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**FOSTERING AN INVESTMENT AND LENDER-FRIENDLY ENVIRONMENT (FILE)
USAID/BOSNIA AND HERZEGOVINA**

Report Regarding Accessibility of the Integrated Case Management System
Software under Development for the Brcko Judicial Commission

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USAID's Fostering an Investment and Lender-Friendly Environment (FILE) Project submits this document in accordance with its draft workplan for the twelve-month period ending June 30, 2005, pursuant to which FILE committed to report on the accessibility or availability of the integrated case management software currently under development by Optima OR for the Brcko Judicial Commission.

Brcko is moving forward with its efforts to procure integrated case management system (ICMS) software for courts and prosecutors. If designed correctly, the system can be modified and utilized in the Federation and RS. This assumes, however, that (1) the High Judicial and Prosecutorial Council (HJPC), which, among other things, is responsible for court automation activities, determines that the software can and should be utilized in the Federation and RS; and (2) the contractual provision in the related software development contract limiting use of the software to the Brcko District, i.e., the "geographic restriction," can be modified or eliminated.

FILE has maintained a strong presence in Brcko since first becoming aware of the tender seeking bids to automate Brcko's judicial institutions. Optima OR, the contractor selected to produce the software, submitted its first project proposal for the automation of Brcko's judicial institutions on May 24, 2004. While the first version was not ideal, Optima has since accepted recommendations from both FILE and Brcko court staff, and subsequent versions have shown marked improvement.

Optima is completing the documentation stage and beginning the design stage of software development. It expects to complete a "beta" version of the integrated case management software in December 2004.

In July, FILE met with the general manager for Optima to attempt to ascertain the conditions under which Optima's software could be made available to first and second instance courts throughout BiH. This effort was initiated under the assumption that commitments made by the European Commission and the United States Department of Justice's International Criminal Investigative Training Assistance Program (ICITAP) to procure and provide hardware, e.g., workstations, monitors, servers, networking and printers, to a majority, if not all, of BiH's first and second instance courts will be honored and timely. Another assumption is that the HJPC, which has the authority to approve all automation-related activity underway or anticipated in BiH, will be amenable to directly or indirectly obtaining the Brcko software for other courts. Finally, the effort assumed that Optima's product, which it expects to complete in December 2004, will be comprehensive in application and of the highest possible quality.

FILE began by attempting to ascertain the purchase price of the software for subsequent deployment throughout BiH. Unfortunately, Optima was unable to provide such specific pricing information because they have not yet developed the proper parameters to calculate pricing, e.g., court size, the extent of resident staffs' IT skills in each geographic location and the time investment required for installation, user training and modifications, if any. Optima offered the possibility that they might provide the software at no cost but charge for installation, documentation, user training and site specific modification.

As stated above, the HJPC will have the final authority to approve or deny the introduction of any software application in the BiH courts, but different donors can purchase software and donate it to the HJPC before the HJPC develops their own or publishes a tender for development of software by a third party. Discussions with HJPC indicate that all options remain open at this time. HJPC appears more likely, however, to pursue a competitive bidding process for development of integrated case management software for the Federation and RS courts. HJPC further appears willing to allow FILE to lead such process, in close coordination with HJPC's IT staff. Optima would be invited to participate in the bidding process.

With the consent of USAID, FILE continues to offer court administration technical assistance to help both the Brcko Judicial Commission and Optima produce a software product of the highest quality with the potential for use throughout BiH, once it has been tested and accepted by the Brcko Judicial Commission. In that context, FILE offered to provide subject matter technical assistance in the development of specialized modules, e.g., random, weighted case assignment software, methodology or documentation. FILE's offer was welcomed by Optima. FILE's intervention will be continually reassessed, and will be discontinued if it is clear that HJPC does not intend to pursue acquisition of the Brcko product.

In order to obtain as quickly as possible an educated perspective of the quality of Optima's product and whether it would be appropriate for the rest of BiH, FILE proposed that individual modules be developed and tested simultaneously in both the Brcko District and at least one other representative court location, e.g., Mostar. Optima responded affirmatively and suggested that the Brcko software will be browser-based and available to any court in the country with Internet access, using a password provided by Optima. This opportunity will be re-examined in light of HJPC's preferred method of software acquisition.