

**IPA National Programme 2009 Part II – Bosnia and Herzegovina**  
**Fiche 1 "Judiciary"**

**1. Basic information**

- 1.1 CRIS Number:** 2009 / 021-650
- 1.2 Title:** Support to the judiciary in Bosnia and Herzegovina
- 1.3 ELARG Statistical code:** 01.23 Political criteria / 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 main beneficiaries are the Courts and Prosecutor Offices throughout the country  
SPO:

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**Financing:**

- 1.8 Overall cost (VAT excluded):** EUR 4 000 000
- 1.9 EU contribution:** EUR 4 000 000
- 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**

To support Bosnia and Herzegovina's judicial reform.

### **2.2 Project Purpose**

To strengthen capacities of courts and prosecutor offices to process cases, with a focus on war crimes and civil enforcement cases

### **2.3 Link with AP/NPAA / EP/ SAA**

As outlined in the European Partnership (EP) of 2008, Section 3 “Priorities”, subsection 3.1 “Short term priorities”, under Political Criteria/Democracy and Rule of Law/Judicial system, the priorities relevant to the project are as follows:

“Reinforce the independence and accountability of the judicial system and improve its effectiveness, including by reducing the backlog of cases”.

“Ensure adequate training of the judiciary, in particular as regards to human rights legislation and issues related to implementation of the Stabilisation and Association Agreement”.

Under the EP 2008 Section 3 “Priorities”, subsection 3.2 “Medium term priorities”, under Political Criteria/Democracy and Rule of Law/Judicial system, it is outlined:

“Implement the strategy for development of the justice sector, consolidate an independent, reliable and efficient judiciary that guarantees the rule of law and equal access of citizens to justice and guarantee that courts have the technical equipment and financial means necessary to impart justice efficiently and properly.”

In the EC’s Bosnia and Herzegovina Progress Report 2008, Section 2 “Political Criteria”, Subsection 2.1 “Democracy and the Rule of Law”, under judicial system, the following is stated:

“Despite some improvements owing to international donor funds, material conditions remain an obstacle to the judicial reform, in particular funding for suitable judicial premises and adequate financial means for the daily operation of courts and prosecutor offices.”

“Bosnia and Herzegovina has made some efforts to reduce the backlog of court cases. The Backlog Reduction Project, formalised by the signing of a memorandum of understanding in January 2008, is one positive step. However, the total number of pending court cases exceeded 2 million, of which approximately 1.2 million were cases of unpaid utility bills.”

“Local prosecution of war crimes has continued. At State level, trials have generally been held within a reasonable time and in compliance with internationally recognised fair trial standards. One of the main challenges facing the State Prosecutor's Office and the State Court is the large volume of war crimes cases. A strategy is needed to map and prioritise these cases. Furthermore, the Court needs to make more efforts on its outreach activities. Trials have also continued to be conducted more effectively before cantonal and district courts in the Entities, but there are several remaining major obstacles to be addressed. In particular, effective action needs to be taken to address the lack of witness protection and witness support...”

In the Draft SAA Action Plan, under Justice, Freedom and Security/Institution Building and Rule of Law, the following is outlined:

“In mutual cooperation in area of judiciary and internal affairs, the parties shall pay special attention to strengthening rule of law and strengthening institutions at all levels in area of administration in general, and particularly in enforcement of law and court decisions. The cooperation shall especially be aimed at increasing judicial independency, efficiency and institutional capacities, equality in proceedings, development of adequate structures of police, customs and other authorities for law enforcement, with provision of adequate training and combat against corruption and organised crime “

#### **2.4 Link with MIPD**

In the MIPD 2009-2011, Section 2.2 “Strategic objectives and choices for IPA assistance during the period 2009-2011”, subsection 2.2.2 “Strategic choices for IPA assistance during the period 2009-2011”, under “Political criteria”, the following is outlined:

“IPA will support the public administration reform, including support for the customs and taxation administration, the reform of the judiciary and of the police. The emphasis will be on institution building“

In the MIPD 2009-2011, Section 2.3 “Multi-annual planning by component”, Subsection 2.3.1 “Component I - Transition Assistance and Institution Building” under 2.3.1.1 “Political Criteria”, the following is outlined:

##### Objectives and Choices:

“Rule of Law: Support the police reform, the reform of the judicial system and assist in the implementation of the anti-corruption policy”

##### Expected Results and Indicators:

“Judicial Reform: The justice sector institutions at all levels of Bosnia and Herzegovina's institutional system are effectively organised and functioning and co-operation between police, prosecution, courts and the penitentiary system is improved. An action plan for the implementation of the strategy for the development of the judicial sector is adopted and implemented. The strategy is amended to cover provisions on a Supreme Court of Bosnia and Herzegovina and a single judicial budget as well as a single criminal law.”

#### **2.5 Link with National Development Plan**

National Development Strategy is currently in the final phase of the preparation.

#### **2.6 Link with National/Sectoral Investment Plans**

Within the Bosnia and Herzegovina Justice Sector Reform Strategy 2009 – 2013 under Pillar 1- Judicial System; Strategic Area 1.2 – Efficiency and Effectiveness; Strategic Programme 1.2.5 it is stated “Implement in full the measures relating to the computerisation of the judiciary as foreseen by the HJPC Strategic plan”

This project is also linked with Bosnia and Herzegovina Strategy for the Prosecution of War Crimes Cases and with Strategic Objectives 3, 7 and 10 of HJPC Strategic Plan 2007-2012.

See Annex 4 on the HJPC's Strategic Plan, the Justice Sector Reform Strategy, as well as investments foreseen in the War Crimes Strategy.

### **3. Description of project**

#### **3.1 Background and Justification**

The project proposal includes three equally important components, aimed at building the capacities of courts and prosecutor offices to effectively provide their services to the citizens of Bosnia and Herzegovina. The proposed components of the project are recognised as priorities in numerous strategic documents (such as European Partnership, Justice Sector Reform Strategy, Strategy for Processing War Crime Cases and the HJPC Strategic Plan), resulting from comprehensive consultations between relevant institutions, including courts and prosecutor offices.

Specifically, the project includes the following components:

1. Improving technical conditions at Cantonal and District Courts for greater efficiency in war crime trials,
2. Automation of Courts and Prosecutor Offices,
3. Backlog Reduction at First Instance Courts.

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

##### Component 1: Improving technical conditions at Cantonal and District Courts for greater efficiency in war crime trials

The impact of component 1 of the project will be significant in terms of creating the necessary pre-conditions for prosecuting war crime cases in at least ten cantonal and district courts (out of fifteen), assessed as priority in the assessment phase. These courts will be able to provide for the implementation of witness protection measures before, during and after war crime trials, as witnesses represent the most important element for the successful completion of war crime cases. This endeavour, combined with HJPC's efforts to determine the optimum number of judges and prosecutors specialised for war crime cases and the ongoing UNDP project "Building capacities of cantonal and district courts and prosecutor offices in BiH for processing war crime cases" which is focused on developing a witness protection network and specialised education of judges and prosecutors, will enable cantonal and district courts of Bosnia and Herzegovina to process war crime cases in a more effective and efficient manner, respecting internationally recognised standards for a fair trial.

Once the project is implemented, the maintenance of the video and audio equipment will be ensured entirely from local sources.

##### Component 2: Automation of Courts and Prosecutor Offices

The building of public confidence in the judiciary will need to be tackled over a significant period of time and with a number of varied activities in order to achieve the final goal – full automation of the work processes in courts and prosecutor offices - "E-court" or "E-prosecution". This means that, besides the internal automation of entire work processes in those institutions, all externally interested parties in such processes (for example lawyers, the police etc.) will have direct access to the information, documents, and services of these institutions, using electronic services such as internet. Such automation would also determine proper security levels for all, which is usually one of the biggest problems in this area. With

this, the transparency of the institutions would be tremendously improved, which is one of preconditions for a modern democratic country.

The sustainability of this project will be further improved by the significantly increased local funding. Until 2008, the role of national financing has been limited to financing ICT support staff in courts and prosecutor offices. National funding has however significantly increased, and a total of 1 million EUR has been provided by the BH state budget in 2009 for ICT related expenditure. Contributions have also been planned in the Budget Framework Document for 2010 and 2011. This will provide a clear path for the national authorities to take over full responsibility for ICT financing from January 2012.

Further sustainability of the project results will be ensured by the regular annual planning and implementation of adequate ICT training (basic ICT, specialised CMS, and other required training) in order to enable the judiciary staff to use these systems. In line with this, there have been regular and large-scale training sessions in all these categories every year since 2005, and there are plans in place to continue them in 2009 and beyond.

### Component 3: Backlog Reduction at First Instance Courts

Electronic processing of small claims/utility cases will allow for a significant time savings between the submission of the request and the issuance of the court decision as well as for all other procedural steps. This will lead to an increase in the collected debts and will entail considerable savings of human resources which can be devoted to other tasks.

With the existing influx of utility cases (see Annex 6 for detailed statistics) it is not possible to establish an effective way for the electronic processing of small claims/utility cases through the CMS system, because the large-scale processing of such an enormous number of cases would slow, and in some cases even bring to a halt the work of CMS users. The sustainability of this system at courts will be ensured by the regular annual planning and implementation of adequate IT and other required training in order to enable the staff to use all the functions of the system. The savings obtained will allow courts to maintain the proper equipment, reduce paperwork and human resources assigned with processing the cases within the enforcement proceedings.

The increased number of resolved cases, resulting from bailiff intervention, will contribute to a better understanding of the importance of bailiff services by local authorities, therefore encouraging them to better stimulate their work and to increase funding. Further usage and maintenance of the vehicles provided to bailiffs will be ensured by each court, but it is important to underline that, according to the Law on Enforcement Procedure, the related costs will have to be anticipated by the plaintiffs and eventually recovered from the debtors. The training for bailiffs should involve also enforcement judges and possibly be inserted into the yearly program of the Entity Centres for Education of Judges and Prosecutors, so to pose the basis for its sustainability.

The most direct and long term effects in terms of increasing public confidence in the courts will be achieved through a graduate reduction of court backlogs. Besides, it will be possible to defeat the current view that not paying utility bills “pays off” as, due to the huge backlog, it is impossible for courts to deal with relevant claims even within decades (as stated a number of times in the public media). Therefore, transferring information about ongoing activities as well as about the results achieved to the general public will be an important aspect of the backlog reduction component. The Backlog Reduction Project (BRP) within HJPC that commenced in February 2008 is supposed to last until mid 2011. BRP has four main groups of activities (for more details please see the page 11). The Component’s 3 activities would complement BRP activities, allowing for the implementation of the proposed legislative

amendments to the Law on enforcement procedure, the Law on civil procedure and related bylaws allowing for the electronic processing of utility cases.

### **3.3 Results and measurable indicators**

#### Results and measurable indicators in relation to component 1 of the project (activities 1.1-1.4) - Improving technical conditions at Cantonal and District Courts for greater efficiency in war crime trials:

Result 1.1: Separate rooms in selected courts are provided to accommodate and protect witnesses and support staff.

Result 1.2: Sufficient audio and video equipment is installed and used for witness protection purposes.

Result 1.3: Courtrooms designated to hold war crime hearings are restructured and/or equipped.

Measurable indicators:

- Of the 15 cantonal and district courts, at least 10 have adequate and equipped rooms for witnesses and support staff.
- Of the 15 cantonal and district courts, at least 10 have adequate and equipped courtrooms for processing war crime cases.

#### Results and measurable indicators in relation to component 2 (activities 2.1-2.6) - Automation of Courts and Prosecutor Offices:

Result 2.1: CMS Module for scanning of petitions and electronic delivery of the mail to involved parties is developed.

Result 2.2: Network and system infrastructure ready to implement digital signatures in the judiciary.

Result 2.3: Assessment of compliance of judicial information system with ISO security standard is completed.

Result 2.4: Modern ICT solutions for improving court hearings are implemented.

Result 2.5: ICT system in the data processing centre of the HJPC will be provided with equipment and software that will optimise and consolidate its resources.

Measurable indicators:

- CMS Module for scanning of petitions and electronic delivery of mail to involved parties is used in at least 50% of all courts and prosecutor offices.
- Network and system infrastructure for implementation of digital signatures is ready to be used by all (100%) courts and prosecutor offices.
- The action plan which includes all security measures, to achieve full compliance of judicial information system with the ISO security standards, is completed.
- Videoconference technology is used in at least 30% of all courts.
- The HJPC data processing centre is optimised to save up to 30% on power, space and maintenance costs.

#### Results and measurable indicators in relation to component 3 (activities 3.1-3.10) - Backlog Reduction at First Instance Courts:

Result 3.1: Electronic treatment of small claims/utility cases is operational

Result 3.2: Work conditions and the capacity of court bailiffs is improved.

Measurable indicators:

- Software is successfully completed and ready to be used in 100% of courts.
- At least 10 vehicles are used by the bailiffs.
- At least 80% of the trained bailiffs successfully passed the training program
- Number of cases processed by the bailiffs increased by at least 25%.

### **3.4 Activities**

#### Component 1 - Improving technical conditions at Cantonal and District Courts for greater efficiency in war crime trials

Activity 1.1 - Assess the current condition of courtrooms and rooms and equipment for the protection of witnesses in all (15) cantonal and district courts in Bosnia and Herzegovina, complete technical specification and prepare tender documentation for the reconstruction of separate rooms for witnesses and courtrooms, and for the purchase of necessary video and audio equipment (Contract 1.1 –Service)

Activity 1.2 – Reconstruction of separate rooms for witnesses and courtrooms in selected cantonal and district courts (Contract 1.2 – Works)

Activity 1.3 - Delivery and installation of video and audio equipment in selected cantonal and district courts (Contract 1.3 – Supply)

Activity 1.4 – Supervise the works and supervise delivery and installation of the equipment. (Contract 1.4 – Service)

#### Component 2 - Automation of Courts and Prosecutor Offices

Activity 2.1 - Assess the needs of each of the courts, prosecutor offices and the HJPC in terms of the ICT equipment, software and services required, complete technical specification and prepare tender documents for the purchase of necessary ICT equipment, software licenses and services (Direct Grant Agreement)

Activity 2.2 – Delivery and installation of ICT equipment, software licenses and services (Contract 2.2 - Supply)

Activity 2.3 – Supervise delivery and installation of ICT equipment, software licenses and services (Direct Grant Agreement)

Activity 2.4 - Further develop the CMS and judicial portal (Direct Grant Agreement)

Activity 2.5 – Provide appropriate training and deployment of the CMS and judicial portal for users (Direct Grant Agreement)

Activity 2.6 – Provide the System/Network Administration (Direct Grant Agreement)

#### Component 3 - Backlog Reduction at First Instance Courts

Activity 3.1 - Assess the needs in terms of software and ICT equipment necessary for the electronic submission and processing of small claims/utility cases, complete technical specification and tender documents for the development of software and the purchase of equipment/licenses necessary to deal with small claims/utility cases. (Direct Grant Agreement)

Activity 3.2 - Develop, deliver, install and test software necessary to deal with small claims/utility cases. (Contract 3.2 – Service)

Activity 3.3 - Supply of equipment and licenses (Contract 3.3 – Supply)

Activity 3.4 - Supervise delivery of equipment and licenses and supervise development, delivery, installation and testing of software (Direct Grant Agreement)

Activity 3.5 - Draft the by-laws regulating the electronic submission of small claims/utility cases (Direct Grant Agreement)

Activity 3.6 - Train the software users in the courts, utility companies and other “big users” (Direct Grant Agreement)

Activity 3.7 - Assess the needs of courts for vehicles required by bailiffs, complete the technical specification and prepare tender documents for the purchase of necessary vehicles (Direct Grant Agreement)

Activity 3.8 – Supply and delivery of vehicles (Contract 3.8 – Supply)

Activity 3.9 - Define training program for bailiffs, draft training materials and draft a special part of the professional exam for bailiffs (Direct Grant Agreement)

Activity 3.10 - Organise training sessions for bailiffs on a local basis and distribute training material (Direct Grant Agreement)

### **3.5 Conditionality and sequencing:**

#### ***Conditionality***

To be able to successfully complete the project, courts and prosecutor offices need to fully cooperate in the assessment and implementation phase of the project. This will require the HJPC to obtain the commitment of the court presidents and chief prosecutors before the project starts.

Also, all relevant institutions, such as ministries of justice, should assist and support the sustained use of equipment at the courts and prosecutor offices under their jurisdiction, by providing proper funding through annual budgets. The HJPC will, in accordance with its authorities, continuously advocate for adequate funds for the maintenance of the equipment delivered.

#### ***Sequencing***

##### **Component 1:**

Activities 1.2, 1.3 and 1.4 need to be implemented simultaneously after the activity 1.1 is completed.

##### **Component 2:**

Activities 2.1 and 2.2 of component 2 need to be implemented in a sequencing order. Activity 2.3 should be implemented along with activity 2.2. Activity 2.4 must be closely coordinated with activities 2.1 and 2.2. Activity 2.5 follows the activity 2.4. Activity 2.6 can be implemented separately from activities 2.1 – 2.5.

##### **Component 3:**

The following three groups of activities will be implemented separately and in parallel:



Group 1: Activities 3.1 and 3.2 will be implemented in sequencing order. Activity 3.3 can start after the activity 3.2 is already ongoing, but will end sooner. Activity 3.4 will be implemented along with activities 3.2 and 3.3. Activity 3.5 will be implemented concurrently along with the activities 3.1, 3.2 and 3.3. Activity 3.6 will follow activities 3.2 and 3.3.

Group 2: Activities 3.7 and 3.8 will be implemented in sequencing order.

Group 3: Activities 3.9 and 3.10 will be implemented in sequencing order.

### **3.6 Linked activities**

Various EU and non EU countries have supported the ICT aspects of judicial reform in Bosnia and Herzegovina over the past several years. Such support should also be noted in light of the Bosnia and Herzegovina's initiatives in the area:

BiH: In March 2004 a strategy was developed for the introduction of ICT into courts and prosecutor offices in Bosnia and Herzegovina. The strategy was later adopted and implemented as the CMS/ICT Project by the HJPC and supported by international donors and, in particular, through funds provided by the EU and the US Government.

The BiH National authorities have taken on some financial responsibility, in particular through providing funds for the human resources needed to successfully implement a computerised environment in the courts, prosecutor offices and at the HJPC and through the purchasing of some of the necessary equipment. It should be noted that as of 2008, the HJPC's Annual State Budget covers capital investments related to implementation-related activities of case management system in courts and prosecutor offices. It also covers maintenance of the hardware, software and network used for the uninterrupted work of the judicial information system. The judicial information system relies on the existing countrywide telecommunications system used by the police, security related institutions and the judiciary. Maintenance of this system is provided through the state budget of the Agency for Identification Documents, Registers and Data Exchange of BiH (former CIPS).

The existing ICT infrastructure will enable the implementation of the existing and new ICT activities, the implementation of the new audio and video technology in the courts, as well as the proposed electronic submission for utility cases.

Furthermore, the HJPC formed a working group to analyze the systematisation of judicial functions, defining the criteria and recommendations on the number of holders of judicial functions. This HJPC activity is also linked to the capacities needed to process war crime cases.

EU/EC: The HJPC has been implementing information technologies at the courts and prosecutor offices in BiH since 2004, with the support of the EU (CARDS 2004, CARDS 2005, CARDS 2006 and IPA 2007). Since 2008, the ICT/CMS project has also been supported by the Joint Financing Agreement between HJPC and the donor group as outlined here-below.

Sweden and the Netherlands: At the beginning of 2008, an phase II ICT/CMS Project was approved by the Swedish International Development Agency (SIDA) and the Netherlands, and in consultation with the Delegation of the European Commission in Sarajevo; this project aims to further develop and implement IT at the courts and prosecutor offices.

Spain: Establishment of the court decisions database was a project mainly funded by the Spanish Agency for International Development Cooperation and some funds were provided by the EU via the European Commission. It was implemented by the Documentation Centre of the HJPC and provides an overview of selected case law, as well as allowing access to all decisions taken in one case and enables holders of judicial functions and the broader legal community to easily access the reliable legal information needed in their daily work. Information provided by the Judicial Documentation Centre also includes information

relevant for processing war crime cases.

UK: the United Kingdom's Department for International Development (DFID) has financed a project in support of the establishment of better cooperation mechanisms between the police and prosecutor offices, as implemented by the HJPC. Its main objective is to improve existing and adopt new cooperation mechanisms between the police and prosecutor offices in terms of improving their ability to prosecute crimes, including war crimes.

Canada: The BiH Judicial Reform Project (JRP) is funded by the Government of Canada through the Canadian International Development Agency (CIDA). Within the scope of its activities under the third component (Strengthening the Effectiveness of the Administration of Justice through Geographically Targeted Programs), JRP funded a project to deal with the digitalisation of the backlog of utility cases in the Sarajevo Municipal Court. Data extracted this way would be ready for use in a future system dealing with utility cases.

Norway: The Norwegian Government is supporting the Backlog Reduction Project (BRP) within HJPC that commenced in February 2008 and is supposed to last until mid 2011. BRP has four main groups of activities: 1. technical support to the Working Groups for the Solution of the Problem of Utility Cases and Improvement of Enforcement Procedure, 2. activities related to pilot experience of electronic submission and handling of utility cases, 3. addressing the court service problems and the bailiff status and 4. activities aimed at reducing the utility backlog in Canton Sarajevo, primarily through support to improving cooperation mechanisms among the utility companies and courts and with the establishment of a Common Register of utility companies users. The proposed project activities would complement BRP activities, allowing for the implementation of the proposed legislative amendments and bylaws proposed by the working groups and the continuation of activities initiated in the field of electronic processing of utility cases.

The Netherlands: More recently, the "Balkan Enforcement Reform Project" (BERP), funded by the Netherlands Government has commenced its activities. The aim of the project (to work in the time-frame 2009–2012) is support to the countries of the Western Balkans (Albania, Bosnia and Herzegovina, Croatia, Kosovo, Macedonia, Montenegro and Serbia) in the reform of their legal system and other activities aimed at ensuring the more efficient and effective functioning of the systems of enforcement law, at national and regional level. The activities of the proposed project will be coordinated with the BERP in order to avoid the possibility of any overlap.

Spain and Japan: The United Nation Development Programme (UNDP) has commenced a three-year project funded by the Governments of Spain and Japan, aimed at building the capacities of the local courts and prosecutor offices to be able to implement the State Strategy for War Crime Cases, creating and implementing special educational programmes that will contribute to more efficient investigations and war crimes processing in BiH. Also, the aim is to establish support networks for witnesses and victims, so they could have a common form of treatment for cases at all court levels in the country. Combined, these two projects will enable cantonal and district courts of BiH to process war crime cases in a more effective and efficient manner, and therefore, close cooperation is required.

EU Regional Programmes: The ongoing CARDS 2006 regional project "Support to the Prosecutors' Network" focuses on strengthening the legislation and institutional capacities of Prosecutors' Offices (POs) of South-eastern Europe in view of a more effective co-operation against serious crime.

The ongoing CARDS 2005 regional project "ILECUs" supports the creation of special international law enforcement coordination units in the beneficiaries with a view to supporting the exchange of information in international investigations and facilitating contacts

on an operational level. These units will be integrated in national criminal intelligence models and supported by proper data protection and confidentiality regimes.

### **3.7 Lessons learnt**

As mentioned above, the HJPC has been implementing information technologies at the courts and prosecutor offices in Bosnia & Herzegovina since 2004. And the overall success of the past activities serves as a guarantee that this project will also be successful.

All of the said ICT activities, which were successfully carried out, have fundamentally changed the way courts and prosecutor offices in BH conduct business and have streamlined burdensome review procedures within the courts. In addition to providing courts with an important tool for automated work processes, the Case Management System will make them more transparent. Other new tools, such as a common email system for the BH judiciary, allows for the quick exchange of information between all participants in the system.

The establishment of such a complex information system requires a central management unit together with first level support available to the users in courts and prosecutor offices. This was achieved with the establishment of the HJPC ICT Department and the employment of ICT Officers through the joint efforts of this department, the court presidents and the chief prosecutors.

On the other hand, it is necessary to develop and adopt procedures and other by-laws for the courts that would mirror the new business environment and its processes. The creation of a legal framework and clear instructions would speed up deployment as well as the process of adoption and full utilisation of the new system.

The Sarajevo Municipal Court has shown, by establishing separate departments dealing with small claims and the enforcement of utility cases, that the segregation of such cases allows the court to operate in a more functional way with other substantial cases, thereby increasing the efficiency of the court and making it more responsive to the needs of its users.

Experiences from other countries (Austria, Great Britain, and especially the neighbouring Slovenia, which was visited in 2008 by a delegation of working group members and whose establishment of a system for the electronic processing of utility cases has been subject to intense scrutiny also by the HJPC Backlog Reduction Project), have shown that utility cases are very suitable for electronic processing in large numbers.

JSDP has pointed out that increased attention should be paid to support and administrative staff (like bailiffs and court deliverers) in order to free the judges from part of their current non-judicial tasks and allow them to devote their time to specific tasks.

The training for CMS has shown the importance of having local counterparts directly engaged in training processes, with a continuous mentoring function; such system will be adapted for the training program covering the software for processing small claims/utility claims (with appropriate changes due to the presence of training for external players like utility companies and similar).

It is important to emphasise the necessity for close cooperation with the UNDP Project aimed at building the capacities of the local courts and prosecutor offices to be able to implement the State Strategy for War Crime Cases. The UNDP project will be close to its completion when this project starts and therefore application of their lessons and experiences will be of crucial to the successful implementation of component 1 of this project.

#### 4. Indicative Budget (amounts in EUR)

					SOURCES OF FUNDING								
			TOTAL EXP.RE	TOTAL PUBLIC EXP.RE	IPA COMMUNITY CONTRIBUTION		NATIONAL PUBLIC CONTRIBUTION					PRIVATE CONTRIBUTION	
ACTIVITIES	IB (1)	INV (1)	EUR (a)=(b)+(e)	EUR (b)=(c)+(d)	EUR (c)	% (2)	Total EUR (d)=(x)+(y)+(z)	% (2)	Central EUR (x)	Regional/Local EUR (y)	IFIs EUR (z)	EUR (e)	% (2)
Activities: 2.1,2.3, 2.4, 2.5, 2.6, 3.1, 3.4, 3.5, 3.6, 3.7, 3.9 and 3.10													
Direct Grant Contract	X		1 100 000		1 100 000	100							
Same Direct Grant		X	300 000		300 000	100							-
Activity 1.1													
contract 1.1 (service)		X	100 000		100 000	100							-
Activity 1.2													
contract 1.2 (works)		X	950 000		950 000	100							-
Activity 1.3													
contract 1.3 (supply)		X	500 000		500 000	100							-
Activity 1.4													
contract 1.4 (service)		X	250 000		250 000	100							-
Activity 2.2													
contract 2.2 (supply)		X	500 000		500 000	100							-
Activity 3.2													
contract 3.2 (service)	X		70 000		70 000	100							-
Activity 3.3													

contract 3.3 (supply)		X	80 000		80 000	100												-
Activity 3.8																		
contract 3.8 (supply)		X	150 000		150 000	100												-
TOTAL IB			1 170 000		1 170 000	100												
TOTAL INV			2 830 000		2 830 000	100												
<b>TOTAL PROJECT</b>			<b>4 000 000</b>		<b>4 000 000</b>	<b>100</b>												

Amounts net of VAT

- (1) In the Activity row use "X" to identify whether IB or INV
- (2) Expressed in % of the **Total** Expenditure (column (a))

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

Contracts	Start of Tendering	Signature of contract	Project Completion
Direct Grant Agreement	Q2/2010	Q3/2010	Q4/2012
Contract 1.1 (service)	Q3/2010	Q4/2010	Q1/2011
Contract 1.2 (works)	Q1/2011	Q2/2011	Q2/2012
Contract 1.3 (supply)	Q1/2011	Q2/2011	Q2/2012
Contract 1.4 (service)	Q1/2011	Q2/2011	Q2/2012
Contract 2.2 (supply)	Q4/2010	Q1/2011	Q4/2012
Contract 3.2 (service)	Q4/2010	Q1/2011	Q4/2012
Contract 3.3 (supply)	Q3/2011	Q4/2011	Q2/2012
Contract 3.8 (supply)	Q2/2011	Q3/2011	Q1/2012

All projects should in principle be ready for tendering in the 1<sup>ST</sup> Quarter following the signature of the FA

## 6. Cross cutting issues

### 6.1 Equal Opportunity

The Judiciary in Bosnia and Herzegovina may be considered a good example of male/female ratio of employed public servants.

The women in Bosnia and Herzegovina are represented in greater numbers in the judiciary than in any other branches of governance. According to available data, on December 31, 2008 the gender breakdown among judges and prosecutors in judicial institutions in Bosnia and Herzegovina was 59% female and 41% male. Of this number, female judges comprised 63% and male judges 37%, while among the prosecutors 45% were female and 55% male prosecutors. The gender breakdown among employees of the HJPC was 55% female and 45% male. Considering the main beneficiaries of the Project it is clear that both women and men have to have equal opportunities to participate in the reform processes. Nonetheless, there is a gap between the total number of women in the judiciary, and the number of women at higher level positions in judicial bodies or in courts of higher instance.

Furthermore, in recruiting the project team, the HJPC strictly applies the principle of non-discrimination stipulated in Article 6 of the Labour Law for Institutions of Bosnia and Herzegovina (OGBiH 26/04). This Article provides that a person will not be discriminated against on the basis of race, colour, sex, language, religion, political or other opinion, ethnic or social background, sexual orientation, financial situation, birth or any other circumstance, membership or non-membership of a political party, physical impairment or on the basis of any other characteristic which is contrary to basic human rights and freedoms as prescribed in the Constitutions of Bosnia and Herzegovina and the law.

## **6.2 Environment**

The assistance is not anticipated to have negative effects on the environment within the prevailing laws.

## **6.3 Minorities**

Positions in the judiciary are applied according to the 1991 census, which recognises three ethnic groups. As such minorities are in a weakened position which requires legal reform to overcome.

Therefore, support to reform of the judiciary through building the capacities of courts and prosecutors will be mindful of the cross-cutting issues of gender, the environment and minorities so that sound principles can be fully and effectively integrated into appointment and legal judgments. Equal access to protection and complaints mechanisms for both men and women, and for victims of all types of human rights violations must be guaranteed.

## **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
- 6 - Preliminary statistical data for 2008 (relevant to component 2)

## ANNEX 1: Logical framework matrix in standard format

LOGFRAME PLANNING MATRIX FOR Project Fiche Support to the Judiciary in Bosnia and Herzegovina CRIS Number: 2009 / 021-650		<b>Programme name: IPA National Programme 2009 Part II – Bosnia and Herzegovina Fiche 1</b>	
		Contracting period expires: Two years following the date of the conclusion of the Financing Agreement	Disbursement period expires: One year following the end date for the execution of contracts
		Total budget: EUR 4 000 000	IPA budget: EUR 4 000 000
<b>Overall objective</b>	<b>Objectively verifiable indicators</b>	<b>Sources of Verification</b>	
To support Bosnia and Herzegovina's judicial reform	Progress made in meeting EC requirements in areas covered by the project.  The number of cases annually processed by judiciary increased by at least 10%.	Annual EC reports on Bosnia and Herzegovina progress towards EU integration  HJPC annual, semi annual and quarterly reports which include statistical data on the efficiency of courts and prosecutor offices.  Reports prepared by courts and prosecutor offices.	
<b>Project purpose</b>	<b>Objectively verifiable indicators</b>	<b>Sources of Verification</b>	<b>Assumptions</b>
To strengthen capacities of judiciary to process cases, with a focus on war crime and civil enforcement cases.	At least 10 cantonal and district courts, out of 15, have necessary capacities to implement witness protection measures in war crime trials.  100% of courts and prosecutor offices in Bosnia and Herzegovina have adequate ICT equipment and	HJPC annual, semi-annual and quarterly reports which include statistical data on the efficiency of courts and prosecutor offices.  Reports from courts and prosecutor offices.	<u><b>Assumption relevant to all three components:</b></u>  Continuation of commitment of the relevant governments in Bosnia and Herzegovina to implement the reforms in judicial sector.  Human resources available at courts and



	<p>automated work processes.</p> <p>At least 25% of total number of small claims and utility cases are processed electronically.</p> <p>Skills and knowledge of at least 80% of total number of bailiffs show significant improvement after training.</p> <p>Technical resources of the selected courts in terms of vehicles available for court bailiffs are increased for 50%</p>	<p>Quarterly reports of Supervisory Board for Monitoring of War Crimes Strategy Implementation. Reports are submitted to the Council of Ministers</p> <p>Assessment of courtrooms and witness rooms conducted and documented after the works have been undertaken in courts.</p> <p>Gender Analysis Reports</p> <p>Case Management System database report</p> <p>Inventory of equipment.</p> <p>Test results before and after the training of bailiffs.</p>	<p>prosecutor offices are sufficient and optimally assigned.</p> <p><b><u>Assumptions relevant to component 1 only:</u></b></p> <p>SIPA's (State Investigation and Protection Agency) Department for Witnesses Protection is fully equipped with the professional staff educated for the witness protection in accordance with the Law on Witness Protection.</p> <p><b><u>Assumptions relevant to component 2 only:</u></b></p> <p>Public is sufficiently aware of possibility of using new ICT technologies, especially e-signature.</p> <p>The planned ICT equipment is adequately utilised, as to enable courts and prosecutor offices to impart justice more efficiently and properly.</p> <p><b><u>Assumptions relevant to component 3 only:</u></b></p> <p>If not obligated by law, utility companies and other "big users" use the software for processing of small claims/utility cases.</p> <p>Influx cases (utility and small claims) are stable or diminishing.</p>
<b>Results</b>	<b>Objectively verifiable indicators</b>	<b>Sources of Verification</b>	<b>Assumptions</b>
Component 1: 1.1 Separate rooms in selected courts are provided to accommodate and protect witnesses and support staff.	<p><b><u>Indicators relevant for component 1:</u></b></p> <p>Out of 15, at least 10 cantonal and district courts have adequate and</p>	<p><b><u>Sources of verification for all three components:</u></b></p> <p>HJPC annual, semi-annual and quarterly reports.</p>	<p><b><u>Assumptions relevant to all three components:</u></b></p> <p>Relevant institutions, such as ministries of justice, assist and support the sustained use of</p>

<p>1.2 Sufficient audio and video equipment is installed and used for witness protection purposes.</p> <p>1.3 Courtrooms designated to hold war crime hearings are restructured and/or equipped.</p>	<p>equipped rooms for witnesses and support staff.</p> <p>Out of 15, at least 10 cantonal and district courts have adequate and equipped courtrooms for processing war crime cases.</p>	<p>Quarterly reports submitted to the Council of Ministers by the Supervisory Board for monitoring of War Crimes Strategy implementation.</p>	<p>ICT equipment at the courts and prosecutor offices under their jurisdiction, by providing proper funding through annual budgets (for equipment and human resources).</p>
<p>Component 2</p> <p>2.1 CMS Module for scanning of petitions and electronic delivery of the mail to parties involved is developed.</p> <p>2.2 Network and system infrastructure ready to implement digital signature in the judiciary.</p> <p>2.3 Assessment of compliance of judicial information system with ISO security standard is completed.</p> <p>2.4 Modern ICT solutions for improving court hearings are implemented.</p> <p>2.5 ICT system in the data processing centre of the HJPC provided with equipment and software that will optimise and consolidate its resources.</p>	<p><b><u>Indicators relevant for component 2:</u></b></p> <p>CMS Module for scanning of petitions and electronic delivery of the mail to parties involved is used in at least 50% of all courts and prosecutor offices.</p> <p>Network and system infrastructure for implementation of digital signature is ready to be used by all (100%) courts and prosecutor offices.</p> <p>The action plan which includes all security measures, to achieve full compliance of judicial information system with the ISO security standards, is completed.</p>	<p>Provisional Acceptance Certificates (PAC) for delivered equipment and services.</p> <p>Reports prepared by courts and prosecutor offices.</p> <p>Case Management System database report</p>	<p>Judges, prosecutors and other staff make optimum use of their newly acquired equipment, skills and resources.</p> <p><b><u>Assumptions relevant to component 2 only:</u></b></p> <p>All relevant legislation is provided and responsible institution (certificate authority) is established to implement and use electronic signatures and e-business.</p>
<p>Component 3:</p> <p>3.1 Electronic treatment of small claims/utility cases is operational</p> <p>3.2 Work conditions and capacity of court bailiffs are improved.</p>	<p>Videoconference technology is used in at least 30% of all courts.</p> <p>The HJPC data processing center is optimised to save on the power, space and maintenance costs for 30%.</p> <p><b><u>Indicators relevant for component 3:</u></b></p> <p>Software is successfully completed and ready to be used in 100% of</p>	<p><b><u>Sources of verification for component 3:</u></b></p> <p>Reports produced by the software for small claims/utility cases.</p> <p>Vehicle log reports</p>	<p><b><u>Assumptions relevant to component 3 only:</u></b></p> <p>Legal framework, including relevant bylaws, for the electronic submission and processing of small claims/utility cases is adopted by entity parliaments, Brčko District Assembly, relevant ministries of justice and the HJPC.</p> <p>A benchmark statistics for cases processed by the bailiffs before the project execution is collected by the HJPC during 2009.</p> <p>Legislative framework for enforcement is improved.</p>

	<p>courts.</p> <p>At least 10 vehicles are used by the bailiffs.</p> <p>At least 80% of the trained bailiffs successfully passed the training program.</p> <p>Number of cases processed by the bailiffs increased by at least 25%.</p>		
<b>Activities</b>	<b>Means</b>	<b>Costs</b>	<b>Assumptions</b>
<p>Component 1:</p> <p>1.1 Assess the current condition of courtrooms and rooms and equipment for protection of witnesses in all (15) cantonal and district courts, complete technical specification and prepare tender documents for the reconstruction of separate rooms for witnesses and courtrooms and for purchase of necessary video and audio equipment.</p> <p>1.2 Reconstruction of separate rooms for witnesses and courtrooms in selected cantonal and district courts.</p> <p>1.3 Delivery and installation of video and audio equipment in selected cantonal and district courts.</p> <p>1.4 Supervise the works and supervise delivery and installation of the equipment</p> <p>Component 2:</p> <p>2.1 Assess the needs of each of the courts, prosecutor offices and the HJPC data centre in terms of the ICT</p>	<p>Contract 1.1 (Service)</p> <p>Contract 1.2 (Works)</p> <p>Contract 1.3 (Supply)</p> <p>Contract 1.4 (Service)</p> <p>Direct Grant Agreement</p>	<p>Component 1: 1,8 million EUR</p> <p>Component 2: 1.7 million EUR.</p> <p>Component 3: 0.5 million EUR</p>	<p><u><i>Assumptions relevant to all three components:</i></u></p> <p>All courts and prosecutor offices cooperate in the assessment and implementation phase of the project.</p> <p><u><i>Assumptions relevant to component 3 only:</i></u></p> <p>Trainers and experts are available.</p>

<p>equipment, software and services required, complete technical specification and tender documentation for purchase of necessary ICT equipment, software licenses and services.</p>	Contract 2.2 (Supply)		
<p>2.2 Delivery and installation of ICT equipment, software licenses and services.</p>	Direct Grant Agreement		
<p>2.3 Supervise delivery and installation of ICT equipment, software licenses and services</p>	Direct Grant Agreement		
<p>2.4 Further develop the Case Management System and Judicial Portal</p>	Direct Grant Agreement		
<p>2.5 Provide appropriate training and deployment of CMS and Judicial Portal for users</p>	Direct Grant Agreement		
<p>2.6 Provide the System/Network Administration</p>			
<p>Component 3:</p>	Direct Grant Agreement		
<p>3.1 Assess the needs in terms of software and ICT equipment necessary for the electronic submission and treatment of small claims/utility cases, complete technical specification and tender documents for development of software, purchase of equipment/licenses necessary to deal with small claims/utility cases</p>	Contract 3.2 (Service)		
<p>3.2 Develop, deliver, install and test software necessary to deal with small claims/utility cases</p>	Contract 3.3 (Supply)		
<p>3.3 Supply of equipment and licenses,</p>	Direct Grant Agreement		
<p>3.4 Supervise delivery of equipment and licenses and supervise development, delivery, installation and testing of software</p>	Direct Grant Agreement		

3.5 Draft the by-laws regulating electronic submission of small claims/utility cases	Direct Grant Agreement		
3.6 Train the software users at courts, utility companies and other “big users”	Direct Grant Agreement		
3.7 Assess the needs of courts for vehicles required by bailiffs, complete technical specification and prepare tender documentation for purchase of necessary vehicles.	Contract 3.8 (Supply)		
3.8 Supply and delivery of vehicles			
3.9 Define training program, draft training material and a special part of the professional exam for bailiffs	Direct Grant Agreement		
3.10 Organise training sessions for bailiffs on a local basis and distribute training material	Direct Grant Agreement		

**ANNEX 2: Amounts (in EUR) Contracted and disbursed by quarter for the project**

<b>Contracted</b>	<b>Q1/2010</b>	<b>Q2/2010</b>	<b>Q3/2010</b>	<b>Q4/2010</b>	<b>Q1/2011</b>	<b>Q2/2011</b>	<b>Q3/2011</b>	<b>Q4/2011</b>	<b>Q1/2012</b>	<b>Q2/2012</b>	<b>Q3/2012</b>	<b>Q4/2012</b>
Direct Grant Agreement			1 400 000									
Contract 1.1 service				100 000								
Contract 1.2 works						950 000						
Contract 1.3 supply						500 000						
Contract 1.4 service						250 000						
Contract 2.2 supply					500 000							
Contract 3.2 service					70 000							
Contract 3.3 supply								80 000				
Contract 3.8 supply							150 000					
<b>Cumulated</b>			<b>1 400 000</b>	<b>1 500 000</b>	<b>2 070 000</b>	<b>3 770 000</b>	<b>3 920 000</b>	<b>4 000 000</b>				
<b>Disbursed</b>	<b>Q1/2010</b>	<b>Q2/2010</b>	<b>Q3/2010</b>	<b>Q4/2010</b>	<b>Q1/2011</b>	<b>Q2/2011</b>	<b>Q3/2011</b>	<b>Q4/2011</b>	<b>Q1/2012</b>	<b>Q2/2012</b>	<b>Q3/2012</b>	<b>Q4/2012</b>
Direct Grant Agreement			1 120 000									280 000
Contract 1.1 service				80 000	20 000							
Contract 1.2 works						95 000	285 000	285 000		285 000		
Contract 1.3 supply						360 000		120 000		20 000		
Contract 1.4 service						150 000				100 000		
Contract 2.2 supply					300 000						200 000	
Contract 3.2 service					42 000		15 000				13 000	

Contract 3.3 supply								54 000		26 000		
Contract 3.8 supply							90 000		60 000			
<b>Cumulated</b>			<b>1 120 000</b>	<b>1 200 000</b>	<b>1 562 000</b>	<b>2 167 000</b>	<b>2 557 000</b>	<b>3 016 000</b>	<b>3 076 000</b>	<b>3 507 000</b>	<b>3 720 000</b>	<b>4 000 000</b>

### **ANNEX 3 - Description of Institutional Framework**

The High Judicial and Prosecutorial Council of Bosnia and Herzegovina (HJPC) will perform the function of main national coordinator for all three components of the project. The HJPC authorities relevant to this proposal are regulated by Article 17 of the Law on High Judicial and Prosecutorial Council of Bosnia and Herzegovina as follows:

Item 7) Supervising the advanced professional training of judges and prosecutors and advising the Entity Centres for Judicial and Prosecutorial Training and the Brcko District of Bosnia and Herzegovina Judicial Commission in their adoption of programmes of advanced professional training for judges and prosecutors.

Item 8) Determining the minimum amount of advanced professional training to be undertaken by every judge and prosecutor each year.

Item 14) Participating, at the Council's discretion, in the drafting process of annual budgets for the courts and prosecutors offices.

Item 18) Advocating for adequate and continuous funding of courts and prosecutors' offices in Bosnia and Herzegovina.

Item 19) Participating in the drafting of, and approving, Books of Rules for the operation of courts and prosecutors offices in Bosnia and Herzegovina.

Item 20) Monitoring and advising courts and prosecutor offices on appropriate and effective budget, administration and management techniques and procedures and initiating training in this regard.

Item 21) Initiating, overseeing and coordinating projects related to improving all aspects of the administration of courts and prosecutors offices, including seeking national and international funding therefore.

Item 23) Setting criteria for the performance of courts and prosecutors offices, and initiating enquiries concerning administrative or financial conduct.

Item 24) Initiating, coordinating and supervising the use of information technology by courts and prosecutors' offices in order to achieve and maintain uniformity in this area between and among courts and prosecutors' offices throughout the country. No court or prosecutors' office shall adopt an automated case-tracking registration, tracking or related system, including backup and storage systems, without obtaining the prior approval of the Council.

Item 25) Determining the number of judges, prosecutors and/or Deputy Chief Prosecutors of each court or prosecutor's office within the Council's competence, after consultation with the relevant Court President or Chief Prosecutor, relevant budgetary authority, and the relevant Ministry of Justice.

Item 28) Providing opinions on draft laws, regulations, or issues of importance that may affect the judiciary, initiate the adoption of relevant legislation and other regulations and to provide guidance to courts and prosecutors' offices on matters falling under the Council's competence.



## **ANNEX 4 - Reference to Laws, Regulations and Strategic documents:**

### Reference list of relevant laws and regulations:

- Criminal codes, Criminal procedure codes, Law on Witness Protection, Laws on courts, Laws on Prosecutor offices,
- Law on High Judicial and Prosecutorial Council of Bosnia and Herzegovina,
- Set of bylaws and procedures related to CMS (adopted and to be adopted by the HJPC), e.g. Book of Rules on Internal Court Operations and Book of Rules on Internal Operations of Prosecutor Offices
- Laws on Enforcement Procedure in RS, FBiH, Brcko District and BiH
- Gender Equality Law in BiH (2003), Section XII - Court protection
- Gender Action Plan (2006), Chapter XI-Violence

### Reference to AP /NPAA / EP / SAA

- - European Partnership 2007, European Commission
- - EC Bosnia and Herzegovina Progress Report 2008, European Commission
- - Draft SAA Action Plan, 2009

### Reference to MIPD

- - MIPD 2009-2011

### Reference to National Development Plans:

- - Justice Sector Reform Strategy, 2008
- - War Crime Strategy, 2008
- - The HJPC Strategic Plan, 2007

### Bosnia and Herzegovina Justice Sector Reform Strategy 2009 – 2013

Pillar 1- Judicial System; Strategic Area 1.2 – Efficiency and Effectiveness; Strategic Programme 1.2.5 “Implement in full the measures relating to the computerisation of the judiciary as foreseen by the HJPC Strategic plan”

### Bosnia and Herzegovina Strategy for the Prosecution of War Crimes Cases

Under Section 1.2 “Objectives and expected results” the following is outlined:

“f. Strengthen judicial and police capacities in the whole Bosnia and Herzegovina for processing war crimes cases”

“h. Provide protection, support and equal treatment of all victims and witnesses in proceedings before all courts in BiH”

### HJPC Strategic Plan 2007-2012

Strategic Objective 3: “Computerisation of the Judiciary”, Strategic priority 3.1: “Develop and implement CMS in all Courts and Prosecutor Offices”, Strategic priority 3.2: “Install and maintain the Judicial Wide Area network (WAN)”, Strategic priority 3.3: “Provide and install necessary ICT equipment”, Strategic priority 3.4: “Organise functional ICT support to the Judiciary”.

Strategic Objective 7: “Reforms in terms of staffing numbers and structures in courts and prosecutor offices”, Strategic priority 7.1: “Determine the optimum number of judges,

prosecutors and judicial associates in courts and prosecutor offices”, Strategic priority 7.2: “Determine the optimum number of other staff at courts and prosecutors’ offices and determine the manner in which they must be organised”.

Strategic Objective 10: “Implementation of Judicial Reform Projects”, Strategic priority 10.1: “Reduce significantly the existing case backlog“ and Strategic priority”10.2: “Improve the system for the enforcement of utility bill claims”.

Reference to national/sectoral investment plans

As outlined above, all three Bosnia and Herzegovina strategies foresee investments in the form of renovation of facilities and/or provision of ICT equipment, as well as the cost of maintenance of such investments.

## **ANNEX 5 - Details per EU funded contract:**

As the project includes three important but different components, its implementation will require EC to award Supply, Works and Service Contracts to different contractors as well as Direct Grant Contract to the HJPC, as follows:

### **a) Supply Contracts**

Supply Contracts will be awarded by the ECD to winning companies for supply, distribution and installation of the following:

- video and audio equipment for witness protection purposes (Component 1),
- ICT equipment, software licenses and services (Component 2). Certain software licenses and hardware devices may not be of EU origin. However, exact software licenses (Oracle, Microsoft, Cisco...) and hardware details will be known after the assessment of compliance of judicial information system with ISO security standard (activity 2.1) is completed.
- Equipment, licenses and vehicles (Component 3)
- The winning companies will have to provide Provisional Acceptance Certificates and at least one year warranty.

### **b) Service Contracts**

Service Contracts will be awarded by the ECD to winning companies for the following:

- 1) Assessment, preparation of technical specification and tender documentation for reconstruction and purchase of necessary equipment (Component 1),
- 2) Supervision of works and delivery and installation of the equipment (Component 1) and
- 3) Development, delivery, installation and testing of software for small claim processing (component 3)

### **c) Works Contracts**

Works contract will be awarded by the ECD to winning companies to carry out the works foreseen under component 1 of the project.

### **d) Grant Contract**

A Grant Contract with the HJPC is foreseen due to its policy, regulatory and oversight position in various aspects of judicial reform in Bosnia and Herzegovina. Therefore, the grant contract will provide for implementation of the activities which are under the sole jurisdiction of the HJPC (under components 2 and 3 of the project).

Specifically, the grant contract will provide for the funding of:

- project staff to undertake assessments of the needs of courts and prosecutor offices; prepare technical specification and tender documentation for purchase of necessary hardware, software licenses, services and vehicles; further develop existing information systems; draft necessary by-laws; provide necessary education and training etc.
- project oversight and management (for coordination of all three components of the project in terms of technical and operational standards, etc).

As a regulatory body of the judiciary, the HJPC can undertake appropriate initiatives that allow and ensure the creation of a sustainable environment for the long term project effects only through the direct implementation of certain project activities.

In addition, the unique knowledge and substantial experience that the HJPC has accumulated over the years in implementing the same and/or similar projects should be taken into account. These include successful implementation of several projects through three direct grant agreements with the European Commission Delegation, two finalised under CARDS 2004 and CARDS 2005 and one ongoing under IPA 2007.

A positive effect of a direct grant agreement is that the project staff will be located at the HJPC. This allows the projects staff to utilise the existing infrastructure (such as works stations, telephones, laptops, office space) at this institution and thereby save significant costs. Such co-location will also have positive knock-on effects in terms of capacity building of both project staff and regular staff of the said institution.

Furthermore, the proposed activities under component 2 of the project will continue building on the activities/outcomes of the existing ICT/CMS project funded by EU and implemented by the HJPC over the last few years, as explained in Sections 3.1 and 3.6. Component 3 of the project is a continuation of the existing HJPC Backlog Reduction Project. Therefore, the HJPC already has trained and experienced staff that would ensure the successful implementation of the project.

Finally, it is important to note that Article 15, item 15 of the HJPC law states:

“(11) The Council may receive donations from international donors to its operational budget and for special judicial reform projects outside the operational budget of the Council. Such funds shall be transferred to a special purpose account with the Central Bank of Bosnia and Herzegovina. The funds shall be spent upon the order of the Director of the Secretariat and in accordance with the conditions of the grant agreement with the donor”.

## ANNEX 6 - Preliminary statistical data for 2008 (relevant to component 2)

### Unresolved cases:

All cases	Number of unresolved cases as of January 1, 2008	Number of received cases during 2008	Total number of cases during 2008	Number of cases resolved during 2008	Number of unresolved cases as of December 31, 2008
FBiH	1,586,850	937,946	2,524,796	813,616	1,711,180
RS	295,487	382,275	677,760	295,199	382,563
Brčko District	31,394	52,081	83,475	42,797	40,678
<b>Total</b>	<b>1,917,714</b>	<b>1,376,725</b>	<b>3,294,439</b>	<b>1,156,899</b>	<b>2,137,540</b>

### Utility cases

- trend of increased number of unresolved utility cases continued in 2008 – total number increased from 1,172,426 to 1,464,514 which is 25% in comparison with 2007;
- the biggest number of unsolved utility cases increased in basic courts - 95% increase, while in municipal courts - 18% increase has been reported.

Utility cases	Number of unresolved cases as of January 1, 2008	Number of received cases during 2008	Total number of cases during 2008	Number of cases resolved during 2008	Number of unresolved cases as of December 31, 2008
<b>FBIH</b>	1,054,756	338,209	1,392,965	151,091	1,241,874
<b>RS</b>	110,881	144,879	255,760	39,385	216,375
<b>Brčko Distrikt</b>	6,789	1,935	8,724	2,459	6,265
<b>Total</b>	<b>1,172,426</b>	<b>485,023</b>	<b>1,657,449</b>	<b>192,935</b>	<b>1,464,514</b>

### Statistical data on bailiffs employed and number of vehicles available

Court	Number of bailiffs	Number of vehicles	Court	Number of bailiffs	Number of vehicles
Brčko District	3	1	Čapljina	2	1
Sanski Most	1	0	Mostar	2	0
Bihać	3	1	Ljubuški	1	1
Cazin	2	1	Široki Brijeg	2	0
Velika Kladuša	1	0	Sarajevo	8	1
Bosanska Krupa	2	1	Kotor Varoš	1	0
Livno	2	2	Novi Grad	1	1
Orašje	2	2	Prnjavor	1	1
Gračanica	1	1	Prijedor	2	1
Kalesija	1	1	Banja Luka	5	1

Živinice	5	2	Mrkonjić Grad	3	1
Tuzla	7	3	Bosanska Gradiška	1	1
Gradačac	1	1	Bijeljina	3	2
Tešanj	1	1	Srebrenica	1	0
Zavidovići	3	0	Zvornik	2	1
Žepče	1	1	Teslić	1	0
Visoko	4	1	Modriča	1	1
Zenica	7 <sup>1</sup>	0	Derventa	2	1
Kakanj	1	1	Doboj	1	1
Goražde	1	1	Trebinje	1	0
Kiseljak	2	1	Foča	1	0
Travnik	4	3	Sokolac	2	1
Bugojno	5	1	Vlasenica	1	0
Konjic	2	0	Višegrad	1	1

Total number of bailiffs is 106, and total number of vehicles 43.

It is very important to stress that these vehicles are also frequently used for other court activities.

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<sup>1</sup> Bailiffs also work on court delivery activities.