



Advice to the KJC on the Implementation of the CMIS

The Assembly of EULEX Judges, on the occasion of the 13th Assembly of EULEX Judges, held in Pristinë/Priština on 27 January 2011, and composed of the following Judges:

Maria Giuliana Civinini, Charles Smith, Martti Harsia, Lars Dahlstedt, Gerrit-Marc Sprenger, Tapio Vanamo, Torsten Koschinka, Norbert Koster, Piero Leanza, Anna Bednarek, Esma Erterzi, Antoinette Lepeltier-Durel, Laura Plesa, Roxana Comsa, Katerina Entcheva, Francesco Florit, Arkadiusz Sedek, Ferdinando Buatier de Mongeot, Karen Asphaug-Warg, Gianfranco Gallo, Horst Proetel, Johanna Schokkenbroek, Verginiya Micheva-Ruseva, Dragomir Yordanov, Vitor Hugo Pardal, Rositza Buzova, Gunnar Oyhaugen, Franciska Fiser, Riku Jaakkola, Witold Jakimko, Vladimir Kanev, Klaus Jung, Hajnalka Karpati, Nikolay Entchev, Caroline Charpentier, Christine Lindemann-Proetel, Jonathan Welford-Carroll

unanimously

DECIDES

to issue an advise the KJC in the context of the implementation of the CMIS in Kosovo Courts, **recommending**

the identification of a suitable court for a pilot project for the refinement and implementation of the CMIS,

the issuance of clear instructions to all courts of Kosovo on the implementation and use of the CMIS in the court operations

and

the centralization of the data entry in order to ensure the effectiveness and the efficiency of the CMIS.

Maria Giuliana Civinini
President of the Assembly of EULEX Judges

ANNEX: Background, Analysis and Required Action

EULEX Kosovo

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ANNEX

1. Background

The CMIS has not been successfully implemented in the Kosovo courts as planned. During the last months EJU has conducted comprehensive monitoring and mentoring with regards to the implementation of CMIS in the Kosovo courts. As a result, it has become apparent that the CMIS is not operational and far from being fully implemented at this time. The reasons for this are several. The most important are:

- lack of training;
- lack and/or weakness of network connectivity and backlog of data entry resulting from lack of network connectivity throughout the most of 2010;
- unwillingness of the judges to use the system;
- lack of official instruction;
- inadequacy of the CMIS software.

2. Analysis and Recommendations

The number of complex and interlinked problems and the shortage of technical support provided to the courts must be taken into consideration when planning the adequate implementation of the CMIS. It is not feasible to deal with all of the problems and hindrances of implementation while running the CMIS with a minimum of support. It is not feasible to try to implement this system at the same level of operation in all courts of Kosovo at the same time.

Even though it might seem like a step back at the first glimpse, it would be advisable to attempt the full implementation and perfection of the CMIS by utilizing a pilot location. After the software and the function of the system in that pilot court has reached a level that it is fully operational and acceptable to users, then CMIS can begin to be rolled out district by district until it is fully and universally utilized in all courts in Kosovo.

Since it is foreseen that some functional changes in the software must be made to remedy some observed deficiencies, a smaller but engaged user unit will be more able to effectively and efficiently overcome the abovementioned problems and shortcomings of the CMIS. However, it is of utmost importance that during the pilot period the current operations with the CMIS are ongoing, especially to not create further backlog of case registration and processing.

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Furthermore, the current application requirement that the judges accept cases and enter their own orders into the system paired with the reluctance of the relevant users to do so is one of the major obstacles to its consistent implementation. Therefore, it is foreseen that it would be better to develop a more efficient method to input data into CMIS. It is recommended that procedural ease and facilitation be established by having staff designated to enter data entry into the CMIS within the courts. Templates have to be developed that have to be filled by the legal staff and the actual data input would not have to be done by the judges personally.

The EJU offers its expertise to assist in the selection, implementation and conduct of the pilot project run by the KJC.

3. Required Action

1.) Pilot Project

Identification of a suitable court for pilot project for the refinement and implementation of the CMIS. Requirements for the respective court would be, highly motivated court staff and judges/president who are capable, knowledgeable and enthusiastic about the implementation of the CMIS, good technical conditions (network stability, hardware, etc.) and geographical situation (not remote). EULEX would be glad to offer any assistance to KJC in managing this process.

A CMIS pilot project within the KJC shall be established and implemented in one pilot court with the full support in all relevant aspects. Technically the court will have to be supported as well with operational expertise and legal and administrative guidance from the Council.

The function of the software will have to be further developed and perfected. Necessary arrangements with either the provider or internal experts will have to be made. The provider should be on site to assist in the implementation and any necessary revisions.

2.) Instruction on CMIS from KJC

Instructions have to be developed and provided to all courts of Kosovo on the implementation and use of the CMIS in the court operations.

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3.) Centralized data entry

For an effective and efficient implementation the data entry in each court should be centralized rather than individualized data entry. A system has to be developed and implemented to have templates in place to be filled and submitted by the users to a court internal centralized data entry officer or unit (depending on the size and workload of the court).

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