

IPA National Programme 2008 Part I - Bosnia and Herzegovina:
Project Fiche 2: Support to the State Court and Prosecutor's Office of BiH to fight War Crimes and Organised Crime

1. Basic information

- 1.1. CRIS Number:** 2008/20-111
- 1.2. Title:** Support to the State Court and Prosecutor's Office of BiH to fight War Crimes and Organised Crime
- 1.3. ELARG Statistical Code:** 01.23 Judiciary and fundamental rights
- 1.4. Location:** Bosnia and Herzegovina

Implementing arrangements:

- 1.5. Contracting Authority:** European Commission
- 1.6. Implementing Agency:** European Commission

1.7. Beneficiary:

The Registry of the State Court of BiH and the Prosecutor's Office of BiH

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Financing:

- 1.8. Overall cost (VAT excluded):** EUR 7 573 000
- 1.9. EU contribution:** EUR 3 000 000
- 1.10. Final date for contracting:** Two years following the date of the conclusion of the Financing Agreement
- 1.11. Final date for execution of contracts:** Two years following the end date of contracting
- 1.12. Final date for disbursements:** One year following the end date for the execution of contracts

2. Overall Objective and Project Purpose

2.1. Overall Objective:

The overall objective is to build sustainable institutional capacity at State level by strengthening the Court of BiH and the Prosecutor's Office of BiH.

The strategic framework is to improve the overall effectiveness and impartiality of these institutions through their ability to consolidate the rule of law and address violations of international humanitarian law committed during the conflict between 1992 and 1995 in addition to the prosecution of organised crime, economic crime and corruption cases.

2.2. Project purpose:

The purpose of the project is to build sustainable professional and technical capacities for prosecuting and investigating cases related to war crimes, economic crime, organised crime and corruption.

2.3. Link with AP.NPAA/EP SAA

The project is linked to the political requirements of *Stabilisation and Association Process*. It aims at strengthening the reconciliation process in the country and consolidating the rule of law.

It is also connected to the *European Partnership* key priority of reaching good co-operation with the International Criminal Tribunal for the former Yugoslavia.

2.4. Link with MIPD

The project falls under the Multi-Annual Indicative Planning Document (MIPD for 2007-2009) within the Instrument for Pre-accession Assistance (IPA), Political Requirements Section 2.2.1.1 Main areas of intervention, priorities and objectives - Support to the Reform of the Judicial System. This states that '*the commission is committed to the support of the State Court to try war crimes and organised crime cases to the highest standards.*'

It also falls under section 2.2.1.2 Expected results and time-frames '*the judicial institutions which deal with war crimes and organised crime cases will be in line with international standards*'.

2.5. Link with National Development Plan

The project is linked to the *Poverty Reduction Strategy Programme* in force, whereby reference is made to the establishment of special departments in the BiH Court and the BiH Prosecutor's Office to prosecute cases of war crimes, corruption and economic crime.

2.6. Link with national / sectoral investment plans

This project is linked to *Project Implementation Plan* agreed by the Peace Implementation Council in 2004. As a result, the same year an *International Agreement on The Registry* was signed between the Office of the High Representative and the Presidency of BiH and established The Registry as international organisation.

In 2006 a *Transition Strategy on The Registry* was approved for finalising the project.

The revision included a detailed plan for the transition of judicial capacity from internationally funded budgets to the national budgets of BiH. Its implementation commenced in December 2006 and shall continue through to the end of 2009.

3. Description of project

3.1. Background and justification:

This project is designed to complete the transition of the Registry's national staff from an internationally funded organisation to the relevant national institutions, primarily the Court of BiH and the Prosecutor's Office of BiH.

The project's main focus is to build the capacities of the State Court and the Prosecutor's Office of BiH to enable them to process a large number of suspected war criminals and individuals suspected of being implicated in high profile economic crime cases. Existence of such institutions at the State level should lead to increased public trust in the national judiciary. Prosecution of the most atrocious crimes from the conflict will initiate discussions about certain events from that period and encourage the reconciliation process. The processes before the Court of BiH have already raised a lot of public attention and awareness, and huge amounts of information have been disseminated to the public through the local media about the cases before the Court of BiH.

The Registry was established by an Agreement between the High Representative for Bosnia and Herzegovina and the Presidency of Bosnia and Herzegovina in December 2004 with the mandate to build sustainable judicial capacity through the provision of administrative and other types of support to the Sections for War Crimes and Organised Crime of the Court of BiH and the Prosecutor's Office of BiH. The project was implemented following the acceptance of the project implementation plan by the Peace Implementation Council. The Peace Implementation Council (PIC) is an international body charged with implementing the Dayton Peace Agreement for Bosnia and Herzegovina. The Council is, in effect, the realization, through the High Representative for Bosnia and Herzegovina, of the international community's governance of Bosnia and Herzegovina after signature of the Dayton Agreement. The PIC comprises 55 countries and agencies that support the peace process in many different ways - by assisting it financially, providing troops for EUFOR or directly running operations in Bosnia and Herzegovina. The PIC clarifies the responsibilities of the High Representative as the main implementing body of the civilian part of the Dayton Agreement, as set out in Annex 10 the Dayton Agreement.

The secondary role of the international support to the Court and the Prosecutor's Office of BiH was to relieve the pressure from the International Criminal Tribunal for the former Yugoslavia (ICTY) by taking a number of cases in accordance with the *Rule 11 bis of the ICTY Rules of Procedure and Evidence* to be tried by the Court of BiH. This means that the Court of Bosnia and Herzegovina and the Prosecutor's Office of BiH maintain a critical role within the closing strategy of the ICTY. The ICTY is an ad-hoc UN tribunal established to try the cases of war crimes committed during the Balkan wars. The closing strategy of the ICTY and the role of the BiH judiciary in it were defined by the UN Resolution 1503 of 2003. According to this Resolution the ICTY is to shut down by the end of 2010, and a specialised War Crimes Chamber is to be set up within the State Court of BiH to alleviate the pressure from the ICTY. This was done through the referring of a number of cases from the ICTY to the Court of BiH. To date 6 cases with a total of 10 indicted persons have been transferred from the ICTY for further trial at

the Court of BiH. Referral of these cases to the Court of BiH by a UN tribunal confirmed that that the Court of BiH met with international standards of due process of law and fair trial. This outcome is the direct result of the work performed by the Registry and the financial and material support received by the international community and national partners.

Both the Court and the Prosecutor's Office are nascent institutions only having reached their full capacity during 2006 and 2007. This capacity is a direct result of the implementation of the approved Registry

Project Implementation Plan. It is envisaged that the international support to the War Crimes and Organised Crime Departments of the Court and Prosecutor's Office of BiH shall continue through to the end of 2009. By this time, the national authorities will have gradually taken over the costs and responsibilities associated with running of the said institutions. The transition process is now well advanced with the national authorities showing both commitment and cooperation in terms of meeting their responsibilities arising from the International Agreement on the Registry. However, it remains imperative to the goal of delivering sustainable capacity that international financial and material support is continued through to the end of the projects mandate as the success of the national and international parts of the project are heavily interdependent. To fulfill all of its obligations and pay for the international staff working in these institutions until the end of 2009, the International Community needs to allocate around EUR 18 million for 2008 and 2009. Over this period the national authorities shall continue to gradually take on full financial and management responsibility for these institutions. Any deviation from this financial plan would create capacity and sustainability problems which would have the potential to undermine the effective and efficient operation of these institutions. Therefore, it is imperative that both national and international partners fully observe their commitments and obligations as defined under the international agreement.

International assistance will be required to support the successful transition of the Prosecutor's Office of BiH and the Court of BiH into a fully functioning and independent element of the BiH judiciary. This IPA funded project would provide institutional capacity building programmes as well as the provision of quality infrastructure in the form of:

- deployment of international and national experts, judges and prosecutors;
- hiring of qualified national staff
- the conduct of judicial training; and

All of the above, provided all other assumptions are fulfilled, will contribute to the institutions' capacity to conduct fair trials in accordance with international standards and within the framework of strengthening the independence of these state-level institutions. It will further improve and enhance the systems that have been put in place in the Court and the Prosecutor's Office, which aim at better resource management and more efficient delivery of justice.

As was mentioned earlier, the Registry Agreement envisages the gradual transfer of management, financial and judicial responsibility from international budgets and experts to national budgets and officials. This critical phase of the Registry's five year mandate is now underway and its successful completion will, to a large extent, determine the overall success of the support that was given to the Court and the Prosecutor's Office of BiH.

3.2. Assessment of project impact, catalytic effect, sustainability and cross border impact

The processes before the Court of BiH have already raised public attention and awareness, and huge information has been disseminated to the public through the local media about the cases before the Court of BiH. The ability and readiness of the Prosecutor's Office of BiH and the Court of BiH to prosecute even the most senior officials for organised crime, economic crime and corruption, are a positive step towards the establishment of the rule of law and reconciliation process. All of this will create a more favourable environment for foreign investments into the local economy and create a positive image of BiH. It will also build the confidence in BiH as a country and a serious partner in the accession process.

One of the main concerns when the Registry was launched in 2005 was the sustainability of the War Crimes and Organised Crime Departments of the Court and the Prosecutor's Office beyond December 2009. By the end of the project the international community will have invested over EUR 48 million into the Court of BiH and the Prosecutor's Office. This investment needs to be secured through adequate national participation and funding after the end of the large Project. With that in mind, attention was given to the cooperation with relevant national authorities to ensure the state budget can absorb and continue to support at an adequate level what has been created with the assistance of international funds.

Mid term budgets for the Court and the Prosecutor's Office were drawn up in cooperation with the State Ministry of Finance and sufficient funds were planned to ensure smooth functioning of the said institutions beyond 2009. Systems and procedure have been and are being put in place to allow the said institutions to run on an affordable, efficient, yet effective system of delivery of justice in all criminal matters tried before the State Court. In turn, this will leave Bosnia and Herzegovina with highly professional, properly equipped and efficient judicial institutions at the state level which will be a guarantee and a pillar of democracy in Bosnia and Herzegovina.

3.3. Results and measurable indicators:

Results:

- Trials in organised crime, economic crime, corruption and war crimes cases conducted in both English and local languages during the presence of international judges and prosecutors.
- Credible and viable assistance in witness support within war crimes cases.
- Judges received adequate support and training.
- Knowledge and expertise transferred between international judges and their national colleagues.
- Management of the court and trials functioned smoothly.
- Knowledge and expertise transferred between international prosecutors, and investigators, and their national counterparts in within the Special Departments for War Crimes and Organised Crime.
- Support and resources required for prosecutors to carry out investigations and prosecutions within organised crime, economic crime, corruption and war crimes cases provided.
- Public suitably informed on the activities within the Court and Prosecutor's office.

- Defence lawyers trained to perform duties within the Court in a competent and professional manner.

Indicators:

- The provision of qualified interpreters and translators for courtroom, investigation and prosecution activity to all panels and prosecution/investigation teams that have an international presence.
- A fully trained, funded and staffed witness support unit capable of support all war crimes cases.
- The provision of relevant and adequate support to in the form of human resources and technology to enable judges to carry out their duties both effectively and efficiently.
- The provision of international judges and the implementation of training programmes.
- Efficient and effective and efficient usage of courtrooms, technology, record keeping and the allocation of cases to panels.
- The provision of international prosecutors and the implementation of training programmes.
- The provision of relevant and adequate support to in the form of human resources to enable prosecutors to carry out their duties both effectively and efficiently.
- The issue of regular and reliable press releases on the activities of the court and prosecutors office.
- Public opinion surveys.
- The provision of training programmes for defence counsel.
- The provision of administration and security support to enable judges and prosecutors to perform their duties in an efficient and effective manner.

3.4. Activities:

The project covers the direct costs necessary for the completing the mandate of The Registry, and specifically salaries, operating costs and other costs for the following sections/units within the Registry: Administrative Units including Information Technology, Finance, Procurement, Security and Language Support, Witness Protection, Witness and Victim Support, Criminal Defence, War Crimes and Organised Crime Prosecutorial Support, Court Support, Public Information and Outreach Section and Detention/Prison Capacity support.

The selected activities are a core of the support services provided to the Court and Prosecutor's Office of BiH. Their funding by the international community until full integration into the judicial institutions of BiH is crucial for the future success of the operations and sustainability of the international efforts and financial support invested to date.

1. Provision of interpreters and translators
2. Support to witnesses
3. Support to judges and the provision of international judges
4. Support to the management of the court
5. Support to prosecutors and the provision of international prosecutors.
6. Support to Defense Counsel

7. Support to Public Information
8. Provision of administrative and security support to the project

PROSECUTION SUPPORT SECTION

The Registry for Special Department for War Crimes and Special Department for Organized Crime, Economic Crime and Corruption of the Prosecutor's Office of Bosnia and Herzegovina provides administrative, legal and other support services to Special Department for War Crimes and Special Department for Organized Crime and Corruption of the BiH Prosecutor's Office in accordance with the Law on the Prosecutor's Office of BiH.

The Prosecution Support Section (PSS) provides administrative, legal, logistical and operational support to the Special Department for War Crime (SDWC) of the Prosecutor's Office of Bosnia and Herzegovina. The PSS supports six Regional Prosecution Teams to deal with the large number of cases resulting from the crimes committed throughout Bosnia and Herzegovina. The PSS is principally responsible for the delivery of material and professional capacity. That capacity must be of a nature that the national system can sustain it in perpetuity. The PSS must also implement the capacity to assure that its use is efficient and secure from misuse.

The PSS has worked closely with the Chief Prosecutor of BiH and the Head of the SDWC on developing a streamlined organizational structure that meets the needs of the SDWC and its increasing caseload. This has required the allocation of additional resources, as well as the recruitment of additional personnel, in order to fully staff the prosecution teams and the different sections of the SDWC.

The PSS is committed to the provision of essential development and training programmes for all Prosecution personnel. To this end, it has been liaising closely with a number of national and international institutions. Training topics have included: International Humanitarian Law, including the Geneva Conventions, Human Rights and Trial Advocacy, War Crimes Investigations, BiH Legal and Political Structures, Information and Technology and the Media.

Together with the Prosecutor's Office the PSS staff has been dealing with the following categories of cases:

- The first category of cases concerns those referred for prosecution before the Court of BiH pursuant to Rule 11bis of the ICTY Rules of Procedure and Evidence.
- The second category of cases under the jurisdiction of the Prosecutor's Office of BiH concern cases in which the ICTY has initiated investigations but, in accordance with its completion strategy, they will be transferred to the Prosecutor's Office of BiH for further prosecution.
- The third category concerns those cases which are being prosecuted by the Prosecutor's Office throughout the territory of BiH, the so-called "Rules of the Road cases" (processed until September 2004 in accordance with the Rome Agreement of February 1996).
- The fourth category of cases comprises all war crime cases initiated after 1 March 2003.

Special Department for Organised Crime

The Special Department for Organized Crime, Economic Crime and Corruption in the State Prosecutor's Office of BiH ("SDOC") works in collaboration with the BiH entities and Cantonal and District Prosecutor's offices and domestic and international law enforcement officials. The SDOC is responsible for investigating and prosecuting perpetrators of organized, economic and corruption crimes committed in BiH or for which BiH is a transit country.

The presence of organized crime in BiH involving human trafficking; smuggling; extortion of money from business owners; customs fraud; gangland murders and turf battles; forgery; money laundering; tax evasion; corrupt public officials; etc., all undermine public safety and legitimate market trade and competition that is absolutely essential for economic development in BiH, and seriously impact negatively on and hinders the security and economic life of the community, and development of institutions that will ensure European integration of BiH.

The mission of SDOC includes:

- **Fighting Organized Crime**
Protecting the public and preventing fostering of an environment that facilitates the introduction of organized crime by enforcing BiH laws intended to prevent organized criminal acts, and investigating and prosecuting organized crime cases in a manner that is driven by politically neutral international standards of fairness and effectiveness in the investigation and prosecution of such cases;
- **Fighting Economic Crime**
Investigating and prosecuting economic crime occurring in BiH, that hinders economic development and collection of tax and custom revenues that would otherwise be used to increase the standard of living conditions of ordinary citizens;
- **Fighting Corruption**
Investigating and prosecuting criminal acts of corruption committed by public officials, materially raising the level of confidence in the strengthening of the country's institutions within the framework of the European partnership with BiH; and,
- **Public Awareness Campaign**
Designing and implementing an aggressive public information and awareness campaign, educating the public about the negative economic impact and disruption on economic growth and stability that organized crime, economic crime and corruption have on the local economy and on the livelihoods of ordinary citizens.

Accomplishing this mission will protect the BiH economy from predatory organized criminal practices and corrupt public officials, ensure the health, safety, and security of all citizens, protect the natural environment, and enable legitimate market competition that will nurture and ensure economic growth in BiH and eventual European integration.

COURT SUPPORT

The Registry provides administrative, legal and other support services to Section I and Section II of the Court of BiH in accordance with the Law on the Court of BiH and the Rules of Procedure

of the Court of BiH. The following sections provide support to the Court: Court Management Section – manages daily activities in order to provide a smooth functioning of Court operations, Witness and Victim Support Section - provides practical and, where necessary, psychological support to witnesses before, during and after testifying before the Court, Judicial Support Section – provides legal assistance to judges and panels in the discharge of their duties, Public Information and Outreach Section - responsible for contacts between the Court and the media, as well as for any other contact of public nature.

- The Court Management Section is responsible for the supervision of receipt, processing, archiving and distribution of documents, case files and all other court files of Section I and Section II (including case files, evidentiary materials submitted during proceedings and archives), and their maintenance, providing the integrity and security of data. It is also responsible for court schedules and courtroom utilization planning, preparation of trial records and court proceedings recording (transcripts and video recordings). The Court Management Section runs an automatic case allocation system for the entire Criminal Division (including Section III). The Section coordinates the use of courtroom technical capacities in order to provide efficient and smooth conduct of court proceedings, including the capacities for simultaneous interpretation of trials into the three official languages of BiH and into English. It also prepares and manages statistical data on the Court operations and provides reports on the performance of the Court.

- The Witness and Victim Support Section of the Court of Bosnia and Herzegovina is a neutral body responsible for the provision of support to witnesses involved in all cases in Section I for War Crimes and Section II for Organized Crime, Economic Crime and Corruption of the Court of BiH, for both Prosecution and Defence. The WSO is composed of a team of national psychologists and national assistants.

The primary goal of the WSO is to provide appropriate psychological support and assistance to witnesses before, during and after trial to ensure that the experience of testifying does not result in additional harm, suffering or trauma for any witness. The Office coordinates with the Witness Protection Department within SIPA on issues related to vulnerable witnesses. The WSO operates with the highest levels of integrity, impartiality and confidentiality. All information shared by the witness, and, thereby, received by the WSO, is treated in a professional manner and referred to the party who called the witness.

The rules and procedures of the Office were approved by both the President of the Court and the Registry. A leaflet explaining Court procedures for witnesses and services provided by the WSO was designed and distributed broadly. All witnesses are received by WSO staff, escorted to the specially designed waiting rooms and provided with psychological support where necessary.

- The Judicial Support Section directly supports the judges of Section I for War Crimes and Section II for Organized Crime, Economic Crime and Corruption of the Court of Bosnia and Herzegovina in the delivery of jurisprudence. In the course of trial support, the Section provides each panel of judges with support teams comprising national legal officers, interns and international lawyers. Staff members are responsible for assistance in drafting decisions of the Court, performing extensive research into complex legal matters and providing various other forms of legal assistance to the judges.

The Judicial Support Section also provides interns with a unique learning experience through their integration into support teams. In working closely with the judges and with the lawyers of

their respective teams, they benefit from the collected experience of national and international judges and lawyers. The time spent working in the Section counts towards the two years of experience in a judicial institution as a prerequisite to take the Bar Examination.

CRIMINAL DEFENCE SECTION

The Criminal Defence Section (OKO) of the Registry (providing support in war crimes cases) is a unique institution in the area of international criminal law, the exclusive role of which is to ensure the highest defence standards in war crime trials. The OKO implements its role by offering professional support through a legal aid framework to defence advocates in order to ensure the equality of arms in court proceedings.

In accordance with the principle of independence in its work, since its establishment OKO has achieved a number of key objectives, such as: setting up an office separate from the Court of BiH, staffing the office with highly qualified nationals and internationals, training of more than 200 advocates in the area of legislation relevant for the defence in war crimes cases; creating a system for the licensing of advocates appearing in cases before Section I for war crimes of the Court, adoption of the “Additional Rules of Procedure” pertaining to the defence, provision of legal support and advice in the application of international humanitarian law, international criminal law and human rights law.

OKO provides legal support within four Defence Support Teams covering four geographical regions in BiH. Lawyers with specialized knowledge on the conflict in a specific region and the legal issues involved in the cases provide advice to individual advocates defending cases before the Court and assist them in the preparation and presentation of legal arguments before Court.

ADMINISTRATION

The Administration Section provides the necessary infrastructure that enables the efficient functioning of support services provided by the Registry to the Court and Prosecutor’s Office of BiH. The Section is comprised of the Personnel Unit, Procurement Unit, Building Maintenance/Architecture Unit, Security, Language Unit and IT Department which collectively ensure that the Registry complies with all internal Rules and Regulations. Following the transition strategy of the Registry, all Administration staff, including the Chief of Administration, are citizens of BiH.

3.5. Conditionality and sequencing:

Conditionality is not applied in this Project.

Sequencing is noted as follows:

1. Availability of appropriately qualified international experts to advise and train national officials.
2. Availability of appropriately qualified national staff.
3. Sufficient funding available to procure the necessary staff and technical equipment to enable the implementation of the project.
4. All international pledges coming in on time with no reduction in the amounts pledged or promised.

5. The availability of suitably qualified international judges and prosecutors through to 2009
6. There is suitable funding made available by the international community and national officials to support general budgets of this project.
7. There is a gradual increase with no reduction in the level of activity within the court and prosecutor's office.
8. There are no major deviations from the planned budgets, both national and international
9. State budget adopted on time and sufficient funds given to the state justice institutions to allow for the successful implementation of the transition.
10. Sufficient funding available to procure the necessary technical equipment and implement capital projects.

3.6. Linked activities

Funding of the Registry has been supported by the international community. The European Commission allocated 5, 80 MEUR through the CARDS 2004 programme for the operational activities of The Registry in the period 2005 to 2007. The EC assistance has been implemented via direct award grant contracts with The Registry.

This project is linked to the efforts made for overall judicial reform in Bosnia and Herzegovina: to sustain two State judicial institutions such as the Court and Prosecutors' office of Bosnia and Herzegovina. In specific terms, it is connected to strengthen and sustain domestic capacities for prosecution of war crimes, organised crime, corruption and economic crime.

3.7. Lessons learned

Lessons learned from the past assistance to The Registry are noted as follows:

- Ensure political and financial support from the international community and national officials to ensure sustainability of project capacity post transition.
- Ensure strong local/national leadership, management and buy-in to the projects ideals.
- Transition in a more gradual manner to ensure new work practices and skills are imbedded within the institutions.
- Develop management skills of the final beneficiaries in tandem with capacity building and transition programmes.
- Develop project governance and risk assessments.
- To take into account auditors' reports and recommendations.

4. Indicative Budget (amounts in EUR)

Activities	TOTAL COST	SOURCES OF FUNDING										
		EU CONTRIBUTION				NATIONAL PUBLIC CONTRIBUTION					PRIVATE	
		Total	% *	IB	INV	Total	% *	Central	Regional	IFIs	Total	% *
Grant	7.573.000	3.000.000	40	3.000.000	0	0	0	0	0	0	4.573.000	60
TOTAL	7.573.000	3.000.000	40	3.000.000	0	0	0	0	0	0	4.573.000	60

* expressed in % of the Total Cost

A direct award grant contract with The Registry is required for this project.

5. Indicative Implementation Schedule (periods broken down per quarter)

Contracts	Start of Tendering	Signature of contract	Project Completion
Contract 1: Direct Award Grant Agreement	N/A	Q2 2009	Q2 2010

6. Cross cutting issues

6.1. Equal opportunities:

Participation of men and women is ensured by The Registry for the recruitment process of the staff needed. In this respect, The Registry applies the highest international standards in the section and recruitment of staff in terms of gender balance.

The project will also ensure that gender concerns are also raised and tackled. This applies to strengthening the witness protection for women victim of war crimes as well as psychological assistance throughout trials and investigations. Consideration attention is given to preserve victims' rights, which in great majority are women.

6.2. Environment:

This Project does not have impact on environment.

6.3. Minorities:

Equal participation of minorities is ensured by the Registry for the recruitment of staff. In the political context in which this project operates, especially sensitive is the issue of equal representation of the three constitutional peoples of Bosnia and Herzegovina. The Registry has paid a lot of attention in its recruitment efforts to find a balance between the quality of staff and the national make up of its staff. Also, minorities' involvement was important as to ensure smooth transfer of national staff from the international payroll onto national payroll. It is important to say that state institutions are obligated by law to respect the national make up of the country when hiring their staff.

6.4. Good governance and fight against corruption:

This project looks into the major issues of good governance and fight against corruption and organised crime. On good governance, the project reinforces the third power of any democratic country: judiciary. On the fight against corruption and organised crime, recent prosecutorial investigations in Bosnia and Herzegovina show links between war criminal networks, organised crime and corruption.

ANNEXES

- 1- Log frame in Standard Format
- 2- Amounts contracted and Disbursed per Quarter over the full duration of Programme
- 3- Description of Institutional Framework
- 4 - Reference to laws, regulations and strategic documents:
- 5- Details per EU funded contract

ANNEX I. Logical framework matrix in standard format

LOGFRAME PLANNING MATRIX for Project Fiche	Programme name and number: Support to the State Court and Prosecutor's Office of BiH to fight War Crimes and Organised Crime		
	Contracting period expires in 2011		Disbursement period expires in 2014
	Total budget: EUR 7.573.000		IPA budget: EUR 3.000.000
Overall objective	Objectively verifiable indicators	Sources of Verification	
<p>The overall objective is to build sustainable institutional capacity at State level by strengthening the Court of BiH and the Prosecutor's Office of BiH.</p>	<p>A credible, affordable and balanced institutional structure is in place.</p> <p>Mid-term budgets for these institutions allow for their growth and take into account increase in the number of cases processed before the Court.</p> <p>The Court of BiH and the Prosecutor's Office of BiH apply the standards of national and international law within War Crimes, Organised Crime, Economic Crime, and Corruption Cases.</p> <p>Full management of the Court of BiH and the Prosecutor's Office of BiH Is transferred to national Officials.</p> <p>All national capacity built by the Registry in the form of both national staff and assets are transferred to the Court of BiH and the Prosecutor's Office of BiH by January 2010.</p> <p>As of January 2010, all costs associated with the running of these institutions are paid from the national budgets.</p>	<p>Judicial monitoring reports carried out by reputable and independent national and international organisations such as OSCE, Human Rights Watch and interested NGO's</p> <p>Quarterly Management Reports that monitor effectiveness and efficiency of the project.</p> <p>Annual independent audits that review the effectiveness and efficiency of the project.</p> <p>Independent audit of financial statements</p>	
Project purpose	Objectively verifiable indicators	Sources of Verification	Assumptions

<p>The purpose of the project is to build sustainable professional and technical capacities within the competences of war crimes, economic crime, organised crime and corruption during. This purpose of this capacity is the delivery of efficient and effective judicial processes that are in line with the highest level of international standards of fair trial within both the Court of BiH and the Prosecutor's Office of BiH. In addition, its purpose is to provide a supporting mechanism for the closure of the ICTY.</p>	<p>The provision of international judges within key first and second instance panels.</p> <p>The provision of international prosecutors within key prosecution teams for war crimes, organised crime, economic crime and corruption case.</p> <p>The transfer of 11 bis case and category two files from the ICTY.</p>	<p>Judicial monitoring reports carried out by reputable and independent national and international organisations such as OSCE, Human Rights Watch and interested NGO's</p> <p>Quarterly Management Reports that monitor effectiveness and efficiency of the project.</p> <p>Annual independent audits that review the effectiveness and efficiency of the project.</p> <p>Independent audit of financial statements</p>	<p>Long Term Peace and Stability</p> <p>National Economic Development to sustain long term funding requirements</p> <p>Full political and economic support from both national and international stakeholders during and after the transition period.</p> <p>State budget adopted on time and sufficient funds allocated to the state justice institutions to allow for the successful implementation of the transition plan.</p>
<p>Results</p>	<p>Objectively verifiable indicators</p>	<p>Sources of Verification</p>	<p>Assumptions</p>
<ul style="list-style-type: none"> • The ability for trials in Organised Crime, Economic Crime, Corruption and War Crimes cases to be conducted in both English and local languages during the presence of international judges and prosecutors. • The credible and viable operation of witness support within war crimes cases. • Judges receive adequate support and training. • There is an ongoing transfer of knowledge and expertise between international judges and their national colleagues. • The smooth functioning of the management of the court and trials. • There is an ongoing transfer of knowledge and expertise between international prosecutors, and investigators, and their national counterparts in within the Special Departments for War Crimes and 	<p>The provision of qualified interpreters and translators for courtroom,, investigation and prosecution activity to all panels and prosecution/investigation teams that have an international presence.</p> <p>A fully trained, funded and staffed witness support unit capable of support all war crimes cases.</p> <p>The provision of relevant and adequate support to in the form of human resources and technology to enable judges to carry out their duties both effectively and efficiently.</p> <p>The provision of international judges and the implementation of training programmes.</p> <p>Efficient and effective and efficient usage of courtrooms, technology, record keeping and the allocation of cases to panels.</p>	<p>Judicial monitoring reports carried out by reputable and independent national and international organisations such as OSCE, Human Rights Watch and interested NGO's</p> <p>Quarterly Management Reports that monitor effectiveness and efficiency of the project.</p> <p>Annual independent audits that review the effectiveness and efficiency of the project.</p> <p>Independent audit of financial statements</p>	<p>Availability of appropriately qualified international experts to advise and train national officials.</p> <p>Availability of appropriately qualified national staff.</p> <p>Sufficient funding available to procure the necessary staff and technical equipment to enable the implementation of the project.</p> <p>All international pledges coming in on time with no reduction in the amounts pledged or promised.</p>

<p>Organised Crime.</p> <ul style="list-style-type: none"> • Prosecutor receive the necessary support and resources available required to carry out investigations and prosecutions within Organised Crime, Economic Crime, Corruption and War Crimes cases. • The Public is suitably informed of the activities within the Court and Prosecutor's office. • Defence lawyers are suitable trained to enable them to perform their duties within the Court in a competent and professional manner. • The provision of sufficient infrastructure in the form of office space, courtrooms, a relevant and reliable information technology platform together with appropriate levels of administrative, financial, legal and security support to the project. 	<p>The provision of international prosecutors and the implementation of training programmes.</p> <p>The provision of relevant and adequate support to in the form of human resources and technology to enable prosecutors to carry out their duties both effectively and efficiently.</p> <p>The issue of regular and reliable press releases on the activities of the court and prosecutors office.</p> <p>A public opinion survey.</p> <p>The provision of training programmes for defence counsel.</p> <p>The provision of infrastructure, administration and security support to enable judges and prosecutors to perform their duties in an efficient and effective manner.</p>		
Activities	Means	Costs	Assumptions
<p>Provision of interpreters and translators</p> <p>Support to witnesses</p> <p>Support to judges and the provision of international judges</p> <p>Support to the management of the court</p> <p>Support to prosecutors and the provision of international prosecutors.</p>	<p>Qualified staff, equipment, training</p>		<p>The availability of suitably qualified international judges and prosecutors through to 2009</p> <p>There is suitable funding made available by the international community and national officials to support general budgets of this project.</p> <p>There is a gradual increase with no</p>

<p>Support to Defense Counsel</p> <p>Support to Public Information</p> <p>Provision of administrative and security support to the project.</p>			<p>reduction in the level of activity within the court and prosecutor's office.</p> <p>There are no major deviation from the planned budgets, both national and international</p>
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ANNEX II. Amounts (in EUR) Contracted and disbursed by quarter for the project

Contracted	Fourth quarter 2008	First quarter 2009	Second quarter 2009	Third quarter 2009	Fourth quarter 2009	First quarter 2010	Second quarter 2010	Third quarter 2010
Contract 1			3M					
Cumulated			3 M					
Disbursed			2.4M				0.6M	
Contract 1			2.4M				0.6M	
Cumulated			2.4M				3 M	

ANNEX III. Description of Institutional Framework

The Registry is an international organisation which was set up by an Agreement on the establishment of the Registry signed between Bosnia and Herzegovina and the Office of High Representative for Bosnia and Herzegovina (OHR) in December 2004. This Agreement was later amended in September 2006. The Registry enjoys diplomatic immunity under the Vienna Convention, which it can then give to international judges and prosecutors working in the Court and the Prosecutor's Office of BiH.

Its mandate is to build sustainable judicial capacity and provide administrative and technical support to Sections for War Crimes and Organised Crime, Economic Crime and Corruption of the Court of BiH and the Special Departments for War Crimes and Organised Crime, Economic Crime and Corruption of the Prosecutor's Office of BiH. Its mandate shall last until full transfer of financial and management responsibility from the internationally funded Registry onto the relevant national institutions and budgets. It is estimated that by the end of the project, the international community will have invested over EUR 48 million into the Court of BiH and the Prosecutor's Office of BiH. Right now the Registry is in the transition process, which includes the transfer of the Registry's national staff into relevant national institutions. Thus, the capacities that have been built by the Registry, with the support of international funds, will transfer under the national ownership. This in turn, will ensure the sustainability of the investments to date and give the State of Bosnia and Herzegovina two very important state level institutions that should be guarantees of the rule of law and democracy in BiH.

The work of the Registry is reviewed by a Transition Council. It is a body set up under the auspices of the Agreement on the Registry of September 2006. It is made up of heads of relevant national institutions that are involved in the transition process. It also has two international monitors who represent the interests of the international donors.

It is further audited by an independent internal auditor, Bentley and Jennison, as well as the external auditor KPMG.

It is planned that by the end of 2009 the Registry will shut down and that all of its responsibilities and authorities shall be transferred to the relevant national partners and budgets. This should also be the end of international presence in the Court of BiH and the Prosecutor's Office of BiH.

ANNEX IV. Reference to laws, regulations and strategic documents:

Poverty Reduction Strategy Programme;

Multi-Indicative Programme Document 2007-2009;

Project Implementation Plan 2004 of the Office of the High Representative;

International agreement on The Registry between the Presidency of Bosnia and Herzegovina and the High Representative of 2004 and 2006;

Transition Strategy on The Registry of 2006;

ICTY Rules of Procedure and Evidence;

Law on the Court of Bosnia and Herzegovina;

Law on the Prosecutor's Office of Bosnia and Herzegovina.

ANNEX V. Details per EU funded contract

Contract 1 is a grant contract to be signed with The Registry of the State Court of BiH and the Prosecutor's Office of BiH.