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ACRONYMS

AEA	Alternative Enforcement Agents
APIK	Agency for the Prevention of Corruption and Coordination of the Fight against Corruption
BiH	Bosnia and Herzegovina
COP	Chief of Party
CSO	Civil Society Organization
EU	European Union
FBiH	Federation of Bosnia and Herzegovina
FIPA	Foreign Investments Promotion Agency of Bosnia and Herzegovina
HJPC	High Judicial and Prosecutorial Council
ITC	Information Technology and Communication
JP	USAID's Justice Project in Bosnia and Herzegovina
JPTC	Judicial and Prosecutorial Training Center
NCSC	National Center for State Courts
NGO	Non-Governmental Organization
ODC	Office of Disciplinary Counsel
OPDAT	Office of Overseas Prosecutorial Development, Assistance and Training
PGI	Prosecutor-Guided investigations
PMP	Performance Management Plan
POAP	Prosecutor Office Assistance Plan
PPP	Prosecutor Partnership Program
ODC	Office of Disciplinary Counsel
RS	Republic of Srpska
SDC	Swiss Agency for Development and Cooperation
SOW	Scope of Work
SPO	Special Prosecutor Office
TOT	Training of the Trainers
UN	United Nations
UNDP	United Nations Development Program
USAID	United States Agency for International Development
USKOK	Croatian Bureau for Combating Corruption and Organized Crime

EXECUTIVE SUMMARY

In September of 2014, Millennium DPI Partners was awarded the United States Agency for International Development's (USAID's) Justice Project in Bosnia and Herzegovina (JP; the "Project"). This is a five-year project funded by USAID with the purpose of achieving more accountable institutions that meet BiH citizen needs and make the government more responsive to citizens by strengthening justice sector capacity. Millennium DPI is a woman-owned small business that implements rule of law reforms in transitioning and developing countries and whose approach is to deliver rapid, effective, and innovative assistance to enable host country governments, civil society leaders, and communities to develop sustainable solutions that improve the delivery, availability, and quality of justice. The Project will be implemented from September 23, 2014 to September 22, 2019.

The objectives of the Justice Project are to enhance: 1) prosecutors' status and performance, 2) the enforcement of court decisions, 3) the integrity of the justice sector as being worthy of public trust, and 4) the capability of courts and prosecutor offices to prosecute and enforce the law against corrupt officials. This will be achieved by: 1) addressing mechanisms of judicial self-accountability, such as ethics and discipline, and 2) enhancing inter-agency cooperation, training, and tools for judges and prosecutors to effectively investigate, prosecute, and enforce the law against corrupt offenders.

Since the JP was launched on September 24, 2014, many of the Project's activities have been focused on Project mobilization and recruiting staff. As of January 2015, the Project is fully operational and all the staff have been recruited, including the Monitoring and Evaluation (M&E) Specialist who joined the Project team on January 19.

With regard to the overall objectives, the JP aims to strengthen: 1) prosecutors' status and performance, 2) the enforcement of court decisions, 3) the integrity of the justice sector as an entity worthy of public trust, and 4) the courts' and prosecutor offices' ability to prosecute and enforce the law against corrupt officials. This will be achieved by: 1) addressing mechanisms for judicial self-accountability, such as ethics and discipline, and 2) enhancing inter-agency cooperation, training, and tools for judges and prosecutors to effectively investigate, prosecute, and enforce the law against corrupt offenders.

In the first quarter, the JP focused on laying the groundwork for the implementation of activities that will be carried out in the months and years to follow. The Project focused on: 1) the development of the Year I Work Plan, 2) the establishment of partnerships and cooperation with prosecutor offices, courts, government, and the non-government and private sector, as well as international community actors, 3) the identification of Bosnia and Herzegovina (BiH), regional, and international short-term experts and developing their Scopes of Work (SOWs), 4) the identification of agents of change in the government and non-governmental sector, who are crucial to the success of the Project, and 5) positioning the JP as one of the key donor projects in the field of judicial capacity-building and as relevant to the country's successful fight against corruption.

It is important to emphasize that the approved JP Year I Work Plan is the result of a highly consultative process carried out through:

- I. Desk research on: a) BiH legislation and policy, b) key institutional and country strategic documents, c) European Union (EU), Council of Europe, United Nations (UN), and other

- international community rule-of-law-related assessments and recommendations to BiH, and
d) international and donor standards, practices, and experiences in strengthening the capacity of a developing country to fight corruption
2. Qualitative interviews with representatives of relevant national and international stakeholders.

INITIAL AND ONGOING PROGRAM OPERATIONS

Since the award of the JP contract in September 2014, Millennium DPI has initiated the necessary steps to organize a program office and meet with counterparts and USAID in order to develop and submit initial deliverables. Natalija Stamenkovic and Brian Hannon, Millennium DPI's partners, were in the country in October and November to hire full-time program staff, manage logistical start-up, and initiate work planning and the Monitoring and Evaluation (M&E) Plan. The start up team included Tim Hughes, from our subcontractor the National Center for State Courts (NCSC), who from October 21 to 27 provided support for the development of the Year I Work Plan. Millennium DPI also deployed Igor Beznitsky, our home office Financial Manager, to set up the accounting system and invoicing and procurement procedures for the project. The draft Year I Work Plan (October 2014 – September 2015) and Performance Management Plan (PMP) were submitted to USAID for approval and review on November 24, 2015. The Branding and Marking Plan was submitted to USAID on October 21, 2014. All of these deliverables, except the M&E Plan, were approved during the reporting period. All staff were under contract in the first reporting period.

The start up team and the Chief of Party (COP) also held extensive meetings with members of the USAID management team and the following Bosnia and Herzegovina (BiH) officials: Mr. Milan Tegeltija, the President of the High Judicial and Prosecutorial Council (HJPC); Mr. Admir Suljagic, the Director of the HJPC Secretariat; Mr. Arben Murtezic, the Disciplinary Prosecutor; Ms. Milana Popadic, Assistant Minister of Justice of BiH; Mr. Zdravko Knezevic, the Chief Prosecutor of the Federation of Bosnia and Herzegovina (FBiH) Prosecutor Office; Mr. Mahmut Svraka, the Chief Prosecutor of the Republic of Srpska (RS) Prosecutor Office; Mr. Zdravko Lepir, the Chief Prosecutor of the Banja Luka District Prosecutor Office; Mr. Miodrag Bajic, the Special Chief Prosecutor of the Special Prosecutor Office in Banja Luka; Mr. Rajko Corovic, the Chief Prosecutor of the East Sarajevo Prosecutor Office; and Ms. Janja Jovanovic, the President of the Municipal Court of Sarajevo. In addition, Ms. Stamenkovic conducted introductory meetings with a number of international organizations, representatives from the donor community, and representatives from civil society organizations (CSOs; listed below). In December, the COP and component leaders continued to hold meetings with BiH officials and donor representatives to present the Project's objectives and to initiate coordination mechanisms while building stakeholder consensus. These meetings continued in January.

It is also important to note that the JP, in parallel with these initial meetings and activities, immediately initiated coordination efforts with the FBiH Prosecutor Office under the anticipated special activity fund. The JP held a number of meetings with the FBiH Chief Prosecutor, HJPC officials, and donor representatives, especially those from the European Union (EU), in order to identify the gaps and immediate needs of the newly established Special Prosecutor Office (SPO).

Finally, the JP had a meeting with a representative of the Croatian Embassy to establish a link with the Croatian Special Prosecutor Office (USKOK) and to prepare groundwork for future cooperation between the two prosecutor offices. The JP will assist in bringing the USKOK experts to BiH to train newly appointed prosecutors of the SPO, and establish a framework that will allow

USKOK experts to their share knowledge and experience with BiH prosecutors who are prosecuting or preparing to prosecute high profile corruption cases.

The JP will continue to meet regularly with national counterparts to solicit input and develop coordination mechanisms and to generate support and momentum for the Project in the process. Throughout the project, the JP will continue to consult with the Strategic Body of the HJPC, the Presidency of the HJPC, the Secretariat of the HJPC, the respective Ministries of Justice, and other relevant stakeholders to ensure oversight and broad support for system-wide reforms and standards in the prosecution of corruption and serious crime.

COMPONENT I: IMPROVE THE PROFESSIONAL STATUS AND PERFORMANCE OF PROSECUTORS

Component I activities are aimed at enhancing the performance of all 19 prosecutor offices in BiH throughout the life of the Project. Prosecutors face many challenges, including a lack of ability to strategically manage prosecutorial functions, deficiencies in implementing performance standards, especially in complex criminal cases, and an unsatisfactory conviction rate in corruption cases. To address these deficiencies, the Project under Component I will provide capacity-building assistance to all 19 prosecutor offices, including the SPO for Organized Crime and Corruption of the RS and the Special Department under development in the FBiH, to improve their ability to detect, investigate, and prosecute complex and highly sensitive cases of corruption.

The Year I Work Plan provides a basis for establishing a five-year partnership program with all prosecutor offices in BiH that will ensure the fulfillment of the following Component I goals:

1. Strengthening organizational leadership, planning, and the performance of prosecutors
2. More efficient performance of prosecutorial functions through a balanced allocation of resources that effectively meet organizational needs
3. Enhancing public trust and integrity by giving due attention to the prosecution of crimes committed by public officials
4. Enhancing the transparency and responsiveness of prosecutors by providing appropriate and accurate information to citizens
5. Improving the status of prosecutors through a performance appraisal process, merit-based career advancement system, and/or incentivized opportunities to prosecute priority criminal cases.

Outcomes that will guide Component I activities to achieve the stated goals in Year I and in the following years are described in the table below.

Component I Objective	
Strengthening Prosecution Status/Performance Illustrative Programmatic Impact	
Impact	Outcome
1.1 Strengthened organizational leadership, planning, and performance in prosecutor offices	19 prosecutor offices implement PPP; pros. offices managed strategically, target crime threats, and incentivize performance
1.2 Prosecutors perform functions more efficiently through balanced allocation of resources	Pros. office management allocates resources to fight corruption & serious crime; streamlined practices and program budgeting

Component I Objective Strengthening Prosecution Status/Performance Illustrative Programmatic Impact	
Impact	Outcome
1.3 Prosecutors uphold public trust and integrity through prosecution of corruption or other serious crime	Pros. teams for corruption cases formed; pros. and police conduct joint investigations; best practices manual promotes uniformity
1.4 Prosecutors provide appropriate and accurate information to citizens in order to strengthen transparency and responsiveness	Pros. office public info guidelines are upgraded/implemented; pros. offices track public info requests, issue annual reports
1.5 Prosecutor status improved through performance appraisal, merit-based career advancement, or other incentives to prosecute cases	Pursuant to the governing laws, HJPC adopts policies for appointment & career advancement based upon merit; HJPC/pros. offices create incentives for pros.

COMPONENT I ACTIVITIES THIS QUARTER

In this quarter, the following Component I activities were initiated.

Activity 1.1.1: Soliciting Input from Key Counterparts on the Development of the Prosecutor Partnership Program (PPP) (Quarters 1 and 2)

In order to solicit input from key counterparts on the development of the Prosecutor Partnership Program (PPP), the Work Plan required that the COP and Component I Leader would visit the HJPC, the Strategic Body, and entity-level prosecutor offices to introduce the JP scope of work, gather information on prosecutor office activities, and gain consensus on approaches to implementing the PPP. For the first year of the Project's implementation, four to six prosecutor offices will be selected for the participation in the PPP and to provide expert technical assistance aimed at strengthening their organizational leadership, planning, and performance.

To achieve these goals, the Project team initiated a number of meetings with prosecutor offices, donor representatives, and the relevant bodies of the HJPC to obtain input, identify needs and gaps, and build consensus among the participants. During December 2014, meetings were held with the District Prosecutor Office in East Sarajevo (Istočno Sarajevo), the Cantonal Prosecutor Office in Zenica, the Cantonal Prosecutor Office in Bihać, the Federation Prosecutor Office of the FBiH, Republic Prosecutor Office of the RS, and the Cantonal Prosecutor Office in Tuzla, where the COP and the Component I team introduced the Project scope of work and the rationale for the PPP. All prosecutor offices have expressed their strong interest to participate in the PPP and to receive expert assistance based upon their specific identified gaps and needs. The Chief Prosecutor of the Republic Prosecutor Office of RS, Mr. Mahmut Švraka, and the Chief Prosecutor of the Federation Prosecutor Office of the FBiH, Mr. Zdravko Knežević, suggested that the district and cantonal prosecutor offices that have a large number of unresolved corruption cases in pre-investigative and investigative phases should be selected to participate in the Year I of PPP implementation. This will be taken into consideration during the PPP selection process in the next quarter.

In our interviews, prosecutors discussed on-the-job problems that limit their performance and efficiency in investigating and prosecuting corruption cases and serious crime. Issues identified include: the lack of funds, especially for the costs of financial expert witnesses, and the lack of professional support staff in general, such as legal associates, lawyers, and expert advisers

(e.g., economists and investigators). The investigation of cases of corruption regularly requires engaging independent expert witnesses capable of tracking financial activity and explaining to the court where irregularities and criminal behavior have occurred. There are a number of concerns related to engaging financial experts, such as the length of time it takes to pay for these services. Funding for these activities, which can be costly, is often subject to budget cuts by the entity and cantonal Ministry of Finance. Moreover, a very small number of expert witnesses are qualified to prepare and present their financial expertise in a manner prescribed by the criminal procedural legislation. The prosecutors perceive that these expert witnesses can strongly influence the outcome of criminal cases, and for that reason prosecutors are anxious to retain them when conducting investigations and prosecutions. The scarcity of competent financial experts also impacts the efficiency and speed of an investigation, given that some experts are backlogged and do not manage to prepare their written expert opinions within the deadlines set out in the prosecutorial orders.

The prosecutor offices interviewed indicated that a large number of issues could be resolved if access to qualified financial experts, economic advisors, and other experts was expanded. Assisted by these experts, prosecutors would be better able to identify and understand criminal behavior and could learn how to obtain the forensic evidence needed to prosecute corruption successfully. Experts, such as forensic accountants, could assist in tracking transactions, conducting analyses of cash flows, identifying unexplained transactions and fees, and establishing links between parties. Our interviews also revealed that the prosecutor offices that already employ expert advisors have increased productivity and efficiency.

Based on the interviews with the different prosecutor offices, the HJPC, and other stakeholders, the Project identified several issues that should be the focus of our technical assistance in the months and years to follow. They include:

- Shifting prosecutors' focus away from the existing quantitative benchmarks for evaluation of their annual performance, which do not sufficiently differentiate between work on simpler and more complex cases
- Institutionalizing strategic planning processes which will increase informed management decisions and guide the allocation of resources
- Utilizing joint prosecutor/police investigative teams
- Institutionalizing standardized approaches to informing the public on the work of prosecutor offices, particularly in cases of interest to the public
- Forming specialized investigation capacities within the prosecutor offices in the area of corruption, which will aid in prosecuting corruption cases and will promote exchanges of knowledge, information, and experience among practitioners including, among others, prosecutors, investigators, and financial experts.

Activity 1.1.2: Establish PPP Coordination Mechanism with the Strategic Body (Quarters 2, 3, and 4)

In accordance with the Work Plan, the Project team will meet with the Strategic Body of the HJPC to establish a policy-level coordination mechanism for two key purposes: (1) to provide oversight of PPP implementation in the prosecutor offices, including monitoring progress and resolving issues that affect PPP implementation in prosecutor offices, and (2) to support system-wide standards and reforms for the management of prosecutor offices and the prosecution of corruption and serious crime cases. A further aim of the coordination mechanism is to ensure counterpart consensus and

understanding, and to ensure the coordination of donor resources that target strengthening the prosecutor offices.

On December 23, 2014, the Project team held a meeting with the Strategic Body of the HJPC, where the basic elements of the Project and indicative scope of the Component I work for the first year were presented. This initial presentation of the Project activities was intended to establish mechanisms for cooperation and coordination with the Strategic Body when identifying and selecting potential prosecutor offices to participate in partnership program. In principle, it was agreed that the JP would regularly inform the Strategic Body of their progress and, if necessary, present the Project activities with regard to the identification and selection of appropriate candidates for participation in the PPP. It was decided that criteria for the identification and selection of partner prosecutor offices in the first year will include the number of unresolved corruption cases, entity representation (for an equal number of district and cantonal prosecutor offices), results achieved in prosecution corruption cases, and a level of organization sufficient for establishing partnership program.

Coordination of Donor Resources

Given that other international donors also plan to conduct activities in support of prosecutors, it is necessary to ensure close coordination with these donors to identify areas of cooperation and potential synergies between the projects. Thus, in the reporting period, two meetings were held with the HJPC Project Manager for the Swiss Agency for Development and Cooperation (SDC) Project Supporting Prosecutor Offices in BiH (the SDC Project). Due to the fact that SDC assisted with establishment of the Strategic Body for Prosecutor Offices in BiH and provides it with administrative and expert support, we concluded that communication with the Strategic Body will be coordinated with SDC. The SDC Project is currently assisting the Strategic Body to develop revisions of the criteria for the performance evaluation and selection of prosecutors, which will not become effective before 2016. The SDC will also provide resources to prosecutor offices to employ additional temporary expert staff who will be engaged in resolving the large case backlogs, such as those at Cantonal Prosecutor Office in Sarajevo.

The JP has identified overlapping activities between the JP and the SDC Project. These include: 1) the establishment of joint prosecutor/police teams, 2) coordination between prosecutor offices and law enforcement agencies, 3) more efficient resolution of corruption cases, and 4) revisions of the strategic plans adopted by the nine prosecutor offices. It was resolved that regular consultative meetings would be held in order to avoid duplicating efforts and to increase coordination and leverage for optimum results of project interventions.

Activity I.1. 3: Working Sessions on Initial Partner Prosecutor Selection Process (Quarter 2)

The Project team initiated consultations with the leadership of the HJPC, the Strategic Body, and selected prosecutor offices to identify prosecutor offices that would be the most suitable candidates to participate in the first PPP. The consultations were also conducted to determine a model for the delivery of assistance to the partner prosecutor offices, which will be presented in the Prosecutor Office Assistance Plan (POAP). Partners for the PPP were selected using preliminary assessments of statistical data on caseloads and performance on cases of corruption. The initial assessment of the prosecutor offices was made based on information gathered through initial contacts with the prosecutor offices and recommendations from Chief Entity Prosecutors. Based on these assessments, the Project plans to enter into the PPP with the following prosecutor offices in the

first year of implementation: the Cantonal Prosecutor Offices in Zenica and Tuzla and the District Prosecutor Offices in East Sarajevo (Istočno Sarajevo) and Doboj. These selected offices are geographically linked, which will enable the Project to establish partner relationships and monitor expert and technical assistance more efficiently. The intention is to identify targeted expert assistance, which will be made available to prosecutors' offices through the engagement of national, regional, and international experts for those areas in which additional expert assistance and knowledge are needed to improve performance and efficiency.

Activity 1.1.4: Develop the PPP and Prosecutor Office Assistance Plan (POAP) (Quarter 2)

JP staff has started developing the POAP, an operational document that will guide PPP assistance in each office. It is planned that the POAPs will contain information that will guide the types and sequencing of assistance provided. The POAP will focus on three areas of capacity building: (1) organizational management/performance, (2) prosecuting corruption/serious crime cases, and (3) office transparency and public information/outreach.

A preliminary needs assessment was conducted in the selected prosecutor offices: the Cantonal Prosecutor Offices in Zenica and Tuzla, and District Prosecutor Offices in East Sarajevo (Istočno Sarajevo) and Doboj. The information collected is currently assisting Project staff who are preparing Scopes of Work (SOWs) for the engagement of experts who will be deployed in the second quarter. Based on these assessments, the Project will engage experts who can provide:

1. Assistance determining the requirements of investigating and prosecuting corruption cases and other serious cases in order to strategically manage the workload and prioritize investigations, which should allow for planned distribution of available human and technical resources, and which would lead to more efficient prosecution.
2. Assistance to chief prosecutors to improve the manner in which they evaluate the performance of prosecutors working on complex cases.
3. Assistance initiating and planning investigations by joint prosecutor-police investigative teams when working on serious corruption cases.
4. Providing advice to prosecutor offices on how to present their work to the media and public, which will help increase transparency in the work of prosecutor offices and public relations.
5. Identifying best practices for knowledge sharing between prosecutor offices and incorporating these practices into internal rules of procedure and action plans.

COMPONENT I ACTIVITIES ANTICIPATED AND IN PREPARATION FOR THE NEXT QUARTER

The Project plans to engage in the following activities in the next quarter (the second quarter of the first year).

Activity 1.1.3: Working Sessions on Initial Partner Prosecutor Selection Process

- Staff will consult the Strategic Body on the results of the initial partner prosecutor offices selection process, by which the Cantonal Prosecutor Offices in Zenica and Tuzla and the District Prosecutor Offices in East Sarajevo and Doboj were selected to participate in the initial PPP/POAP group. Additionally, consultation sessions with the selected prosecutor offices and the Strategic Body will be held to assess the outcome of the selection process and the implementation of the individual POAPs in these prosecutor offices.

Activity 1.1.4: Develop PPP and Prosecutor Office Assistance Plan (POAP)

- The Project will continue development of the PPP framework and the POAP based on a detailed assessment and needs analysis in the selected partner prosecutor offices.
- We will deploy expert technical assistance to the Federation Prosecutor Office of the FBiH to initiate efficient implementation of the new Law on Prevention of Corruption and Organized Crime.

Activity 1.1.6: Implement PPP in an Initial Group of Prosecutor Offices

- The JP will develop and agree to detailed SOWs for expert technical assistance with the partner prosecutor offices.
- The Project will plan for and engage short-term experts from regional jurisdictions with specialized knowledge and experience in investigating and prosecuting high-level corruption cases. These experts will provide training to prosecutors working on corruption cases in the partnered prosecutor offices based on needs defined through the development of individual POAPs prepared for the partner institutions (e.g., USKOK).

Activity 1.3.1: Development of a Prosecutor-Guided Investigations (PGI) Training Manual

- In the second quarter, a review of existing manuals and practices for prosecutor-guided investigations will be initiated to determine the utility of these manuals and identify gaps.
- A detailed report will be prepared to facilitate the expert technical assistance to follow.

Activity 1.4.1: Assessment of PPP Prosecutor Offices' Public Information Procedures and Practices

- The Component I team will assess the selected prosecutor offices' public information needs and capacity with respect to transparency (i.e., public information procedures) with the purpose of implementing Project activities to strengthen and improve responsiveness to public interest.
- A detailed report will be prepared to facilitate the expert technical assistance that will follow.

Activity 1.5.1: Assessment of Performance Evaluation in Prosecutor Offices

- In the second quarter, the Project will initiate and complete performance evaluations in the selected prosecutor offices to analyze individual office practices and develop criteria for assessing the complexity of corruption cases. This will assist chief prosecutors to improve their explanations on performance evaluations in complex cases.

Special Activity: Prosecution System Management and Policy Making

- The Project will conduct in-depth research to assist in the preparation of a study visit for the Strategic Body of the HJPC. The Project will identify a European prosecuting authority that has a demonstrated track record for strategically managing the prosecutorial process and implementing policies that guide management in prosecutor offices. This will help in the selection of an appropriate host agency for the educational visit. The educational visit will be tentatively organized in March–April 2015.

Special Activity: Support to Special Prosecutor Office (SPO) of FBiH

- The JP will monitor the progress of the implementation of the new law establishing the SPO and, in close cooperation with the FBiH Chief Prosecutor, HJPC Secretariat, EU and other donors, will provide necessary support to make the SPO operational in the near future.

COMPONENT 2: IMPROVING EFFICIENCIES IN THE ENFORCEMENT OF JUDGMENTS

Over the life of the Project, Component 2 Project staff will work with the courts to improve procedures and practices that will increase their efficiency. At the same time, the Project will engage key stakeholders to analyze how judgments are enforced and to build broad consensus for revising laws and creating a more effective system for enforcing judgments that protects creditor rights and property interests. Under Component 2, the Project will conduct diagnostic studies to assess the current system for the enforcement of judgments. The diagnostic study findings and recommendations will be used to initiate a consensus-building process involving stakeholders to improve the existing system and to arrive at policy-level solutions to introduce a new enforcement system. This new system will have streamlined procedures and provide holistic solutions to reduce the massive enforcement case backlog, including alternative enforcement mechanisms and asset forfeiture.

The outcomes listed in the table below will guide the JP's activities for improving efficiencies in the enforcement of civil judgments.

Component 2 Objective Improving Efficiencies in the Enforcement of Judgments Illustrative Programmatic Impact		
Impact	Year 1 – 3 Outcome	Year 4 – 5 Outcome
2.1 Streamlined procedures are implemented for enforcing judgments and reducing backlog	Diagnostics completed; consensus building begins; working group drafts laws; streamlined procedures piloted	Consensus building, legislative framework drafted, ongoing policy informed by diagnostics
2.2 Capacities of court enforcement agents are improved through training, staffing, evaluation, oversight, and management	Manual on enforcement best practices completed; training expanded to all first instance courts	Roll-out of training for courts on enforcement best practices (using manual)
2.3 Framework is enacted for licensing, monitoring, control, and assignment of alternative enforcement agents	Diagnostics inform drafting of new legislative framework; new system is piloted (if new laws are enacted)	Alternative enforcement agents system implemented in phases; sustainability plans developed
2.4 Courts are equipped with a system and means to secure and control assets	See 2.1 and 2.2	See 2.1 and 2.2

COMPONENT 2 ACTIVITIES THIS QUARTER

During the first Quarter, Component 2 activities focused on organizing a comprehensive Diagnostic Assessment, which will be the basis for further Component 2 activities throughout Year 1 and subsequent years. Since the Diagnostic Assessment is logically and operationally tied to reporting, activities for this component have not yet been broken out into sub-activities.

Activity 2.1: Streamlined procedures are implemented for enforcing judgments and for reducing the backlog of enforcement cases

In order to prepare for productive expert interventions for the diagnostic assessment, Component 2 staff began by bringing together a group of stakeholders to build consensus and contribute to the analysis of the system. The Project contacted a number of courts, interested parties, and government authorities to discuss their potential inclusion in a group of stakeholders interested in participating in all activities related to Component 2. Interested stakeholders met during this quarter, including the representatives of four courts, representatives of foreign investors, members of the business community, and the Association of Notaries. The Court Presidents presented the status of enforcement with respect to civil judgments in their courts.¹ The parties agreed that the enforcement procedure is too complicated and that courts should not be required to process “utility cases.” All parties agreed that there are many steps that could be undertaken at the practical and policy level to help improve efficiency. Representatives of foreign investors, members of the business community (including banks, law firms, and business associations²), and the Association of Notaries of the FBiH each presented illustrative examples of where the courts should have been more proactive in applying the enforcement law to protect creditors’ rights. Several presenters also gave brief examples of other laws, mainly from the area of business law, whose improvements would contribute significantly to a more effective enforcement system and reduction of backlog. Separate meetings were organized with representatives of the Foreign Investments Promotion Agency of Bosnia and Herzegovina (FIPA) and the Ministry of Justice of the FBiH, who expressed their initial support and interest in participating in JP-organized activities. All parties expressed their full support for and interest in Activities 2.1–2.4.

At the conclusion of the meeting, the parties agreed that the JP will organize a roundtable meeting during which the above-referenced individuals and groups will have the opportunity to actively present their views and share ideas about the direction of reforms for the enforcement system. In the second quarter, Component 2 staff will have separate meetings with the enforcement judges and agents of the Municipal Court in Sarajevo and the representatives of investors and employers to prepare for the diagnostic assessment.

Based on the Year 1 Work Plan and the contacts established so far, the draft SOW/Terms of Reference has been created for engaging experts who will complete the diagnostic assessment.

Activity 2.2: The capacity of court enforcement agents to enforce judgments improved through training, staffing procedures, evaluation, oversight, and management

In the reporting period, the Component 2 Leader initiated the collection of relevant information for the analysis of the current workflow within the municipal/basic courts in BiH. This initial review into the existing practices of the courts will provide necessary background information that the diagnostic assessment experts will need to get a complete picture of the enforcement proceedings of various courts. In the second quarter, these experts will conduct the activities geared towards improving the capacity of enforcement agents.

¹ Court Presidents participated from the Municipal Court in Sarajevo, the Basic Court in Banja Luka, and the District Commercial Courts in Banja Luka and Istočno Sarajevo.

² Members of the business community included: BIGMEV, “Centrotrans”, “Raiffeisen”, “Spaarkasse”, and “Vakufska banka.”

Activity 2.3: A framework of legislation, rules, and procedures enacted for licensing, monitoring, and control and assignment of alternative enforcement agents

The potential for the introduction of Alternative Enforcement Agents (AEA) into the system of enforcement in BiH was the subject of intense discussion in several meetings held in the first quarter.³ The aforementioned officials and legal professionals supported the idea of introducing AEA into the system of enforcement. The Court Presidents who met with the Project (see footnotes 1 and 3) cautioned that the solutions introduced in some countries in the region, such as Serbia and Macedonia should be carefully analyzed because both demonstrated potential challenges, such as possible corruption of the AEA system introduced in Serbia. The representatives of the business community requested urgent action on the part of the government in alternative enforcement. They supported the idea of private enforcement agents and companies who would be directly motivated by the beneficial financial effects of reforming enforcement. The business community representatives also stated that they would be willing to participate in commenting on the findings and recommendations of the Diagnostic Assessment and its byproducts and to take part in advocacy efforts for the proposals they find useful for the more effective enforcement system. Meetings with the HJPC on the subject were also positive. HJPC members Obren Buzanin and Zijad Kadric suggested that the Project should plan the introduction of AEA in the system carefully, but they also mentioned that the Banja Luka Basic Court was currently using the system and reporting positive outcomes.

All parties in these meetings expressed readiness to participate in discussions for developing the best solutions for the introduction of AEA in the system of enforcement for civil judgments.

Activity 2.4: The courts are equipped with the necessary system and alternative means to secure and control assets adequately

Discussions were hosted by the Project regarding the ability of courts to seize and control debtors' assets adequately. The discussions focused on two issues: 1) the ability of the system to provide immediate and accurate information about the debtor's property, including bank account numbers of individuals or companies, real estate, employment, income, companies' assets from which the debt could be settled, which would require the amendment of several laws in the future; and 2) the ability of courts to seize movable debtor's assets and properly store, control, and sell them within a reasonable time so those assets do not lose their value (if assets are allowed to lose their value, the enforcement proceedings would cease to have any purpose). This would be a practical issue, which could be improved by exploring different methods, including by-laws promulgated by entity Ministries of Justice, or by the more pro-active approach of court action. The courts, business community, and legal professionals presented several different ideas related to possible improvements in this area, but they all agreed that improvements need to be introduced as quickly as possible.

³ Numerous meetings were held in the first quarter including with: Ms. Janja Jovanović, President of the Municipal Court in Sarajevo, on October 30 and December 19, 2014; Mr. Milenko Miletić, Acting President of the Basic Court in Banja Luka, and Ms. Lejla Kosić, President of the District Commercial Court in Banja Luka, on December 16, 2014; Ms. Aida Šain, President of the District Commercial Court in Istočno Sarajevo, on December 30, 2014; Mr. Safudin Čengić, the Director General of "Centrotrans Euro- Liness" (one of the biggest transport firms in BiH), and Mr. Mladen Pandurević, the Director of Association of Employers of the FBiH, on December 10, 2014; Mr. Selmo Cikotić, Country Manager of BIGMEV (Turkish) Foundation for the Development of Relations with Bosnia and Herzegovina, on December 10, 2014; lawyers of the Raiffeisen, Spaarkasse Leasing and Vakufska bank during December 2014; and Ms. Naida Čustović, Acting Manager of "Wolf Theiss" (Vienna Based Law Firm) in Sarajevo, on October 28, 2014.

COMPONENT 2 ACTIVITIES ANTICIPATED AND IN PREPARATION FOR THE NEXT QUARTER

The following Component 2 activities are planned for the second quarter.

Activity 2.1.1:

- Identify courts in which the experts will conduct workflow analysis and identify best practices in cooperation with the HJPC
- Mobilize and deploy expert teams to conduct a diagnostic assessment as specified in the Year I Work Plan.

Activity 2.1.2:

- Continue with the consensus-building forums for stakeholder discussions
- Conduct first roundtable with interested groups in order to have all the most important issues in enforcement procedure observed and discussed from different points of view.

Activity 2.3:

- Conduct research and analysis as a part of the diagnostic assessment to present possible models of AEA to be introduced into the BiH system
- Present research and analysis results to the relevant counterparts, primarily the HJPC, for the purpose of future discussions with members of the legal community and potential selection of an AEA.

Activity 2.4:

- Identify best practices for securing and controlling of debtors assets and prepare the overview for the diagnostic assessment experts
- Provide analysis to courts seeking solutions for improving their ability to secure and control assets adequately.²

COMPONENT 3: STRENGTHENING JUSTICE SECTOR INSTITUTIONS TO UPHOLD PUBLIC INTEGRITY AND COMBAT CORRUPTION

Component 3's objectives are to 1) increase the integrity of the justice sector so that it is worthy of public trust, and 2) strengthen the capability of courts and prosecutor offices to prosecute and enforce the law against corrupt officials. This will be achieved by: 1) addressing mechanisms of judicial self-accountability, such as ethics and discipline, and 2) enhancing inter-agency cooperation, training, and the availability of tools to judges and prosecutors so they can effectively investigate, prosecute, and enforce the law against corrupt offenders.

Component 3 Objective Strengthening Justice Sector Institutions to Uphold Public Integrity/Combat Corruption Illustrative Programmatic Impact	
Impact	Outcome
3.1: Increased cooperation and coordination among	<ul style="list-style-type: none"> • Improved judicial statistics on corruption cases and

Component 3 Objective Strengthening Justice Sector Institutions to Uphold Public Integrity/Combat Corruption Illustrative Programmatic Impact	
Impact	Outcome
state, entity, and cantonal law enforcement and justice sector institutions leads to successful investigation and prosecution of corrupt cases	their exchange with law enforcement agencies <ul style="list-style-type: none"> • Established mechanisms of cooperation between APIK and prosecutor offices • The judicial annual conference on anticorruption introduced as a mechanism to discuss experiences, identify priorities, and agree strategies to prevent and punish corruption
3.2: The Office of Disciplinary Counsel (ODC) is properly resourced to manage complaint procedures and autonomously review the conduct of judges and prosecutors and recommends appropriate sanctions for unethical conduct and corruption	<ul style="list-style-type: none"> • The ODC empowered and its institutional positioning improved through assessment of its operations and recommendations for improvement • The ODC and disciplinary committees better equipped for their functions through the development of guidelines for disciplinary sanctions and training
3.3: Disciplinary proceedings are processed expeditiously and fairly and disciplinary decisions are subject to independent and impartial review	<ul style="list-style-type: none"> • The HJPC and the ODC better informed on the fairness of the disciplinary proceedings through a survey of judges and prosecutors, as well as a study of disciplinary case precedents
3.4: Public trust and respect for justice sector institutions/actors are increased with respect to their demonstrated ability to act independently and impartially and to be held accountable	<ul style="list-style-type: none"> • The JP and its partners base their activity on a scientific study rather than anecdotal data • Improved self-accountability of judicial branch through the review of ethics standards for judges, prosecutors, and other stakeholders • Improved public perception of the judiciary through strategic communication of the ODC
3.5: Prosecutors and courts are trained in identifying elements of corrupt activities and are able to investigate and prosecute corrupt practices and enforce the law against offenders	<ul style="list-style-type: none"> • Prosecutors and judges better equipped to prosecute and adjudicate cases of corruption through a long-term training program based on training needs assessment

The following columns summarize how the JP's strategic approach will achieve the objectives of Component 3. Each column shows the capacity of the justice sector institution it intends to strengthen, how it plans do so in Year I, as well as the expected outcome and impact.

USAID Justice Project Component 3

<p>Institutional and Individual Capacity addressed through JP Assistance</p> <ul style="list-style-type: none"> Δ Independence Δ Integrity Δ (Self-) Accountability Δ Leadership Δ Transparency Δ Effectiveness & Efficiency Δ (Intra-/Inter-) Institutional Empowerment Δ Ownership <p><u>Strategic Objectives</u></p> <p>Enhance Justice Sector Integrity as being Worthy of Public Trust</p> <p>Enhance Capability of Courts & POs to Combat Corruption</p>	<p>JP Assistance in Year 1</p> <p><u>Strengthening JS Integrity</u></p> <ul style="list-style-type: none"> Δ Diagnostic Study on Corruption Sources in Justice Chain Δ Institutional Strengthening of HJPC ODC Δ Improvement of Disciplinary Proceedings Δ Enhancement of Ethical Standards <p><u>Enhancing JS Capacity to Combat Corruption</u></p> <ul style="list-style-type: none"> Δ Specialized and Institutionalized Transfer of Know-How Δ More Effective Application of Law – AC Handbook Δ Improvmenu of judicial AC-Statistics Δ Enhancement of Inter-Agency Cooperation Δ Judicial Annual AC-Conference 	<p>Strategic Approach</p> <ul style="list-style-type: none"> Δ Situation- & Needs-Assessments/ Diagnostic Studies Δ Research & Analysis Δ Inclusive Consensus Building Forums Δ Capacity Building Δ Intra- & Inter-Institutional Collaboration Δ Standard Setting/ Joint Education Δ Encourage and Support Specialization Δ Advocacy for Legislative and Institutional Reforms 	<p>Outcomes</p> <p>Improved judicial statistics on corruption and their exchange with LEAs</p> <p>AC-Agency and POs cooperation mechanism established</p> <p>Judicial annual AC-conference introduced as strategic and operational mechanism</p> <p>ODC empowered and its institutional positioning improved</p> <p>ODC and disciplinary committees better equipped for their functions – Guidelines</p> <p>Improved self-accountability of judiciary – Ethics Stand.</p> <p>Improved public perception of the judiciary through ODC strategic communication</p> <p>Prosecutors and judges better equipped to deal with corruption cases - Training, <u>Benchbook</u></p>	<p>Impact</p> <p>Increased Public Trust in the Rule of Law</p> <p>Improved cooperation and coordination among LEAs and JSI leads to successful fight against corruption</p> <p>HJPC and ODC process disciplinary proceedings expeditiously and fairly and disciplinary decisions are subject to independent and impartial review</p> <p>JSI demonstrate ability to act independently and impartially and to be held accountable</p> <p>Prosecutors and judges are equipped and trained in identifying corruption and are able to deal with corrupt practices and enforce the law against offenders</p>
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COMPONENT 3 ACTIVITIES THIS QUARTER

Activity 3.1: Increased cooperation and coordination among state, entity, and cantonal law enforcement and justice sector institutions leads to the successful investigation and prosecution of corrupt cases

Besides completing desk research on relevant national and international strategic documents and legislation, Component 3 conducted over 30 individual meetings with representatives of the HJPC (Secretariat, the Strategic Body, and standing committees), the Office of Disciplinary Counsel (ODC), prosecutor offices and courts, professional associations, entity Judicial and Prosecutorial Training Centers (JPTCs), non-government organizations (NGOs; the Center for Investigative Reporting, Transparency International, the anti-corruption network ACCOUNT, and the Justice Network), international organizations and donors (the United Nations Development Programme [UNDP], the EU, the Council of Europe, the Office of Overseas Prosecutorial Development, Assistance, and Training [OPDAT], the Swiss Embassy Prosecutor Support Project, and the UK Embassy).

Activity 3.1.1 – Review and Recommend Improvement of Judicial Statistics on Corruption Cases and Their Exchange with Law Enforcement Agencies (Quarters 2 and 3)

The JP developed a draft SOW for a short-term international judicial statistics expert who is expected to commence his work in Quarter 2. For that purpose, the JP met with heads of the HJPC Secretariat Department of Judicial Administration and the Department of Information Technology

and Communications (ITC), as well as with representatives of the courts and prosecutor offices, civil society, and the Ministry of Justice. The purpose of these meetings was to discuss the individual needs of each institution, in their role as policy-makers (the Ministry of Justice), advocates (civil society), and enforcers of law (courts and prosecutor offices). Representatives of the judiciary were divided regarding the need for the review of judicial statistics on corruption cases. Some of them believed that the current statistics were sufficient and needed no review or improvement, while others noted examples of deficiencies and how that made judicial self-governance impossible due to the absence of accurate information. On the other hand, civil society representatives argued that the improvement of judicial statistics on corruption cases and their exchange with law enforcement agencies was crucial to secure checks and balances through transparency. The Ministry of Justice was of the belief that improved statistics will help secure more timely and accurate reporting to the EU on BiH's reform progress and enable it to verify the existence of a problem, identify its causes, and develop solutions.

Activity 3.1.2 – Develop Mechanisms of Cooperation Between the Agency for the Prevention of Corruption and the Coordination of the Fight Against Corruption (APIK) and Prosecutor Offices (Quarters 1, 2, and 3)

In the first quarter, the Project focused on increasing cooperation between law enforcement agencies and the judiciary through individual discussions with the APIK director and his deputies and the HJPC Secretariat director and his deputy about the cooperation between APIK and prosecutor offices. Both sides agreed that the current cooperation is not sufficient due to the absence of information sharing and coordination of efforts. While APIK had drafted a generic Memorandum of Understanding on cooperation between APIK and the HJPC, more needs to be done in specifying the modalities of cooperation according to the real needs in the field. For this purpose, in the next quarter the JP will facilitate a meeting between the two institutions and present potential models of cooperation based upon previously conducted research of actual needs, regional and international experiences.

Activity 3.1.3 – Conduct an Annual Conference on Anti-corruption (Quarter 4)

JP team members met with representatives of the FBiH JPTC to explore the possibility of co-sponsorship of the judicial annual conference on anti-corruption. The JP considered the JPTC a relevant partner for this activity not only because it possessed the know-how for the delivery of judicial conferences, but also because the conference could become part of its annual program, which would secure the required institutionalization of the event and outreach to the professional community. However, JPTC was not able to accept the offer for co-sponsorship since the annual program was in the final phase of development and they could not accept last minute modifications. In the upcoming quarters, the JP will explore alternate partners for the event, such as the HJPC, individual prosecutor offices, professional associations, and APIK.

Activity 3.2: The Office of Disciplinary Counsel (ODC) is properly resourced to manage complaint procedures and autonomously review the conduct of judges and prosecutors and recommends appropriate sanctions for unethical conduct and corruption

Activity 3.2.1 – Conduct an Office Operations Assessment of the ODC and Recommend Improvements for Its Better Institutional Positioning and Empowerment (Quarters 1, 2, and 3)

In the first quarter, the JP developed a draft SOW for the short-term international judicial discipline expert who will, among other things, conduct the office operations assessment of the ODC and recommend improvements for improving its institutional positioning and empowerment. Under the drafted SOW, the short-term international judicial discipline expert is also expected to contribute to the implementation of the following Year 1 activity.

Activity 3.2.2 – Develop Guidelines for Disciplinary Sanctions and Educate the ODC and Members of Disciplinary Committees on Disciplinary Sanction Guidelines (Quarters 2 and 3)

The draft SOW is the result of consultations with the Chief Disciplinary Prosecutor and representatives of the disciplinary committees. As such it reflects jointly identified needs and challenges of the ODC and disciplinary committees. The need for Disciplinary Sanctions Guidelines was confirmed by comments of the Chief Disciplinary Prosecutor and members of disciplinary committees when they noted the inconsistency in disciplinary sanctioning for which the HJPC has been criticized for in the past. In the next quarter, the expert will commence his work on the operations assessment of the ODC and the development of the Guidelines for Disciplinary Sanctions.

Activity 3.3: Disciplinary proceedings are processed expeditiously and fairly and disciplinary decisions are subject to independent and impartial review (Quarters 2–4)

Activity 3.3.1 – Study and Collect Decisions Made by the HJPC in Disciplinary Case Precedents for the Development of a Benchbook and Handbook (Quarters 2–4)

This activity is will take place during Quarters 2-4

Activity 3.3.2 – Conduct a Survey of Judges and Prosecutors to Determine Their Perception of the Fairness and Impartiality of Disciplinary Action (Quarters 2 and 3)

The JP agreed with the Chief Disciplinary Prosecutor that the survey of judges and prosecutors to determine their perception of the fairness and impartiality of disciplinary action should be sponsored by the ODC. Such an approach will send a strong message to judges and prosecutors that the ODC is not the enemy but rather an integral and necessary part of the judicial branch, which contributes to the independence of the judiciary by maintaining discipline as a mechanism of self-accountability. In the next quarter, with the assistance of the short-term international judicial discipline expert (see Activity 3.2), the JP will develop the methodology for the anonymous electronic survey, which will include sampling techniques and development of the questionnaire's content and form to ensure the accuracy of responses.

The JP also determined that decisions of the disciplinary committees should be publicly available at the HJPC/ODC website, that a selected number of the decisions should be available in English, and that the ODC should use a case management system (aptly called the *Disciplinary Case Management System*) to manage the life cycle of disciplinary cases. The JP will study HJPC disciplinary case

precedents in the next quarter with expert assistance from the short-term international judicial discipline expert.

Activity 3.4: Public trust and respect for justice sector institutions/actors are increased with respect to demonstrated ability to act independently and impartially and to be held accountable

In this quarter, the Project committed to initiating the implementation of the following sub-activities.

Activity 3.4.1 – Conduct a Diagnostic Study to Determine the Sources of Corruption in the Justice Chain (Quarters 1–4)

To initiate this activity, a comprehensive draft SOW was developed for a BiH corruption assessment to be conducted by an expert organization in BiH selected by the JP. The development of the draft SOW required extensive consultations with CSOs (such as Transparency International, ACCOUNT, and the Justice Network) and members of the legal profession in addition to a study of existing corruption assessment surveys and their methodology. The draft SOW proposes a combination of three methods for the diagnostic study to evaluate the sources of corruption in the justice chain: 1) general and professional public perception surveys, 2) research and analysis of primary sources, such as policy and regulation, and 3) research and analysis of individual decisions made by justice chain actors. We believe that the rigors produced by triangulating information in this fashion will yield a highly reliable study, which will increase the likelihood that readers will rely on its findings and conclusions. As proposed, the diagnostic study will assist in determining the type and scope of corruption as well as its location in the justice chain, at what stage of a dispute or case it occurs, and who is involved. This diagnostic assessment is necessary because “[j]udicial corruption is not confined to the inside of the courts. Corrupt lawyers⁴, prosecutors, police and bailiffs are all in a position to distort the course of justice. Judges and courts are part of a complex web of interdependent institutions, including the police and prosecution, which make up the justice system.”⁵ In the next quarter the JP will commence the diagnostic study, which due to its complexity will be finalized in Quarter 4.

Activity 3.4.2 – Review Ethics Codes for Judges and Prosecutors and Their Application and Recommend Necessary Revisions (Quarters 2–4)

This activity is planned for Quarters 2-4.

Activity 3.4.3 – Review Existing Ethics Standards for Court and Prosecutor Office Personnel and Their Application and Recommend Improvements (Quarters 2–4)

This activity is planned for Quarters 2-4.

Activity 3.4.4 – Develop a Public Communications Strategy and Communication Procedures for the ODC (Quarters 2 and 3)

The JP designed a draft SOW for a BiH public communications expert organization to help develop a public communications strategy and communication procedures for the ODC. The Chief

⁴ “Some lawyers bribe officials to expedite the resolution of their cases; others see a delay in resolution as an opportunity for financial gain on behalf of, or from, their clients,” Arnold Tsunga and Don Deya, “Lawyers and corruption: a view from East and Southern Africa,” Transparency International's Global Corruption Report, 2007.

⁵ Edgardo Buscaglia, “Judicial Corruption and the Broader Justice System,” http://www.researchgate.net/profile/Edgardo_Buscaglia/publications

Disciplinary Prosecutor agreed that, given the specific nature of the ODC and its mandate, a tailored communications strategy and communications procedures would be useful, in addition to the general HJPC communications strategy applicable to ODC. This will be the first communications strategy for the ODC that will recognize the specific needs and approach for ODC public outreach and education and as such will enable the ODC to improve public confidence in the administration of justice.

The JP discussed the work of the ethics committee and challenges faced in the application of the ethics codes for judges and prosecutors with the HJPC Secretariat Judicial Appointments Department. Most of the claims received by the ethics committee (around 90%) are made by individual judges and prosecutors regarding their paid engagement in legislative drafting working groups or as trainers by the JPTCs. A small number of claims are made by individual judges and prosecutors regarding their participation in the work of NGOs, and an even smaller number are filed by presidents of courts or chief prosecutors regarding the behavior of judges or prosecutors in their courts or prosecutor offices.⁶ The ethics committee receives around 10 claims a year. When a claim indicates a potential disciplinary violation, the case is referred to the ODC.

Opinions and decisions are not published on the website. Decisions cannot be appealed. The review and analysis of the application of the ethics codes for judges and prosecutors, although included in the HJPC ethics committee's Work Plan a number of years ago, was never conducted. Although initially resistant to the idea, the HJPC Secretariat Judicial Appointments Department agreed that such an analysis is overdue. It noted that the comparative knowledge of the expert to be engaged would be of special importance, and that consultations with stakeholders (judges and prosecutors, as well as the general public) would have to be carried out in a properly planned format to elicit constructive feedback. In the next quarter, the JP will develop the SOW for the short-term judicial ethics expert who will help develop the analysis of the ethics code and its application.

Activity 3.5: Prosecutors and judges are trained in identifying elements of corrupt activities and are able to investigate and prosecute corrupt practices and enforce the law against offenders

In this quarter, the JP committed to initiating the implementation of the following sub-activities.

Activity 3.5.1 – Conduct a Training Needs Assessment and Develop a Long-Term Training Program (Quarters 1–3)

The Project met with the JPTCs to discuss the concept of a long-term training program based upon a comprehensive training needs assessment and the possibility of its inclusion in the JPTC program. JPTC was open to the idea and committed to supporting the work of the Project through advice and experience sharing. The Project also met with OPDAT, which the JPTC has singled out as the most successful training provider for prosecutors. Discussions with OPDAT centered on their training methodology and experience, as well as planned activities with JPTC in 2015. OPDAT plans to shift emphasis from providing training to the JPTC to developing the training centers themselves. To that end, OPDAT will gather information from judges and prosecutors about training needs and recommended frequency, conduct Trainings of Trainers (TOT) sessions, help JPTCs and develop standardized curriculum for judges and prosecutors. All of these activities complement Activity 3.5.1. Therefore, in order to maximize its results, the Project will keep abreast of OPDAT achievements and share its own through written progress reports and meetings. In the next

⁶ (E.g. whether wearing a headscarf presented an ethics violation due to the religious neutrality of the justice system, or the regularity of the appointment of ex officio attorneys.)

quarter, the Project will develop the SOW for the short-term training needs assessment expert who will help with the needs assessment and development of the long-term training program for judges and prosecutors so that they can more effectively prosecute and adjudicate corruption and economic crime cases.

Activity 3.5.2 – Initiate the Development of a Universal Benchbook to Train Judges and Prosecutors on the Elements of Corruption (Quarters 3 and 4)

Although its implementation is planned for subsequent quarters, in this quarter the Project compiled a list of BiH and regional experts who could assist in the development of the universal benchbook to train judges and prosecutors on the elements of corruption.

COMPONENT 3 ACTIVITIES ANTICIPATED AND IN PREPARATION FOR THE NEXT QUARTER

The following Component 3 activities are planned for Quarter 2.

Activity 3.1.1 – Review and Recommend Improvement of Judicial Statistics on Corruption Cases and Their Exchange with Law Enforcement Agencies (Quarters 2 and 3)

- The short-term international judicial statistics expert will commence work on the review of the judicial statistics on corruption cases.

Activity 3.1.2 – Develop Mechanisms of Cooperation between APIK and Prosecutor Offices (Quarters 1, 2, and 3)

- The JP will facilitate a meeting between the two institutions and present potential models of cooperation based on previously conducted research of actual needs and regional and international experiences.

Activity 3.1.3 – Conduct an Annual Conference on Anti-corruption (Quarter 4)

- This activity is not set to begin until later in Year 1.

Activity 3.2.1 – Conduct an Office Operations Assessment of the ODC and Recommend Improvements for Its Better Institutional Positioning and Empowerment (Quarters 1, 2, and 3)

- The short-term international judicial discipline expert will commence work on the office operations assessment of the ODC.

Activity 3.2.2 – Develop Guidelines for Disciplinary Sanctions and Educate the ODC and Members of Disciplinary Committees on Disciplinary Sanction Guidelines (Quarters 2 and 3)

- The short-term international judicial discipline expert will commence work on the development of Guidelines for Disciplinary Sanctions.

Activity 3.3.1 – Study and Collect Decisions Made by the HJPC in Disciplinary Case Precedents for the Development of a Benchbook and Handbook (Quarters 2–4)

- The short-term international judicial discipline expert will study disciplinary case precedents for the development of sanctioning guidelines (see 3.2.2) and the development of a Benchbook for use by disciplinary committees in adjudicating disciplinary matters.

Activity 3.3.2 – Conduct a Survey of Judges and Prosecutors to Determine Their Perception of the Fairness and Impartiality of Disciplinary Action (Quarters 2 and 3)

- The short-term international judicial discipline expert will develop the methodology for the anonymous electronic survey, which will include sampling and developing the content and form of the questionnaire to ensure the accuracy of responses. The survey of judges and prosecutors will be conducted.

Activity 3.4.1 – Conduct a Diagnostic Study to Determine the Sources of Corruption in the Justice Chain (Quarters 1–4)

- The Project will commence the diagnostic study to determine the sources of corruption in the justice chain.

Activity 3.4.2 – Review Ethics Codes for Judges and Prosecutors and Their Application and Recommend Necessary Revisions (Quarters 2–4)

- The Project will develop the SOW for the short-term judicial ethics expert who will review the ethics codes and recommend improvements.

Activity 3.4.3 – Review Existing Ethics Standards for Court and Prosecutor Office Personnel and Their Application and Recommend Improvements (Quarters 2–4)

- The Project will review existing ethics standards for court and prosecutor office personnel, as well as research the regional and international practice.

Activity 3.4.4 – Develop a Public Communications Strategy and Communication Procedures for the ODC (Quarters 2 and 3)

- The short-term communications expert will commence work on the development of the public communications strategy for ODC.

Activity 3.5.1 – Conduct a Training Needs Assessment and Develop a Long-Term Training Program (Quarters 1–3)

- The JP will develop the SOW for the short-term training needs assessment expert who will help in the needs assessment and development of the long-term training program for judges and prosecutors to effectively prosecute and adjudicate corruption and economic crime cases. The expert will commence his work.

Activity 3.5.2 – Initiate the Development of a Universal Benchbook to Train Judges and Prosecutors on the Elements of Corruption (Quarters 3 and 4)

- This activity is not set to begin until later in Year 1.