procedures, including materials on the Constitutional and legal bases for the Court's mandate, various internal operational rules and procedures, and landmark decisions by the CCK and European Court of Human Rights.

OBJECTIVE 3: SUPPORT THE FUNCTIONING AND THE INTEGRATION OF THE JUDICIAL STRUCTURES IN THE NORTH

Activity 3.1: Facilitating the Institutional Integration of Northern Courts

The 2013 Justice Sector Agreement (JSA) provides broad parameters for integrating judicial structures in the North into Kosovo's judiciary, but lacks detailed plans for a successful transition. JSSP is providing these plans, working with representatives from the KJC and the North to identify and address practical implementation issues. JSSP has, among other things, helped its counterparts determine the renovations required to make court facilities operational, assessed furniture and equipment needs for judges and staff, developed orientation materials for judges and staff, identified key laws to be harmonized, and planned for case transfers from the parallel courts into Kosovo's system.

While the integration process formally came to a halt after an agreement to integrate the courts by January 2017 failed to yield results, JSSP continued to move the planning process forward. First, it started to consolidate the various analyses and resource materials it previously developed into a single "blueprint" for addressing the practical implementation issues described above. The blueprint can ultimately be used by the KJC to guide its activities in support of integration, as well as by the international community to gauge potential support and areas of progress. The blueprint will be finalized next quarter and provided to both KJC and northern representatives.

Second, it continued to support two KJC-appointed task groups in evaluating the furniture, equipment, and ICT needs of courts in the North and their associated costs. The task groups will soon present their findings to the KJC so that it can properly plan and budget for these needs in 2018.

Third, JSSP and the EU's "Support to Free Legal Professions and the Bar Association" project investigated methods for ensuring that the integrated judicial system has the notaries, enforcement agents, attorneys, mediators, and other professionals it needs to serve citizens in the North. In this regard, JSSP facilitated meetings between the EU project and legal professionals in the North on training and other steps required to prepare law faculty graduates from the North to join different legal professions. Similarly, JSSP helped the KJC prepare to recruit lay judges and certify court translators for the North.

Activity 3.2: Functionalizing Court Operations in the North

Court Renovation and Refurbishment

As noted above, JSSP assisted two task groups in inventorying and assessing the furniture, computers, and other equipment located in Kosovo's northern court facilities to determine their condition and availability for use in the integrated courts. The task groups also identified and developed cost estimates for the additional assets required to make each integrated court operational, based on

staffing patterns provided by the KJC. Based on these findings, the task groups and JSSP developed a draft plan for the procurement and deployment of all required assets. The plan will be finalized next quarter.

JSSP also explored issues relating to document archiving since the JSA requires that all files from the parallel courts be stored in a central court archive in the North. It will next work with appropriate parties to identify adequate and acceptable space for archiving - ideally within existing court facilities - and assist the KJC in budgeting and allocating sufficient resources for this purpose.

Case Transfer Protocol

JSSP developed a case transfer protocol to guide the process of relocating cases from their current locations to the appropriate locations identified in the Law on Courts.

Backlog Reduction in the North

Work continued to reduce the backlog of pre-2008 Kosovo cases in the North. As part of these backlog reduction efforts, JSSP reviewed and drafted decisions for 167 criminal cases and forwarded them to the Basic Court of Mitrovica for disposition. 109 such cases were disposed during the quarter.

Additionally, JSSP mentored 12 interns seconded by the United Nations Mission in Kosovo to the Basic Court of Mitrovica on backlog reduction techniques, providing guidance on case review, legal reasoning, and decision writing. The interns subsequently disposed of more than 80 criminal cases.



*Mentoring Interns at Mitrovica Basic Court,
May-June 2017*

Activity 3.3: Building Capacity of Human Resources

Orientation Package

JSSP previously developed an Orientation Package to support the transition of new judges and court staff from the North into Kosovo's judiciary. The package provides a comprehensive guide on the key policies, rules, and procedures governing the judicial system and its structure. Albanian and Serbian versions were published this quarter on the KJC's website. Electronic and hard copies will be made available to judges and court staff in the North when integration occurs.

The judges who helped develop the Orientation Package for the North realized its broader value. While all new judges undergo intense training after taking their oath, they do not receive formal orientation on key policies, rules, and procedures. The orientation package will change this, and will become an integral



*Swearing-In Ceremony for Newly Appointed Judges,
Pristina, July 2017*

training tool for new judges throughout the country. It was distributed to the 53 new judges appointed in July 2017, and will provide a continuing resource for the courts.

Activity 3.4: Engaging Civil Society and the Public

As noted under Activity 2.2, JSSP published an RFP to engage CSOs in improving public communications, enhancing service delivery by the courts, and increasing public knowledge of Kosovo's court system. ACDC was awarded a subcontract to provide such assistance in the North, as further described under Activity 2.2.

SECTION II – REPORTS AND DELIVERABLES

REPORTS AND DELIVERABLES SUBMITTED THIS QUARTER

- Kosovo Judicial Workload Assessment Report (in English)

REGULATIONS, ADMINISTRATIVE INSTRUCTIONS, AND DECISIONS DRAFTED AND/OR REVIEWED

- Administrative instruction on the unification of court fees (in Albanian)
- Policy for retention and disposition of court records (in Albanian)
- Draft decision for enforcement fee cases (in Albanian)
- Regulation on judicial training (in English and Albanian)

OTHER REPORTS

- Pristina Basic Court Analysis & Case Management Plan and Appendixes (in English)
- Pristina Civil Court Case Management Proposal and Timelines (in English)
- Implementation of Civil Case Management Process (in English)
- Annex to the Manual on Performance Assessment (in English and Albanian)

SECTION III – MAJOR ACTIVITIES PLANNED FOR NEXT QUARTER

OBJECTIVE 1: STRENGTHEN THE EFFICIENCY AND THE EFFECTIVENESS OF THE ADMINISTRATION OF JUSTICE AND DELIVERY OF QUALITY SERVICES BY THE KJC AND COURTS

- Develop and implement a draft CMIP for the Basic Court of Mitrovica.
- Conduct research for improving hearing management and reducing continuances in the courts.
- Further analyze the legal framework and court practices relating to case management and draft recommendations to improve case management in the courts.
- Develop standards for storing, archiving, and disposing court records.
- Assist the KJC in updating its regulatory and policy development plan.
- Develop a standard reporting template for courts to present quarterly progress in performance management.
- Conduct meetings and interviews as necessary to follow up on findings from decentralization workshops.
- Finalize assessment report on decentralization together with the CPRU.
- Finalize procedures for addressing employment disputes and organize related training for courts.
- Finalize and begin implementation of KJC plan to address weaknesses identified by the National Audit Office in the annual audit report.
- Re-assess the KJC's budget development process to identify additional process improvements and training needs of KJC Secretariat and court staff.
- Develop and implement an enhanced screening protocol for criminal cases at the Pristina Basic Court.

OBJECTIVE 2: ENHANCE THE ACCOUNTABILITY AND PROFESSIONALISM OF JUSTICE SYSTEM INSTITUTIONS AND ACTORS

- Support the KJC in setting clear performance indicators for evaluating the performance of court presidents.
- Develop and present guidance on the Code of Professional Ethics.
- Adopt the regulation on training of judges.
- Support the KJC and the KJA in planning for the introduction of MCLE.
- Develop a package of rules and regulations for use in any new disciplinary system.
- Implement activities to improve court and KJC communications, enhance service delivery by the courts, and increase public knowledge of Kosovo's court system.
- Design new websites for the KJC and CCK.
- Finalize amendments to the CCK's rules of procedure.
- Develop a training program for CCK legal advisors.

OBJECTIVE 3: SUPPORT THE FUNCTIONING AND THE INTEGRATION OF THE JUDICIAL STRUCTURES IN THE NORTH

- Finalize a blueprint for integration of the courts in the north, consolidating resource materials, protocols and analyses previously developed by JSSP.
- Assist the KJC in developing procurement and deployment plans for required assets (furniture, ICT and equipment) for courts in the North.
- Assist the KJC in preparing for the recruitment of lay judges and the certification of court-appointed interpreters.
- Facilitate a series of focus group discussions with judges and court support staff to discuss issues relating to integration.

SECTION IV – PMP PROGRESS

SEE FOLLOWING PAGES FOR PMP TABLES

SECTION IV – PMP PROGRESS

Expected Result	Performance Indicator	Baseline	Target Year 1	Actual Year 1	Target Year 2	Actual Year 2 (at end of Quarter 3)	Comments	Frequency and timing of data acquisition by JSSP
Objective 1. Strengthen the efficiency and effectiveness of the administration of justice and delivery of quality services by the KJC and Courts								
8. Legal framework for judicial efficiency and independence improved. (Activities 1.2 & 1.5) <i>F indicator 2.1.2-2</i>	Number of laws, regulations, and procedures designed to enhance judicial independence supported with USG assistance <i>Cumulative</i>	Baseline N/A as indicator records program impact	20	23	15	11	In addition to the seven items previously reported, JSSP supported the drafting and/or reviewing of the following four regulations, administrative instructions, and decisions: (1) Amendment of Administrative Instruction on Court Fees; (2) Draft Regulation on Judicial Training; (3) Direction to CPRU to Develop a Policy for Retention and Disposition of Court Records; and (4) Draft decision on Withdrawal of Enforcement Fees for all cases in which the court is the creditor.	When each draft law, regulation or procedure is finalized.
9. Decentralization functionalized. (Activity 1.3)	Percentage of milestones achieved on decentralization scorecard. Max = 100 <i>Cumulative</i>	24%	50%	54%	90%	63.94%	Additional progress in decentralization was made during the quarter by: training on budget and finance for all relevant Basic Court staff (office of budget & finance); setting monitoring mechanisms (regular working sessions to review progress and address obstacles); and launching an assessment, together with the CPRU, of where decentralization stands.	Ongoing when an action or milestone is fulfilled.
11. Knowledge and skills of court administrators and non-judicial staff improved. (Activity 1.5)	Percentage of trained court administrators and staff effectively applying skills and tools. <i>Disaggregated by gender and ethnicity</i> <i>Cumulative</i>	2015/N/A	30%	91%	50%	95.3%	Based on 27 survey responses out of 99 training participants (11 of whom participated in two trainings). The low response rate was due to the summer holidays. Disaggregation: Gender: 13 women, 15 men; Ethnicity: Albanian; Institution: Basic Courts - 24; Court of Appeals - 1; KJC Secretariat - 1; Supreme Court - 1.	Twice a year for training conducted six months or more previously.

Expected Result	Performance Indicator	Baseline	Target Year 1	Actual Year 1	Target Year 2	Actual Year 2 (at end of Quarter 3)	Comments	Frequency and timing of data acquisition by JSSP
12. Case backlog reduced. (Activity 1.6)	Percentage of cases pending for more than 24 months (e.g., backlog). <i>Disaggregated by court type and case type</i> <i>Cumulative</i>	39,458 backlog cases ¹ (excluding enforcement)	15% decrease	37% decrease	40% decrease	52.9% decrease	To date, Kosovo's Basic Courts disposed of 20,874 cases, or 52.9%, of the total civil and criminal backlog. This quarter, JSSP's backlog reduction team directly intervened in disposing 5% of the total criminal and civil backlog, or 1,970 cases.	Quarterly based on court reporting.
13. Increased case clearance rate. (Activity 1.5)	Ratio of new case filing to case disposition in targeted courts assisted by USG. <i>Disaggregated by court type and case type over time</i> <i>Cumulative</i>	2015 83%	100%	112%	95-100%	132.87%	The clearance rate reflects the cases filed and disposed through June 2017 in all Basic Courts and branch courts, based on KJC statistics. It includes: Criminal general department: Cases filed-14,894; Resolved 13,606 (91.40%) Serious Crimes: Cases filed-749; Resolved 1,076 (143.66%) Juvenile: Cases filed-779; Resolved 759 (97.44%) Civil: Cases filed-10,581; Resolved 10,616 (100.34%) Administration: Cases filed-1,094; Resolved 1,077 (98.45%) Commercial: Cases filed-311; Resolved 340 (109.33%) TOTAL for ALL case types in all Basic courts: 132.87%	Quarterly based on court's reporting periods; January through June of 2017.

¹ The baseline was set at the beginning of April 2016 to reflect the number of backlog cases in the system at the end of 2015 (i.e., the number of cases that had been in the system for more than two years as of December 31, 2015). Backlog data is based on official statistics provided by the KJC Secretariat. The latest KJC Backlog report is as of June 30, 2017.

Expected Result	Performance Indicator	Baseline	Target Year 1	Actual Year 1	Target Year 2	Actual Year 2 (at end of Quarter 3)	Comments	Frequency and timing of data acquisition by JSSP
Objective 2. Enhance the accountability and professionalism of justice system institutions and actors								
15. Effectiveness of disciplinary system improved. (Activity 2.1)	Percentage of admissible disciplinary complaints filed.	2015/12	10% increase	33% decrease	33% increase	Not Available	The last report published by the ODC was in April 2017. Despite multiple requests, the ODC failed to publish additional reports and failed to respond to JSSP's data requests. JSSP will likely revise this indicator to reflect changes on the ground.	At end of each quarter.
18. Collaboration between KJC, civil society, and media improved. (Activity 2.2) <i>F indicator 2.1.3-17</i>	Number of USG assisted campaigns and programs that enhance public understanding, NGO support, and media coverage of judicial independence, transparency and accountability. ²	2015/0	6	10	12	0	JSSP published a Request for Proposals (RFP) seeking to engage civil society organizations (CSOs) to assist the courts in improving public outreach and communication. JSSP awarded three fixed contracts to CSOs to implement the following activities; a) court user surveys; b) citizens scorecards; c) speakers' bureaus; d) public awareness and education programs; e) study visits to courts; f) lecturing at schools; and g) publishing periodic newsletters. Activities begin next quarter.	Upon completion of each campaign.
21. Transparency of judicial decisions. (Activity 2.4)	Percentage of final court decisions posted on court websites. <i>Disaggregated by language</i> <i>Cumulative</i>	0 ³	25%	1%	40%	4%	The process of publishing final court decisions on the KJC web portal is slow due to insufficient commitment of the human resources required to collect and redact the required decisions. Due to the courts' failure to track the number of final decisions issued on a regular basis, the denominator for this indicator is an estimate based on the historic monthly average of decisions from January 2016 to February 2017. The publication process was particularly slow during the summer months due to the holidays.	Quarterly based on data provided by the courts.

² Campaigns and programs include outreach initiatives developed collaboratively by KJC and civil society as a result of program facilitation, media reports on KJC or court reforms and services, and monitoring of KJC or court processes by civil society.

³ As of March 2016, no final decisions had been posted on court websites.

Expected Result	Performance Indicator	Baseline	Target Year 1	Actual Year 1	Target Year 2	Actual Year 2 (at end of Quarter 3)	Comments	Frequency and timing of data acquisition by JSSP
Objective 3: Support the Functioning and Integration of Judicial Structures in the North								
23. Judicial structures in the North integrated. (Activity 3.1)	Number of milestones achieved on Transition Matrix to implement the Justice Sector Agreement ⁴ . <i>Cumulative</i>	N/A	8	14	13	5	A plan was developed for the transfer of case files and records from parallel courts to a central location in the North.	Ongoing when an action or milestone is fulfilled.
24. Public engagement increased. (Activity 3.4)	Number of court-civil society initiatives implemented to build citizen trust.	2015/0	3	9	9	0	Related activities will occur in Quarter 4, including: a) focus groups on the integration of the judiciary; b) mechanism for improved communication between the Basic Court of Mitrovica and the public; c) awareness raising and education campaign; d) study visits to the KJC; and e) a one-day Conference with the KJC.	Upon completion of each initiative.

⁴ The Transition Matrix used to measure progress was developed by JSSP and approved by the KJC and representatives from the North. It differs from the sample included in the original PMP.

USAID'S JUSTICE SYSTEM STRENGTHENING PROGRAM

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