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*A decade of  
the High Judicial and  
Prosecutorial Council  
of Bosnia and Herzegovina*

*The Judicial Reform  
and its Achievements*





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Visoko sudsko i tužilačko vijeće Bosne i Hercegovine  
Visoko sudbeno i tužiteljsko vijeće Bosne i Hercegovine  
Високи судски и тужилачки савјет Босне и Херцеговине  
High Judicial and Prosecutorial Council of Bosnia and Herzegovina



# Foreword

In the past decade the High Judicial and Prosecutorial Council of Bosnia and Herzegovina and the Judiciary of BiH have achieved significant progress and measurable success. The socio-political environment and conditions in which judicial reform has been carried out were extremely complex, however that did not diminish our enthusiasm and obligation to decisively face challenges and steer the judicial system of BiH along the demanding road to EU integration, as we hope to soon join the large family of the “Old Continent” – the European Union.

The High Judicial and Prosecutorial Council of BiH has diligently worked on ensuring legal certainty and equality of all BiH citizens before the law. We have invested great efforts into creating a judiciary that acts in accordance with the best practices of highly developed European countries. We have guaranteed human rights and fundamental freedoms, and have made the judicial system of our country transparent and accessible to all citizens.

Clear answers to the question of what the Judiciary of Bosnia and Herzegovina can emphasise as its successes in the context of reform are provided in the ensuing pages of this publication.

It is necessary to underline our contribution to the extensive legislative reform, within the framework of which numerous laws were prepared and amended in order to achieve compliance with the highest EU standards.

Significant results were achieved with regard to reorganising the network of courts and prosecutors’ offices, specifically through reducing their number in accordance with the recommendations of the relevant European judicial bodies, which contributed to rationalisation of the Judiciary of BiH. No less important is the Minor Offense Court Reform, whereby compliance

with the European Convention for the Protection of Human Rights and Fundamental Freedoms was ensured.

In this time, a demanding reappointment process was also conducted, which resulted in enhancement of the quality, professionalism and independence of the judicial system, and also ensured the appropriate ethnic balance within the Judiciary of BiH.

This period was also marked by the establishment of judicial institutions at the state level – the Court of Bosnia and Herzegovina and the Prosecutor’s Office of Bosnia and Herzegovina, as well as the entity judicial and prosecutorial training centres.

Almost exactly ten years ago, the High Judicial and Prosecutorial Council of Bosnia and Herzegovina was established, which without a doubt, and time and again, has proven itself as the safeguard of the independence and accountability of the judiciary in our country.

In addition to a duty-bound approach to fulfilling our primary responsibilities relating to the appointment and the disciplinary accountability of judicial office holders, during our ten years of existence, we have managed to emerge as the leader in the area of the computerisation of the judiciary, not only in the region, but also much wider. We now serve as an example of good practices that other countries seek to adopt in order to improve their own systems. The good practices of the Judiciary of BiH were further enhanced through the creation of an automated case management system in courts and prosecutors’ offices (CMS and TCMS) the complex development of the e-Justice portal and system.

We also took a resolute approach to the problem of old and deteriorated judicial buildings, and to the satisfaction of our citizens, and with the help of donors, we have renovated, modernised and made functional a great

number of judicial institutions, and will continue to do so in the coming time.

In addition, for the purpose of enhancing efficiency, we also introduced framework measures for the performance of judges and prosecutors, the obligation to prepare plans for resolving backlogs, case processing time frames for courts and prosecutors' offices, and many other measures.

Quality of course remained a priority, and we therefore founded the Judicial Documentation Centre that has, with over 10,000 court decisions and a great number of other specialised documents, become a significant tool used by judges, prosecutors and lawyers. Starting this year, we have made this database available to all interested citizens. Also we have systematically addressed the issues of judicial training and achieving uniform court practices, which posed quite a substantial challenge.

Much has been done and numerous activities have been undertaken towards realising the objectives set forth in the National War Crimes Strategy, the heavy burden of our recent past. We will continue maximum efforts in this area.

The independence and accountability of the judiciary are two constants that we have continuously worked on enhancing. Hence, we introduced computer-based testing for candidates, thereby making the appointment of judges and prosecutors almost completely objective and impartial, and we are also working hard on enhancing the candidate interview procedure.

The HJPC BiH has also been actively and laboriously working on implementing the recommendations of the Structured Dialogue on Justice between the European Union and Bosnia Herzegovina. We are strongly committed to this method of resolving vital issues for the purpose of making progress in the alignment of the judicial system of Bosnia Herzegovina with the Community *acquis* and the relevant EU standards.

From this brief overview of achievements made so far, it is clear that many demanding reforms are now behind us,

and which were essential for ensuring an independent, impartial, high-quality and professional judiciary.

Do we now take a break? Do we stop here? Of course not.

The HJPC BiH, together with the judges, prosecutors and other staff working in the judiciary, as well as our partners in the local government and within the international community, will continue to, with as much commitment and earnestness as ever, work on issues of great significance to the Judiciary of Bosnia and Herzegovina. Numerous challenges lie ahead of us on the path to EU accession, which we must not fear or shy away from, but instead meet them fully prepared. It is also essential to continue with legislative reforms that will be focused on preserving and further strengthening the independence of the judiciary. Also we need to continue to address important issues regarding the efficiency of the judiciary, and in particular the prosecution of the most complex cases of war crimes, organised crime, privatisation, corruption, bankruptcy proceedings, as well as other cases. These are steps towards ensuring a stable economic environment in BiH and a strategic approach to resolving future challenges in the justice sector.

We are not alone responsible for the achievements and successes. It is for that reason we wish to sincerely thank the judges and prosecutors without whose dedicated work we would not have been able to realise the great many reform activities undertaken, also the national authorities, who in partnership with the judicial authorities, with great seriousness, took on a part of the responsibility for the development of our country's judicial system, and of course our many friends within the international community, who generously supported our efforts to preserve the independence, accountability and professionalism of the Judiciary of Bosnia and Herzegovina.

Thank you.

**Milorad Novković**  
**President of the HJPC BiH**

# Before the reform...

The establishment and the development of an independent judiciary represents a process that began before all other processes in Bosnia and Herzegovina. European standards in the field of independence and efficiency of the judiciary required major reforms of the judicial system which have, from the mid-nineties and to this day, largely been completed.

The significance of the achievements is all the greater if we look at the circumstances under which the reform of the judiciary was carried out. The complexity of the economic and social situation in the country immediately after the war inevitably affected the performance of the judiciary. The war resulted in numerous war crime cases that would represent a weight even for better regulated and more functional systems. The effects of the war, the devastation of industry and the socio-political transition generated many specific cases such as property return, labour disputes, bankruptcy, war related damages and other cases that represented new challenges.

The postwar judiciary did not have available the necessary material/technical and staffing resources to process such complicated cases, while the political ambience at the time served as an added aggravation for the judicial institutions in their work.

The organisation of the judiciary in BiH was exceptionally complex and we can say that the judicial system was divided into four separate systems. Apart from this, parallel judicial structures were operating separately

within certain cantons of the Federation of Bosnia and Herzegovina. Inter-Entity cooperation was below standard and was not institutionalised.

Financing for the judiciary was inadequate compared to the number and influx of cases in the courts and prosecutors offices and depended on the political will of individuals and institutions.

Courts and prosecutors offices were unequipped while many years with no capital investments led to deteriorating facilities in the courts and prosecutors offices that were unsuitable for accommodation.

The assessment at the time was that the current legislative framework did not contribute towards efficient performance.

Appointments to judicial office were entrusted to the legislative and executive branches. As a consequence this led to the appointment of politically suitable candidates to judicial office, which included people lacking the necessary qualifications or corresponding experience to perform the duties of a judge or prosecutor.

The general situation, the unfavourable standing of the judicial institutions and the appointment procedure for judicial office represented sound reasons to initiate the reform of the BiH judiciary, and was also supported in the reports coming from relevant international institutions and organisations.

# Judicial System Assessment Program

Article I of the BiH Constitution which was agreed upon within the framework of the Dayton Peace Accords, defines BiH as a “democratic state, which shall operate under the rule of law”, while the European Convention for the Protection of Human Rights and Fundamental Freedoms is directly applied in BiH, in accordance with Article II of the Constitution.

While the Constitution of BiH firmly establishes the primacy of the rule of law and fundamental freedoms, the principles have rarely been applied in the practices of the judiciary that was set up immediately after the war.

In order to clearly “diagnose” the problems of the judiciary, towards the end of 1998 the United Nations Security Council (UNSC) established JSAP – Judicial System Assessment Program within the UN Mission to BiH. The Program, was tasked to “monitor and assess the court system of Bosnia and Herzegovina as part of an overall program of legal reform”. The assessment focused on three aspects i.e. technical which referred to

laws, regulations and other standards; institutional which looked at physical and human resources and organisation; and political which dealt with the political framework and other factors that determined the performance of the judicial system and its level of independence.

Thirteen reports were compiled within the Program between 1998 and 2000 which expressed the need for judicial reform in BiH. Specifically, the analysis of the aforesaid aspects showed that judges were not operating independently, that they did not consider themselves to be independent and that other institutions did not address judges in accordance with the principles of independence.

The assessment resulted in a decision of the Peace Implementation Council in Bosnia and Herzegovina and the High Representative for BiH to establish an Independent Judicial Commission in March 2001, with the task of leading and coordinating the continued reform of the BiH judiciary.

# Independent Judicial Commission

Immediately with the establishment of the Independent Judicial Commission, activities began for the realisation of reform objectives and the creation of conditions to strengthen independence and improve the quality and efficiency of the judiciary. Accordingly, this required reforms to the appointment process, improving court financing, the establishment of mechanisms for greater efficiency of case resolution including reforms to the procedural laws, court administration reform to achieve greater efficiency, ensure ongoing training for judges and prosecutors, improve access to legal information and ensure the implementation of minor offence reforms.

As part of Independent Judicial Commission efforts, three high judicial and prosecutorial councils were established in 2002, on the levels of FBiH, Republika Srpska and BiH which had competences for the appointment and disciplinary liability of judges and prosecutors. The Independent Judicial Commission operated as a secretariat for all three councils and performed the duties of disciplinary counsel. The establishment of the councils was preceded by the adoption and application of the laws on judicial and prosecutorial function of the entities, which represented the first major step towards

the creation of a harmonised legal framework for the organisation and operations of the judiciary and the gradual strengthening of its independence.

Judicial and prosecutorial training centres were opened in the entities in 2003.

During this period we also saw the establishment of the Court of Bosnia and Herzegovina and the Prosecutors Office of Bosnia and Herzegovina.

The court and prosecutors office networks were reorganised, draft laws on courts were prepared in the entities as was a strategic proposal for the informatisation of the judiciary and necessary funds from donors was secured.

The final phase of operations of the Independent Judicial Commission targeted the establishment of a single HJPC BiH as well as its own transition into the Secretariat of the HJPC BiH.

The Independent Judicial Commission stopped operating in March 2004 as did the aforesaid high judicial and prosecutorial councils. The functions of the institutions were taken on by the HJPC BiH.

# Legislative reform

When assessing the court system it was determined that the procedural laws and the manner in which they were being interpreted represented obstacles to the efficiency of court procedures. Also, in the context of BiH membership to the Council of Europe, an obligation was assumed for rendering and applying new criminal legislation in accordance with the standards of the Council of Europe. Thus legislative reform had its own special place within the overall reform processes.

In January, 2003, the High Representative for BiH passed a “set of laws to combat crime” including the BiH Criminal Code and the BiH Criminal Procedure Code. Throughout 2003, criminal legislation in the entities and the Brcko District BiH was harmonised with the regulations adopted on state level.

Legislative reform in the field of criminal law had the objective of achieving greater efficiency in combating corruption and organised crime as well as introducing new methods to battle the most complex forms of crime, expediting criminal procedure and the protection of human rights and freedoms through harmonisation with international standards.

Apart from criminal legislation reform, another strategic objective was to increase efficiency in processing civil cases through the introduction of modern laws that are in line with European standards. The new laws were adopted mid-2003 and represented the result of the collaborative efforts of the Independent Judicial Commission, the

entity ministries of justice and experts appointed to the working groups that were appointed at the time. During the most notable period of new legislation, between 2001 – 2004, the following laws were introduced:

- Civil procedure codes
- Criminal procedure codes
- Criminal codes
- Enforcement procedure laws
- Administrative procedure laws
- Laws on courts
- Laws on bar chambers

Since the passing of a range of initial reform-related laws, the dynamics of legislative reform have somewhat receded. Still, in that time important regulations have been adopted such as the Law on curbing organised crime and the most serious forms of commercial crime in the RS and the Law on the seizure of property gained through the commitment of a criminal offence of the RS, with similar laws also prepared in the FBiH. Criminal codes, laws on criminal, civil and enforcement procedures have on a number of occasions been amended while the RS has adopted a new Criminal Procedure Code. Laws have also been adopted regarding the protection of and conduct with children and juveniles in criminal proceedings, with the exception of the FBiH where the law is still in procedure. The RS has also adopted a new Law on non-litigation procedure.

“the prime factor causing delay is the procedural laws governing court proceedings and the way that those laws are interpreted. The judiciary appears to be more attuned to achieving perfection in form rather than justice in substance. The obligation to find the material truth sends first instance courts on a seemingly endless quest for evidence, much of which will clearly contribute little to the resolution of the case.”

Judicial System Assessment Program (JSAP)

# The Court of Bosnia and Herzegovina and the Prosecutors Office of Bosnia and Herzegovina

The establishment of the HJPC BiH was preceded by the establishment of the Court of Bosnia and Herzegovina and the Prosecutors Office of Bosnia and Herzegovina.

The Court of BiH was founded in 2002 and its competencies are stipulated in the Law on the Court of BiH and cover criminal, administrative and appellate jurisdiction.

Within its criminal jurisdiction, the Court of BiH presides over cases that refer to criminal offences such as, among others, war crimes, organised crime, commercial crime and corruption.

Administrative jurisdiction implies that the Court of BiH decides on complaints against final administrative acts rendered by the institutions of BiH. The Court of BiH decides on requests for the protection of citizen freedoms and rights as guaranteed with the Constitution of BiH when such rights and freedoms are violated by acts of BiH institutions. Also, the Court of BiH presides over property disputes between BiH, the entities and the Brcko District BiH, property disputes between BiH institutions, property disputes stemming from damages caused as the result of the performance of duties by administrative authorities and other BiH institutions and the officials of such authorities and institutions as well as other property disputes if jurisdiction of the Court is determined by BiH law or international agreements.

As part of its appellate jurisdiction the Court of BiH presides over appeals against decisions rendered within the Criminal and Administrative departments and

decides on objections dealing with BiH Electoral Law violations.

The Prosecutors Office of BiH was established in 2003 as an institution with special jurisdiction to prosecute before the Court of BiH criminal offences prescribed by the Law on the Court of BiH, the Law on the Prosecutors Office of BiH, the BiH Criminal Code, the BiH Criminal Procedure Code, the Law on the transfer of cases from the ICTY to the Prosecutors Office of BiH.

Jurisdiction and area of action are prescribed by the Law on the Prosecutors Office of BiH, according to which the Prosecutors Office of BiH is:

- the authority competent to investigate the offences for which the Court of Bosnia and Herzegovina is competent, and to prosecute offenders before the Court of Bosnia and Herzegovina, in accordance with the Criminal Procedure Code of Bosnia and Herzegovina and other applicable laws;
- the authority competent to receive requests for international legal assistance in criminal matters as stipulated by law, multilateral and bilateral treaties and conventions, including requests for extradition or surrender of persons sought, from Courts or authorities within the territory of Bosnia and Herzegovina and from other States or International Courts or Tribunals;
- the authority tasked with drafting a statistical overview of its activities and the preparation of a paper on the development of criminality in BiH and present crime trends.



BiH Court and Prosecutors Office

# Judicial and prosecutorial training centres

The Judicial and Prosecutorial Training Centre of the Federation of Bosnia and Herzegovina and the Judicial and Prosecutorial Training Centre of Republika Srpska were established in 2003 with the objective to improve the professionalism of the judicial system through ongoing professional training for judicial office holders.

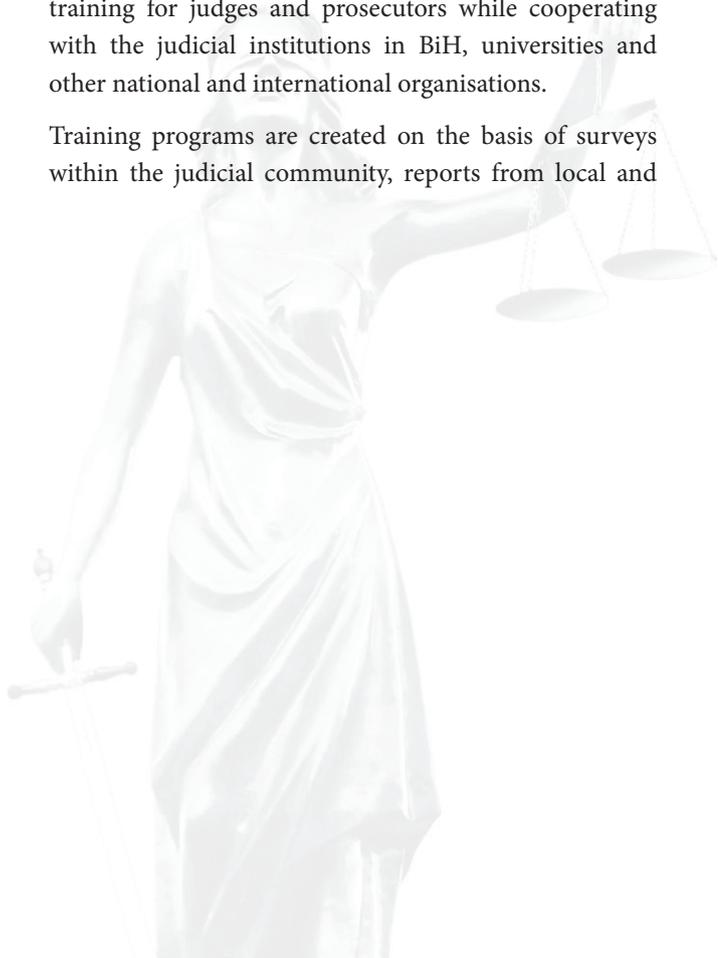
The centres operate as autonomous public institutions with seats in Sarajevo and Banja Luka and conduct training for judges and prosecutors while cooperating with the judicial institutions in BiH, universities and other national and international organisations.

Training programs are created on the basis of surveys within the judicial community, reports from local and

international organisations, monitoring legislative amendments, the implementation of existing laws as well as according to the needs and recommendations presented in the country, region and abroad.

Training is carried out through seminars and advisory sessions together with the utilisation of various methods and techniques in the teaching field, such as various exercises with moot trials and video presentations.

Judges, prosecutors, professors of law and other sciences as well as experts in other fields relevant to the work of judges and prosecutors are used as trainers by the centres.



# Restructuring the network of courts and prosecutors offices

One of the strategic objectives of the judicial reform was the restructuring of the court and prosecutors office networks. Specifically, during and after the war, numerous new courts were opened in both entities without any consideration given to real needs and available funding. In general, the courts were underfinanced during this period, while certain courts didn't have any funds secured. Such a system proved itself to be questionable both from an organisational and economic aspect, as well as with reference to court independence which was much more difficult to preserve in smaller localities.

The restructuring of the courts for both entities was carried out gradually, by terminating and merging the municipal and basic courts. The process was based on objective criteria such as population figures, incoming caseloads, geographic distance between the courts and other criteria.

By way of merger 16 new courts were established from 41 municipal courts in FBiH, while 12 municipal courts continued operating under their current capacities. In doing so, the number of municipal court in the FBiH was reduced from 53 to 28.

In the RS, six new courts were established through the merger of 12 former courts, while 13 courts remained unchanged. After the restructuring, the RS had 19 basic courts instead of the 25 it had previously.

Generally speaking, the number of municipal and basic courts in both entities dropped from 78 to 47.

The structure of the cantonal and district courts in the entities was not changed, even though objective criteria pointed to the need to merge a number of cantonal courts in the FBiH. The issue, however, could not be addressed due to the constitutional set up in the FBiH.

Apart from establishing fewer courts, the restructuring process also analysed the situation regarding the number of judges. The total number of judges pre restructuring was 868 and as part of the process was reduced to 629 judges for the basic, municipal, district and cantonal courts. The merging of the courts and reducing the number of judges inevitably led to the downsizing of administrative and support staff in the courts.

Together with the restructuring of the court network, action was also taken towards restructuring the prosecutorial network by dissolving the municipal and basic prosecutors offices. The scope of the reform is best illustrated through the fact that the number of prosecutors offices in BiH had dropped from 103 to 19. Specifically, the structure of the prosecutorial system which contained district/cantonal along with basic/municipal prosecutors offices was, financially speaking, difficult to sustain.

# Restructuring

Prosecutors offices pre-war  
**103**



Prosecutors offices post-war  
**19**



Diagrams showing prosecutors offices before and after the restructuring

The effects of the downsizing of the courts in BiH within the judicial reform have, however, in part been lost in recent years. Immediately after the entity laws on courts came into effect, numerous initiatives surfaced for amending the regulations in order to establish new courts and branch offices. The HJPC BiH considered the initiatives as premature and was of the view that more time had to pass before any reexamination of the court network began. Also, it was stressed that any review of the court network should be performed based on the objective criteria for the establishment of courts and branch offices that was applied as part of the initial court network restructuring.

However, the legislative and executive powers of the entities insisted on increasing the number of courts and branch offices and so rendered laws on courts prescribing the establishment of new courts and branch offices.

Even though the laws stipulated the establishment of nine new courts and seven branch offices in the RS and five new courts and four branch offices in the FBiH, the HJPC BiH in its opinion noted that only two courts in each entity partially satisfied the criteria for establishment.

Due to difficulties encountered by the legislative and executive powers of the entities and cantons in fulfilling the prerequisites for the courts and branch offices to begin operating, only three courts in the FBiH were opened in 2012 and 2013, while not a single court that was stipulated in the Law on Courts in RS has opened yet.

In the meantime we have seen the establishment of specialised courts and prosecutors offices. Amendments to the Law on Courts in Republika Srpska from 2008 allowed for the establishment of specialised courts to process commercial cases. Specifically, five district commercial courts were founded as well as a High Commercial Court which started operating in 2010. The National Assembly of Republika Srpska adopted the Law on curbing organised crime and the most serious forms of commercial crime in 2006 which established a Special Prosecutors Office for curbing organised crime and the most serious forms of commercial crime of Republika Srpska (Special Prosecutors Office of RS) within the District Prosecutors Office in Banja Luka.

# Minor offence reform

Apart from the restructuring of the regular courts, between 2003 and 2006 minor offence courts were also restructured. This was a radical and successful reform process carried out by the HJPC BiH in cooperation with the entity ministries of justice together with the financial support of the EU. The objective of the reform was to harmonise the minor offence system with the requirements of the European Convention on the Protection of Human Rights and Fundamental Freedoms and to have it organised within the regular judiciary.

Prior to the reform minor offence cases were presided over by minor offence courts which despite their name, were not organised to be part of the judicial branch, while minor offence court judges were not subjected to legislation that regulated judicial office. Keeping in mind the nature of minor offence cases and the sanctions meted out in minor offence procedure, such an approach was not in line with Article 6 of the European Convention for the Protection of Human Rights and Fundamental Freedoms which calls for trials to be held before “an independent and impartial tribunal”.

Apart from the above, the minor offence system itself was organised in a cumbersome, complex and unequal way and required the presence of a first instance court in every municipality. Jurisdiction in the second instance and for extraordinary legal remedies was regulated in varying ways, especially in the FBiH. More so, certain types of minor offence courts were resolved by minor offence committees within administrative authorities. The complicated structure required many employees to work on processing minor offences.

Furthermore, minor offence court judges were appointed by the legislative and executive branch while conditions

for appointment were not harmonised with those for appointment to judge positions. A disciplinary system to deal with minor offence judge liability was non-existent.

The above reasons resulted in the designing of a Minor Offence Reform Strategy which covered the drafting and adoption of necessary legislation, the restructuring of the minor offence system, the appointment of minor offence judges, developing and implementing a Register of Fines as well as training on the application of new laws and the use of the Register.

During the reform amendments were adopted to the Law on the HJPC BiH which prescribed the mandate termination of minor offence judges and a procedure for the appointment to regular courts which had received jurisdiction for minor offence. Amendments were also adopted in the entity laws regulating the termination of minor offence courts and the carry-over of cases to the minor offence departments of the regular courts. Entity laws on minor offences were adopted including the Law on Minor Offences of BiH as well as a range of other laws linked to minor offence reform.

The restructuring of the minor offence courts was carried out by merging the minor offence courts with the regular courts which lead to the termination of 122 minor offence courts. Apart from this, all first and second instance minor offence commissions in the entities also ceased operating. Minor offence departments were established within the regular courts. A decision was passed regarding the additional number of judges for the regular courts to work on minor offences and their appointment was subsequently carried out. We can state that the minor offence restructuring represents one of the greatest successes of the judicial reform in BiH.

# Establishing the High Judicial and Prosecutorial Council of Bosnia and Herzegovina

The founding of the HJPC BiH as the guarantor of the independence of the judiciary in BiH was preceded by a range of reform-related steps. In 2000 and 2001, laws on judicial and prosecutorial service were adopted which established committees for the appointment of judges and prosecutors on federal and cantonal levels in the FBiH and a High Judicial and High Prosecutorial Council in Republika Srpska. The bodies, comprised exclusively from representatives of the judiciary and legal experts, had competences to provide proposals for appointment to the legislative and executive authorities in charge of the election of judges and prosecutors. The committees and the councils also received powers for disciplinary process. However, the unwillingness of the political powers to accept the recommendations of the committees and the councils slowed down appointment procedures and hindered, even obstructed the work of the judicial institutions that were operating under reduced capacities for many years while positions remained unoccupied.

Therefore, the next step was the establishment of high judicial and prosecutorial councils. In May, 2002, the High Representative for BiH amended the entity constitutions concerning the judicial powers and rendered the Law on the High Judicial and Prosecutorial Council of BiH, the Law on the High Judicial and Prosecutorial Council of FBiH and the Law on the High Judicial and prosecutorial Council of RS.

The newly established councils were tasked with ensuring an independent, impartial and professional judiciary and

the establishment of a professional effective court system and prosecutorial service.

The rendering of the said laws largely harmonised the procedure for the appointment of judicial office holders throughout the country drawing it closer to European standards.

The establishment of the councils together with competencies for deciding on the appointment of judges and prosecutors lead to the termination of the former committees and councils which only had advisory roles as proposers, with the appointment procedure now being ultimately depoliticised and entrusted to professional independent authorities.

Apart from competencies for appointment, the councils were also given powers to conduct disciplinary proceedings and decide on disciplinary liability of judges and prosecutors, to oversee training, decide on temporary reassignments and incompatibility issues, as well as having competencies for determining the number of judges and prosecutors, providing opinions for draft laws as well as for participating in drafting budgets for the courts and prosecutors offices.

Apart from their regular competencies, the councils were also entrusted the very important and demanding task of carrying out the reappointment process for judicial office.

# Reappointment

The general objectives of the reappointment process were to improve the quality and professionalism of the performance of judicial office holders and to achieve the appropriate national balance in order to meet with the constitutional provisions on the representation of constituent Peoples and Others.

During the transitional period, the appointment and reappointment process covered some 1,000 positions in 83 courts and prosecutors offices, including appointments to newly established institutions on BiH level. In August, 2002, a public competition was announced for 107 positions in seven courts and prosecutors offices, while in December of the same year 920 positions were announced for the courts and prosecutors offices in BiH i.e. 674 judge positions and 246 prosecutor positions. All interested candidates who met with the prescribed

criteria were able to participate in the competitions as well as those candidates who held judicial office prior to the reappointment procedure.

By March, 31, 2004, 878 positions were filled. After the reappointment process was completed some 30% of the judges and prosecutors who at the time held offices were not reappointed and some 18% of the candidates who were appointed had not previously held office, judicial or prosecutorial. Significantly, only 21% of the candidates who were court presidents or chief prosecutors, at the time, were reappointed to office.

The reappointment process also had a major influence on the establishment of an appropriate ethnic balance in the BiH judiciary.

# The High Judicial and Prosecutorial Council of Bosnia and Herzegovina

When rendering the entity laws on the high judicial and prosecutorial councils, the High Representative for BiH also passed Instructions for the relevant entity authorities in order to begin negotiations on the transfer of competencies for the judiciary to the state in order to establish the High Judicial and Prosecutorial Council of BiH with comprehensive competencies for the judiciary.

Specifically, the establishment of the HJPC BiH was assessed as the best option for ensuring fully harmonised standards for the appointment and disciplinary processing of judges and prosecutors throughout all of BiH.

The establishment of the HJPC BiH was also a requirement of the European Union, considering that the European Commission Feasibility Study set the requirement as one of the conditions in order to initiate negotiations on concluding a Stabilisation and Association Agreement between the EU and BiH.

In March, 2004, the entity prime ministers and the Minister of Justice of BiH signed an Agreement on the Transfer of Certain Entity Responsibilities through the Establishment of the High Judicial and Prosecutorial Council of BiH, which was ultimately carried out by the Parliamentary Assembly of BiH in June, 2004.

The Law on the HJPC BiH established the HJPC BiH in accordance with the European standards for independence, accountability, efficiency and quality of the judiciary. Today, in regional terms, the institution stands for a judicial council that is predominantly organised

according to the highest European standards as listed in Opinion no: 10 of the Consultative Council of European Judges (CCEJ).

Stemming from the competencies of the HJPC BiH as prescribed in Article 17 of the Law on the HJPC BiH is that the Council has exclusive jurisdiction for the appointment and disciplinary liability of judicial office holders. Apart from this, the HJPC BiH also executes its role through partnerships with the executive and legislative branches for various fields such as judicial and prosecutorial budgets, legislative initiatives, judicial administration, the systematization of judge and prosecutor positions and securing funds for the positions as well as other competencies.

“In the field of the judiciary, a law was adopted on the establishment of a single High Judicial and Prosecutorial Council of Bosnia and Herzegovina and the HJPC is now operational. This represents a key step in the consolidation of state authorities over the entity judiciaries and the strengthening of the independence of the judiciary throughout all of Bosnia and Herzegovina.”

EC on the progress of BiH in negotiations regarding the Stabilisation and Association Agreement with the EU, Brussels, 2005.

**SPORAZUM O PRENOŠENJU ODREĐENIH ODGOVORNOSTI ENTITETA KROZ UTEMELJENJE  
VISOKOG SUDBENOG I TUŽITELJSKOG VIJEĆA BOSNE I HERCEGOVINE**

**P R E A M B U L A**

Ovim se sporazumom entitetske vlade pozivaju na Ustav Bosne i Hercegovine radi prenošenja određenih odgovornosti za pitanja pravosuđa na državu Bosnu i Hercegovinu. Cilj ovog prenošenja je da se unaprijede mjere reforme pravosuđa, za koje se smatra da su od bitne važnosti za unaprijeđenje vladavine zakona i ljudskih prava, da se modernizira pravosuđe sukladno sa europskim i međunarodnim standardima, i potpomojne nepristrasno i učinkovito obnašanje pravosudne funkcije u cijeloj Bosni i Hercegovini, Federaciji Bosne i Hercegovine i Republici Srpskoj.

Strane-potpisnice žele da objedine nadležnost nad entitetskim pravosuđima, kako bi ojačale neovisnost pravosuđa utemeljenjem jednog Visokog sudbenog i tužiteljskog vijeća Bosne i Hercegovine. Utemeljenje ovog vijeća označava završetak razvojnog procesa od većeg broja vijeća u svakom entitetu, sa različitim standardima imenovanja i stegovnog sankcioniranja, do jednog vijeća sa jedinstvenim standardima. Vijeće je institucija Bosne i Hercegovine, sa jednim tajništvom i s rasponom ovlasti koji je dovoljan za upravljanje pitanjima pravosuđa entiteta na pravičan, transparentan, učinkovit i djelotvoran način.

Vijeće ima primarnu odgovornost, sukladno ovom sporazumu, za pravosuđe na svim razinama u cijeloj Bosni i Hercegovini i nadgleda suce i tužitelje na način koji javnosti uljeva povjerenje i vjeru u pravosuđe.

**S P O R A Z U M**

Federacija Bosne i Hercegovine i Republika Srpska

1. Sukladno članku III.5 (B) Ustava Bosne i Hercegovine, Entitet Federacije Bosne i Hercegovine (Federacija) i entitet Republike Srpske (Republika Srpska) ovim daju suglasnost da se uspostavi institucija države Bosne i Hercegovine pod nazivom Visoko sudbeno i tužiteljsko vijeće Bosne i Hercegovine (Vijeće) od dana stupanja na snagu novog Zakona o Visokom sudbenom i tužiteljskom vijeću Bosne i Hercegovine.
2. Vijeće je odgovorno za samostalnost, neovisnost, nepristranost, stručnost i učinkovitost pravosuđa, što uključuje i tužiteljsku funkciju, u Federaciji i Republici Srpskoj, kao i na razini Bosne i Hercegovine.
3. Federacija i Republika Srpska podržavaju Vijeće sukladno njihovim obvezama iz člana VIII.3 Ustava Bosne i Hercegovine.

Bosna i Hercegovina

4. Bosna i Hercegovina preuzima odgovornosti koje su entiteti na nju prenijeli, kao što je određeno ovim sporazumom.
5. U saradnji s Neovisnim pravosudnim povjerenstvom, Vijeće ministara Bosne i Hercegovine pripremit će Zakon o Visokom sudbenom i tužiteljskom vijeću Bosne i Hercegovine. Zakon će biti sukladan uvjetima ovog sporazuma i relevantnim europskim i međunarodnim standardima.
6. Vijeće ministara Bosne i Hercegovine predat će nacrt zakona Parlamentarnoj skupštini Bosne i Hercegovine.
7. Bosna i Hercegovina osigurat će dovoljno prostorija i potrebna sredstva za rad tajništva, tako Vijeće može početi s radom u roku od mjesec dana od dana stupanja na snagu Zakona o Visokom sudbenom i tužiteljskom vijeću Bosne i Hercegovine. U tu svrhu, Vijeće ministara Bosne i Hercegovine konzultirat će se sa sadašnjim Visokim sudbenim i tužiteljskim vijećima u cilju olakšavanja pretvorbe u jedno Vijeće.

Potpisano dana 11.3. 2004. godine, u Sarajevu  
Broj 05-45-978/2003

Za Vladu Federacije Bosne i Hercegovine  
  
Premijer

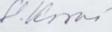


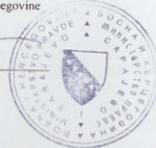
Potpisano dana 11.03. 2004. godine, u 5. Lyun

Za Vladu Republike Srpske  
  
Premijer



Potpisano dana 18.03. 2004. godine, u Caprije  
Za Vijeće ministara Bosne i Hercegovine

  
Ministar pravde



Agreement on the Transfer of Certain Entity Responsibilities through the  
Establishment of the High Judicial and Prosecutorial Council of  
Bosnia and Herzegovina

# Members of the High Judicial and Prosecutorial Council of Bosnia and Herzegovina

The HJPC BiH has fifteen members, who are of high moral standing and integrity, renowned for their efficiency and professionalism, and are independent in the performance of their duties. Members of the HJPC BiH are elected as follows:

- ten members are elected by the judges and prosecutors of all levels of the courts and prosecutors offices in BiH,
- one member who is elected by the Judicial Commission of the Brcko District BiH,
- one member who is elected by the Bar Association of the FBiH,
- one member who is elected by the Bar Association of RS,
- one member who is elected by the House of Representatives of the Parliamentary Assembly of BiH, and
- one member who is elected by the Council of Ministers of BiH on the proposal of the Minister of Justice of BiH.



Session of the High Judicial and Prosecutorial Council of BiH

Considering that the composition of the HJPC BiH generally reflects the composition of the Peoples and the gender representation in BiH, when electing the members attempts shall be made to retain ethnic and gender balance, accordingly.

The President and the two vice-presidents of the HJPC BiH shall be elected through a simple majority of votes of members who are present and voting.

The members of the HJPC BiH have a mandate of four years and can hold at most two consecutive mandates.

# Composition of the HJPC BiH

## **Mr. Milorad Novković, President**

II mandate: July, 2010 – July, 2014.

The judges of the district and basic courts in RS elected judge Milorad Novkovic to the HJPC BiH in June 2006. He was elected President of the HJPC BiH in June, 2008 for the first time, at the inaugural session of the HJPC BiH. He began his second mandate in June 2012 which shall end when his membership in the HJPC BiH ends in July, 2014. He holds the office of President of the District Court in Banja Luka.

## **Ms. Ružica Jukić, Vice-President**

mandate: June, 2012 – June, 2016.

Judge of the Municipal Court in Tuzla; elected by the judges of the cantonal and municipal courts in the FBiH.

## **Ms. Jadranka Lokmić Misirača, Vice-President**

mandate: October, 2012 – October, 2016.

Deputy Chief Prosecutor of the Prosecutors Office of BiH; elected by the prosecutors of the Prosecutors Office of BiH.

## **Mr. Zijad Kadrić, member of the Presidency**

II mandate: April, 2013 – April, 2017.

Judge of the Appellate Court of the Brcko District BiH; elected by the Judicial Commission of the Brcko District BiH.

## **Mr. Goran Radević, member**

mandate: February, 2013 – February, 2017.

Judge of the Court of BiH; elected by the judges of the Court of BiH.

## **Mr. Goran Nežirović, member**

mandate: February, 2013 – February, 2017.

Judge of the Supreme Court of FBiH; elected by the judges of the Supreme Court of FBiH.

## **Mr. Obren Bužanin, member**

II mandate: September, 2011 – September, 2015.

Judge of the Supreme Court of RS; elected by the judges of the Supreme Court of RS.

## **Mr. Zdravko Knežević, member**

II mandate: July, 2010 – July, 2014.

Chief Prosecutor of the Federal Prosecutors Office of FBiH; elected by the prosecutors of the Federal Prosecutors Office of FBiH.

## **Ms. Svetlana Brković, member**

II mandate: June, 2012 – June, 2016.

Deputy Chief Prosecutor of the Republic Prosecutors Office of RS; elected by the prosecutors of the Republic Prosecutors Office of RS.

**Ms. Alma Džaferović, member**

mandate: September, 2013 – September, 2017.

Prosecutor of the Cantonal Prosecutors Office of the Tuzla Canton; elected by the prosecutors of the cantonal prosecutors offices in the FBiH.

**Ms. Mirsada Hadžić, member**

mandate: February, 2011 – February, 2015.

Prosecutor of the District Prosecutors Office in Banja Luka; elected by the prosecutors of the district prosecutors offices in RS.

**Ms. Milana Popadić, member**

mandate: December, 2012 – December, 2016.

Assistant to the Minister within the Sector for Judicial Authorities of the Ministry of Justice of BiH; elected by the Council of Ministers of BiH.

**Mr. Zdravko Rajić, member**

II mandate: October, 2012 – October, 2016.

Attorney from Mostar; elected by the House of Representatives of the Parliamentary Assembly of BiH.

**Mr. Jovan S. Čizmović, member**

mandate: June, 2011 – June, 2015.

President of the Bar Association of RS; elected by the Bar Association of RS.

**Mr. Ilijas Midžić, member**

mandate: January, 2013 – January, 2017.

Attorney from Bihac; elected by the Assembly of the Bar Association of the FBiH.

# Former members of the HJPC BiH (2004 – 2013)

**Ms. Fadila Amidžić**, Chief Prosecutor of the Cantonal Prosecutors Office of the Una-Sana Canton; Vice-President of the HJPC BiH between 2012 – 2013.  
mandate: June, 2012 – July, 2013.

**Mr. Darko Samardžić**, judge of the Court of BiH  
mandate: March, 2011 – December, 2012.

**Mr. Amir Jaganjac**, President of the Supreme Court of FBiH  
mandate: June, 2012 – January, 2013.

**Mr. Asim Crnalić**, attorney  
mandate: January, 2009 – January, 2013.

**Mr. Sven Marius Urke**, Director of the Norwegian Courts Administration  
mandate: December, 2009 – December, 2012.

**Mr. Zahid Kovač**, attorney  
mandate: July, 2008 – July, 2012.

**Ms. Biljana Simeunović**, prosecutor of the Prosecutors Office of BiH  
mandate: November, 2008 – November, 2012.

**Ms. Slavica Čurić**, judge of the Supreme Court of FBiH  
mandate: June, 2008 – June, 2012.

**Ms. Danijela Mikić**, judge of the Cantonal Court in Sarajevo, Vice-President of the HJPC BiH  
between 2008 – 2012.  
mandate: June, 2008 – June, 2012.

**Ms. Enisa Adrović**, prosecutor of the Prosecutors Office of BiH, Vice-President of the HJPC BiH  
between 2008 – 2012.  
mandate: June, 2008 – June, 2012.

**Mr. Zlatko Knežević**, judge of the Constitutional Court of BiH  
mandate: August, 2010 – June, 2011.

**Mr. Nedžad Popovac**, retired judge of the Court of BiH  
mandate: June, 2008 – march, 2011.

**Ms. Gorana Zlatković**, Minister of Justice of RS, Vice-President of the HJPC BiH between 2008 – 2010.  
mandate: June, 2008 – December, 2010.

**Mr. Zekerija Mujkanović**, Chief Prosecutor of the Prosecutors Office of the Brcko District BiH, Vice-President of the HJPC BiH between 2005 – 2009.  
mandate: march, 2005 – March, 2009.

**Mr. Branko Perić**, judge of the Court of BiH, President of the HJPC BiH between 2004 – 2008.  
mandate: June, 2004 – June, 2008.

**Mr. Mladen Jurišić**, President of the Cantonal Court in Mostar, Vice-President of the HJPC BiH between 2004 – 2008.

mandate: June, 2004 – June, 2008.

**Ms. Snježana Petković**, prosecutor of the District Prosecutors Office in Banja Luka

mandate: June, 2004 – June, 2008.

**Mr. Mirsad Strika**, judge of the Court of BiH

mandate: November, 2004 – November, 2008.

**Ms. Ljiljana Filipović**, judge of the Supreme Court of FBiH

mandate: June, 2004 – June, 2008.

**Mr. Amor Bukić**, judge of the Constitutional Court of RS

Mandate: June, 2004 – June, 2008.

**Ms. Slađana Milojković**, in memoriam, judge of the Cantonal Court in Tuzla

mandate: June, 2004 – June, 2008.

**Ms. Nada Lovrić**, Assistant to the Minister in the Ministry of Justice of BiH

mandate: July, 2004 – July, 2008.

**Ms. Angela Puljić**, attorney

mandate: January, 2005 – January, 2009.

**Ms. Lynn Sheehan**, Head of Department for Legal Affairs, EUPOL COPPS

mandate: February, 2006 – December, 2007.

**Ms. Staka Gojković**, judge of the Supreme Court of RS  
mandate: June, 2006 – September, 2007.

**Ms. Alma Tirić**, prosecutor of the Federal Prosecutors Office of FBiH

mandate: June, 2004 – June, 2006.

**Mr. Slobodan Stanišić**, attorney

mandate: June, 2004 – June, 2006.

**Ms. Marica Vučetić-Zelenbabić**, retired judge of the District Court in Doboj

mandate: June, 2004 – June, 2006.

**Mr. Stevan Savić, in memoriam**, retired judge of the Supreme Court of RS

mandate: June, 2004 – June, 2006.

**Mr. Malcolm Simmons**, judge from Great Britain

mandate: June, 2004 – June, 2005.

**Mr. Michael O'Malley**, judge from the United States of America

mandate: June, 2004 – June, 2005.

**Mr. Mirza Jusufović**, judge of the Court of BiH

mandate: June, 2004 – March, 2005.

**Ms. Danka Vučina**, attorney

mandate: June, 2004 – November, 2004.

**Ms. Meddžida Kreso**, President of the Court of BiH

mandate: June, 2004 – October, 2004

# Secretariat of the High Judicial and Prosecutorial Council of Bosnia and Herzegovina

The Book of Rules on Internal Organisation and the Systematisation of Posts regulates the internal Organisation of the HJPC BiH. In accordance with the Book of Rule, the HJPC BiH is comprised of the following internal organisation units:

- Cabinet of the HJPC BiH Presidency;
- Secretariat of the HJPC BiH;
- Office of the Disciplinary Counsel.

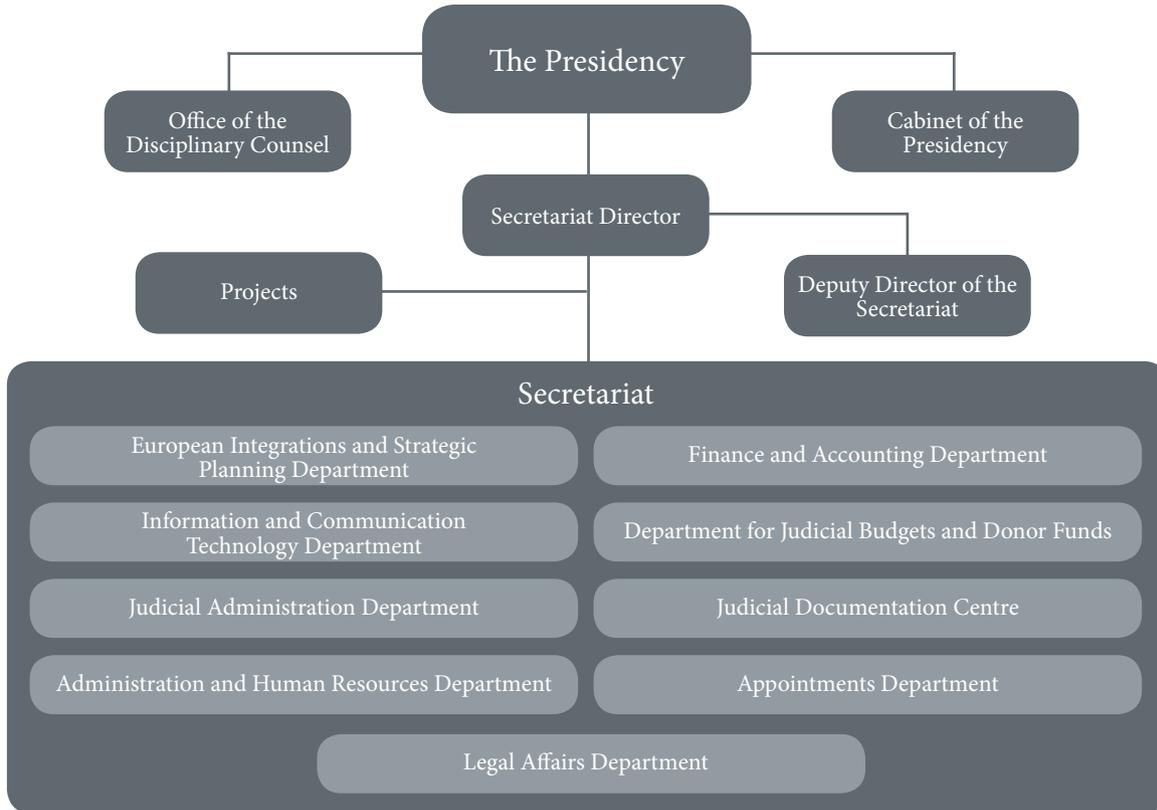
Professional, financial and administrative affairs of the HJPC BiH are performed by the Secretariat under the supervision of the President and the vice-presidents. The tasks of the Secretariat include providing administrative support, performing legal, financial and other research as required to enable the HJPC BiH to exercise its mandate, as well as providing strategic advice on issues concerning the execution of the HJPC BiH mandate. The Secretariat drafts decisions that are passed by the HJPC BiH, executes decisions that are adopted by the HJPC BiH and regularly reports on its activities. The Secretariat also has competencies for drafting proposal annual budgets and HJPC BiH annual reports.

The HJPC BiH Secretariat has a director, deputy director and employees who facilitate its efficient performance.

In 2013, the HJPC BiH had 137 employees of which 80 were financed from the HJPC BiH budget, while 57 were hired to work on HJPC BiH project activities and were financed from donor funds.

Regarding the ethnic balance of the HJPC BiH Secretariat, there are 53.28% Bosniacs employed, 14.6% Croats employed, 18.25% Serbs employed, 6.57% Others and 7.3% undetermined. The gender balance slightly favours females with 52.56% and 47.44% males. The HJPC BiH Secretariat has nine departments that operate in various professional fields, as follows:

- Administration and Human Resources Department
- European Integrations and Strategic Planning Department
- Finance and Accounting Department
- Appointments Department
- Information and Communications Technology Department
- Legal Affairs Department
- Department for Judicial Budgets and Donor Funds
- Judicial Administration Department
- Judicial Documentation Centre



# Office of the Disciplinary Counsel

The Office of the Disciplinary Counsel (ODC), being an office within the HJPC BiH, performs the duties of Counsel in connection with any information pertaining to violations of office by judges or prosecutors in accordance with the Law on the HJPC BiH and the Rules of Procedure. The ODC is authorised to receive and investigate complaints as well as to initiate disciplinary proceedings against judges and prosecutors. The ODC acts on complaints or at its own discretion and is

responsible for assessing the legal validity of complaints, investigating allegations against judges and prosecutors concerning violations of office, as well as initiating disciplinary proceedings and representing disciplinary cases before the disciplinary panels of the HJPC BiH.

The Office of the Disciplinary Counsel has a Chief Disciplinary Counsel, deputy disciplinary counsels, disciplinary counsels and other employees.



# Activities of the High Judicial and Prosecutorial Council of Bosnia and Herzegovina

## Election and appointment of judicial office holders

Conducting transparent and objective appointment procedures for judicial office in order to ensure the independence and impartiality of the courts and prosecutors offices in BiH is a fundamental competence of the HJPC BiH. The existing legal framework in BiH contains international normatives that prescribe the appointment of candidates to the offices of judge and prosecutor based on professional qualifications and other criteria that serve as guarantees for the selection of the best legal personnel into to the judiciary of BiH.

According to the aforementioned normatives, the procedure must guarantee that the persons elected to judge and prosecutor positions are of high morality and ability, and possess the necessary knowledge, qualifications and skills in order to hold office. The procedure must also involve measures that will prevent the manifestation of any group-related interests and prevent candidate discrimination on any level.

The Law on the HJPC BiH prescribes the criteria for appointment when determining the competences required for holding the office of judge and prosecutor.

The appointment to judicial and prosecutorial office is an ongoing, dynamic process considering that the judiciary

currently has some 1,000 judges in office and around 300 prosecutors and that there are major fluctuations in personnel due to matters of promotion, leaving the judiciary for another post or other reasons for termination of mandate such as retirement.

The HJPC BiH devotes particular attention to selecting the best personnel by endeavouring to apply the most objective criteria for appointments to judicial and prosecutorial office in accordance with European standards.

More so, in its proposal for amendments to the Law on the HJPC BiH from 2012, the HJPC BiH gave special attention to the appointment procedure and based on current practices and experiences in the application of existing legal solutions, defined numerous proposals for amendments with the aim of improving and objectivising appointment procedures.

Amendments were prepared for the HJPC BiH Rules of Procedure with this in mind, which are in procedure for adoption while a normative framework has been adopted for implementing written/entrance exams for candidates.

## Candidate entrance exams

The introduction of entrance exams for candidates applying for judge and prosecutor positions represents a major step forward in the objectivisation and advancement of the system for the election and appointment of judicial and prosecutorial office holders in BiH.

Accordingly, in cooperation with the USAID Justice Sector Reform Project II, the HJPC BiH established the Working group for improving exam procedures for judge and prosecutor positions in January with the basic task of designing an entrance exam. Activities undertaken for the introduction of entrance exams included:

- development of a software module for candidate entrance exams;
- designing exam tasks and questions;
- developing the corresponding legal framework and
- testing the procedures.

The software module allows for the introduction of standardised tests that are applied under equal conditions and criteria for all candidates. By using this system, human influences in designing the tests and determining the results are reduced to a minimum. The software allows for simultaneously testing large numbers of candidates which contributes to the greater efficiency of the appointment procedure. Immediately upon the conclusion of a test, the candidate has the possibility to view his or her score which will significantly contribute to the transparency of the procedure.

In designing the test tasks, the HJPC BiH picked judges and prosecutors with proven qualifications in their various legal fields to draft and review the test questions. Before designing the tasks, the authors and reviewers

attended training on the methodology for drafting test tasks.

After the training was completed, a total of 2,410 test tasks were designed with 1,602 from the civil field (67%), 778 from the criminal field (31%) and 30 test tasks dealing with judicial and prosecutorial ethics (1%).

After the tasks were designed, another review was carried out. Subsequently, the members of the Working Group checked all of the tasks in order to achieve greater reliability of the entrance exams.

A normative framework for conducting the exams was adopted in 2013, i.e. a Book of Rules on Entrance Exams for Candidates for Judicial and Prosecutorial Office in the Judiciary of BiH, Instructions for Candidates for Taking Entrance Exams and the Catalogue of Exam Fields.

The trial phase for the entrance exams lasted until May 1, 2014 after which full application of the entrance exams began as part of the appointment procedure.

It must be said that international donors i.e. the Kingdom of Norway and the Government of the Czech Republic contributed towards the realisation of this important project.

Apart from the introduction of entrance exams, the HJPC BiH also diligently worked on improving interview procedures for judge and prosecutor positions. The new HJPC BiH Rules of Procedure from 2013 precisely determine the competences that are tested during the interview and the manner of scoring. Also, prior to the interview, the Interview Panel is required to define the questions for each candidate and the general time required for the interview.

## Disciplinary liability for judicial and prosecutorial office holders

Together with appointments, one of the fundamental competencies of the HJPC BiH is the determination of disciplinary liability for judicial and prosecutorial office holders as well as the pronouncement of disciplinary measures against prosecutors, judges, court presidents, chief prosecutors, lay judges and reserve judges in the courts and prosecutors offices on all levels, except for the Constitutional Court of BiH and the constitutional courts of the entities.

The general principles of a contemporary judiciary are independence, impartiality and the principle of integrity of judicial and prosecutorial office holders. The principles provide a wide range of rights, though impose obligations as well as responsibilities for the office holders. Placed before them are the many demands of judicial and prosecutorial office through the application of professional and ethical principles. Such demands are also constantly interwoven in their private lives, as well, not just with the performance of their duties. This is why such high standards of conduct are put before the judges and prosecutors, which are inseparable from the workings of a modern judiciary. The standards are required in order to strengthen public confidence in the judiciary, maintain personal and institutional integrity and credibility of the judicial institutions where the judges and prosecutors work, as well as of the judiciary as a whole.

While developing relatively recently, judicial and prosecutorial council have become the dominant instrument of democratic countries and their differing legal traditions in efforts for achieving and maintaining independence and accountability of the judiciary.

The disciplinary system of the BiH judiciary has so far gone through a successful first phase towards its legal and organisational positioning. The Office of the Disciplinary Counsel (ODC) is authorised by law to receive and investigate complaints and to initiate disciplinary proceedings against judges and prosecutors. The ODC does not have powers to provide legal assistance or to influence the direction and outcome of proceedings in that it does not have the authority to expedite or change proceedings or to amend decisions that have been passed.

Since its inception in 2004, the ODC has initiated close to 200 disciplinary proceedings before first instance disciplinary panels of the HJPC BiH. On average, 18 disciplinary proceedings are initiated annually.

By January, 2014, as a result of disciplinary proceedings that were initiated, judges and prosecutor had received 160 disciplinary measures. Of the number, seven decisions on removal were rendered, while 15 judges and prosecutors handed in resignations after being informed in writing that the ODC was conducting an investigation requiring them to submit a written response to the allegations of the complaint.

Based on the above and when viewed comparatively, a conclusion can be reached that the disciplinary system in BiH has a greater level of efficiency and functionality compared to other countries in the region. Therefore, the ODC tries to transfer its experiences regarding its work and disciplinary processes to other same or similar bodies in neighbouring countries through regional cooperation.

## Evaluating the performance of judicial and prosecutorial office holders

The HJPC BiH determines the criteria for the evaluation of the performance of judges and prosecutors. Based on the criteria, the court presidents and chief prosecutors conduct annual performance evaluation for the judges and prosecutors in the courts and prosecutors offices. The presidents of the higher instance courts evaluate the performances of lower instance court presidents, while the entity chief prosecutors evaluate the performances of the chief cantonal and district prosecutors. In accordance with separate criteria, the HJPC BiH evaluates the performance of the President of the Supreme Court of FBiH, the President of the Supreme Court of RS and the President of the Appellate Court of the Brcko District BiH.

In 2005, the HJPC BiH adopted criteria for the performance evaluation of judicial and prosecutorial office holders and has since been analysing their application. Based on the analyses, criteria are improved

in order to more objectively establish the parameters for evaluating the performance of judges, prosecutors court presidents and chief prosecutors. Accordingly, in 2012 and 2013 the HJPC BiH amended the criteria for the evaluation of the performance of judges and prosecutors and established that the annual performance evaluation of a judge or prosecutor is based predominantly on so called objectivized measures such as orientational quotas, quality of performance and the resolution of cases based on when they were received by the court or prosecutors office.

The performance evaluation of judicial and prosecutorial office holders based on the established criteria is used by the HJPC BiH in procedures for the appointment of judges and prosecutors to other positions in judicial institutions i.e. when considering their qualifications and skills for promotion within the system.

## Judicial Documentation Centre

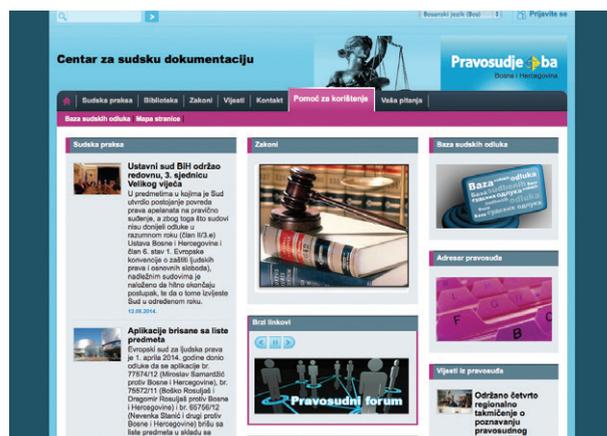
As part of the reform process, the HJPC BiH lead a strong initiative aimed at achieving better availability and exchange of knowledge and information within the professional community. More so, the initiative is in line with the standards of the European Commission for the Efficiency of Justice (CEPEJ) according to which the availability of professional papers and other materials represents one of the indicators of the quality of the judiciary.

In order to achieve this, in 2008 the HJPC BiH established the Judicial Documentation Centre with the financial and technical support of the Kingdom of Norway. Through its website [www.pravodudje.ba/csd](http://www.pravodudje.ba/csd), the Centre allows access to its database of over 10,200 court decisions for the judges, prosecutors, legal associates and attorneys as well as, since 2014, other persons with an interest. Searches of the database can be performed according to legal field, keywords or other parameters which are updated and adapted regularly to meet with users needs. After the highest instance courts in BiH have selected decisions to be featured, the database is then updated and links are established to the lower level decisions, which makes this database one-in-a-kind for the region. It facilitates quicker searches of decisions and allows for legal analyses of the facts and arguments that were used in rendering a given decision. This is one more way in which the HJPC BiH contributes towards improving the harmonization of case law in the country.

Apart from court decisions, the Centre website contains information on new laws and accompanying texts of the laws as carried over from the official gazettes in BiH. This way, 863 laws were published in 2010 together with 1,592 accompanying amendments. The information is of great significance since it provides judicial office holders

with prompt information on legislative amendments which together with information on case law represents a prerequisite to their work.

The site also has available various legal opinions from the highest court instances, bulletins from the Supreme Court of FBiH, example court decisions and prosecutorial documents, links for continued studies of the practices of domestic and international courts, training materials, legal publications and magazines, law commentaries and other similar content. Since being set up, the website has been accessed by 282,239 visitors from 77 countries, with 990,410 pages viewed.



In its Opinion on Legal Certainty and the Independence of the Judiciary in Bosnia and Herzegovina from 2012, the Venice Commission welcomed the HJPC initiative for the establishment of the Judicial Documentation Centre, stating that access to legal instruments and case law is especially significant in countries with a highly decentralized judicial system such as the one in BiH.

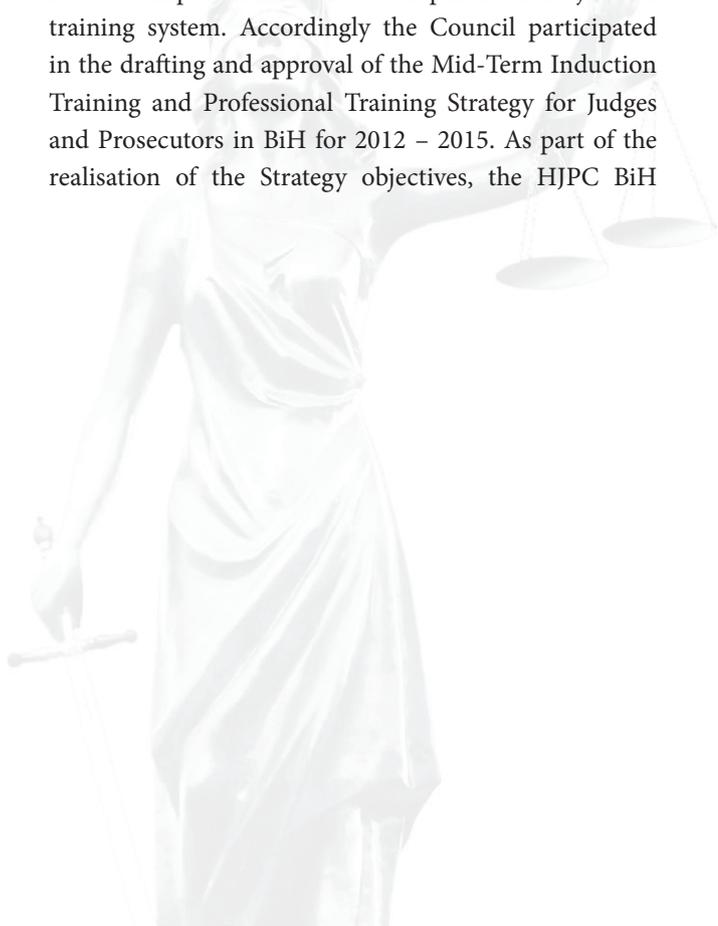
## Training in the Judiciary of Bosnia and Herzegovina

The continued professional training of judicial and prosecutorial office holders is an important and complex area of action for the HJPC BiH. Activities include very close cooperation with the entity judicial and prosecutorial training centres as the institutions that organise and implement training as well as with the Judicial Commission of the Brcko District BiH. HJPC BiH activities cover participation in the drafting of training curricula, approval of the annual curriculum and performance report as well as other issues.

The HJPC BiH is also very active in defining strategic issues of importance for the development of the judicial training system. Accordingly the Council participated in the drafting and approval of the Mid-Term Induction Training and Professional Training Strategy for Judges and Prosecutors in BiH for 2012 – 2015. As part of the realisation of the Strategy objectives, the HJPC BiH

adopted and delivered the induction training curriculum for newly appointed judges and prosecutors to the courts and prosecutors offices and then based on experience and needs adjusted the minimum number of mandatory training days.

The Strategy also defines other objectives that require HJPC BiH participation, with special mention for the introduction of distance learning since it represents a new approach for the judicial system of our country. Improving the training/seminar evaluation process is also foreseen as well as the selection and evaluation of trainer performance and training materials, also improving the process for drafting training materials and other activities. By taking part in these activities the HJPC BiH is looking to improve the training system of the judiciary and harmonise it with the best European practices.



## Harmonising case law in Bosnia and Herzegovina

In establishing a Case Law Harmonisation Panel in accordance with the recommendations of the Structured Dialogue on Justice between the EU and BiH, the HJPC BiH is working to contribute to the adherence of the principle of citizen equality before the law.

Under the organisation of the HJPC BiH and with the support of the Council of Europe, the process for the harmonization of case law is managed by the Court of BiH, the Supreme Court of FBiH, the Supreme Court of RS and the Appellate Court of the Brcko District BiH within the framework of the Project – Strengthening the capacities of the BiH judiciary for the application of the European convention on the protection of human rights and fundamental freedoms.

Accordingly in 2013, in cooperation with the aforesaid courts the HJPC BiH undertook a range of activities towards establishing panels for the civil, criminal and administrative fields, and then at the beginning of 2014 the first panel meetings were held which resulted in specific conclusions.

The expectation is that the efforts of the panels will as a result raise the level of professional dialogue and strengthen the role of the highest instance courts in the definition of opinions, which will in turn have an influence in strengthening public confidence in the efforts of the judiciary.



Meeting of the Case Law Harmonisation Panel, 2014

# Informatisation of the judiciary

Together with the organisational and legislative reforms, the judiciary of BiH also saw a transformation in the execution of day-to-day tasks in the workplace with the assistance of information-communication technology (ICT). Today the basic tool for the contemporary management of the judiciary is ICT and we can say that the judiciary is a forerunner in this field compared to other segments of society. Furthermore, based on achievements in the field, a conclusion can be reached in that since the establishment of the HJPC BiH, the judiciary has entered the informatisation era.

The ICT Strategy of the BiH Judiciary was drafted in 2003. At the start, the reform focused on establishing the preconditions for the introduction of ICT in the BiH judiciary and especially the establishment of a local area network (LAN) in all courts and prosecutors offices as well as a wide area network linking all judicial institutions with the HJPC BiH and each other, including the procurement and installation of servers, computers and printers in the judicial institutions.

## Case management system

The overriding element of the ICT Strategy of the BiH Judiciary is the automated case management system for the courts and prosecutors offices (CMS/TCMS). Only seven years ago, case files were maintained manually, while certain actions that today need only minutes used to consume numerous resources and days even weeks of work and effort. Today the CMS/TCMS has developed into an information system that is used by all courts and prosecutors offices throughout the country. On a practical level, the CMS/TCMS helps improve work processes in the courts and prosecutors offices. In general, the CMS/TCMS ensures the archiving and availability of information and documents thus creating the prerequisite for appropriate and quick action in accordance with the

work dynamic of the system. This in turn improves the efficiency of the employees of the courts and prosecutors offices in their work compared to pre CMS/TCMS efforts.

The system has also turned into one of the most important instruments in improving the transparency of the judiciary in its work and accordingly increasing accountability. More precisely, the performance of every judge is made available to the court president while collated reports of court performance are available to the HJPC BiH which then presents the performance reports to the legislative and executive branches and to the general public.



The establishment of a judicial portal is another HJPC BiH activity which increased the transparency of judicial institutions for the general public. The web service “Access to cases via the internet” within the framework of the judicial portal represents a major advancement in opening up courts to the citizens since it makes data on court cases available to all parties to a proceedings in a simple way. Parties may access current information on their cases at any given time and from any computer with an internet connection.

“(...) an evaluation made on the basis of data that conclusively shows, (...), the judiciary has made the greatest step forward regarding the utilisation of ICT (...). According to research, 93.21% of the employees in the courts in Bosnia and Herzegovina use computers.”

UNDP, 2009



Apart from the CMS/TCMS, other major elements of the ICT Strategy have also been implemented:

- a centralised operational environment at the HJPC BiH;
- a national wide area network (WAN) linking 93 institutions;
- local networks established in 93 institutions;
- 93 institutions have been equipped with over 150 servers;
- computers have been provided for some 5,000 users;

- citizen access to information has been made easier with the establishment of a judicial web portal;
- centralised, regional and local ICT support has been set up;
- over 120 ICT experts have been employed in the courts and prosecutors offices throughout BiH;
- 50 info desks have been set up in the public areas of the courts in BiH in order to improve on-line access to information on the courts for all citizens, including those who are unable to access information via the internet from other locations.

The judicial portal contributes to the transparency of the judicial institutions in BiH



# Register of Fines and minor offence records

The collection of fines for minor offences has long been a problem in BiH. Most people did not pay their fines and due to the large number of fines together with their small values enforcement through the courts was not a viable option. As a consequence, the court system was flooded with large numbers of minor offence cases.

The introduction of ICT opened up new possibilities for greater efficiency in the enforcement of minor offence fines, thus in 2005, and with the support of the European Union (and in later phases also with the support of the Kingdoms of Sweden and Holland and BiH), the HJPC BiH began development of a database to record all minor offence fines in the form of a Register of Fines.

This represents an exceptional example of how the introduction of new technology can significantly improve the conditions for the work of the courts. Apart from offering a systematic solution of the problems concerning fines, the reform contributed to a major influx of funds into the public coffers on all government levels in BiH.

The core to the efficient functioning of the system lies in the “passive collection” of the fines listed in the single Register of Fines in which institutions that issue fines (police, inspection services and other) record the fines of the citizens and the legal entities. In the event that the fines are not settled promptly, the offenders are banned access to certain public services such as drivers licence renewal and/or vehicle registration until the fines are paid.

Since the introduction of the system in 2006 and to this day, the Register has received data on over 5 million decisions, of which some 520,000 are court decisions. The total value of fines pronounced exceeds 600 million KM, while the total value of fines paid exceeds 360 million KM. Fines that are recorded in the database come from over 700 different data entry points in the courts and other relevant institutions.

As of 2009 the Register of Fines is maintained by the Agency for Identification Documents, Registers and Data Exchange of BiH – IDDEEA (former CIPS), in accordance with a Memorandum that was signed by the HJPC BiH and the Ministry of Civil Affairs of BiH. After the handover, the HJPC BiH continued with activities on coordination and support for all users of the Register of Fines within the judiciary.

The Register of Fines represents an excellent example of how BiH can set a high standard for the informatisation of the judiciary in the region. And so, with the aim of providing support to our colleagues and the advancement of regional cooperation a Memorandum of Understanding was signed in 2006 between the HJPC BiH and the Ministry of Justice of Montenegro according to which the HJPC BiH will provide the Montenegrin judiciary with the comprehensive software for the Register of Fines as well as ensuring the transfer knowledge and skill as well as training for the staff.

# Development of an E-Judiciary

The actions of the e-judiciary in the future need to respond to the ever growing needs of the citizens of BiH, the business community and the legal community regarding access to information and make it easier for them to exercise their rights and perform their duties.

By focusing on the necessary support for the courts to efficiently process war crimes as well as other crimes, and together with the financial support of the EU, the physical and technical conditions were secured for eleven courts in BiH, including audio and video equipment for courtrooms, to conduct trials more efficiently. Also, 19 courts, eight prosecutors offices and the HJPC BiH were fitted with video conferencing systems that allowed for court hearing to be held with witnesses being located elsewhere. This made it possible to implement the laws on the protection of witness that are under threat and other endangered witnesses, while the HJPC BiH continued to work towards securing audio and video equipment for more courts as well as prosecutors offices to use as part of their investigations.

Also, the functionalities of the judicial system have to be broadened to improve the electronic exchange of data

between judicial electronic records and the electronic registers of the national institutions, especially regarding law enforcement agencies. Accordingly, the HJPC BiH will continue with efforts to:

- allow for the establishment of video links between the judicial institutions in BiH and the prisons, police authorities, forensic institutes in BiH, as well as other judicial institutions abroad all in order to achieve greater efficiency and economy in cooperation and ensure international legal aid;
- establish a data exchange system between the judicial institutions and registers in BiH that possess information which could be useful for processing cases of corruption, organised crime and financial crime. This way we would reinforce and expand the electronic data exchange between the prosecution and the law enforcement agencies in BiH that has been operating since 2013;
- provide electronic and on-line services of the judiciary to the public.

The gradual introduction of electronic signatures into the BiH information system represents one of the more important novelties for future planning. E-signatures will expedite the operations of the courts and prosecutors offices by facilitating:

- the electronic delivery of court writs;
- the electronic dispatching of court decisions;
- the electronic signing of all writs that are relevant to the internal operations of the courts and prosecutors offices;
- in ensuring the user identity for the information system through the means for the design of the electronic signature (smart cards etc.).

Another novelty is the establishment of an information system for managing human resources in the judiciary. The HJPC BiH and the courts and prosecutors offices daily process significant amounts of personal data on judges and prosecutors as well as other employees in the judiciary. The objective of introducing a common human resources management system is to standardize the method for collating relevant personal data and allow for easy access by those who use the information as a basis for decision making and in doing so reducing administrative expenses.



HJPC activities in the field of ICT

# Renovation of judicial institution buildings

The HJPC BiH believes that the judiciary of Bosnia and Herzegovina cannot operate efficiently, effectively and in accordance with European standards unless the general working conditions for judges and prosecutors are achieved. This is why the renovation of courts and prosecutors offices in Bosnia and Herzegovina has been identified as a priority in the HJPC BiH Strategic Plan for 2007 – 2012 as well as in the Justice Sector Reform Strategy.

Activities linked to the establishment of appropriate material-technical conditions for the unobstructed work of judicial and prosecutorial office holders began in 2003 and we can proudly say that many BiH judicial institution buildings have undergone external renovations as well as works on internal layouts which have created a proper

working environment for the judges and prosecutors and provided a comfortable setting for the citizens who utilise the services of the judicial institutions.

Thanks to the financial support of the international donors and the local government, the HJPC BiH has succeeded in securing major funding for the renovation and reconstruction of judicial buildings.

The HJPC BiH has also taken the lead role in the coordination of donor support for the renovation of the District Court in East Sarajevo, the Palace of Justice which accommodates the municipal and cantonal courts in Sarajevo, the Basic Court in Modrica and the Municipal Court in Mostar where construction efforts are currently underway.

## District Court in East Sarajevo

The District Court in East Sarajevo and the Branch Office of the Basic Court in Sokolac were once located in totally inappropriate premises in East Sarajevo. The HJPC BiH identified the two courts as priorities for renovation with reconstruction works completed in 2007.

The Government of Norway and the RS Government provided funds for the renovation and transformation of the former military barracks in East Sarajevo into a functional court building. The total value of the project amounted to 740,000 Euros.



The District Court in East Sarajevo before renovation



Post-renovation – A modern building adapted to meet the needs of the citizens

## Sarajevo Palace of Justice

The HJPC BiH also implemented a project for the renovation of the Sarajevo Palace of Justice, built during the Austria-Hungary period, which accommodates the Municipal Court in Sarajevo and the Cantonal Court in Sarajevo. The Palace of Justice was selected as a priority for renovation because the building had not seen any major internal renovation works since 1918, which required adaptation of the building to meet with contemporary requirements. Elements of the building, especially the internal technical infrastructure, were in very bad condition meaning that the working conditions for the judges and court staff were unsatisfactory, even dangerous, especially regarding fire hazards.

The construction of additional, modern courtrooms was a project priority meaning that the number of courtrooms

increased from three to 14. All courtrooms were built in accordance with European standards concerning layout and installed equipment. Apart from the renovation of existing premises, parts of the roof in the attic area were raised creating new office space, a library and a staff restaurant, thus attaining an additional 1240m<sup>2</sup> of space. New registry offices and archives were built, as well as info desks on the ground floor and first floor, while working conditions were also improved for the court police and security measures advanced.

The total value of the project was 4,204,394 Euros, with the bulk of the figure provided by the EU, the governments of Norway and Sweden and the Sarajevo Canton. The project was completed in 2010.



The reconstruction effort retained the majestic appearance of the Palace while also creating a functional interior setting

## The Basic Court in Modrica

The Basic Court in Modrica is another example of successful reconstruction efforts for court buildings and represents an important chapter in the history of the judiciary in the area. Prior to its renovation, the building was in extremely poor condition, with 30% unused space and also lacking basic conditions for work such as a functional registry room, an archive and an access ramp for people with disabilities. Upon renovation, the building was reopened in 2011, with modern equipment installed and functional spacing established and fire prevention

standards in place. Access for people with disabilities was provided and the court police had better working conditions. The construction of an additional floor created 470m<sup>2</sup> of new space for judge offices, courtrooms, a tea kitchen, while the attic was renovated to serve as an archive area. Thanks to the financial support of the Government of Norway amounting to 320,000 Euros and 150,000 that was secured by the RS Government, works on the building were completed in just four months.



The Basic Court in Modrica used to be a very rundown building



Today we have a modern and functional building

## Branch Office of the Municipal Court in Sarajevo

Another major investment was seen in 2011 i.e. the renovation of the Branch Office of the Municipal Court in Sarajevo for Small Claims located in Ilidza. The reconstruction of the building added 600m<sup>2</sup> of useable space to the branch office with new office space assigned to the judges and court employees, a registry room, a server room and other uses. Also, the plumbing, central heating

system and power installations were comprehensively renovated. The HJPC BiH also implemented the renovation of a building that was handed over by the FBiH Government to the Municipal Court in Sarajevo with a donation from the Norwegian Government amounting to 255,000 KM.



New offices for the judges and court bailiffs in Ilidza

## The Judicial Institution Compound in Sarajevo

In 2012, the Government of Norway invested funds amounting to 2,790,000 KM in the floor extension and renovation of the Judicial Institution Compound in Sarajevo where the HJPC BiH, the Court of BiH and the Prosecutors Office of BiH are allocated. The HJPC BiH received an additional 820 m<sup>2</sup> with the renovation i.e. ten modern well equipped offices with A/C, two multimedia conference rooms with state-of-the-art audio/video

equipment, a modern registry, a spacious and elegant lobby plus a lift for people with disabilities. The total value of works on the construction of the so called block 104 where the HJPC BiH is located amounted to 992,000 KM. The Court of BiH received an additional 1,278 m<sup>2</sup> of space and modern well equipped offices with a value of 1,798,000 KM which largely resolved the office space related problems of the Court of BiH.



The new wing of the Court of BiH is modern and well equipped



820 m<sup>2</sup> of new office space for the HJPC BiH

## The Municipal Court in Mostar

The HJPC BiH has the lead role in the reconstruction of the building of the former IV Primary School in Mostar which is to accommodate the Municipal Court in Mostar. The funds for this major project amounting to 2.1 million Euros have been provided by the Norwegian Government and the Government of the Herzegovina Neretva Canton. Renovation works will cover the whole building. Works began in August, 2013 and the building is expected to be finished in September, 2014



Reconstruction of the future Municipal Court building in Mostar



The building will retain its original 1910 exterior appearance

## Other investments in the renovation of judicial buildings

It must be said that other projects have been implemented without the assistance of the HJPC BiH, such as the construction of a new court building in Kalesija financed by the Government of the Tuzla Canton amounting to 870,000 euros as well as the renovation of the Srebrenica Court financed by the RS Government and the US Government in the amount of 400,000 Euros. The US Government also financed improvements to the registry rooms of a number of courts in BiH, while the RS Government initiated the renovation of the building of the Supreme Court of the RS and the court buildings in Dobož and Visegrad.

Largely thanks to the successes of the renovation projects overseen by the HJPC BiH and the recommendations of the HJPC BiH regarding the streamlining of EU support for the Justice Sector where it is most needed, as part of the upcoming IPA program, a plan has been designed with a range of anticipated renovation and reconstruction projects for court buildings throughout BiH. Within the recently agreed upon IPA 2012/2013 program, 17 million Euros have been earmarked for such efforts. The selection procedure will soon begin in order to identify those judicial institutions that are most in need of renovation, adaptation and reconstruction.



# Orientation quotas for monitoring judge performance

Apart from the challenges regarding efforts towards the informatisation of the judiciary and the reconstruction and renovation of judicial institutions, the HJPC BiH has undertaken a range of other measures to ensure greater efficiency in the performance of judicial institutions.

One such measure was the adoption of Orientational measures for monitoring the performance of judges in BiH. The new method for assessing the performance of judges and legal associates in BiH has been applied since 2012. It ensures the equal application of rules in monitoring and assessing the performance and results of all judges and legal associates, thus attempting to establish a transparent system for monitoring court performances.

Thanks to the application of the Book of rules on orientational measures for monitoring the performance of judges and legal associates in BiH, the courts saw a rise in performance productivity in 2012 by 10% compared to 2011 (586,645 cases resolved), while in 2013 productivity increased by 9% compared to 2012 (625,287 cases resolved).

According to CMS data, by applying the new performance quotas for judges and legal associates, in 2013 the courts resolved over 100,000 more cases than under the old method of measuring performance used in 2011. If we were to view the data from the aspect of court productivity,

in 2013 productivity increased by 15% compared to 2011 thanks to the new quota system for judges and legal associates.

It must also be said that the new method of calculating quotas offers realistic and true quotas achieved by judges and legal associates as opposed to the previous quota system which as part of the total quota achieved by a judge or legal associate also accounted for any leave of absence, which made it possible to achieve a very high quota percentage without actually having any significant results regarding case completion. Also, the new measures weight the cases according to manner of completion as opposed to the previous system where the same measure was used for all cases of a specific type. This way judges are given incentive to process cases based on their age and process cases equally regardless of their complexity.

Thanks to the adoption and the application of the Book of Rules on orientational measures for the performance of judges and legal associates in BiH and the drafting of plans for the resolution of old cases, the number of resolved cases continues to grow every year. Thus the total number of unresolved cases in 2013 was reduced by 2% compared to 2012 i.e. from 464,638 unresolved cases in 2012 to 455,126 unresolved cases in 2013.

# Orientalional quotas for monitoring the performance of prosecutors

The HJPC BiH also took significant measures regarding the performance and activities of prosecutors. One of the most important activities of the HJPC BiH aimed at improving efficiency in prosecutors offices was the drafting and application of the Book of rules on orientational measures for the performance of prosecutors in BiH.

The objective of the Book of Rules is to monitor and assess the performance and the results of prosecutors with its application beginning in 2013. The Book of Rules prescribes an annual prosecutor quota i.e. the number of certain types of cases required during a calendar year for a prosecutor to achieve his or her quota.

This way, for the first time we have introduced performance measures and the harmonization of performances for all prosecutors, heads of departments and sections, deputy chief prosecutors and chief prosecutors throughout BiH. The application of the Book of Rules ensures the equal

application of rules in monitoring assessing and overseeing the work of prosecutors, which should result in increased efficiency for prosecutors offices and reduce the number of old cases. In order to make it easier to apply the Book of Rules, Instructions for the application of the Book of rules on orientational measures for the performance of prosecutors were drafted and subsequently adopted.

After a six month trial period of the Book of Rules and subsequent analyses regarding quotas and the percentage of their realisation as well as the effects of the application of the Book of Rules on increasing the efficiency of the performance of prosecutors, the HJPC BiH adopted the Book of Rules on amendments to the Book of Rules orientational measures for the performance of prosecutors in BiH which increased the quotas for certain types of case in the prosecutors offices, and which came into effect in 2014.

# Instructions for drafting plans for the resolution of old cases

Another measure taken by the HJPC BiH with the aim of increasing efficiency of the judiciary was passing Instructions for the drafting of plans for the resolution of old cases which has been applied by the courts since 2011. According to the instructions, all courts are required to draft an analysis of court performance and then based on the analysis determine whether they are required to draft a plan for the resolution of old cases. Apart from the Instructions, the HJPC BiH established a Standing Committee for Judicial Efficiency which continues to oversee the implementation of the Instructions and proposes measures as required.

Thanks to the application of the Instructions and the involvement of the courts in drafting and applying the plans, between 2010 – 2013 the number of old cases has dropped significantly, while some courts have even cleared all of their old cases. To this day and since 2011, the application of the plans for the resolution of old cases has led to the resolution of over 200,000 of the oldest cases in the judiciary and so, the number of unresolved cases is as follows:

- cases over 23 years old have been reduced by 76% in 2013 compared to 2012,
- cases over 18 years old have been reduced by 73% in 2013 compared to 2012,
- cases over 10 years old have been reduced by 38% in 2013 compared to 2012,
- cases over 6 years old have been reduced by 56% in 2013 compared to 2012.

However, even with the evident reduction in the number of unresolved cases, large numbers of cases over one year old still remain, which is why the Standing Committee concluded that new Instructions need to be prepared. This was adopted at the session of the HJPC BiH in December, 2013 and contains changes that will lead to the continued improvement of efficiency in the judiciary.



The HJPC regularly informs the public of its activities aimed at reducing the number of unresolved cases

# Reporting on the performance of the courts and prosecutors offices

The quality of information represents the basis for the preparation of good analyses and making quality decisions, therefore the HJPC BiH has for some time now been gathering and disclosing collated data on the performance of the courts and prosecutors offices. The fact that the data is available to the public in the HJPC BiH Annual Report as well as on the judicial web portal at [www.pravosudje.ba](http://www.pravosudje.ba) speaks in favour of HJPC's intention and that of the judiciary to make its work as transparent as possible.

The said data is generally taken from the databases of the CMS and TCMS, while other information is gathered from the courts and prosecutors offices. As for the courts, extensive amounts of data are processed including data on caseflows for all case types, age breakdowns of unresolved cases, quality of court performance, types of court decisions and statute of limitations in criminal and minor offence cases.

As for prosecutors offices, data is processed on criminal reports, investigations, indictments issued, plea bargains reached, minors processed, work on other cases and cases with the prosecutors offices in which statute of limitations have come into effect for criminal prosecution and bringing charges, as well as data on the processing of all types of crimes through the various phases of criminal procedure, age breakdown of unresolved cases, quality of performance of the prosecutors offices and criminal trends.

Apart from the said reporting activities, the HJPC BiH also prepares special reports on the performance of the courts and prosecutors offices in accordance with internal requirements, requests from other institutions in BiH and international institutions such as the European Commission, the Council of Europe and agencies of the United Nations.

# Timeframes for action in cases with the courts and prosecutors offices

The HJPC BiH continues to design mechanisms to ensure that courts and prosecutors offices process cases according to their initial filing dates with the judicial institutions and that they are resolved within a reasonable period of time. In line with this, in 2012 the Council adopted a Book of rules on timeframes for actions in cases with the courts and prosecutors offices in BiH.

The Book of Rules was prepared based on recommendations from CEPEJ and it prescribes that the courts and prosecutors offices shall resolve cases within optimal and predictable timeframes. Optimal timeframes for action in cases represent a standard timeframe for the efficient resolution of cases in accordance with the law. Predictable timeframes are the realistic timeframes within which one can expect the conclusion of a procedure in a given case, calculating from the initial filing date in the court or prosecutors office. Optimum timeframes are in general shorter than predictable timeframes and the objective in rendering the Book of Rules is for the predictable timeframes to get shorter and shorter and draw closer to the optimum timeframes. The parameters for calculating predictable timeframes is set with the Book of Rules and every court and prosecutors office will, based on the parameters, calculate the predictable timeframes for the specific case types.

The court will, upon the submission of a complaint or on request, issue a written notification regarding the

predictable timeframes for resolution of the specific case noting that the resolution of the specific case may be expected within such timeframe. The prosecutors offices will also issue a written notification on predictable timeframes to a person filing a report, a damaged person or on request of a person.

In order to fully examine all aspects regarding the application of the Book of Rules, in 2013 the HJPC BiH carried out a pilot project for the application of the Book of Rules in the judicial institutions of the Zenica-Doboj Canton. In reviewing the results of the pilot project, in 2013 the HJPC BiH adopted amendments to the Book of Rules. Upon deciding that the technical preconditions for the application of the Book of Rules have been fulfilled by all of the courts and prosecutors offices in BiH, the HJPC BiH passed a decision on the beginning of application of the Book of Rules in all courts and prosecutors offices in BiH as of 2014.

With the implementation of the “Timeframes for the resolution of court and prosecutors office cases”, the preconditions for quality monitoring of court and prosecutors office case flows were established as well as for identifying the reasons behind delays in the resolution of cases. This way, the courts and prosecutors offices will have the opportunity to daily analyse and execute measures aimed at dealing with the elements that influence the duration of proceedings.

# Analysis of the systematization of judicial and prosecutorial office holders

One of the more important activities within the reform of the judiciary was the determination of the number of judges and prosecutors and the reexamination of previously established systematisations which, in certain courts, did not correspond to the existing caseloads or new case influxes.

After the systematization in 2004 which significantly reduced the number of judges and prosecutors, in 2009, the HJPC BiH passed a decision to reexamine whether the existing number of judicial and prosecutorial office holders can deal with the case influxes and how many are required to deal with backlogs.

The analysis of the performance of the courts in the entities and the Brcko District BiH which the HJPC BiH adopted in 2009 showed that the systematization of judge positions had to be increased by 52 positions for regular judges and 157 reserve judge positions. Thus, in its decisions on the expansion of systematisations the HJPC BiH established that the courts in BiH needed 1,023 regular judge positions and 330 reserve judge positions. Currently there are 982 regular judges and 113 reserve judges.

In 2010, the HJPC BiH adopted an analysis on the systematization of prosecutorial positions in the entity, cantonal and district prosecutors offices, including the Brcko District BiH, which showed that the number of

systematized prosecutor positions had to be increased from 273 to 336, i.e. by 63 prosecutor positions.

Apart from the aforesaid, after the comprehensive analysis from 2012, the HJPC BiH concluded that the number of existing prosecutors in the district and cantonal prosecutors offices does not allow for war crimes to be processed within the deadlines of the National War Crime Strategy. Therefore, in 2013, a decision was passed to expand the systematization for purposes of processing war crimes in the cantonal and district prosecutors offices by 28 prosecutor positions as well as determining the need to expand the systematization for the Prosecutors Office of BiH by 12 prosecutor positions. Together with the support of the EU, efforts towards filling the vacancies started in 2014, while more on this topic can be found in the chapter dealing with war crimes and their processing.

Based on the aforesaid expansion of the systematisations in the prosecutors office, the total number of prosecutor positions in all prosecutors offices increased by 103 i.e. from 311 to 414 positions. Currently there are 356 prosecutors employed.

It must be said that the systematized positions have yet to be filled due to insufficient funds, which in turn has a major influence on the efficiency of the courts and prosecutors offices.

# Other measures aimed at increasing efficiency

Apart from the aforesaid, the HJPC BiH has undertaken other important steps towards reducing the backlogs in the courts and prosecutors offices and getting them up-to-date with workloads. To mention but some, such as the Book of rules on internal court operations, which provides for the regular and prompt performance of court administration duties, making it easier for the parties to realise their rights in court proceedings. The book of rules also prescribes the internal organisation of the courts and the division of duties with reference to management.

Much was done and significant results were achieved in improving enforcement procedures. Accordingly, in 2011 and 2012, 16 training sessions were held for court bailiffs with the aim of harmonizing and improving their performance. Automobiles were assigned to court bailiffs in 20 municipal and basic courts in BiH to improve their performance and make their work easier. A “Practicum for court bailiffs” was also issued which was compiled by renowned experts and which covers the most important topics in the field.

The Instructions on the transfer a service of court writs through the public postal services came into effect in 2012. This ended the years of effort of the HJPC BiH, the Agency for postal traffic in BiH, the public postal services in BiH and other relevant entities aimed at resolving the problems faced by the courts and the public postal services. The instructions uniquely and equally, throughout all of BiH, regulate the manner of service of court writs in court proceedings by public postal services.

The HJPC BiH also continues to take measures aimed at improving current legislation with the aim of improving

judicial efficiency and simplifying and expediting court proceedings.

Accordingly, in 2009, the HJPC BiH put forward an initiative for amendments to the Law on enforcement procedure, the Law on public utilities services and the Law on the public RTV broadcasting system.

In 2012, initiatives were sent to the state ministries of justice, the Judicial Commission of the Brcko District BiH for the adoption of amendments to the civil procedure codes, which refer to provisions on electronic procedures in order to fully utilise ICT usage and expedite civil proceedings.

In 2013, the HJPC BiH forwarded an initiative to the Ministry of Justice of RS for harmonisation regarding the resolution of the status of court bailiffs through amendments to the Law on courts in RS in order to prescribe the legal basis for the duty to take a special court bailiff exam.

In 2013, the HJPC BiH sent the entity and cantonal ministries of justice and the Judicial Commission of the Brcko District a proposal draft Law on the collection of utilities fees. The proposal established the general rules and principles regarding the mutual relationship of the provider and user of utilities services, also defining the general constituent elements of the contract on the provision and use of utilities services, the method and procedure for the collection of utilities fees, the manner of resolution for any disputes between the user and the provider of utilities services, as well as other issues regarding the use and provision of utilities services.

# War Crimes Processing

In the period from 1992 – 1995, Bosnia and Herzegovina was the site of the armed conflict characterized by serious, systematic and mass violations of the international humanitarian law. Preventing impunity and facing the events from the recent past is recognised as one of the basic preconditions for gradual reconciliation and progress of Bosnia and Herzegovina. As a result, the whole range of activities has been undertaken to address the major challenges in this domain.

The 2003 reform of criminal legislation established jurisdiction for prosecution of war crimes by judicial institutions in BiH. Thus, the courts and prosecutor's offices in the entities and in Brcko District are responsible for the prosecution of war crimes received before 1 March 2003, that is before the entry into force of new criminal legislation, while the Court of BiH and the Prosecutor's Office of BiH are responsible for the prosecution of war crimes received after the entry into force of new criminal legislation in 2003.

A National War Crimes Strategy was adopted in December 2008. For the purpose of monitoring the efficiency and quality of the implementation of measures from the Strategy, the BiH Council of Ministers has established a Supervisory Body to continuously monitor the implementation of the National War Crimes Strategy.

The Strategy foresees the following objectives:

- Prosecute the most complex and top priority war crimes cases within 7 years and other war crimes cases within 15 years from the time of the adoption of the Strategy.
- Centralise and update at the level of the Court and Prosecutor's Office of BiH the record of all war crimes cases pending before the BiH judiciary.
- Ensure a functional mechanism of the management of war crime cases, that is, their distribution between the state-level judiciary and judiciaries of the entities and of Brcko District that will facilitate efficient prosecution within the set timeframe.
- Prosecute as priority the most responsible perpetrators before the Court of BiH with the help of agreed upon case selection and prioritisation criteria.
- Harmonise the court practice in war crimes cases in order to ensure legal certainty and equality of citizens before the law.
- Establish a more efficient cooperation with countries in the region concerning war crimes cases for the sake of prosperity in the whole region.
- Provide protection, support and same treatment to all victims and witnesses in the proceedings before all courts in BiH
- Strengthen the capacity of the judiciary and police in the whole of BiH to work on war crimes cases
- Establish an appropriate legal framework for the implementation of measures adopted in the Strategy and accomplishment of its objectives.

Numerous activities have been undertaken to achieve the objectives set by the Strategy. In order to ensure uniform, exact and good quality statistical data on the number and nature of pending war crimes cases, a fully centralised record of all cases pending before the BiH judiciary has been established at the level of the Court and Prosecutor's Office of BiH.

Pursuant to the Strategy, the most complex war crimes cases are to be prosecuted by the state-level judiciary, and other cases by the entity-level and Brcko District judiciary. In this regard, certain provisions of the BiH Criminal Procedure Code have been amended so as to create a functional mechanism for the referral of less complex cases from the state-level judiciary to the judiciaries of the entities and of Brcko District, that is a mechanism for the transfer of highly sensitive cases from the judiciaries of the entities and of Brcko District to the Court of BiH.

With a view to ensuring timely implementation of the Strategy, in 2012 the HJPC BiH prepared a detailed Human and Material Resources Needs Analysis for District and Cantonal Prosecutor's Offices. Based on the Needs Analysis, at the beginning of 2013, the HJPC BiH decided to expand the number of prosecutorial posts in district and cantonal prosecutor's offices by 28.

In April 2013, the HJPC BiH also decided to expand the number of systematised posts in the Prosecutor's Office of BiH for a total of 12 prosecutors to work on war crimes cases.

Given that the judicial institutions responsible for the prosecution of war crimes lacked financial resources that would allow them to efficiently prosecute war crimes cases, it was already in 2012 that the implementation of an EU-funded project (IPA 2012/2013) was planned to

cover the period 2014-2018. This project has provided a significant amount of funds for building the capacity of courts and prosecutor's offices to reduce the backlog of war crimes cases by 50%, including the funding for additional judges and prosecutors to work on these cases.

The implementation of the project has started in 2014 with the selection and appointment of 20 prosecutors and 7 judges to work on war crimes cases. It has also been planned to hire technical and administrative staff to provide support to judges and prosecutors, specifically 71 staff members in prosecutor's offices and 38 in courts.

When it comes to creating preconditions for adequate victim and witness support and protection, in cooperation with international donors the HJPC BiH has implemented several projects. These projects have helped create preconditions for adequate support and protection of victims and witnesses through engagement of experts and by ensuring specially designed rooms for victims and witnesses, as well as through other appropriate measures.

With regard to regional cooperation in criminal prosecution of war crimes, a Protocol of the Prosecutor's Office of Bosnia and Herzegovina and the Office of the War Crimes Prosecutor of the Republic of Serbia on Cooperation in Prosecution of Perpetrators of War Crimes, Crimes against Humanity and Genocide was signed in 2013. Later that year the same Protocol was signed with the State Attorney's Office of the Republic of Croatia, and in 2014 with the Supreme State Prosecutor's Office of Montenegro.

A particularly important question in the prosecution of war crimes is the obligation to provide legal certainty for citizens as an essential element of the rule of law principle in every democratic society.

An inconsistent court practice developed as a result of the application of different substantive regulations and opposing interpretations of temporal application of the law. In this regard, the HJPC BiH and the Supervisory Body have taken a series of efforts to address the issue by organising a number of meetings with the representatives of the courts, which are responsible to ensure that a harmonised court practice exists. These meetings were focused on harmonisation of case law in war crimes cases with a view to ensuring legal certainty and equality of citizens before the law.

In this context an international conference on “Case Law in the Application of Criminal and Substantive Legislation in the Prosecution of War Crimes in BiH and in the Region” was organised for which the Supervisory Body, within the framework of the Structured Dialogue

recommendations, received recognition from the EU Delegation to BiH for its leading role in launching regular consultations open to all levels of the judiciary, to academic and legal community, as well as to international experts.

With regard to the decision of the European Court of Human Rights in *Maktouf and Damjanović v. BiH* case, the HJPC BiH expressed the belief that the rendering of this decision has resolved the issue of retroactive application of criminal law and ensured consistent application of relevant legislation and equality of citizens before national courts in war crimes cases. At the same time, this decision once more confirmed the necessity of finding effective formal mechanisms for harmonisation of court practice in BiH.

# EU-BiH Structured Dialogue on Justice

The idea for the Structured Dialogue on Justice between the European Commission and BiH stemmed from the commitment of the European Commission to advance structured relations on the rule of law with potential candidates, even prior to the entry into force of the Stabilisation and Association Agreement (SAA). This Dialogue is a platform that provides the context to discuss all reforms that are necessary to allow BiH to progress in the alignment of its judicial system with the EU acquis and relevant standards, as well as an opportunity to guarantee progress in one of the most challenging sectors in the path towards EU membership.

The Structured Dialogue was launched in 2011. The HJPC BiH is a part of the BiH Delegation and plays an active role in the process.

Series of meetings have been held within the framework of the Structured Dialogue resulting in a number of recommendations that are relevant for further course of judicial reform.

The HJPC BiH has taken a serious approach to the Structured Dialogue by actively working on implementing recommendations falling within the scope of competencies of the institution. Important activities have thus been undertaken in connection with drafting the Law on Courts in BiH, the Law on the HJPC BiH, the Law on Combating Corruption and Organised Crime in FBiH and complete alignment of the Law on Courts of Republika Srpska with the recommendations of the HJPC BiH.

Efforts have also been made to implement recommendations pertaining to the transfer of war crime cases, the allocation of necessary financial and human resources for prosecution of these crimes; ensuring the equality of citizens before the law and application of criminal legislation in war crime cases; conclusion of extradition agreements between BiH and neighbouring countries; and the EU support to justice sector for the construction, renovation and repair of judicial buildings.

All recommendations falling under the scope of responsibility of the HJPC BiH and the Supervisory Body were implemented timely, which was acknowledged by the Structured Dialogue.

„(...) The work of the High Judicial and Prosecutorial Council is of particular relevance to foster the consolidation of independence, accountability, impartiality, professionalism and efficiency in the judiciary.”

Stefan Füle, European Commissioner for Enlargement, Inaugural Meeting of the Structured Dialogue, Banjaluka, 2011

# Current status and challenges

In the text above, you have had a chance to read about some of the most significant reform achievements, however, despite all efforts and results, some of the key challenges identified already in the early stages of the reform still remain posing a continuous burden for the judiciary and the HJPC BiH and generating a negative public perception.

This is primarily related to inadequate funding, large number of pending cases, including the cases that due to their nature can be dealt with outside the court system, inadequate dynamics in creating a conducive legal framework for more effective and efficient functioning, growing fragmentation of the system, difficulties concerning uniform application of the law, lack of commitment to preserving attained standards of judicial independence, and recurrent and undue political pressure on the judiciary.

These challenges have been identified by the Venice Commission, whose delegation visited BiH in April 2012 with a view to preparing an opinion on “How the judicial framework, the division of powers and the existing co-ordination mechanisms affect legal certainty and the independence of the judiciary in Bosnia and Herzegovina”.

So, in its Opinion on Legal Certainty and Independence of the Judiciary in BiH, the Venice Commission stated that the legal and judicial system of BiH is the most complex and decentralised federal system among European countries today, that the legal orders at the State, Entity and Brčko District level vary in many areas of substantive and procedural law, and differences arise in the interpretation and the application of similar or even identical legal provisions, the BiH’s legal order,

with four autonomous legal systems, lacks consistency, the cooperation between judicial and other competent authorities is not institutionalised, there is no supreme judicial body that would guarantee the uniformity or the harmonisation of its legal order, no uniform rules exist in the area of financing the result being that different budgets are allocated to different courts and prosecutors’ offices making them easily vulnerable to pressure from the institution deciding on the budget. The issue of a large case backlog was also raised.

In order to unify the system as much as possible and reduce decentralisation, in its Opinion the Venice Commission has recommended further reform of the judiciary.

In the process of further judicial reform, that should also be viewed in the context of the BiH-EU Structured Dialogue on Justice, the HJPC BiH plays an active role and it should be noted that the responsibility for establishing a fully functional and efficient judiciary rests with all competent authorities, including the legislature and the executive.

With reference to the work of the HJPC, it is not rare to hear comments concerning the lack of responsibility of this institution and judicial office holders. In this context, it is important to say that the system of responsibility has been established since the current Law on HJPC BiH contains the provisions allowing the removal from office of the HJPC members, who are predominantly judges or prosecutors, and as such they may be subject to disciplinary action. However, the calls for a more elaborate system of responsibility, which can be achieved through greater interaction with the legislature and the executive while still preserving a necessary balance

among the three branches of government, should not be disregarded. The HJPC BiH had this in mind in its review of the Law on HJPC BiH, and certain improvements have been proposed in that respect entailing a far greater involvement of the legislature and the executives in the election of their respective representatives to the HJPC BiH.

It can be concluded that due to stipulated method for selection of HJPC members, there have been such cases where some of the selected members are not the most qualified or the most competent representatives of legal community. For that reason, when it comes to future members of HJPC BiH, it is necessary to ensure that the best representatives of legal community be selected.

When it comes to selection and appointment of judicial office holders, in some few cases decisions that have been made admittedly involved certain level of subjectivity. This is partly a consequence of specific legal provisions and statutory appointment procedures. However, the HJPC BiH has taken actions in this field as well through the introduction of entry-level examination and oral interview objectivisation.

To make judiciary more efficient, it is necessary to enhance cooperation between the HJPC BiH, and the legislative and executive authorities, especially with regard to utility cases. Also, greater significance needs to be attached to alternative dispute resolution.

The functioning of the HJPC BiH is hampered by the fact that opinions, proposals and initiatives of the HJPC BiH have often been overlooked when making decisions related to the funding of the judiciary or in the adoption of relevant legislation.

It has already been pointed out that in addition to positive effects some of the reform activities were compounded by aggravating circumstances. This refers to reorganisation of the prosecution and the reform of criminal legislation

that was implemented in a very short timeframe. So, in the same period, municipal and basic prosecutor's office were abolished, the total number of prosecutor's offices reduced while their workload simultaneously increased since the responsibility of investigation was transferred from investigation judges to prosecutors. New criminal legislation entered into force with immediate effect and without necessary infrastructure being put in place, including both staffing and material and technical resources, and in particular without sufficient training being organised for prosecutors that would enable them to properly and efficiently apply the legislation in question. The transfer of a large number of pending investigations from courts to prosecutor's offices reduced their effectiveness and this problem continues to persist and burden the work of prosecutor's offices.

With regard to prosecution of war crimes, the current pace in the processing of these cases indicates that the Strategy deadlines will not be complied with when it comes to solving the most complex and top priority cases.

At the level of the Court of BiH and the Prosecutor's Office of BiH, a centralised and up-to-date record has been established containing war crime cases pending before the BiH courts.

The transfer of war crime cases from the state to entity-level jurisdiction was rather slow until the Structured Dialogue was launched. Relevant recommendations from the Structured Dialogue helped speed up this process that needs to continue.

Although in a large number of war crime cases the prosecution has already commenced, it is still necessary to ensure greater efficiency in dealing with these cases.

For all these reasons current results and achievements of judicial reform need to be preserved, objectives and priorities defined and further reform efforts continued.

# Further course of action

In order to ensure the continuity of judicial reform and further activities to enhance the justice system, especially in those segments that have shown certain flaws and weaknesses, we believe that additional measures and activities need to be taken in the upcoming period. Some of them include:

## European path of BiH judiciary

Ensure that core judicial issues are addressed within the framework of the EU-BiH Structured Dialogue on Justice and ensure continued implementation of Structured Dialogue recommendations.

## Legislative reform

Ensure that a legal framework aimed at preserving and strengthening judicial independence and ensuring more efficient and better functioning of the judiciary is put in place. In the first place, it is necessary to revise the Law on HJPC in line with relevant recommendations of the Structured Dialogue while respecting the current role and responsibilities of the HJPC BiH.

## Streamlining judiciary

Assess the required number of courts in BiH, and rationalise the court network in both entities. Stop a negative trend of opening new judicial institutions for which there is no objective need or funding provided.

## Judicial efficiency

Through a synchronised approach and simultaneous implementation:

- secure funding for filling judicial and prosecutorial positions in accordance with the systematisation of posts approved by HJPC BiH;

- by means of cooperation among the HJPC BiH, the legislative and executive authorities develop a strategy to solve the problem of utility cases, which is not only a burden for the judiciary, but also a major social problem;
- make greater efforts to implement and promote alternative dispute resolution methods;
- continue activities on the informatisation of the judiciary through further development of CMS/TCMC, continued provision of ICT equipment for courts and prosecutor' offices, improvement of the Judicial Information System, introduction of electronic signature, and the establishment of a Human Resource Management System in the judiciary.
- ensure a harmonised approach to creating a legislative framework and consistent application of the Law on HJPC BiH, which stipulates the competencies of the HJPC BiH in terms of giving opinions on draft laws, regulations and other matters of relevance for the judiciary.

## War crimes prosecution

Achieve greater efficiency in the processing of war crime cases, especially the most complex and top priority cases.

The Court of BiH, entity-level supreme courts and the Appellate Court of Brcko District BiH should ensure the harmonisation of case law and the equality of citizens before the law in war crime cases.

## Strategic approach to judicial development

Through the adoption of a new 2014- 2018 Justice Sector Reform Strategy, set a new policy framework for a harmonised approach to justice sector reform.

# Words of gratitude to our friends domestic and international ones...

Hereby we would like to express our deepest gratitude to our long-time friends and partners in reform activities. In fact, it is exactly this generous support from international institutions, donor countries and national authorities that made it possible for us to implement a number of activities and accomplish such significant achievements. It is rather difficult to enumerate in one place all the activities that have been supported by our friends, however, through numerous projects implemented in all courts and prosecutor's offices in BiH over the past decade, we have managed to provide computers, IT equipment and software licenses totalling over 36 million KM and become leaders in computerisation of the judiciary in the region and beyond.

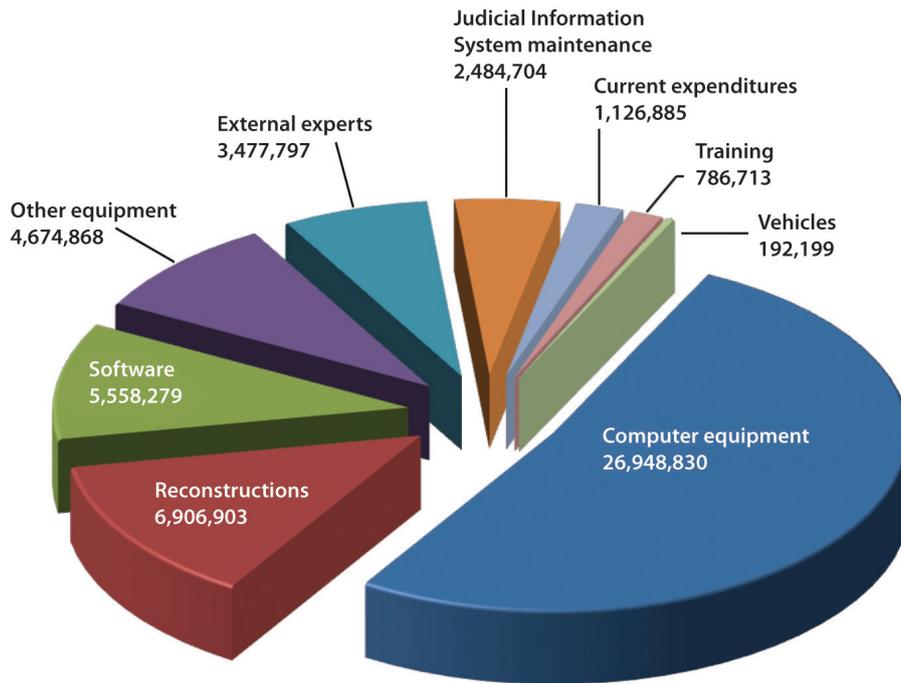
The total investment that we have secured for the reconstruction, informatisation and other needs of courts and prosecutor's offices, including the amount above, exceeds 52 million KM.

What we are particularly pleased with is the years-long confidence that we enjoy among international donors. We believe that it is based on continuous results that we have been making year after year, which testifies to our commitment to improving the justice system in our country.

We shall enumerate our international friends in alphabetical order, and more information on the types of investments and individual amounts you can find in the table below. These are: Czech Republic, the Council of Europe, the European Union, France, Great Britain, Ireland and Italy, the Kingdom of the Netherlands, the Kingdom of Norway, OSCE Mission to BiH, Swedish International Development Cooperation Agency – SIDA, Switzerland, and the United States.

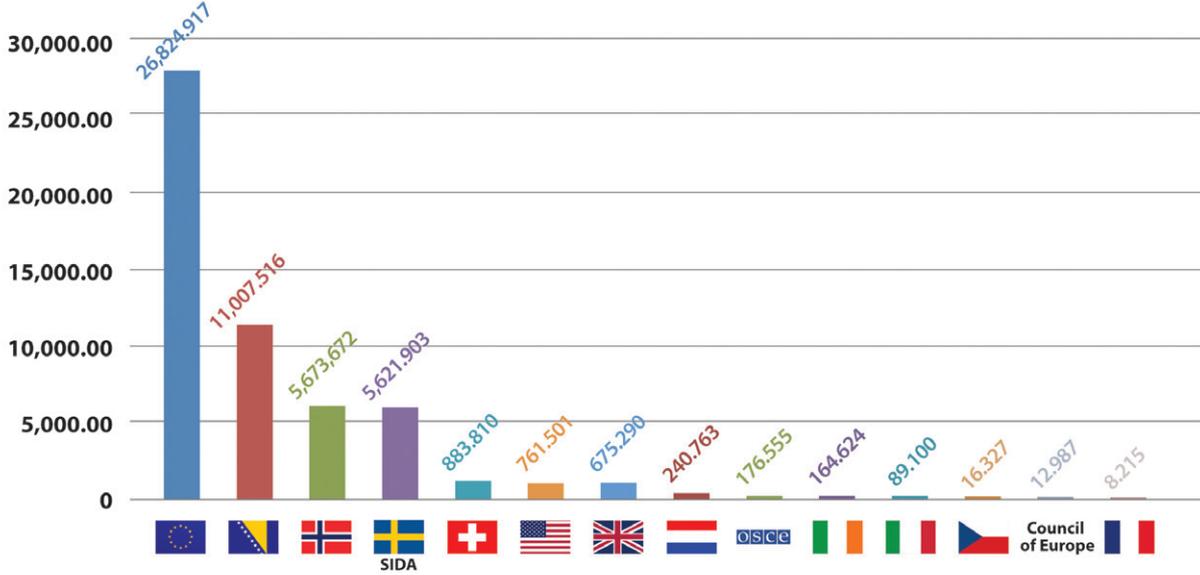
We would also like to thank the People of Norway for enabling the printing of this publication and marking the 10th anniversary of the HJPC BiH.

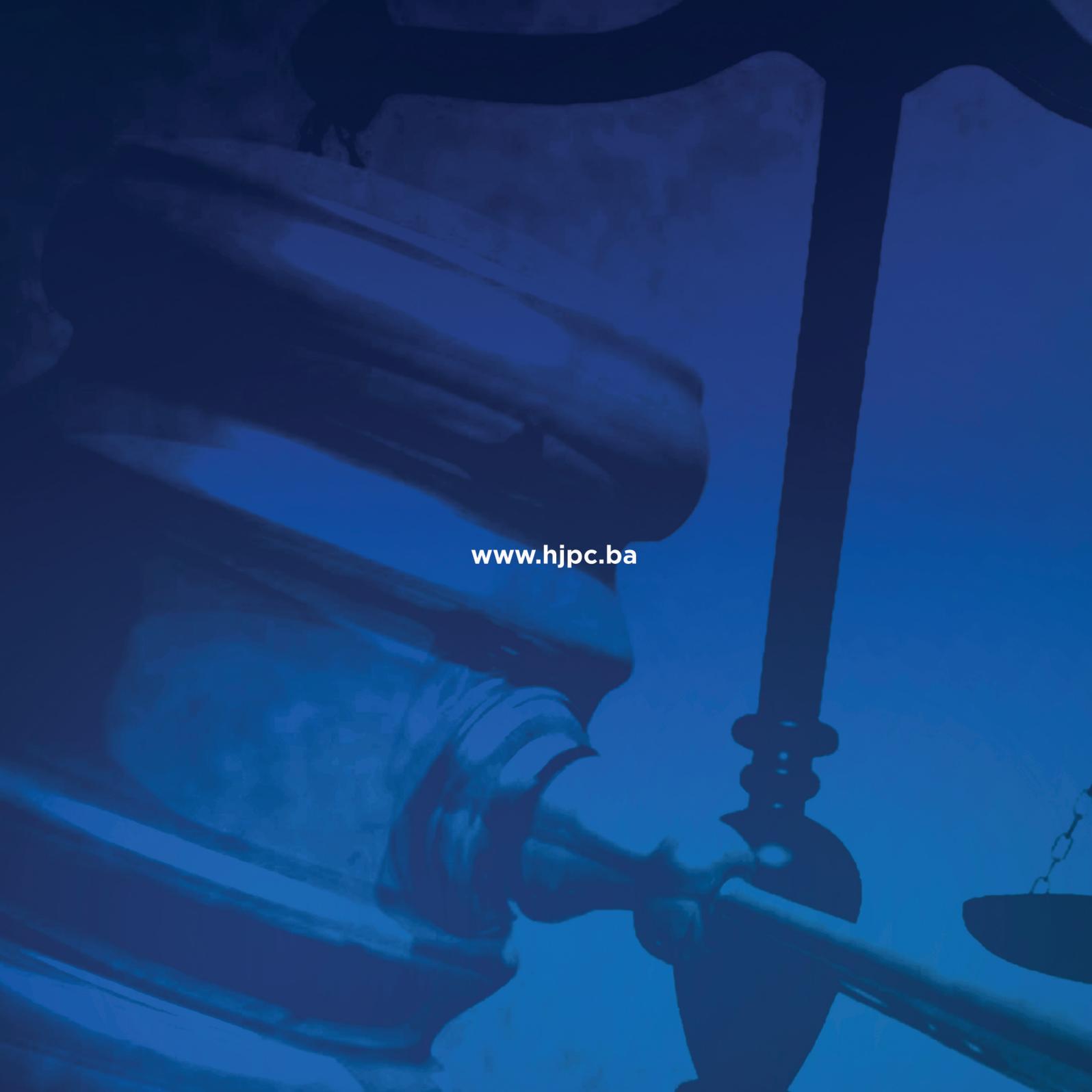
# HJPC investment in the BiH judiciary for the period 2004 – 2013



**Total investment: 52,157,183 KM**

# International Donor Funding and Investments by Domestic Governments



A photograph of a person in a white lab coat, likely a scientist or researcher, adjusting a scale. The person is wearing a watch on their left wrist and is focused on the task. The background is a plain, light-colored wall. The entire image is overlaid with a semi-transparent blue filter.

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