

BRIEFING

EIGHT YEARS OF EWMI ASSISTANCE TO BULGARIA'S JUDICIARY



BULGARIA
SEPTEMBER 28,
2007

Since 1999, EWMI has been working to make Bulgaria's judicial system more effective, transparent, accountable and professional. On September 28, 2007, EWMI's USAID-funded Judicial Strengthening Initiative (JSI), which was a follow up project to EWMI's Judicial Development Project (JDP), concluded. EWMI would like to take this opportunity to thank all those who have contributed so much to the success of the project, including our dedicated staff in Sofia; our Bulgarian counterparts in the judiciary, government, and media and NGO communities; our collaborators at the European Union and other USAID projects; and our donors and supporters at USAID and the US Embassy. We are extremely proud of our work together over these past eight years, which contributed in no small part to Bulgaria's recent accession to the European Union. We would especially like to acknowledge the tremendous contribution of Judge Ken Stuart, who has led our efforts in Bulgaria with energy and dedication since he joined the EWMI team in 2002.

On September 20, 2007 the Minister of Justice of Bulgaria, Miglena Tacheva (above, far right), presented EWMI Chief of Party Judge Kenneth Stuart (above, far left), with an honorary medal and thanked him for his contribution to the development of the rule of law in Bulgaria. The other honorees included Chief of Party for the USAID Commercial Law Reform Program, Chris Thompson; USAID Mission Director Michael Fritz; and U.K. Ambassador Jeremy Hill.

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The entrance to the Supreme Judicial Council, one of EWMI's key partners in Bulgaria



The JSI and JDP projects leave behind several important and tangible legacies in Bulgaria. The most significant is the National Institute of Justice (NIJ), which has now become a fully sustainable Bulgarian institution that provides comprehensive, modern and innovative training programs for both new and sitting judges and prosecutors. Also of considerable note are the 32 Model Courts and Courts in Partnership that the projects selected and worked with to improve court administration throughout the country. EWMI-supported Model Courts have increased their efficiency, operate more transparently, and provide an example for other courts around the country. The Supreme Judicial Council (SJC) has recently announced that it will adapt and expand EWMI's Model Court and Court Improvement Plan approach to judicial reform, guaranteeing the sustainability of our efforts. A more recent legacy is the creation of a new NGO made up of former JSI staffers, the Program for the Development of the Judicial System (PDJS), which will continue to work with the SJC on judicial reform initiatives.

On July 12th, EWMI, USAID, JSI staff and its partners and supporters joined together in a final celebration of the project, which included speeches by U.S. Ambassador Beyrle, Ivan Grigorov, Chair of the Supreme Court of Cassation, and Konstantin Penchev, Chair of the Supreme Court of Administration. Ambassador Beyrle stressed how Bulgaria's entry into the EU and graduation from USAID programming means a new phase of the American-Bulgarian partnership. He also urged the judiciary to continue the work of the JSI and to further court reforms into new courts of Bulgaria.

The JSI and JDP's history and accomplishments have been summarized in "Strengthening Bulgaria's Judiciary 1999-2007", a report which is available in downloadable form (in English and Bulgarian) at: <http://www.ewmi.org/JSIenglish.pdf> and <http://www.ewmi.org/JSIbulgarian.pdf>.

PARTNERS FOR FINANCIAL STABILITY PROGRAM OFFICIALLY EXPANDED TO THE NIS COUNTRIES

PFS

Established in 1999, EWMI's Partners for Financial Stability (PFS) Program is a public private partnership to help complete reforms necessary to instill market-oriented, sound and well-functioning financial sectors in the eight Central and Eastern Europe (CEE) countries that have since joined the European Union. In 2005 the geographical focus of the program shifted to South East Europe (SEE), capitalizing on the knowledge and best practices acquired in the CEE region. The Program was then expanded in 2006 to include the countries of the former Soviet Union (NIS), through a series of pilot events that aimed to evaluate how effective the PFS model could be in this region. These initial activities and events in the NIS were successful, and in September, USAID officially granted EWMI with program funds to implement these programs through PFS-Eurasia, while maintaining its existing program in SEE.

PRAJ — NATIONAL MOOT COURT COMPETITION

CAMBODIA

In June, the Program on Rights and Justice (PRAJ) in Cambodia delivered the First Cambodian Mock Trial Competition, which followed an advocacy skills workshop held in March. The workshop, which included approximately 90 students and university officials representing seven different universities, provided basic training on trial advocacy skills to those students who were preparing to compete in the Competition.



Ambassador Mussomeli and H.E. Im Sethy pose for the cameras with the winning team

Eight teams from seven Cambodian law schools participated in the actual competition. After the first day of competition, the four semi-finalists were: Cambodian Mekong University, Chamroeun University Poly-technology, RULE and University of Cambodia. The final round, which included RULE and CMU, competed to a full auditorium, with an estimated 300 attendees. US Ambassador Joseph Mussomeli (Presiding Judge), ECCC Deputy Prosecutor William Smith and Cambodian Supreme Court Judge Mong Monichariya served as judges for the final round.

While the competition was very close, the judges found the RULE team to be superior. The competition received extensive media coverage and was featured on Cambodian TV 5 evening news. EWMI hopes and expects that the success of the program will be replicated next year.

JSDP'S JUDICIAL DISCIPLINE EFFORTS SHOW RESULTS, ACCORDING TO ANALYSIS BY THE OFFICE OF DISCIPLINARY COUNSEL

BOSNIA

(August 2007) A press release by the BiH's Office of Disciplinary Counsel (ODC) within the High Judicial and Prosecutorial Council (HJPC) indicates that important progress is being made in the area of judicial discipline, which is one component of EWMI's Justice Sector Development Project (JSDP) in Bosnia and Herzegovina. EWMI expert Victoria Henley, Chief Disciplinary Counsel of the State of California, agreed with this assessment in a recent visit to Sarajevo, noting that the achievements of the ODC in a relatively short period of time are extremely impressive. The first body of its kind in Southeast Europe, the ODC is responsible for judicial conduct and performance monitoring, which is essential to the creation of an independent and accountable judiciary. Of the improvements made, EWMI's JSDP has contributed to: improved professional and management performance by ODC in areas of judicial discipline and performance of judges and prosecutors; improved public communication and outreach skills shown by HJPC/ODC; improved statistical reporting inside HJPC; and the declining level of citizen complaints against judicial officers, possibly signaling greater trust and confidence in the court system. In addition, with very rare exceptions, charges brought by the ODC in the most serious cases are being sustained and upheld on appeal. The ODC has acknowledged how the JSDP study tour to California in 2006 has been crucial to its increased effectiveness in dealing with the enormous inflow of complaints against judges and prosecutors.

EWMI LAUNCHES ITS SAFEGUARDING CAMBODIANS' LAND RIGHTS PROGRAM

CAMBODIA

This two year project, funded by the U.S. Department of State Bureau of Democracy, Human Rights and Labor is working to help Cambodian citizens secure their rights to land. The project focuses on improving individuals' ability to secure title to lands that historically they and their families have occupied. As part of its efforts, EWMI is training a network of grassroots "Party Assistants" to advise and assist citizens in resolving land disputes. In cooperation with its local partner Action IEC, EWMI is also conducting a series of entertaining and informative "road shows" targeting a largely illiterate population living in underserved, rural regions of Cambodia. Finally, the project is undertaking a model community land documentation program, which will help two communities document and preserve their land history. These efforts



At EWMI's Party Assistant training, a group of trainees conduct their conciliation using a case study of an actual land dispute case. The two disputing parties have only information about their own case and what they want to get out of the conciliation.

will safeguard the land rights of Cambodians possessing unregistered land until systematic registration of all land is completed in the next 15-20 years.

Through the Project, EWMI will conduct 4 regional workshops to train 120 civil society workers to become effective Party Assistants so they can assist community people who have land disputes before the Cadastral Commissions. Cadastral Commission conciliation provides an opportunity for parties to reach a peaceful solution among themselves, avoiding the win-lose situation that often results when disputes are taken to court. Recognizing that many people, particularly people in rural areas with limited education, might be intimidated by the conciliation process, the regulations give disputing parties the right to have a person or organization of the party's own choice to assist the party in the conciliation process.

The training is provided over a four day period of interactive learning from experts, practitioners and each other. In addition to basics of the Land Law, participants learn basic conciliation and negotiation skills, how the Cadastral Commission process works and how they can effectively assist parties in the process. The first regional Party Assistant training was held in September in Kampong Cham province. Twenty-eight participants associated with 12 civil society organizations in 6 provinces east of Phnom Penh attended the training.

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EWMI LAUNCHES NEW WEBSITE

EWMI is pleased to announce the launching of its new website. Although the web address is the same (<http://www.ewmi.org>), the site now represents EWMI's vast and varied work around the world in an up-to-date, exciting way. Please visit our new site and let us know what you think!