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Serbian lawyers participating in a continuing legal education training on mediation in Zrenjanin, Serbia, September 22, 2006.

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INTRODUCTION

ABA CEELI initiated its program in Serbia in June 1997, with the posting of its first liaison in Belgrade, funded by Soros. In June 1998, funded by USAID, ABA CEELI expanded its Serbia program to two rule of law liaisons, assisted by an office manager and a local staff attorney. In March 1999, as a result of the NATO air campaign, ABA CEELI was forced to evacuate its entire Belgrade staff. The Belgrade office reopened in January 2000, operated by a local staff attorney and office manager. ABA CEELI opened a second locally staffed office in Nis in May 2000. In December 2000, ABA CEELI placed a regional Gender Liaison in Belgrade to cover Serbia, Macedonia, and Montenegro and a regional Institution Building Advisor the following May. ABA CEELI placed two rule of law liaisons, one in Belgrade and one in Nis, in late summer 2001. A country director became based in Serbia in January 2002. The ABA CEELI Nis office was closed on December 31, 2002. The ABA CEELI's programs have adapted throughout the years to meet the changing needs of the legal community in the complex Serbian political environment.

During the Milosevic era, over one thousand judges left the bench. Many unqualified judges were appointed for their political loyalty to the regime, and many of the most qualified and independent-minded judges were purged. For the most part, the courts were complicit tools of the regime, routinely convicting its opponents and independent journalists, as well as facilitating Milosevic's attempts to nullify unfavorable election results. The legal framework for the judiciary, including the Serbian Constitution and the Law on Courts, failed to insure judicial independence.

In the general euphoria after October 5, 2000 (the overthrow of Milosevic), several of these problems began to be addressed by judges, the government, and the international community. Reforms focused on establishing permanent structures to address the relevant problems, such as the re-creation of the judges association, the establishment of a Judicial Training Center (JTC), and the adoption of the package of Laws on the Courts in November 2001, which represented significant progress regarding the independence of the judiciary and included a High Judicial Council and a High Personnel Council, the structure of which met international standards.

In June and July 2002, the independence of the judiciary was compromised by actions of the Minister of Justice and the Serbian National Assembly. In June 2002, the Minister of Justice issued a 12-point statement of instructions to the judiciary, almost half of which seriously threatened the independence of the judiciary. These were strongly opposed by the Judges' Association of Serbia (JAS) and judges of the Supreme Court. In July 2002, the National Assembly passed amendments to the November 2001 package of Laws on the Courts that seriously undermined the independence of the judiciary and brought Serbia further out of compliance with Council of Europe standards. Many key elements involving the judiciary were transferred from the authority of independent bodies to the control of the Ministry of Justice and the National Assembly. In addition, the amendments were adopted with a complete lack of transparency.

Although implementation of the November 2001 Laws on the Courts was a high priority of ABA CEELI and others in the international community during the first half of 2002, implementation became a moot point with the adoption of new July 2002 amendments.

However, the Supreme Court and several NGOs immediately petitioned the Constitutional Court of Serbia, challenging the constitutionality of the amendments. On September 19, 2002, the Constitutional Court rendered an interlocutory decision barring further implementation of various articles of the July amendments until the Court could render its final decision, which it did a few months later, declaring major portions of the July amendments unconstitutional.

Little progress was made in judicial reform prior to the assassination of Prime Minister Djindjic, except that the Council for Judicial Reform made progress in writing and adopting its "Strategy for Judicial Reform."

Prime Minister Djindjic was assassinated on March 12, 2003 and a state of emergency was declared the same day. All judicial reform came to a halt during this period while the government searched for those who assassinated Djindjic and cracked down on organized crime. The state of emergency ended on April 22, 2003.

Significant legislation was adopted and other decrees were issued during the state of emergency that deleteriously affected the judiciary. The government moved to purge selected members of the judiciary and to change procedures and laws affecting selection of judges. The reform-minded President of the Supreme Court, Judge Leposava Karamarkovic, was forced to resign after the Minister of Justice ordered her to terminate 35 judges over the age of 65. She refused, asserting that she did not have the authority to do so, since by law it was within the purview of the High Personnel Council. The National Assembly then dismissed the 35 judges.

On March 19, 2003, the National Assembly passed the Law on Amendments and Additions to the Law on Organization and Jurisdiction of Government Authorities in Suppression of Organized Crime (hereinafter "Law on Amendments") which provided that the National Assembly could dismiss a judge by reason of age if the Supreme Court did not act; eliminated the right of a judge to appeal to the Constitutional Court from dismissal by the National Assembly; and created a new body, the Council for Court Administration Issues, to propose the appointment and dismissal of court presidents. This Council consists of the Minister of Justice, the President of the National Assembly's Committee for the Judiciary, the President of the Supreme Court, and four other judges selected by the National Assembly, thus violating international separation of powers standards regarding the independence of the judiciary.

The events during the state of emergency had a significant impact on judges. The President of the JAS reported that the JAS and other reformers kept a low profile, because it appeared that the government was intent on imposing its will, notwithstanding contrary legal provisions. The JAS feared that those who spoke out or resisted would be forced out of the judiciary and no longer could function as reformers within it. The JAS leaders perceived their situation to be worse than under the Milosevic regime, because the state of emergency permitted the government great latitude and interference or criticism from the international community was muted or nonexistent.

Following Đinđić's assassination in March 2003, general election was held in December 2003, which resulted in Koštunica becoming Prime Minister. From 2003-2005, political infighting and government inefficiency delayed significant legal reform. In 2005, the team selected by President Boris Tadić and the Government finally presented their drafts of the constitution to the public. In June 2006 Serbia became an independent state

when Montenegro decided to put an end to the State Union of Serbia and Montenegro at a referendum, making a new constitution urgent.

On October 1, 2006, the Parliament of Serbia unanimously adopted the draft of the new Constitution. The constitutional referendum was held on October 28 and October 29. It was officially proclaimed by the Parliament of Serbia on 8 November 2006, replacing the Constitution of 1990.

A new package of judicial laws emerged in 2007, with great anticipation from the legal community. The laws, among other things, required a re-election of judges and threaten judicial independence in the way judges are hired, retained, and promoted. This, in combination with a revised criminal procedure code in 2006/2007 that substantially changed the role of the prosecutor in criminal proceedings and relies more heavily on police investigators, has brought great changes to the legal system and those active in it. ABA CEELI has guided its partners through these changes, and has had fruitful and productive relationships with those it works with due to foundations built on a peer to peer network.

PROJECT ONE: Legal Education

2001-2007

With particular attention to practical skills development, the ABA began its legal education program in 2001. The ABA introduced clinical legal education through a series of seminars and financial and technical support. It also developed practical skills courses and developed internship opportunities for law students.

Objective One:

Activities:

- 1) Course Development
- 2) Court Internship Program
- 3) Clinic Legal Education
- 4) Bar Examination Reform

Results:

- **The Novi Sad and Belgrade Law Faculties developed classes on legal ethics and document drafting. The Nis and Kragujevac Law Faculties offered classes on legal ethics, counseling, and interviewing skills**
- **Union Law school maintains a family law clinic**
- **Over 1700 students participate in court internship program**
- **The YLS assumes responsibility for the court internship program**

Background:

The notorious University Act of 1998 stripped the universities of their independence and put them firmly under the thumb of the regime. The politicization of the law faculties that resulted was well known, and reestablishing the reputations of the law faculties for independence was therefore of great importance in legitimizing law as a profession and promoting the law as a vehicle for social change.

Legal education in Serbia is almost entirely theoretical, taught by professors who have never practiced law. Consequently, Serbian law students have little knowledge of the realities of practicing law and thus, have very little information upon which to base their decisions as to which career track to pursue, whether as a judge, prosecutor, or lawyer. Additionally, once that choice is made, it is difficult to alter; lawyers, judges, and prosecutors in Serbia rarely switch careers. The lack of education regarding how the law is actually applied also makes learning much more difficult for students. They graduate with only a dim understanding of how the rules they learned in school relate to the cases that come before them as professionals.

In 2003, Serbia formally joined the Bologna Process, a Europe-wide initiative to create uniformity among academic degrees and account for quality assurance. ABA CEELI was dedicated to helping Serbian law schools improve their curriculum as well as comply with the requirements of the Bologna Process as mandated by the Serbian Law on Education, including the need to incorporate more practical training for law students.

Another issue plaguing the legal profession in Serbia in terms of preparation was the lack-luster bar examination process. Much like the law school curriculum, the exam focused on theoretical legal concepts and was an ineffective measure of a candidate's ability or preparedness to practice law. Many of the members on the board of examiners were law professors who have never practiced law. Additionally, the written part of the examination was open to fraud and the criteria for passage were undefined.

Progress achieved:

1) Course Development

The goal of the ABA CEELI Legal Education Reform program in Serbia has been to assist law faculties in reforming the curriculum so that law students become lawyers who can contribute to the development of the rule of law and the transition to a market economy. As a country in transition, Serbia must prepare future lawyers who are capable of absorbing and implementing the breadth of changes underway in the legal system. ABA CEELI introduced legal education reform through the concept of the development of practical skills in legal education and legal clinics for students in the law faculties in Belgrade, Nis, Kragujevac, and Novi Sad.

In March 2002, Professor Peter Hoffman, University of Houston Law School, presented a workshop for all the law faculties in Nis on teaching methodologies for practical skills education. Sixteen law professors participated. Professor Lee Schinasi, University of Miami Law School, came in May 2002 and gave demonstrations of modern teaching methodologies and worked on program development at all four law faculties.

In November 2002, ABA CEELI held a roundtable discussion with law professors from all four law faculties in Nis to share lessons learned and discuss common problems and how to overcome them. One of the outcomes of the meeting was to organize a meeting with the Minister of Education. Later that month, the Minister of Education (a former law professor) expressed strong support for the concept of clinical legal education but gave little hope of financial support.

ABA CEELI arranged for the US Embassy's Public Affairs Office to pay for a law professor from the Nis Law Faculty and an adjunct professor from the Novi Sad Law Faculty to attend a three-day conference in February 2003 in Moscow on teaching legal ethics, sponsored by ABA CEELI's Russia program.

ABA CEELI provided advocacy grants and technical assistance to four law faculties. All four law faculties in Serbia now incorporate the teaching of legal ethics in their programs. The Novi Sad and Belgrade Law Faculties developed classes on legal ethics and document drafting. The Nis and Kragujevac Law Faculties offered classes on legal ethics, counseling, and interviewing skills.

2) Court Internship Program

In 2004, the ABA CEELI, USAID, and the NGO Young Lawyers of Serbia (YLS), partnered to create a two-week practicum for law students in Serbia. As part of this practicum, participants were given a student handbook, developed by ABA CEELI and YLS, which contained materials that provided an overview of the court, including the

roles of judges, advocates, prosecutors and court administrators. It also contained a complete moot court case file. After an orientation session, YLS members gave the students a tour of the courthouse. The students met judges, prosecutors, lawyers, and court administrators, heard from these people about their roles in the court system, and listened to how these professionals worked and did their jobs. Students then visited courtrooms to observe how actual cases were litigated. At the end of each day, there was a discussion period where the judges, lawyers, and prosecutors involved in the cases discussed with the students what happened and why. The students were assigned a YLS chaperone to answer questions and provide information during their time in court. At the end of the two weeks, the students participated in a moot court exercise. They selected whether to be judges, prosecutors, or lawyers. Using the hypothetical case file, they planned their strategy and then carried it out in the moot court sessions, while YLS members played the part of witnesses and victims. Judges who delivered the lectures and who participated in the discussions observed the process and then critiqued the performances of the students.

Based upon the success of the first practicum, ABA CEELI and YLS, with support from USAID, developed a promotional video. With this video, ABA CEELI and YLS then met with deans from all of Serbia's law schools to explain to them the program and request their participation. The deans agreed, and all Serbian law schools began participating in the moot court program. Judges from all over Serbia also assisted the students by lecturing them and critiquing their performance at the moot court competitions. Several news articles were published about this program and appeared in newspapers in Belgrade and Novi Sad; additionally a segment appeared on a local television program in Novi Sad.

Professor Lepa Karamarkovic of the Belgrade Business Law Faculty told Supreme Court President Vida Skero "You can't believe how excited our students are to attend this program. They come back from the court with an understanding of how the courts and the professions function in practice, something we have been trying to teach them in the school only on a theoretical level. This program opens the doors of the practice of law for our students." As a result, the Supreme Court of Serbia designated prominent judges, including District Court President Sinisa Vasic, to work on and oversee the project on behalf of judges.

After three years, 11 rounds, and more than 1700 law school students, the Court Internship Program (CIP), became a part of the curriculum in three Serbian law schools. As a result of a cooperative agreements signed by law schools and courts in late 2007, the program is now a sustainable component of legal education in Serbia, and will institutionalize the reform efforts to bring practical experience to law students in years to come.

In addition to ensuring CIP's financial sustainability, law schools committed to participating in the successful curriculum of the program. After several talks, the schools recognized that it was in their interest not only to finance this program, but to actively participate in its development. By the end 2008, program manuals containing relevant court decisions and documents from criminal and civil court proceedings were put to use at the Faculty in Belgrade. The manuals, created by Professors and YLS Project team members, are an important educational tool and reference material for students participating in the program. In addition, Law Schools were obligated to determine, by

the end of the 2007-08 school year, a way to credit students for their participation in the project in accordance with the rules of Bologna Process

The twelfth round of the program was the first to be fully financed by the law schools and organized by the YLS. The program was conducted in the Belgrade District Court and all five Municipal Courts in Belgrade, the Novi Sad District Court and the Novi Sad Municipal Court.

3) Clinic Program

One of ABA CEELI's enduring accomplishments is the introduction of clinical legal education in Serbia. Key professors were hungry for connections outside of the Balkans after the Milosevic years, and supportive deans (although not all the deans) were instrumental in the rapid development of change at all four law faculties. The clinical legal education programs at the law faculties represent an excellent example of how technical assistance (visiting experts, faculty exchanges, and attendance at conferences) led to major change in legal education throughout Serbia. The introduction of the teaching of legal ethics at all the faculties is an additional achievement.

Under this award, ABA CEELI conducted a legal education workshop in May 2001, in Rousse, Bulgaria, for professors and students from three Serbian law faculties who expressed the greatest interest in promoting clinical legal education at their respective universities. The workshop provided valuable information about how an actual family law clinic based at a law faculty operates.

CEELI followed the workshop up by hosting three American law professors in Serbia to work with the law professors at the law faculties who were interested in starting clinical legal education programs. Larry Albrecht, former ABA CEELI liaison and former law professor, visited Serbia in November 2001 and lectured on clinical methodologies and worked with the Nis, Belgrade and Novi Sad Law Faculties on the development of their practical skills programs.

In 2007, to further promote compliance with the Bologna Process, the ABA CEELI began supporting a family law clinical program at the Belgrade Union Law School. ABA CEELI staff provided assistance to the law school in designing clinic curriculum, a manual for students and provided other relevant materials needed for the first clinical course to start during the 2007-2008 fall semester. Currently, students are being trained by various family law practitioners, i.e., judges, attorneys, experts from centers for social work, before they begin consulting and performing services for real clients, an arrangement for representation that began in 2008. The opening ceremony for the first legal clinic was held on October 31, 2007. Classes were held every Friday for two hours. Students were trained to draft legal documents and provide legal advice in cases such as divorce cases, division of matrimonial property, child custody, alimentation, domestic violence, etc. The first training period was completed on December 28, 2007 with more than 30 students participating regularly in the clinic program.

4) Bar Examination Reform

Unfortunately, not all of ABA CEELI's attempts at Educational Reform have been so successful. From 2004-2006, the ABA CEELI supported the YLS Working Group tasked with developing a new draft Law on the Bar Exam. In order to address this, ABA CEELI

and YLS first developed a survey to be distributed to Serbian lawyers, judges and prosecutors. The aim of the survey was to gather information about the efficacy of the Serbian bar examination law and regulations. The survey was distributed to 257 lawyers, judges, and prosecutors throughout Serbia, including all Municipal Courts in Belgrade, the District Courts, the Supreme Court, Commercial Courts, Ministry of Justice, Prosecutors, NGOs, and private attorneys' offices. ABA CEELI gathered comparative bar examination laws and regulations from European countries and from the U.S. ABA CEELI and YLS then examined and totaled the survey results. The results, along with the Serbian law on the bar examination and the comparative provisions from Europe and the U.S., were then bound and published in a booklet entitled "The Bar Examination: Reality and Possibilities." The publication included suggestions for reforming the bar examination based upon the survey results and the comparative legislation. This publication was presented at a public discussion on December 9, 2004 in the Belgrade District Court. The publication later formed the basis of the ABA CEELI-sponsored YLS working group that drafted the new law on the bar examination for the Serbian Ministry of Justice.

The Ministry of Justice supported the YLS Working Group and actively participated in the development of the draft law which was completed in July 2006 and enjoyed strong support from the then-existing Council for Judicial Reform. When the new Commission for the Implementation of the Strategy for the Reform of the Judiciary (the Commission) and the Secretariat were established, there was a decision made to link any future efforts on the Law on the Bar Exam with the Law on the Judicial Academy.

In October 2006, the Commission convened its own Working Group to work on drafting both of these laws. The YLS provided the Commission with a copy of the draft Law on the Bar Exam produced by their Working Group and has repeatedly followed up with the Secretariat. Unfortunately, they were not allowed to participate in the new drafting initiative. The YLS continued to lobby for the provisions they felt were most important in the final draft; however, in 2006, the ABA CEELI and YLS agreed to revise their sub-grant to exclude the planned activities in this area because they were no longer feasible.

PROJECT TWO: Legal Profession Reform

2001-2009

As a peer in the legal profession, the ABA CEELI enjoyed a trusted relationship with the professional legal associations in Serbia. When the ABA CEELI began working with the Serbian legal associations in the late 1990's, it recognized a need for education and institutional capacity building. Under this award, the ABA CEELI provided the resources and technical assistance the legal professional associations needed to become influential stakeholders in the legal community. The goal of ABA CEELI's Legal Profession Reform has been to foster knowledgeable advocacy on the part of lawyers, while providing meaningful remedies to ordinary citizens in law and in practice.

Objective One: To improve the capacity of the legal profession through provision of Continuing Legal Education and resource materials

Activities:

- 1) Continuing legal education
- 2) Developing training guides and materials
- 3) Law Library
- 4) E-learning

Results:

- Continuing Legal Education conducted for more than 4000 legal professional
- The law library in Nis contains over 800 books, subscriptions to newspapers and periodicals (e.g. Time, Newsweek, The Economist), three computers with access to regularly updated databases of Serbian laws, and Internet access.
- The first e-learning CLE program was developed

Background:

In 2001, like many former socialist states, Serbia possessed a cadre of legal professionals who lack the fundamental skills and attitudes necessary to develop, apply, improve, and administer a democratic, transparent, independent legal system. Also, as has been the case in other states in similar circumstances, improving the skills and education of legal professionals has a process involving significant changes not just of institution and process, but of attitude and perspective.

Progress achieved:

1) Continuing Legal Education

Reform-minded and well-educated lawyers are crucial to the development of the rule of law in Serbia. Serbian bar associations initially offered virtually no relevant continuing legal education (CLE) programs to their members. Throughout the grant period, ABA CEELI worked with the Prosecutors Association of Serbia, the Judges Association of Serbia, the Magistrates Association of Serbia, the Serbian Bar Association and the

Belgrade, Nis, Novi Sad and Vojvodina Bar Associations, concentrating on the development of CLE programs in order to improve the skill set of lawyers nation wide.

In April 2002, ABA CEELI co-sponsored a CLE program with the Nis and Novi Sad Bar Associations and sponsored the program in Belgrade on practicing before the International Criminal Tribunal for the former Yugoslavia (ICTY). Two experts from ICTY in The Hague were presenters. The purpose of the program was to present objective information about the Tribunal. A total of ninety-six attorneys participated.

In June 2002, ABA CEELI sponsored a three-day train-the-trainer course for attorneys from the Belgrade, Nis, and Novi Sad Bar Associations, facilitated by a lawyer from the International Development Law Institute in Rome. The objectives of the workshop were simultaneously to interest bar leaders in institutionalizing CLE programs in their bar associations and to train key bar leaders as CLE instructors. In addition to helping develop a cadre of trained instructors interested in presenting future CLE courses, the workshop provided ABA CEELI with an opportunity to foster its relationship with bar leaders.

In October 2002, ABA CEELI co-sponsored law practice management seminars with the Nis, Belgrade and Vojvodina Bar Associations. James St. Clair, ABA CEELI liaison to Bosnia and Herzegovina, was the trainer. The program covered lawyers' fees, marketing, how to retain good clients, improving efficiency and profits, and related topics. Over 70 attorneys participated, in what was a very popular, lively program.

In July 2003, ABA CEELI co-sponsored the first in a series of CLE programs with the Serbian Bar Association on procedural aspects of litigation before the European Court for Human Rights.

Beginning in 2004, the PAS began conducting training for prosecutors to fill the gap in training for Serbian Prosecutors. Because the Serbian Judicial Training Center (JTC) had difficulties providing training for Serbian prosecutors, ABA CEELI and PAS began conducting continuing legal education for prosecutors in locations all over Serbia. With support from ABA CEELI, including education of PAS instructors in training techniques and ABA CEELI-sponsored training on the European Court of Human Rights by the Belgrade Center for Human Rights, PAS conducted trial advocacy training, training on the authority given to Serbian prosecutors that allows them to direct criminal investigations, and multi-disciplinary training on problems associated with prosecuting domestic violence cases.

In late 2006 and early 2007, ABA CEELI developed a series of three-day training courses on the new Criminal Procedure Code with the PAS and trained a total of 415 prosecutors (well over 50% of total prosecutors throughout Serbia) on topics as DNA analysis, narcotics analysis, interrogation techniques, crime scene investigation, plea bargaining, and the new role of prosecutors in investigations.

In June 2007, ABA CEELI partnered with the U.S. Department of Justice and the Serbian Judicial Training Center to begin its second round of Criminal Procedure Code training. In June and September, two-day trainings were held in Belgrade and Novi Sad, respectively, and prosecutors and policemen were trained on the new Criminal Procedure Code, the changing role of the prosecutor, and cooperation with the Police. ABA CEELI also coordinated with the Department of Justice to host a Roundtable on

Cooperation with the Police in Belgrade and Novi Sad. The Roundtable was a forum for prosecutors and police from Belgrade to exchange their experiences regarding cooperation based on the new Criminal Procedure Code and address potential issues and problems that could occur during the implementation period.

At the end of 2006, a new Misdemeanor Law coming into effect cast new concerns about how magistrates would integrate misdemeanor procedural law with criminal procedure law. To help support magistrates through this transition, ABA CEELI, together with its partner the Association of Magistrates (MAS), conducted a series of one-day trainings covering a variety of topics pertaining to misdemeanor law. Topics included Felony vs. Misdemeanor, Felony vs. Economic Misdemeanor, Criminal Charges-Main Hearing, The Role of a Defense Attorney, and The Role of a Public Prosecutor in a Misdemeanor Trial and Disposition with a Claim When There Is No Open Hearing. A total of 244 magistrates were trained on the topic of the new Law on Misdemeanor.

Beginning in 2006, ABA CEELI began promoting the use of Alternative Dispute Resolution in Serbia as an important mechanism to reduce court backlogs and to provide citizens with a more efficient resolution of their disputes. Judges in particular must have an understanding of mediation in order to support its use in their courts and refer cases when appropriate. ABA CEELI held one-day Introduction to Mediation courses for judges in eight Serbian municipalities.

Beginning in the spring of 2007, ABA CEELI continued its mediation training efforts by partnering with the Judges' Association of Serbia to hold the first two-day "Families in Divorce and Mediation" training. At all of these seminars, ABA CEELI showed its mediation training video and provided a copy of its mediation bench book to all participants. By the spring 2008, over 430 legal professionals had participated in the training and workshops on mediation styles and techniques.

Having laid the groundwork for the legal community to better understand and support the use of Alternative Dispute Resolution, ABA CEELI focused its outreach activities on users of commercial ADR services such as insurance companies and banks, to educate them on the benefits of resolving their legal disputes through mediation. ABA CEELI coordinated closely with the National Bank of Serbia (NBS) and insurance companies and banks focusing on the benefits of mediation for insurance disputes.

Since 2005, the ABA CEELI has provided CLE programs to more than 3800 legal professional on topics such as Human Rights (493 trained), Domestic Violence (980 trained), Mediation (433 trained), Magistrate Integration into the Judiciary (721 trained), Criminal Procedure Code (439 trained), Juvenile Justice (102 trained) and Financial Crimes (129 trained).

2) Training Materials

In December 2004, in response to the lack of professional training and reference material for Serbian prosecutors, ABA CEELI and the Prosecutors' Association of Serbia (PAS) published and distributed 250 copies of a prosecutors' training manual. As with ABA CEELI's other legal reference materials, the manual is in loose-leaf format and will be updated yearly. The first few chapters in the manual are aimed at new deputy prosecutors, and are dedicated to explaining basic provisions of the Criminal Code and

the Criminal Procedure Code. They were written with the assistance of members of the working group that drafted those two laws. The following chapters deal with innovations in the law that are little-used by prosecutors but which, if used more, might increase the efficiency of the justice system. For example, the chapter on plea bargaining, which is allowed in certain circumstances, explains this concept that few, if any, Serbian prosecutors know about or understand. ABA CEELI is preparing two more chapters and will distribute those in the next month.

Also, in 2004, the ABA CEELI worked with the Magistrates to develop a training video and benchbook on human trafficking. The video, which was shot in digital format to make it available on CDs and the Web, shows magistrates how an experienced magistrate tries three types of human trafficking cases under Serbian law. The first involved an ordinary prostitute, not a trafficking victim; the second, a foreign trafficking victim, who had no papers; and, the third a domestic trafficking victim. The bench book serves as a professional reference for all magistrates and contained the law related to human trafficking, forms magistrates can use for individual cases, alternate solutions for victims, shelter contact information, as well as contact information for NGOs who work on this problem in Serbia.

In October 2005, the ABA CEELI published a Mutual Legal Assistance Manual. Taking into account the complex tangle of domestic and international provisions related to cross-border assistance in criminal cases, ABA CEELI researched, wrote and published a manual on international cooperation in criminal cases. This manual is a “how to” manual for Serbian prosecutors, judges, and lawyers who have cases that involve witnesses, victims, or tangible evidence held in another country or by an international body, or need assistance from international authorities or from those of a different country. This manual was the first of its kind. It helped busy Serbian legal professionals cut through the difficult, overlapping domestic and international provisions that often prevent cooperation and thus success in these cases.

In response to the new provisions of the Civil Procedure Code that allow for mediation, ABA CEELI developed training package for trial judges in 2005. The new provisions to the Civil Procedure Code allowed for mediation to settle disputes short of a full trial. “Out of court settlement” and mediation were new concepts in Serbia, and judges were unsure how to proceed under the new law. Thus, to ensure that judges could use the law and thereby reduce case loads, ABA CEELI worked with judges from the 2nd Municipal Court in Belgrade and developed a training package for judges. With the help of professional mediators, ABA CEELI produced a training guide and two videos: one video for training of mediators, and a second video for training of trial judges. The guide and the videos give an overview of how judges should select cases for referral to mediation, how mediation works, and the judges’ role in the entire process.

In February 2007, ABA CEELI, in cooperation with the OSCE Mission in Serbia and the Strategy implementation secretariat (SIS), prepared a comparative overview of basic principles on the position of the prosecution service with an aim of contributing to the legal reform process taking place in Serbia by providing technical legal assistance to the Working Group tasked with developing the laws on the judiciary.

3) Law Library

ABA CEELI funded the development of a law library in Nis through an advocacy grant to the Nis Center for Human Rights. The law library became operational in April 2002. The law library contains over 800 books, subscriptions to newspapers and periodicals (e.g. Time, Newsweek, The Economist), three computers with access to regularly updated databases of Serbian laws, and Internet access. The law library significantly improves access to legal texts and publications for the community. The law library has hosted several seminars and one book promotion and has conducted computer trainings for 30 judges of the Nis Municipal Court. Staff members have received training in how to provide services related to legal research, organizing lectures, book promotions, seminars and educational activities. The law library is the only law library in the region open to the public, and lawyers, judges, law students and the public regularly use it.

4) E-Learning

On December 17th, 2007, the first eLearning legal education program for attorney-trainees was launched in Serbia. This pilot program was designed by ABA CEELI and prepared and implemented in cooperation with the Nis Bar Association and the Faculty of Information Technology (FIT) in Belgrade. This pilot program, which was the first of its kind ever attempted in Serbia, represented a unique legal education program as it offered relevant legal courses on-line. At the same time, it was the first CLE program implemented for law-firm trainees. The pilot program concluded on April 30, 2008.

The Program consisted of twenty 45-minute lectures presented by prominent legal practitioners that were made available to participants via the internet during the period of December 2007 – April 2008. The curriculum included a combination of criminal and civil procedure applicable in the Republic of Serbia, international institutions, procedures and legal instruments, as well as some of the topics not normally included in a traditional law school curriculum (i.e. legal ethics, free access to information of public importance, alternative dispute resolution, etc).

The curriculum was determined by the Nis Bar Association and ABA CEELI. From its conception, the Nis Bar Association and ABA CEELI were in agreement that this program was not intended as preparation for the Bar Examination, but rather as a continuing legal education program for attorney trainees.

Through the eLearning system, administrators could monitor individual attendance in different ways: per participant, per lecture, number of log-ins, total time spent, number of log-ins per lecture, time spent at each lecture, number of components attempted per lecture, etc. During the program, administrators and participants were in constant communication, exchanging information about new additions to the system, resolving problems, and on two occasions issuing warnings to “lazy” participants.

A total of 40 trainees participated in the program. A total of 20 lectures with 149 hyper links and supporting documents (including 3 video presentations) were uploaded onto the system. Altogether, participants recorded a total of 16750 minutes (280 hours) of on-line attendance, or an average of 418 minutes per participant, or an average of 837 minutes per lecture.

According to the received evaluations, the 20 lectures received an average mark of 4.70. Accordingly, most of the comments were very positive: participants would recommend the program to their colleagues and are interested in receiving additional training.

Several comments suggested that the curriculum should be designed as preparation for the bar examination.

According to the received evaluations, the entire program received an average mark of 4.15. Most of the evaluations praised the program, in particular its accessibility, attention to details and supporting documents and links, as well as the possibility for repeated attendance of selected lectures. Among the negative comments and suggestions, the most serious problems were with internet access, organization of the forum, and problems with downloading certain documents.

Objective Two: Improve the Institutional Capacity of Bar Associations

Activities:

- 1) Young Lawyers of Serbia
- 2) Magistrates Association of Serbia
- 3) Prosecutors Association of Serbia
- 4) Judges Association of Serbia

Results:

- **Magistrates Association is self-sustaining organizations, maintaining offices, staff and providing training and programming to members**
- **The JAS represents more than 75% of the total number of judges in Serbia**
- **The JAS officially joined the Magistrates Europeans pour la Democratie Et les Libertes (MEDEL) in the Fall 208**
- **The PAS represents more than 90% of all prosecutors in Serbia**
- **The Young Lawyers in Serbia have assumed all organizing responsibility for the Court Internship Program**

Background:

The Legal Profession Reform program worked to assist in creating a well-functioning, well-trained, independent group of judges, prosecutors, magistrates and lawyers that meet the highest standards of integrity. The ABA CEELI's legal profession reform work involves capacity-building and technical assistance to its partnering organizations: the Young Lawyers Association, the Judges' Association of Serbia (JAS), the Prosecutors' Association of Serbia (PAS) and Magistrates' Association of Serbia (MAS).

When the ABA CEELI first began providing institution building assistance under this award in 2001, the legal profession was emerging from under a particularly oppressive environment under Milosevic. Many legal organizations faced complications registering and more struggled to find financial support to provide programming that would attract members. Much of the ABA CEELI's early program was devoted to institution building and membership training.

Progress Achieved:

1) Young Lawyers of Serbia

From 2004-2005, the ABA CEELI Regional Institution Building Advisor (RIBA) and staff worked with 15 members of Young Lawyers of Serbia (7 of whom were from outside of Belgrade) on Project Design, Proposal Writing, Strategic Planning, Fundraising, and

Financial Management. This is the first time has YLS received such assistance. Until ABA CEELI began to work with them, the YLS was a new, inexperienced organization with almost no funding. They were loosely structured and only had a vague idea of what they wanted to accomplish. During and after these workshops, they developed several successful legal reform projects. In addition to the Court Internship Program and the Bar Exam Reform Working Group described in the legal education in the summer 2004, ABA CEELI Trained 13 YLS Members on educational techniques that allowed them to conduct training of other young Serbian lawyers. This included training on teaching techniques as well as on substantive issues related to the European Court of Human Rights and European institutions. Further, in the fall of 2004 and through 2005, ABA CEELI and YLS held training for 146 young lawyers and law students on European institutions and human rights in Zrenjanin, Kragujevac, Kraljevo, Nis, and Belgrade. As a result, these young Serbian lawyers are better equipped to handle violations of the European Convention on Human Rights, better understand the EU accession process, and can act as grass-roots links to Europe.

With ABA CEELI support, a YLS delegation took part in the 2005 Annual General Meeting of the European Young Bar Association (EYBA) held in Slovenia. As a result, the Serbian delegation was officially asked to join the European Young Bar Association, which they did. The YLS and the EYBA now have a strong institutional relationship. The YLS continues to be active in EYBA-led initiatives like celebrating international legal week in 2007 and 2008 and taking part in organized regional moot court competitions with other EYBA national associations. In 2008, YLS even hosted the EYBA annual meeting in Belgrade, proving that the organization has taken a leading role in organizing young lawyers on the continent. The organizations' joint cooperation, fostered initially by ABA CEELI, continues to grow.

In May 2005, YLS printed and distributed posters and pamphlets that informed citizens of the court process. In response to a lack of information for citizens who use Serbian courthouses, including victims and witnesses, ABA CEELI and YLS printed pamphlets and posters containing basic information for citizens about Serbian courts. These were then distributed to citizens in courthouses in Belgrade, Kragujevac, and Novi Sad. ABA CEELI and YLS then expanded this program to provide young lawyers in the courthouses who would answer questions from victims and witnesses who could call them or who could show up in court for assistance.

With ABA CEELI's assistance the YLS membership grew from a handful of lawyers in late 2003 to over 400 members in 2005. It continues to grow, opening new branch offices throughout Serbia, and initiating more and better reform projects. It now has over 700 registered members and 8 office branches throughout Serbia, and is well connected to other young bar association organizations throughout Europe.

2) *Magistrates Association of Serbia*

With ABA CEELI's assistance, the Magistrates' Association of Serbia has become a self-sustaining organization capable of carrying out legal reform in Serbia. This process began in 2004, when the ABA CEELI Regional Institution Building Advisor (RIBA) worked for three days with 18 members of the Magistrates' Association of Serbia (MAS) on project design, proposal writing, fundraising, and financial management. The group included magistrates throughout Serbia. This was the first time MAS members had received such training. As with the YLS, until ABA CEELI began working with them, the

MAS was an inexperienced organization with almost no funding. During and after these workshops, they developed several successful legal reform projects, and were exposed for the first time to financial management techniques that allowed them to grow, begin to collect dues, and carry out their projects. Through advocacy grants and technical assistance, the ABA CEELI provided the MAS with support to assist them in securing staff, office space and support programs.

From 2004-2005, ABA CEELI and MAS provide training to almost all 800 Serbian Magistrates on trafficking in persons and domestic violence. The training focused on how magistrates can distinguish trafficking victims from domestic prostitutes and how to ensure that these victims are treated as witnesses with valuable evidence rather than as criminals that should be deported. The training also included practical information on how magistrates should use shelters and trafficking team coordinators. The domestic violence (DV) training focused on the dynamics of domestic violence and the importance of intervening in order to break the cycle of violence. CEELI first trained 9 Magistrates on training techniques and on the substantive topics of trafficking and domestic violence. CEELI and MAS then produced two training videos for Serbian magistrates entitled: "How to try a Human Trafficking Case" as well as a training video on domestic violence.

ABA CEELI and MAS worked with The Victimology Society of Serbia to produce written materials on these topics that were then incorporated into the first bench book for magistrates. With this package, the 9 magistrate trainers traveled throughout Serbia and trained almost all 800 Serbian magistrates on these topics during the end of 2004 and throughout 2005. The bench book is now used by 500 magistrates in Serbia as a professional reference. The book is in loose-leaf format, allowing for frequent updates, and contains 12 chapters, including provisions related to human trafficking, domestic violence, contact information for shelters and recent amendments to the law on peace and public order. These materials, as well as the methods used by ABA CEELI and MAS, have since been copied by other donors, including the DOJ/OPDAT Rule of Law Advisor for Serbia and Montenegro, for use in their training projects.

The ABA CEELI supported a series of family violence surveys, published by the MAS between 2004 and 2006. These surveys provided statistics concerning the incidence of violence and the cases' progress through the justice system as well as provided annual comparative analysis. The surveys demonstrated an increase in reports of family/domestic violence which suggests a decrease in tolerance for domestic violence. The Survey showed that the handling of such cases by magistrates, prosecutors and judges had significantly improved, and that the biggest challenges to curbing domestic violence remained with the interventions of the police. Often, family violence disturbances are not processed because police issue warnings rather than pressing charges, because it requires less paperwork and the police do not have to appear as witnesses in court. Moreover, the surveys showed that in some areas of country where the police were properly trained, they became the strongest link and best advocate for the system of victim protection.

In 2007 and 2009, the ABA CEELI supported 2 MAS efforts to survey the economic impact of the misdemeanor law. The Survey explored the economic impact of cases fully executed by first or second instance courts in 2006 and the first six months of 2007 in the entire territory of Serbia (excluding Kosovo and Metohija). The results demonstrated that if properly applied, the misdemeanor court could have contributed 48.6 million Euros to the State budget in 2006. This amount places misdemeanor

sanctions above any other judicial bodies as contributors to the Budget of the Republic of Serbia, and places it in third place among all contributors, just after taxes and customs (misdemeanor bodies' contributions finance themselves, all the Prosecutors' Offices in the country, The Republic Public Defenders' Offices, as well as the Supreme Court). The Survey was able to financially justify the operation and existence of the Misdemeanor Courts' and its upcoming integration into the judiciary in the near future. It is expected that future integration with the judiciary will lead to more complex cases, both for judges and initiators of misdemeanors.

With ABA CEELI's assistance, the MAS is now a self-sustaining organization. It provides for its overhead, including rent and salaries, by collecting dues from its expanding membership. The MAS is now a reliable platform from which donors and national and international organizations may carry out their legal reform projects.

3) *Prosecutors Association of Serbia*

The ABA CEELI has provided financial and technical assistance to the PAS to help them support administrative costs as well as program costs. With ABA CEELI's assistance, in April 2005 the PAS published their first bulletin and distributed it to their members, who constitute 90% of all prosecutors and deputy prosecutors in Serbia. The bulletin includes sections on legal updates, regional cooperation, an ethics column, and columns on substantive criminal issues, such as organized crime and domestic violence. It is published quarterly, with the third edition due shortly. The Bulletin not only updates prosecutors on changes to the law, but presents the PAS as a valuable resource for its members.

The ABA CEELI also assisted the PAS in developing the first professional code of conduct. ABA CEELI and PAS organized a PAS working group to draft a professional code of conduct for Serbian prosecutors. ABA CEELI provided the working group with meeting space, comparative materials, and expertise as the code was drafted. The code was subsequently presented and approved by a plenary session of the PAS, and in April 2005, was published and distributed. The ABA CEELI then worked with the PAS to develop and support rules of procedure for the PAS ethics committee. The Ethics Committee is responsible for responding to ethics complaints filed with the PAS. These rules were presented to the PAS members through a series of roundtables in 2007. The Code of Conduct was updated for submission to State Prosecutorial Counsel in 2008/2009.

In March 2005, the PAS and JAS joined forces to successfully challenge the Government's decision on judicial salaries in the Constitutional Court. Following the Government's decision to raise salaries of members of the government without raising those of the judiciary, the PAS and JAS, both supported by ABA CEELI, filed a petition challenging this as unconstitutional. The Constitutional Court agreed, overruling the government's action.

In May 2005, the PAS used its experience to assist JTC in establishing training for Serbian Prosecutors. Based on their experience with ABA CEELI, the PAS was able to assist the JTC to provide training to prosecutors through the JTC. For example, it assisted the JTC in providing a course on financial investigations in May 2005.

In July 2005, the JAS & PAS were invited by the MOJ to take part in coordinating the implementation of the Republic of Serbia's National Judicial Reform Strategy. The Government's Strategy requires one member each from the JAS and PAS, both supported by ABA CEELI, to be part of the "Strategy Coordination Commission" that is responsible for monitoring progress on implementing the Strategy and informing the Prime Minister and Parliament of pending issues.

On November 2, 2005, ABA CEELI organized the communications training for Serbian prosecutors in cooperation with the IRI, PAS and the JTC. This training is a part of CEELI's continuing institution-building assistance to the PAS that will allow it to represent Serbian prosecutors in the process of legal reform. The purpose of the training, conducted by the IRI's Program Director Mr. Kenneth Bricker, was to improve public communications of the PAS. He addressed a broad range of topics including: communications tactics, working with local media (how to prepare, building relations with journalists) and TV interviews. The training took place in the premises of the JTC in Belgrade and sixteen prosecutors were in attendance.

Throughout 2007, ABA CEELI supported the working group for the Prosecutors' Association of Serbia (PAS) Draft Law on the Public Prosecutor's Office by providing technical assistance in the form of comparative materials and comments on the provisions proposed by PAS. The PAS completed its Draft Law and ABA CEELI then shifted its focus to target the efforts of the PAS to harmonize their draft law with a draft law created by the Republic Public Prosecutors' Office (RPPO). For the purpose of facilitating the harmonization process, ABA CEELI produced and provided representatives of both PAS and the RPPO with an analysis of differences between the two draft Laws on Public Prosecutors' Office. ABA CEELI was also particularly engaged in development of the section regarding disciplinary responsibility by giving comments and input throughout the drafting process. ABA CEELI's support to the various drafting groups working on the Laws on the Public Prosecutor's Office paid off with a broadly-supported, solid draft submitted to the Parliament.

In 2008, USAID approved the PAS subgrant from ABA CEELI, "Disciplinary Responsibility and Ethics," to run from July 1, 2008 – February 28, 2009. Central to the project were the core activities of developing disciplinary by-laws and regulations and instituting a new Code of Ethics through the use of Working Groups comprised of members of the PAS and the Republic Public Prosecutor's Office. The working group presented these guidelines and regulations at the Prosecutors Day's conference in February 2009.

Study Tour to Colorado

On Monday October 10, 2005 one of the largest Serbian daily newspapers "Politika" published an interview with Ms. Branislava Vuckovic, President of the PAS, about the study tour of seven Serbian prosecutors to Colorado supported by USAID through ABA CEELI. From September 16-29, 2005, seven Serbian prosecutors participated on the study tour in Colorado. The prosecutors attended the 34th Annual Fall Conference of the Colorado District Attorneys' Council (CDAC) in Snowmass, Colorado and continued on to the Colorado Bureau of Investigation where the director briefed them and they were given a practical demonstration by the computer forensics lab. Later, the director of the Jefferson County Victim/Witness Assistance Unit outlined their procedures and the District Attorney welcomed the group. This was followed by a district court judge explaining the concept of plea bargaining and how it works in practice. Other highlights

included a review of the appellate process by a Colorado Supreme Court justice and a detailed discussion on rule of law in Eastern Europe with Colorado Governor Bill Owens. The prosecutors then watched a live motions argument in Denver District Court regarding suppression of evidence, followed by a discussion with the head of the Denver Police Homicide Division on the relationship between police and prosecutors. The final visit was with the president-elect of the American Bar Association and a group from the Colorado Attorney General's Office.

Two areas that particularly impressed the Serbian working group were the independence of American prosecutors and the ability of the CDAC to lobby the state legislature for improvements in the criminal procedure code. They appreciated both of these concepts and intend to work toward achieving them in Serbia, which was exhibited by their participation and fruitful involvement in the drafting of the law to revise the Criminal Procedure Code in 2007.

Creating the working group was also important given the anticipated changes to Serbian legislation that would provide for a more adversarial system. As the prosecutors noted, most of those working on these changes in Serbia have little idea of how an adversarial system actually functions. After the Colorado training, the leaders in the Association feel they are now equipped to enter the debate on these changes with first-hand knowledge of how the adversarial system functions, both in theory and in practice.

These prosecutors are the leaders of their profession in Serbia; ideas and observations will clearly impact their work in the criminal justice system and rule of law. The Association's leaders also implemented procedures used by the Jefferson County Victim/Witness program by adopting appropriate by-laws and developing informational brochures based on those in Colorado. During informal exchanges, acquaintances were made that could lay the groundwork for international cooperation in criminal cases.

CEELI also sponsored the trip of Mr. Milenko Madic, a District Public Prosecutor and a member of the Executive Board of the PAS, to Bulgaria to attend the first Eastern European Regional Conference of the International Association of Prosecutors held in Sofia on October 26 – 28, 2005.

4) Judges Association of Serbia & The Judicial Training Center

Under the Milosevic regime, JAS was extremely repressed, and its activities were limited. After the ousting of Milosevic in October 2000, JAS quickly increased its efforts and visibility. JAS held its first Annual Assembly on April 7, 2001 and elected its new Managing and Supervisory Boards and established a Board of Ethics. By the time of this first assembly, its membership had already increased to approximately 1500 members. The JAS was registered officially on July 13, 2001 with support from ABA CEELI. JAS opened an office in Belgrade, supported by ABA CEELI, and branch offices with a grant from the U.S. Embassy Democracy Commission. To inform its widespread membership about activities, new developments, and initiatives undertaken by members of the Association, JAS started issuing quarterly bulletins under the direction of an editing committee.

An Education Committee was formed in 2001, chaired by the new Supreme Court President, Judge Karamarkovic, who emphasized the strong need for programs for new

judges. Establishing a Judicial Training Center (JTC) was also one of the main objectives of JAS. To meet the educational needs of judges until a JTC could be created, JAS and ABA CEELI partnered to implement a project of five pilot workshops in basic courts on civil procedure law for new judges (with up to 3 years of experience). Since the need was clear, JAS and ABA CEELI continued conducting similar seminars in both criminal and civil procedure law in close cooperation with courts in targeted cities. ABA CEELI approved two grants to support these courses. The trainers for these courses were distinguished judges of the Supreme Court and the Governing Board of JAS, who attended five Train-the-Trainer seminars that ABA/CEELI organized. Four hundred sixty-four judges attended twenty seminars, during which they were taken step by step through the complete Civil or Criminal Procedure Law.

ABA CEELI and the JAS were central to the creation of the new Serbian Judicial Training Center, which was co-founded by the Ministry of Justice. ABA CEELI helped the Judicial Training Center complete a strategic plan and provided technical assistance for its organizational development. The ABA CEELI also supported the JAS in publishing and distributing its quarterly bulletin containing information about the organization's activities. The Bulletin has helped improve communications between the Belgrade office and the branches. As described in the Judicial Reform section of this report, the ABA ROLI has worked with the JAS on legislative reform, judicial ethics, and judicial independence. Today, the Judges Association of Serbia is recognized as one of the key players in judicial and legal reform in Serbia. Today, the JAS has 25 branches, while the Head Office remains in Belgrade. It works through 10 Commissions in different fields of law. The membership has increased from 600 to more than 1800. That is more than 75% of the total number of judges in Serbia.

The Judicial Reform Index

In an effort to assess the state of the judiciary in order to increase the strength and integrity of the judicial profession in Serbia, ABA CEELI conducted its first *Judicial Reform Index* (JRI) analysis in Serbia in late 2001. The JRI review consisted of the collection of first-hand intelligence about the actual state and progress of judicial reform in the country by comparing 30 important indicators of judicial reform. The assessment team interviewed a variety of judicial stakeholders, including leaders and members of the JAS, other judges, lawyers, prosecutors, journalists, and representatives of local, international, and intergovernmental organizations. This first JRI report was published in Serbia in February 2002. This 2002 JRI revealed a judicial system suffering from the after affects of Milosevic's restrictions and more than a decade of repression and the legacy of socialism. While some initial reforms at this time had been adopted, implementation remained a challenge and newer challenges lied ahead. Of the most serious deficiencies identified, lack of a judicial code of ethics, constitutional review problems and questions of judicial independence, inadequate salaries and facilities, and insufficient training all existed. These findings all impacted ABA CEELI programming, and led to the push for a judicial code of ethics, which was adopted by JAS in 2003, with work on a revised judicial disciplinary system throughout 2004 and 2005. Also as a result, ABA CEELI became a leader in the establishment of the Judicial Training Center in order to increase the preparedness of judges to enter and remain in the profession. The first, 2002 JRI was followed by a JRI update in December 2003, and a JRI II in September 2005, all which outlined continued progress and challenges facing the judicial system and judicial legal profession.

Judicial Reform Efforts with the JAS

Preparing for a revised package of laws on the judiciary, ABA CEELI throughout 2008-2009 assisted judges in determining a transparent method for judging performance. It conducted roundtables with the JAS to highlight issues of judicial ethics and discipline, assisted the JAS in its representation towards the National Assembly, who was attempting to pass laws in regards to the judiciary that would breach separation of powers principles and be unconstitutional, and prepared a conference on case-weighting as an alternative method for determining judges' performance.

ABA CEELI, in cooperation with the JAS, successfully organized a video conference on case weighting in Belgrade's Sava Center on January 16th 2009. Mrs. Sheryl Loesch, Executive Director of the International Association of Court Administration (IACA), took part in the successful conference as well as representatives of the Managing Board of JAS, including Ms. Dragana Boljevic and Mr. Omer Hadziomerovic. ABA CEELI representatives also participated in the conference

Case weighting is increasingly important in judicial reform as it represents a relevant tool for determining the necessary number of judges in courts, and the necessary number of cases among judges to make court work efficient and transparent. The video conference discussion included: practical examples of how case weights are used and an overview of two different methodologies for developing a case weight system. Ms. Loesch also discussed generally the role of court administrators in the U.S. Federal Courts, and the role of the newly formed IACA in determining the case weighting process.

All 60 participants actively took part in the discussion concerning the concept and principles of case weighting. The video conference was followed up by three regional roundtables were held in Novi Sad, Kraljevo, and Belgrade. The targeted audiences were primarily JAS members, judges who would be closely working with the High Judicial Council (a newly established body under the Law on High Judicial Council charged with the development of criteria for evaluation, selection and re-election of judges). Case weighting was presented as an independent international tool used in many countries for optimizing judges' work and the efficiency of hired judges. The case weighting concept was well received among both Serbian judges and other relevant attending stakeholders.

During the successful implementation of case weighting roundtables, ABA CEELI came to the conclusion that there seemed to be a lack of technical capacity in Serbia to develop a manageable methodology and to carry out such analysis under the current legal framework. Furthermore, the random assignment of cases to judges seemed to not be very clear to a number of Serbian judges currently working in the municipal courts.

Objective Three: Increase Availability of Legal Aid

Activities:

- 1) Justicia Legal Aid
- 2) Legal Aid for Victims of Human Rights Violations in Bujanovac, Presevo and Medvedja

Results:

- 110 public debates and workshops with 2000 participants

- Local coordinators reported that the communities of Presevo and Bujanvac places great trust in the legal aid project which ran through 2005.
- Justicia saw approximately 140 clients and typically had more than 25 cases pending before the courts each quarter

Background:

There is essentially no government-funded legal aid in Serbia, although the demand is extremely high. This disproportionately affects women and minorities in Serbia. The Presevo Valley is a remote part of Serbia. With a large ethnic Albanian population, it was particularly affected by the Kosovo crisis and the ethnic, political and economic instability of the 1990's. During the Milosevic regime, courts did not offer protection in cases when victims of human rights violations were Albanians. Conflicts in this area have discouraged Albanians from seeking protection before domestic courts.

Progress Achieved:

1) *Justicia*

Justicia provides representation to victims of domestic violence and works through a network of attorneys throughout Serbia. ABA CEELI helped to create an action plan for Justicia that includes legal aid, legislative monitoring and advocacy, lobbying, and training of legal professionals on women's issues and rights. The most common legal problems Justicia handled were division of marital property, divorce, domestic violence and housing problems.

Justicia established a telephone hotline in 2004 because it recognized that Justicia's staff received many phone calls after working hours. For this activity Justicia established a new practice whereby its volunteers answered phone calls and provided information on remedies for victims of domestic violence. For more complicated legal problems the volunteers referred women who called to Justicia's attorneys.

Throughout the project which ended August 31, 2004, Justicia saw approximately 140 clients and typically has more than 25 cases pending before the courts each quarter.

2) *Legal Aid for Victims of Human Rights Violations in Bujanovac, Presevo and Medvedja*

In the Presevo Valley, ABA CEELI funded the Humanitarian Law Center (HLC) and the Bujanovac Council for Human Rights (BCHR) in a joint project to provide representation, primarily to Albanians, in human rights cases involving torture of prisoners and confiscation of property by the Yugoslav army and police.

The Presevo Valley is largely made up of ethnic Albanians and was a spill-over area of conflict from Kosovo. Working to establish the rule of law and provide legal services to the primarily Albanian population is crucial to peacekeeping efforts there. Albanian leaders in the towns of Presevo and Bujanovac highlighted various human rights abuses and the fact that ethnic Albanians, lacking confidence in the government, never sought legal aid and protection when their human rights were violated. Defense lawyers and human rights workers also identified serious incidents of police harassment against the Albanian population with excessive delays on the part of the Serbian authorities in

investigating such incidents. ABA CEELI worked with the BCHR and the HLC to start a legal aid project focusing on human rights cases, with offices in Presevo and Bujanovac. Sixteen lawyers (half Albanians and half Serbs) were trained in specialized areas of the law, and in April 2002, the two intake offices opened, initially receiving cases of police misconduct and property seizures.

The legal aid offices Presevo and Bujanovac received and investigated complaints against human rights in the region. In the first month of operation, the offices received eighteen complaints. These involved property damage cases such as government seizure of private property for government use without compensation; Army occupation of farmland without compensation; vandalism of private homes by troops barracked there; and police brutality. Five of these cases were filed in court by local lawyers participating in the project. The cases were chosen to serve as test cases on the willingness of the judiciary to handle cases of the Albanian minority population expeditiously and fairly. By the end of the year, twelve cases were filed in court, hundreds of clients' cases were screened, and clients were assisted in resolving issues without litigation.

In 2004, when Freedom House joined HLC and ABA CEELI on the project, 10 more cases were initiated – for a total of 23 cases. The BCHR's clients include 22 ethnic Albanians and one ethnic Serb.

The local coordinators reported that the community began to place great trust in the legal aid project, which ran through 2005. This represents true impact for any rule of law project, i.e. when the citizens feel the legal system can and does work for them. Citizens of the area are now more willing and able to take their claims to local courts.

IMPACT REPORT: The Case of Rashiti Cazim

Cases brought and successfully pursued by residents demonstrate that justice can indeed be served, and has encouraged other Albanian victims to step forward to report violations. Arifi Gani, an Albanian from the village of Buhic, filed a claim requesting that damages be paid for property destroyed in 1999. The court decided that the Union of Serbia and Montenegro, the Ministry of Justice, and the Republic of Serbia have an obligation to pay 604,800.00 dinars (approx. \$10,600) in damages to Arifi Gani.

On the basis of a claim submitted in 2002, the Municipal Court in Presevo found the Union of Serbia and Montenegro guilty of trespassing on land owned by Rashiti Cazim, an ethnic Albanian plaintiff from Presevo. The decision obligated the Army to move from the premises within 15 days and to pay court expenses. New cases are being investigated daily and helping to reestablish trust in the rule of law and legal institutions in areas of Serbia most affected by the conflict.

PROJECT THREE: ANTI-CORRUPTION AND GOOD GOVERNANCE

2006-2009

The goal of ABA CEELI's Good Governance program has been to help establish the necessary legal frameworks for key anti-corruption mechanisms, and ensure implementation of these laws by strengthening the capacity of civil society and responsible state institutions.

Objective One: Increase implementation of anti-corruption and good governance legislation

Activities:

- 1) Assessment of FOIA and its implementation
- 2) FOIA (and related) Trainings for local and municipal government officials and civil society
- 3) International Right to Know Day and additional public information campaigns increasing the use of FOIA

Results:

- **Formal partnership with Serbian Public Information Commissioner (PIC), Rodoljub Sabic**
- **Over 400 public authorities and over 300 civil society members trained in rights and obligations under FOIA law**
- **Trainings in related Personal Data Protection (PDP) law**
- **Media coverage of International Right to Know Day**
- **Official handover of International Right to Know day to PIC for future years**

Background:

The Law on Free Access to Information of Public Importance (hereinafter called FOIA) was adopted and came into force in November 2004. ABA CEELI FOIA project began in the year 2006. In the 3-year period ABA CEELI engaged in FOIA programming, in cooperation with its partners, it trained over 400 representatives of Public Authorities - judges, prosecutor, magistrates and representatives of ministries in charge for providing access to information. In addition, over 300 representatives of NGOs, the media, journalists and other potential FOIA applicants were trained during the seminars.

Although the new law establishing free access to information statutes stipulated that the Public Information Commissioner must be appointed within 45 days of the Act's entry into force, it took nearly eight months for the Serbian parliament and government to address necessary logistical, administrative and regulatory requirements for the Commissioner to start his work. By the time the office of the Commissioner had finally been set up and became operational, a survey by the Belgrade-based NGO Youth Initiative for Human Rights showed an astonishing level of non-compliance with the FOIA law already in force.¹

¹ According to the survey, which was conducted between December 2004 and April 2005, 76% of state institutions ignored the law's provisions. Within the structure of the Serbian government, sixteen institutions were tested and fifty requests for information were dispatched. In only twenty-one cases did

Progress achieved:

1) Assessment of FOIA and its Implementation

As part of its FOIA work, ABA conducted a thorough analysis in June 2007 titled “Serbian Law on Free Access to Information of Public Importance: Analysis of the Law and Its Implementation in Practice.” This manual not only helped to guide ABA CEELI FOIA programming, but led to ABA CEELI assistance to the Public Information Commissioner for the publication on a follow-up implementation manual for FOIA².

2) FOIA Trainings

In 2006, the ABA CEELI partnered with the Belgrade Center for Human Rights and funded this organization to provide trainings for Public Information Officers of judges, prosecutors and magistrates throughout the country and within government Ministries on FOIA compliance. With ABA CEELI’s support, the Belgrade Center for Human Rights provided trainings and organized outreach events for specific sectors of the public, such as journalists and non-governmental organizations, who may use FOIA to gain access to important government information.

In 2008, the ABA CEELI refocused its FOIA efforts to target local government officials. Lecturers for local and municipal FOIA trainings were Public Information Commissioner Rodoljub Sabic, Dejan Milenkovic from YUCOM (Lawyers Committee for Human Rights), Nemanja Nenadic from Transparency-Serbia, and an additional one lecturer chosen as the local officer responsible for complying with request for access to information of the authorities in that training’s jurisdiction. Seminars were organized in partnership with local group Standing Conference of Towns and Municipalities (hereinafter SCTM). At these seminars lecturers instructed officers on how to proceed when they receive request, when it is justified to comply with the request and when it should be rejected. Furthermore, broader perspective on the Law was given, provisions of the Law were analyzed and explained, tricks of the Laws were pointed out, and correlations with the rights on privacy and Law on Personal Data Protection (hereinafter PDP Law) were examined with case studies, etc. Representatives from over 70% of the municipalities in Serbia were trained by ABA CEELI, the Public Information Commissioner’s Office, and the SCTM on implementation of FOIA. Results of the Fall 2008- Winter 2009 trainings are as listed below, as a sample indicator of training results:

government authorities provide petitioners with answers. None of the following institutions responded to requests for information: Ministry of Education, Ministry of Health, Ministry of Economy, Cabinet of the Prime Minister, Cabinet of the Vice-President of the Government and the Government of the Republic of Serbia. The Ministry of Finance replied in one out of seven cases, while the Ministry of Justice provided information in one out of five attempts. The Serbian judiciary responded to only one-third of the requests. The Republic Public Prosecutor’s Office, Serbian Constitutional Court, and district courts in Belgrade and Novi Sad did not respond at all. Only the Republic Attorney’s Office complied with obligations arising from the law’s provisions. Belgrade Law School did not respond to any requests.

² While projected to be completed by February 2009, it continues to undergo additional edits.

Municipality Training-Freedom of Information

Town/Municipality	Number of participants	Lecturers	Average satisfaction mark (out of 5.00)
Belgrade, 16 th September 2008.	13 participants 12/25 municipalities	Mr. Rodoljub Sabic Mr. Dejan Milenkovic Mr. Nemanja Nenadic Mr. Bojan Milutinov	4.24
Zlatibor, 10 th October 2008.	18 participants 11/38 municipalities	Mr. Rodoljub Sabic Mr. Dejan Milenkovic Mr. Nemanja Nenadic Mr. Vukajlo Nenadovic	4.29
Novi Sad, 24 th October 2008.	17 participants 12/35 municipalities	Mr. Rodoljub Sabic Mr. Dejan Milenkovic Mr. Nemanja Nenadic Mr. Vukajlo Nenadovic	4.45
Leskovac, 3 th November 2008.	15 participants 10/26 municipalities	Mr. Rodoljub Sabic Mr. Dejan Milenkovic Miss Sarah Trifunovic Mr. Milos Stanojic	4.33
Valjevo, 27 th November 2008.	14 participants 13/30 municipalities	Mr. Rodoljub Sabic Mr. Dejan Milenkovic Mr. Nemanja Nenadic Mr. Vukajlo Nenadovic	4.25
Nis, 11 th December 2008	16 participants 14/34 municipalities	Mr. Rodoljub Sabic Mr. Dejan Milenkovic Mr. Nemanja Nenadic	3.68

		Mr. Milos Stanojic	
Zajecar, 30 th January 2009	23 participants 15/43 municipalities	Mr. Rodoljub Sabic Mr. Dejan Milenkovic Mr. Nemanja Nenadic Mr. Bojan Milutinov	3.95
Belgrade, 17 th February 2009	90 participants 60/167 municipalities	Mr. Rodoljub Sabic Mr. Dejan Milenkovic Mr. Nemanja Nenadic Mr. Milos Stanojic	3.84
Overall	206 participants 123 (out of 167) municipalities in Serbia		4.13

In addition to extensive trainings in FOIA to over 700 stakeholders, ABA CEELI also conducted trainings with the Public Information Commission (PIC) staff in the sole area of Personal Data Protection in 2009, as an important component of transparent access to information of public importance. The ABA organized training on January 19th for the staff of PIC Office on the new PDP Law which came into force on January 1st, 2009. The lecturers were distinguished experts in the field: Slovenian PIC Natasa Pirc Musar and Andrej Tomsic, Slovenian Deputy PIC. Musar's lecture focused on legal matters pertaining to personal data protection (PDP), while Tomsic's lecture focused on the information technology aspects of PDP, including biometry, video surveillance and other technical issues. On January 20th, both lecturers again met with Serbian PIC staff to discuss the Manual on PDP Law. This manual was to be developed by the Slovenian PIC office and then translated into Serbian and printed. Unfortunately, the costs for this project and the timeframe needed to complete the project exceeded the capabilities of the ABA CEELI Serbia office, with its pending closure. Fortunately, UNDP agreed to print the guide upon its completion in early April with support from other implementers and funds.

3) International Right to Know Day and Public Information Campaigns

ABA CEELI also sponsored activities that brought public attention to FOIA. International Right to Know Day (hereinafter: IRKD) was established in the year 2006, and was organized again in the year 2007 and 2008. The purpose was to inform public about their legal rights guaranteed by the Law and to award public authorities who had best results in complying with the provisions of the Law. IRKD achieved great popularity and became a distinguished event. The IRKD enjoyed wide-spread media attention, bringing significant public attention to FOIA. Volunteers in various cities throughout Serbia, including Niš, Novi Sad, and Belgrade, distributed FOIA leaflets, t-shirts and FOIA how-

to guides to Serbian citizens throughout the day. ABA CEELI office in Serbia transferred materials that were used for organizing previous IRKD to the PIC Office.

IMPACT REPORT: International Right to Know Day

Serbia celebrated its 3rd Annual International Right to Know Day on September 28, 2008. As part of its campaign to increase implementation of FOIA, encourage anti-corruption, and improve good governance, ABA/CEELI sponsored the third year of the event, where awards are given by the Public Information Commissioner to the local regional, or national government agency who most exhibits transparency and respect for the public's right to know. 2008 awards were given to the province of Vojvodina and the city of Sabac for their work towards compliance in FOIA. The event has now been taken over fully by the PIC's office, and will continue to be celebrated in the future.



A Serbian cartoon depicting the theme of Right to Know Day. In English, it reads, “Enough of this. I have the right to know.”

IMPACT:

The trace that ABA CEELI left in the field of FOIA was clearly felt, with the contributions of the ABA recognized publicly by many respectable stakeholders including Public Information Commissioner (hereinafter: PIC), ministries, GRECO (Group of States against Corruption), courts, experts, NGO's, media etc.

This field is still new and developing in Serbia. In opinion of the leading experts, there is still a lot of work to be done. After adoption of the new laws, many new projects are expected to take place. Most of them should be focused on further education of the civil servants and raising the awareness of the public. There was a need for one organization with expertise and experience in this area to take the lead, ABA CEELI, with the help of its local partners, did just that.

PROJECT FOUR: GENDER EQUALITY

2001 - 2004

ABA CEELI gender programming in Serbia began with placement of the first Gender Liaison in Belgrade in 2001. The goal of gender programming was to promote the rights of women within Serbia in accordance with the country's commitments under international law. Besides its work in targeted legislative drafting, workshops and trainings, and local NGO partnerships as listed below, ABA CEELI integrated gender equality issues into many of its programmatic areas of work, e.g. by having a law faculty legal clinic focus on family law and domestic violence issues and by urging that a focus on gender issues becomes part of the curriculum of the JTC.

Objective One: Strengthening legislation that pertains to women

Activities:

- 1) Assist in the passage and implementation of a domestic violence law in Serbia
- 2) Conduct and publicize an assessment of Serbia's fulfillment of its international obligations under the UN's Convention on the Elimination of all forms of Discrimination Against Women (CEDAW)

Results:

- **Passage and implementation of a national law on Domestic Violence and amendments to the criminal procedure code in 2002 that criminalized domestic forms of violence against women**
- **Assessment of Serbia's *de jure* and *de facto* compliance with CEDAW, with encouragement of roundtables and shadow reports leading to increased implementation**

Background:

Gender discrimination remains pervasive in many dimensions of the lives of people in Serbia. Gender gaps are widespread in access to and control of resources, in economic opportunities, in power, and political voice. Promoting gender equality is thus an important part of a development strategy necessary for the benefit of *all people*. While the Serbian constitution provides for gender equality, no comprehensive law criminalizing forms of domestic violence existed at the start of ABA CEELI gender programming. The present family code at the time that ABA CEELI gender programming began was over twenty years old and contained numerous references to socialist principles that were no longer relevant in the present system. The provisions of this code did not provide equality for men and women in divorce, particularly in relation to custody and support of children. Furthermore, the application of the law to the ownership of property tends to discriminate against women, which leads to a variety of financial problems, including the inability to obtain credit to start a business. In addition, there was little knowledge or citizen dialogue of the realization of Serbia's commitments to women's rights under international law.

Progress achieved:

1) Passage and increased implementation of laws further criminalizing domestic violence

The Victimology Society, subgrantee and partner of ABA CEELI, was assisted to draft amendments to various existing codes (penal and civil procedure codes and the family law) to create protection for victims of domestic violence that would meet international standards. After this new domestic violence legislation was passed in 2002, ABA CEELI co-sponsored a conference on domestic violence issues with the Victimology Society of Serbia in April of 2003 entitled, "Legal Protections From Violence: Where Are We Now and How Shall We Proceed?" The conference explored implementation of the new laws on domestic violence and raised awareness of the shortcomings in implementation and what still needed to be done. Over fifty judges, prosecutors, magistrates, police, and NGO representatives were in attendance.

2) Serbia CEDAW assessment

In June 2003, Serbia became the second country in which ABA CEELI completed the CEDAW Assessment. The tool measures the status of women, as reflected in a country's laws and based on the degree to which women, in practice, enjoy the rights and protections guaranteed by CEDAW, to which Serbia is a signatory. The assessment concluded that while the majority of Serbia's laws complied with the provisions listed in CEDAW, the country had taken a "neutral" stance in the protection of women, refraining from outlining the individual protections that women specifically needed in order to maintain equality. The *de facto* implementation of laws that did exist, however, was sincerely lacking. Little confidence existed in the legal system's ability to deal with the problems affecting women, including domestic violence and discrimination. The patriarchal nature of Serbian society was leading to the continuing use of gender-based stereotypes, which perpetuated inequalities between men and women that existed most noticeably in the arenas of politics, economics, marriage and family life, and employment.

With the completed assessment, NGOs were able to participate in drafting the shadow reports for Serbia's report to the UN CEDAW Committee in 2004. In addition, the CEDAW tool was useful for implementers, including ABA CEELI and USAID, so that they could more carefully target technical assistance to the deficiencies identified in the assessment.

In June 2003, ABA CEELI held a conference entitled, "Improving the Status of Women and Girls in Serbia and Montenegro: Reporting Process Under CEDAW" in order to publicize the CEDAW assessment and raise awareness about civil society's role in preparing shadow reports. The conference was co-sponsored by UNICEF and the UN Office of the High Commissioner for Human Rights and was attended by over 50 representatives of the government and women's rights groups. In addition to learning further about recommendations from the assessment and the upcoming CEDAW reporting process, participants drafted action plans for addressing shortcomings highlighted in the report.

IMPACT:

ABA CEELI has worked with numerous women's groups throughout its time in Serbia on domestic violence issues, through workshops, public education campaigns, and legislative drafting efforts, culminating in the passage of amendments to the criminal code in 2002 criminalizing family and domestic violence against women. The publication of the CEDAW³ Assessment laid the groundwork to assist various women's groups in writing shadow reports for submission to the UN in 2004 when Serbia and Montenegro reported to the UN CEDAW Committee.

Objective Two: Increase legal knowledge and access to justice for women through work with civil society groups

Activities:

- 1) Sponsoring women's public legal education campaigns and women's access to justice through workshops, trainings, seminars, and legal aid clinics
- 2) Engage women's NGOs and women's activists in order to increase the capacity of civil society to protect the rights of women

Results:

- **Over 1,100 women participating in "Know your Rights" trainings**
- **Over 1,200 consultations to indigent women through legal aid clinics and advocacy consultation centers**
- **Publication of "Legal Protection for Women and Children" guidebook for use by local NGOs and civil society organizations**
- **Network of women's rights NGOs who continue cooperatively assist each other after the end of ABA CEELI support**

Background:

While many parts of the Serbian constitution provided for gender equality, the reality remained that discrimination was pervasive within Serbia's patriarchal society. Domestic violence, and the cycle of violence that women were often subjected to, continues to be a problem, and was largely ignored by police and the judiciary. By providing opportunities for women to learn their rights, and by empowering civil society to continue to provide services to protect these rights, ABA/CEELI was able to complement any gaps in legislation by working directly to serve women in need at the local level.

Progress achieved:

1) Women's Public Legal Education and Access to Justice Campaigns

In working towards increasing legal knowledge and remedies for women, ABA CEELI helped sponsor workshops, seminars, and legal aid offices in order to educate women about their rights.

³ United Nations Convention on the Elimination of All Forms of Discrimination Against Women.

Over 63 workshops were conducted with over 1106 women participating. The workshops and seminars mostly targeted rural and indigent women who had little access to legal services and were underserved – including self-supporting mothers, mothers of children with special needs, Roma, women invalids, and refugees.

Through legal aid offices, established by partners SOS in Nis and JUCA in Bor, over 1,200 women who would otherwise not have access to legal remedy were able to request legal aid and consultation. The offices prepared over 150 documents and administered legal advice to over 300 women for legal proceedings. 126 of these women were represented in court by the legal aid offices established by ABA CEELI and its partners. Of those not directly represented by the office, many received psychological and social counseling, or were referred to other centers offering the appropriate support. At the time that ABA CEELI support to gender equality programming ended, more cases were still being resolved by the women’s legal aid centers. The centers in Nis and Bor continued to offer legal aid services to women free of charge, and are a lasting impact of the sustainability of ABA CEELI’s programming.

2) Women’s NGO and Civil Society Partnerships

With the goal of creating a lasting network of women ready to protect their rights together, ABA CEELI gave particular emphasis to engaging women’s NGOs and activists in order to increase the capacity of civil society to continue this work in the future.

ABA CEELI maintained a strong partnership with the NGO “Mother’s Association” of Zajecar. They held roundtables with guests from women’s association in Bosnia and sponsored discussions on linking SOS telephone hotlines and improving networks between local authorities and service providers - such as SOS-Centers, Welfare offices, and police and law enforcement. Based on TV show appearances after the roundtable, local authorities contacted “Mother’s Association” of Zajecar to offer up municipal buildings, free of charge, so that safe houses could be set up for victims of domestic violence serving the regions of Zajecar, Bor, Negotin, Nis, and Knjazevac.

SOS Belgrade published 1000 copies of the book, “Legal Protection for Women and Children,” for use by local women’s civil group. The book includes articles on women’s rights, practical advice for women seeking to uphold their rights, and explanations of relevant laws and legal procedures for rectifying rights abuses.

IMPACT STATEMENT: Mother’s Association of Zajecar

In addition to impact from the seminars, publications, publicity, and legal aid, the effect of support for gender programming on individual lives is immeasurable. The “Mothers of Zajecar” SOS Telephone for Women and Children was contacted by a woman from a village near Zajecar. She said, “I just want somebody to know, if anything happened to me why it happened.” She lives with her second husband, who is physically abusive, and their two daughters. Several years ago she reported her husband to the police but after an unpleasant experience with the police, she decided never to report her abuses again. While telling her life story to the advisors at the organization, she mentioned that she

had a daughter from her first marriage, who lives in Switzerland, whom she lost contact with. After a month of intensive work, the SOS telephone worker and a psychologist engaged in the case had succeeded in renewing contact between this mother and daughter. Not only was this woman's case against her abusive husband brought to the courts for justice, but her newly-reunited daughter send resident papers to her mother, who is now living in Switzerland.

IMPACT:

The cooperative relationships among NGO grantees established through the implementation of the ABA/CEELI grant program endures. Women's NGOs have long-term goals which require broader involvement of activists from the whole region. For example, SOS Nis assisted "Mothers Association" from Zajecar in establishing a telephone hotline for victims of domestic violence by providing training for volunteers. Later, SOS Nis took over representation in court cases sent from the Zajecar SOS telephone hotline. Also SOS Belgrade cooperated closely with other womens' NGOs from Serbia in preparation of the book "Legal Protection of Women and Children" (also funded through the grants program) and emphasized cooperation with "Mothers Association" from Zajecar. The involvement of key representatives of police, Centers for Social Welfare, judges and lawyers, in these roundtables, workshops, and seminars is expected to have a long-term impact on the protection of womens' rights.

The following table recounts just a few of the activities undertaken by ABA CEELI local partners during the tenure of gender programming.

Project	Workshops , debates	No. of participants	Media coverage (radio, TV)	Publications (no of copies)
JUCA Committee for Women's Rights, Bor, E Serbia	6 public tribunes Video presentation	180	Local radio advertisement For debates	10 000 leaflets 50 posters
Women's Multiethnic Group Seleus Seleus, E Vojvodina, Serbia	6 workshops	176	Local TV, Yu kanal, Novi Sad radio (on Romanian)	500 leaflets
Mothers' Association Zajecar, SE Serbia	50 workshops 1 round table training for SOS tel. volunteers	750 16 20	2 TV adds (RTV Zajecar) 3 radio stations "Magnum", "Timocki radio" 27 kanal"	270 posters 500 leaflets
Mothers' Association Zajecar, SE Serbia	1 round table	14	1 local TV show (after round table) 3radio station	1500 leaflets 600 posters
SOS for Women & Child Victims of DV Nis, S Serbia			20articles in local newspapers, radio adds for legal aid offices	1500 leaflets 500 brochures
SOS for Women & Child Victims of DV				500 leaflets 200 brochures

Nis, S Serbia				
SOS Hotline for Women & Child victims of DV <i>Belgrade</i>			Radio 202	1000 books
TOTAL		1106		14500 leaflets, 920 posters, 700 brochures

Project	Total no of beneficiaries	Total No of legal actions	Written Legal documents	Legal advice	Advocacy in Court	Closed cases
JUCA Committee for Women's Rights, <i>Bor, E Serbia</i>	96	96	15	59	25	No data (1 reported)
Mothers' Association <i>Zajecar, SE Serbia</i>	87				4	
Mothers' Association <i>Zajecar, SE Serbia</i>	93				7	
SOS for Women & Child Victims of DV <i>Nis, S Serbia</i>	316	233	62	108	38	14
SOS for Women & Child Victims of DV <i>Nis, S Serbia</i>	440	318	71	151	52	26
TOTAL	1212	647	148	318	126	40

PROJECT FIVE: Legislative Drafting

2001-2009

Objective One: To improve legislation pertaining to key areas of legal reform and to increase the legislative drafting and review capacity of local partners

Activities:

- 1) Technical assistance, consultation, and training in legislative drafting
- 2) Small grants to organizations undertaking legislative drafting in key areas

Results:

- **Consultations for the Law on Organization of Courts, Law on Judges, Law on High Judicial Council, and the Package of Laws on the Judiciary**
- **Inclusion of ABA/CEELI on government – convened Council for Judicial Reform, based on input in areas of legislative drafting**
- **The legislation of a judicial code of ethics and a code of ethics for court clerks – the first of its kind in the region**
- **Minister of Justice proclaimed roundtables a key component to laws being considered by the Council for Judicial Reform**
- **Subgrant organizations produced four new draft laws where no such law existed - human trafficking, free access to information, foundations, and public notaries**

Background:

Legislative reform and implementation of new laws is greatly needed in Serbia. However, the process of drafting, reviewing, and adopting laws in Serbia is neither transparent nor inclusive. One example of this is ABA CEELI's experience with the law on courts: the Minister of Justice had agreed to hold a series of public hearings, co-sponsored with ABA CEELI, on his draft of the laws on the courts, but at the last minute, these were canceled due to a political agreement to substitute a political party's draft for the Ministry's draft in exchange for that party's support of the new Labor Law. It is this type of legislative review process that ABA CEELI sought to change through consultative work with its partners in drafting, lobbying, and advocacy.

The Law on the Organization of Courts, Law and Judges, and the Law on High Judicial Council have all been adopted but were in dire need of implementation. Implementation of these laws has required ABA to actively engage with the Ministry of Justice, Court Presidents, Supreme Court, Ministry of Interior, High Judicial Council, and National Assembly.

Funding for legislative drafting projects have included research, drafting, obtaining comments on drafts at the roundtables, and production of final draft laws in light of comments received at roundtables. After final draft laws have been produced, they must enter the legislative process. Both the prolonged adoption of the new Constitutions for Serbia and Montenegro and the Republic of Serbia and the various developments and

upheavals in the political system in Serbia have caused severe delays in the legislative process as Parliament and various ministries have delayed their meetings and convocations. Despite this, ABA CEELI has been able to provide stability, utilizing its strong relationships with partners in order to support a legislative agenda that is proposed directly by the people who will be affected by it. ABA CEELI support in legislative drafting has come in two main forms: technical assistance, consultation, and training, and support to small grants to organizations undertaking legislative drafting.

Progress achieved:

1) Trainings and Technical Assistance

ABA CEELI worked with various bar associations and legal NGOs to create a revised draft of the law on the bar, whose provisions as of 1998 contained contradictions to an autonomous, independent bar, and omissions based on modern professional codes of ethics and international standards in regulatory bar frameworks. This work included lengthy consultation and discussion with stakeholders and individual assistance provided to Forum Iuris (an organization of lawyers in Novi Sad), and the Belgrade Bar so that the two could incorporate their suggestions into a comprehensive and revised draft law on the bar.

ABA CEELI held general workshops on the process of legislative drafting in 2001, conducted for various ministry officials, members of the National Assembly parliament, law professors, and NGO representatives. The initial request for the workshops came from several Members of the National Assembly, due to the lack of trained staff in the National Assembly who were familiar with the legislative drafting process. Topics covered were techniques for drafting clear laws, the importance of transparency and public input, and the importance to the rule of law of setting clear standards. The sessions included an interactive exercise critiquing the Milosevic era NGO law.

In 2002, the government of Serbia formed the Council for Judicial Reform, made up of 14 Serbian members and 6 international members. Because of its strength in advising government ministries and local partners and NGOs in legislative drafting, ABA CEELI was appointed as a member. The Council began to develop a strategy for reform of the judiciary in 2002, though implementation was temporarily delayed due to the assassination of the Prime Minister. Before implementation of the reforms, ABA CEELI held a variety of public debates beginning with one in Fall 2003 on constitutional provisions dealing with independence of the judiciary. Based on the success of this debate, the Minister of Justice proclaimed that all “strategy” sector commissions should henceforth hold public debates on their reform proposals.

ABA CEELI throughout 2003-2005 continued its exhaustive work in the area of legislative drafting for judicial reform, with the end result of a revision of the judicial code of ethics; the development of a code of ethics for court clerks – the first of its kind in the region; and advocating for documentation and commentary on improving the 2001 draft on the Freedom of Information Act. Since 2005, ABA CEELI has been working with partners and the Ministry of Justice for a comprehensive package of laws on the judiciary, which would affirm the independence of the judiciary, create a clear system for disciplinary procedures and promotions within the cadre of judges, remove judges from the bench who had been appointed under Milosevic, increase the efficiency of the

courts, and take into account the considerations of all relevant stakeholders. In 2008, the ABA CEELI, held a series of public roundtables to discuss the new Law on Judges. Unfortunately, the draft law left many in the political community concerned for the independence of the judiciary and many judges concerned for their jobs. Despite the strong objections of the JAS, the law was adopted at the end of this award period.

2) Small grants

As part of its small grants program, ABA CEELI awarded grants for legislative drafting to law reform NGOs in the following areas: law on the bar, domestic violence, human trafficking, freedom of access to information, family law, law on foundations, and public notaries.

Small grants to local organizations working on legislative drafting produced an end-result of four new draft laws in areas where no national legislation currently existed. Draft laws produced by these partners went through an extensive review and commentary period before being finalized, to ensure comprehensive input from stakeholders. In addition to proposing new draft laws, small grants organizations also worked on redrafting laws that were outdated or badly needing revision. Besides the production of the draft laws, small grants organizations also engaged in work conducting public hearings and roundtables to create public dialogue, commentary, and understanding on new or pending legislation. The work of four small grants organizations and their respective legislative drafting projects are outlined below.

FORUM IURIS:

Law on the Bar and Code of Ethics for the Legal Profession

Bar members in Vojvodina felt that the existing Law on the Bar was poorly thought out and contrary to the principles of an independent legal profession. They felt that the Lawyers' Code of Professional Ethics needed to be expanded and adjusted to fit international standards. Both drafts were reviewed at a public hearing held on April 25, 2002. The drafts were then published and submitted to the Ministry of Justice, the Supreme Court, the Republic Prosecutor, and various bar associations for commentary and review.

VICTIMOLOGY SOCIETY:

Legal Reform Regarding Domestic Violence

Article 118a of the Criminal Law was adopted in February 2002. For the first time in Serbian history, domestic violence was included in the Criminal Law. During the research phase, quantitative data was collected about the prevalence, characteristics and consequences of domestic violence in Serbia for the first time. This new data and relevant information was used by the Victimology Society (VS) to serve as the foundation for continued lobbying activities to raise awareness of and compliance with the new legislation, and to advocate for increased prevention for the problem of domestic violence. Based on VS outreach activities highlighting this new statistical data, the first cases of legal proceedings on domestic violence began to be reported and brought to justice through court room remedies.

New Model of Law on Trafficking in Human Beings

VS worked on a draft law criminalizing trafficking in persons that was submitted to the Commission that works on changes and amendments to the Federal Criminal Code. The Victimology Society's draft underwent certain changes based on Commission revisions and other commentary but was accepted and included in the Draft Law on Changes and Amendments to the Federal Criminal Code, which passed through the National Assembly.

Lawyer's Committee for Human Rights (YUCOM):

Model Law of Freedom of Access to Public Information

With the support of ABA CEELI, the draft of a new FOIA law was completed and eventually adopted. YUCOM continued their work in promoting the new FOIA law through legislative advocacy and promotion. Ten public seminars for journalists, students, lawyers and citizens were held in Belgrade and 6 in other towns throughout Serbia during February 2003, immediately preceding the official acceptance of the law in 2004.

Center for Advanced Legal Studies (CUPS):

The Model Law on Family

CUPS completed the final version of the Draft Law on Family by the end of 2002 and held a roundtable on December 21, 2002 with 60 participants. The draft law reconfigured the procedures relating to family relations, and introduced new sections regarding the rights of children based on provisions outlined in the UN Convention on the Rights of Children, to which Serbia is a signatory. These new provisions for juveniles included the right to be heard in judicial proceedings concerning children and the right for a child to know his/her origin. The draft was taken under consideration and submitted to the relevant ministries.

Law on Foundations

A final version of the Draft Law on Foundations was submitted to the Ministry of Culture, the first draft law of its kind in Serbia, protecting the rights of charitable foundations. Because ABA CEELI and CUPS was able to engage the Ministry of Culture directly for participation in the drafting process, the Ministry ultimately included all of CUPS' suggestions into the final version of the draft law. The Ministry submitted this draft to the Republic National Assembly (with small modifications) as the official version.

Law on Public Notaries

CUPS created the first such draft law on public notaries in Serbia and submitted the final version of the Draft Law on Public Notaries to the Federal Parliament. CUPS and the Federal Ministry of Justice were able to use this draft as the foundation for the final draft of the law to the Ministry. Adoption procedure of the law began in 2003. Until officially adopted and implemented, CUPS engaged roundtable participants who represented all relevant parties from different sectors of society, who expressed their strong desire to be involved in the legislative drafting process.

IMPACT:

The legislative drafting projects successes include producing four completely new draft laws in areas where no Serbian law existed (human trafficking, freedom of access to public information, foundations, and public notaries) and redrafting three laws in need of revision (family law, law on the bar and lawyers' ethics, and domestic violence). Public hearings were held on all the draft laws, significantly contributing to increased transparency in legislative drafting efforts.

Some of ABA CEELI's primary impact in the area of legislative reform has been manifested in the acceptance of CEELI-sponsored draft legislation, whether in criminal procedure law or the most recent package of laws on the judiciary, and in the benefits gained from holding public hearings as a method of increasing transparency of the legislative process. In regards to ABA CEELI's legislative drafting work in the area of judicial reform, the Minister of Justice commended ABA CEELI's public hearing series and called for regular use of them for all work being undertaken by the Council for Judicial Reform.

ABA CEELI's work in conducting legislative drafting workshops and funding various legislative drafting projects has also made a significant contribution, not only in the acceptance of badly-needed new and revised laws in Serbia, but also in promoting the sustainability of organizations who are now prepared to lobby for legislative changes independently.

PROJECT SIX: Small Grants Program

2001-2009

In an effort to strengthen the capacity of local organizations working to protect human rights, judicial integrity and rule of law, the ABA CEELI has maintained a small grants program. The program encouraged the local organizations to take ownership of ongoing reform efforts in Serbia and protect and educates its citizens about the new legal environment in which they live.

Objective One: Strengthen the Capacity of Serbian Nongovernmental Organizations committed to the rule of law

Activities:

- 1) Human Right Grants Program
- 2) Humanitarian Law Center

Results:

- 110 public debates and workshops with 2000 participants
- Events: 1 concert with 1000 attendees, documentary photograph exhibition with 500 attendees, and 54 film showings with 2471 attendees
- 2 short story competitions on the theme of human rights in Kursumlija and Kragujevac
- Publications: 8,000 magazines and 56,500 leaflets, 9900 newsletters,
- 4 new draft laws, 3 draft revisions
- Over 3500 legal actions were taken
- 1400 written legal documents were prepared
- 4500 citizens were offered legal aid
- 133 cases were filed in court
- 3,666 trial days recorded in DVD format in the ICTY section of the HLC archive, 112 trial days in VHS format, 47,924 documents, and 712 transcripts in B/C/S languages from the trial of Slobodan Milošević, Mitar Vasiljević, Naser Orić, and Mile Mrkšić
- HLC launches its Victim-Witness Support Program, encouraging distrustful and hesitant witnesses to come forward and testify in war crimes proceedings before Serbian courts.

Background:

Since beginning its program in 2001, the ABA CEELI has provided significant assistance through its small grants program. In addition to the technical and financial assistance provided in the programs described above the ABA CEELI provided assistance to local organizations with programs that addressed contemporary legal issues.

Progress Achieved:

1) Legal Reform/Human Rights Grants Program

The goal of the ABA CEELI Legal Reform/Human Rights Grants Program was to award grants to NGOs that support ABA CEELI's objectives, with an emphasis on funding organizations in communities throughout Serbia. USAID provided \$446,000 to ABA CEELI in spring 2001 for the program. ABA CEELI established a grant processing system and awarded 33 grants to 23 NGOs in the areas of judicial reform, legislative drafting, human rights promotion and education, legal aid, women's rights, law students' organizations, information technology for court employees, and a law library in Nis. In addition, ABA CEELI offered institution building technical assistance such as grant writing, financial management, and strategic planning to many of the organizations receiving grants. An excerpt of the ABA CEELI Legal Reform/Human Rights Grants Program Impact Evaluation is attached.

ABA CEELI's Legal Reform/Human Rights Grants Program exceeded expectations. The grants and technical assistance to the JAS led to the creation of a JTC, the training of over 400 judges in criminal and civil procedure and the strengthening of the association. ABA CEELI also funded four organizations to draft seven laws on various topics related to legal reform and human rights; all drafts were completed, six were submitted to the relevant ministries, one was passed into law, and lobbying activities are ongoing on all drafts. Having observed a substantial need for human rights training among the population, especially outside of Belgrade, ABA CEELI funded six human rights organizations to promote human rights awareness employing a variety of methods including public debates, workshops, concerts, public service announcements and publications.

Perhaps one of the most quantifiably successful aspects of ABA CEELI's grant program is legal aid, both in the form of general legal aid to citizens and especially to women. During the period of this project, the organizations, with CEELI's funding and technical assistance, provided various forms of legal aid services to more than 4,500 people. These highlights demonstrate the depth and breath of the impact of this program.

Except from Impact Report-Human Rights Programming

PROJECTS FOR WHICH FUNDS WERE APPROVED

#1.JUDICIAL REFORM

Organization	Project summary	Duration	USD
Judges Association of Serbia Belgrade	Establishment of Belgrade office, equipment, staff & utilities	20 months	47,180
	Publication of quarterly bulletin	12 months	7,312
	Education civil law program "From Complain to Judgment"	6 months	22,720
	Education criminal law program "From Charge to Verdict"	6 months	22,720
JUDICIAL REFORM SUB-TOTAL:			\$99,932

#2.LAW RESOURCE CENTER

Organization	Project summary	Duration	USD
Center for Human Rights Nis Nis (serving whole of S. Serbia)	Establishment of law library & resource center serving legal professionals, law students and activists in S Serbia	10 months (Ext. to 31 Dec.02)	47,482
LAW RESOURCE CENTER SUB-TOTAL:			\$47,482

#3.LEGISLATIVE DRAFTING

Organization	Project summary	Duration	USD
Forum IURIS Novi Sad, Vojvodina	Advocacy law & code of ethics for legal profession	6 months	16,770
Victimology Society of Serbia Belgrade	Advocacy for Legal reform regarding domestic violence	7 months	32,760
Victimology Society of Serbia Belgrade	New model of law on trafficking in human beings	6 months	10,840
Yugoslav Lawyers Committee for Human Rights (YUCOM) Belgrade	Model law of freedom of access to public information	6 months	11,550
Center for advanced Legal Studies (CUPS) Belgrade	The Model Law on Family	6 months (Ext. to 30 Oct.02)	14,960
Center for advanced Legal Studies (CUPS) Belgrade	Law on Foundations	6 months+	11,330

Center for advanced Legal Studies (CUPS) Belgrade	Public Notaries Model Act	6 months	14,825
LEGISLATIVE DRAFTING SUB-TOTAL:			\$113,035

#4.HUMAN RIGHTS PROMOTION & EDUCATION (not including women's projects)

Organization	Project summary	Duration	USD
NGO Millennium Kragujevic, C. Serbia	Multi-media human rights promotion events & 10 December HR Day event	4 months	9,600
Uzicki Center for Human Rights & Democracy, Uzice, W Serbia	"Know and Use Your Human Rights" Education for legal professionals through public debates, publication of magazine & 10 December HR Day event	6 months	22,460
Uzicki Center for Human Rights & Democracy, Uzice, W Serbia	"Know and Use Your Human Rights" Project 2: extension/development of above project with special focus on isolated municipalities of the Zlatibor/Sandzak region.	6 months	14,825
Joint project: Association of Good Action; Roma Association Bahtalo Drom; Komren's Sociological Gatherings Nis, S Serbia	"Roma Radio School" series of 21 programs on civil & minority rights targeting all Nis citizens, culminating in publication on series	6 months	8,795
Educational Center Krusevac, Central Serbia	Human Rights 2-day workshops for legal professionals in Rasina area, with media component	3 months	4,994
Toplicki Klub Kursumlija, SW Serbia	"What do you know about human rights?": 12-workshops on HR targeting young people and culminating in essay competition.	3 months	3,560
HUMAN RIGHTS PROMOTION & EDUCATION SUB-TOTAL:			\$64,234

#5.CITIZENS' RIGHTS/LEGAL AID (not including women's projects)

Organization	Project summary	Duration	USD
Citizens' Association OSMEH Vrbas, Vojvodina, N Serbia	"Human Rights standing in line at the counter": promotion of citizens' rights & access to public services through info campaign, legal aid, public events, and training of local authority workers.	6 months	6,736

Citizens' Association OSMEH Vrbas, Vojvodina, N Serbia	"Human Rights standing in line at the counter": Project 2: extension of above project in Vrbas and expansion of services in neighboring Kula and Srbobran municipalities.	6 months	12,780
PIRGOS Citizens Library Piroat, SE Serbia	"Protection of Workers Rights" Establishment of legal aid services to support workers rights in Piroat & 3 neighboring municipalities.	5 months	10,010
PIRGOS Citizens Library Piroat, SE Serbia	"Protection of Workers Rights" Project 2: Extension of above project	6 months	9,710
Citizens Association OSVIT Sabac, W Serbia	"Legal Security for All, promotion of rights of disabled, elderly and single-parent groups through info campaign, legal aid and education events.	6 months	9,323
Citizens Association OSVIT Sabac, W Serbia	"Legal Security for All" Project 2: Extension & development of above project.	6 months	9,997
TOTAL			\$58,556

3) *Humanitarian Law Center*

With ABA CEELI's support, the Humanitarian Law Center (HLC) Transformation Support Project was composed of two principle areas of activity: creating a Documentation center based on the development of a War Crimes and Human Rights Database and the preservation of war crimes and human rights violation documents, and the establishment of Victims/Witnesses Counseling and Legal Support to support domestic war crimes trials.

War Crimes Documentation Project

In the first stage of the program which was completed in 2005, the HLC developed a database that has three principal functions. First, it preserves, standardizes, and represents information that the HLC has gathered and continues to gather from other sources. Second, it compiles a unique set of incidents (involving victims, perpetrators, witnesses, incident and locations) that occurred in the armed conflicts in the former Yugoslavia. Third, the database acts as historical memory and counters all attempts at historical revisionism.

The database functions as the 'backbone' of the HLC, supporting the HLC programmatic activities for dealing with the past and preserving relevant documents for future generations. Further, the database is compatible with that of the HLC's regional partner from Bosnia and Herzegovina, the Sarajevo-based Research and Documentation Center. It will also be compatible with the database of its regional partner from Croatia, the Zagreb-based Documenta. This arrangement was agreed in the *Protocol for Regional Cooperation in Researching and Documenting War Crimes in the Post-Yugoslavian Countries* signed on 6 April 2004 by all three organizations.

The Database operates on MAGIC platform, version 9.4 as an SQL server, and it functions as a relational database. That means that all the elements of the database are interconnected, of the same status and of the same importance. This enables all kinds of searches and allows the user to create reports – statistics, without any limitations. At the time being the server can be accessed from five PC stations.

The project allowed for the copying and transfer of ICTY documentation in electronic form in The Hague (exhibits, statements of ICTY witnesses, expert reports, and supporting documentation contained in the Judicial Data Base - JDB, and making copies of trials being currently held before the ICTY and making copies of the archive of completed trials in DVD format). The project also transferred this documentation to the HLC Belgrade office, to make copies of the ICTY documentation in the Video/DVD Studio operating in the HLC Belgrade office, and archive the original and copied ICTY documents in the HLC Archive.

The goal of this project was to further develop the War Crimes Data Base by making copies of the ICTY documentation in order to further expand the collection of trials from trial proceedings held before the ICTY in B/C/S languages, which can support the work of domestic courts and offices of prosecutors dealing with war crimes. The overall goal of this project was to make the ICTY documentation readily available to all interested parties (victims, victims' families, investigators/researchers, experts, and the general public) in order to present the undeniable truth about events from the recent past and to help establish a historical memory based on established facts.

ABA CEELI supported this project for the period January through December 2005, thus making it possible for the HLC to form The Hague Archives Transfer Team (HATT) located at the ICTY in The Hague. HATT is tasked with recording trials currently being held before the ICTY and making copies of completed trials stored in the ICTY archives in DVD format. HATT also makes copies of ICTY documentation from the Judicial Data Base (exhibits, statements of ICTY witnesses, expert reports, and supporting documentation). ICTY documentation copied by the HATT in The Hague is transferred to the HLC Belgrade office and a technician at the HLC Video/DVD Studio makes copies of the documents transferred from the ICTY.

The ABA CEELI resumed its support for the documentation project on October 2006. By October 1, 2007, 3,666 trial days in DVD format in the ICTY section of the HLC archive, 112 trial days in VHS format, 47,924 documents, and 712 transcripts in B/C/S languages from the trial of Slobodan Milošević, Mitar Vasiljević, Naser Orić, and Mile Mrkšić on approximately 32,000 A4 size pages (476 transcripts from the Milošević case; 64 transcripts from the Vasiljević case; 60 transcripts from the Orić case, 112 transcripts from the Mrkšić case). Documentation of the cases Milošević and Vasiljević have been completed.

Witness support

This project, funded and supervised by USAID through CEELI, provided for the presence of victims and their families at Serbian war crimes trials. Through this project, HLC identified victims, their families, and witnesses and made arrangements for their travel to Serbia and accommodation in Belgrade for several war crimes trials. HLC also arranged for psychological counseling during their stay, and provided attorneys in case the victims and witnesses had legal questions. Such legal representation was particularly important for witnesses who were granted protected status and were afraid for their safety. In

these circumstances, HLC worked successfully with the Serbian Ministry of the Interior to ensure the safety of the participants. Under this project, witnesses and victims came from Kosovo, BiH, Croatia, and even from locations within Serbia, such as Sandjak. HLC psychologists as well as staff from HLC accompanied these people from the start of their journey and then back home again. In a particular success, HLC identified witnesses and victims in the Ovchara case, traveled to Croatia to reassure them that they would be safe if they came to Serbia to testify, and traveled with the witnesses and victims to Belgrade. The testimony was critical to the case, and they would probably not have come without HLC's intervention. HLC also served as a bridge between Croatian and Serbian authorities, allowing them to cooperate in securing the visit.

HLC has created a witnesses/victims support model which to a great extent allows for the voice of the victims to be heard in court, helps acquire relevant documentation and secure testimonies necessary to establish the truth, helps disclose the facts pointing to a commitment of a serious crime and to perpetrators not included in the indictment [opening new investigations], and helps clarify the context in which a particular war crime took place.

IMPACT STATEMENT: Scorpion Prosecution

In 2005, the HLC obtained a video tape portraying the execution of six Muslims from Srebrenica on the Treskavica Mountain at Godinjska Bara, in the period 15 - 19 July 1995. The tape shows the involvement of the Units of MUP Serbia in the massacre of these Muslims from Srebrenica. The HLC Executive Director showed the video tape on 23 May to the war crimes prosecutor as well as the chief of the Department for investigation of war crimes of MUP Serbia, with a request for the police to act according to the law and bring to justice those responsible.

Ultimately five members of the Scorpions Unit who were the direct executors of the war crime - the murder of six Bosniak prisoners from Srebrenica near the village of Trnovo were brought to trial. The trial started on 20 December 2005 before a trial chamber presided over by Judge Gordana Božilović-Petrović. A total of 38 main hearings were held. A total of 22 witnesses were examined, including six victim-witnesses and three expert witnesses. On 10 April 2007, the trial chamber found the Scorpions members Slobodan Medić, Branislav Medić and Pera Petrašević guilty as co-perpetrators of a war crime against the civilian population under paragraph (1) of Article 142 in conjunction with Article 22 of the Criminal Code of the Federal Republic of Yugoslavia (KZSRJ) and Aleksandar Medić guilty of being accessory to the same crime under paragraph (1) of Article 142 in conjunction with Article 24 of the KZSRJ. It sentenced the defendants as follows: Slobodan Medić and Branislav Medić to 20 years in prison each, Pera Petrašević to 13 years and Aleksandar Medić to five years. The detention of Slobodan Medić, Branislav Medić and Pera Petrašević was extended pending further determination by the court and that of Aleksandar Medić discontinued. The same judgement acquitted Aleksandar Vukov of the charge of being accessory to a war crime under paragraph (1) of Article 142 in conjunction with Article 24 of the KZSRJ.

The broadcasting of the Treskavica tape has resulted in a re-assessment on the part of Serb society concerning the perpetration of crimes committed by Serbs during the armed conflicts in the former Yugoslavia. No longer is the massacre of upwards of 8000 Bosnian Muslims in Srebrenica in July 1995 denied by Serb society. This collective

reassessment of the recent past was triggered primarily through the actions of the Humanitarian Law Center.

Conclusion

ABA CEELI has had a significant impact on legal reform in Serbia. Its reputation as an authority on legal reform issues is recognized both within the international community and the Serbian legal community because of its early and long commitment to Serbia and its team of talented American and Serbian legal professionals. Time and again, ABA CEELI has quickly responded to crises. When the National Assembly passed the July 2002 amendments to the laws on the courts, the international community turned to ABA CEELI for thoughtful analysis and recommendations. Again, during the state of emergency following the assassination of Prime Minister Djindjic, ABA CEELI provided accurate, same-day analysis of declarations and legislation that contributed to the reactions of international organizations on the ground and abroad.

ABA CEELI has worked to help Serbia develop into a stable democracy by promoting the independence of the judiciary as an essential counterbalance to the executive branch. Not only must the judiciary be independent, but it must also be competent, with judges who meet high ethical standards. Therefore, ABA CEELI worked with the JAS to conduct numerous trainings on basic issues and on judicial ethics, and to establish the JTC. CEELI has also published the *JRI* on which the international community relies as a measure of the state of judicial reform in Serbia.

ABA CEELI has also contributed to improving the quality of lawyers in Serbia. Prior to ABA CEELI's work in Serbia, practical legal education at law schools was unprecedented. ABA CEELI worked with four law faculties in Serbia to develop clinical legal education programs, and the programs have been institutionalized at all the law faculties. For education of practicing lawyers, ABA CEELI introduced continuing legal education, although there was initial resistance. ABA CEELI managed to convince the bar associations that learning must not stop after gaining a law faculty diploma. Also significant for the legal profession in Serbia, ABA CEELI contributed to the development of legal aid to assist victims of domestic violence as well as ethnic Albanians in southern Serbia. As a direct result of ABA CEELI's work, thousands of people have received legal advice or representation which they would not have otherwise been able to afford or would have been to afraid to seek.

During ABA CEELI's tenure in Serbia, it has worked with various organizations to promote women's rights. Some of the most significant accomplishments are the criminalization of family violence and marital rape. Additionally, ABA CEELI has assisted these organizations in promoting awareness among the Serbian public about the problems of domestic violence and sexual harassment. Although ABA CEELI is pleased with the progress it has made with its partners, as the Serbia CEDAW Assessment illustrates, there remains much to be done to promote the equality of women in Serbia.

USAID-funded programs conducted by ABA CEELI from 2001 – 2009 provided more than direct, temporal technical assistance. Because of ABA CEELI's unique position of being the peers of many of the legal organizations it has worked with over the years, ABA CEELI has been able to reach reform targets while also leaving behind stronger and more empowered partners. From the JAS to the PAS, the MAS to the YUCOM or BCHR, local partners in field continue the work launched with the help of the ABA CEELI.

LIST OF REPORTS

For additional information, the following reports can be accessed on the publications web site of ABA-ROLI⁴.

Judicial Reform Index (JRI)

- Judicial Reform Index for Serbia, Volume I (February 2002)
- Update to the Serbia JRI (December 2003)
- Judicial Reform Index for Serbia Volume II (September 2005)

The CEDAW Assessment Tool

- CEDAW Assessment Tool Report for Serbia (April 2003)

Legislative Assessments

- Domestic Violence Survey (2003)
- Family Violence Survey - Misdemeanor Proceedings (2004)
- The Constitutional Position on the Judiciary (January 2005)
- Comparative Overview of Basic Principles on the Position of the Prosecution Service (February 2007)
- Serbia Law on Free Access to Information of Public Importance: Analysis of the Law and Its Implementation in Practice (June 2007)
- Comparative Overview of the Basic Principles Related to the Judiciary (February 2007)

Other

- Overview of the Serbian Legal System (2007).

⁴ http://www.abanet.org/rol/publications/regional_publications.shtml#serbia