

First Periodic Report
by the External Experts
for the Monitoring of the Department for Asset Declarations

as provided by Article 11 paragraph (6) of the Book of Rules of the High Judicial and Prosecutorial Council of Bosnia and Herzegovina on Declaring Assets and Interests.

Time covered by this report: 05 September 2024 – 04 January 2025

Background:

By several legal amendments, a new Department (in the following “Department”) within the Secretariat of the High Judicial and Prosecutorial Council of Bosnia and Herzegovina (in the following: “HJPC”) was created. The competence of the Department is provided by Articles 86 ff Law on HJPC, specifically by Article 86g. The recruitment for and the work of the Department shall be monitored by external experts, as provided by Article 86h Law on HJPC.

During the session of 05 September 2024, the HJPC appointed Maria Giuliana Civinini, a retired judge from Italy, and Anette Milk, a retired prosecutor from Germany, to be the external experts as provided by Article 86h Law on HJPC.

The Department for the Verification of Asset Declarations is not yet staffed and operational. Thus, the observations laid down in this report are limited to the monitoring of the recruitment procedure.

Recruitment activities:

On 06 September 2024, per HJPC proposal the Civil Service Agency (in the following “CSA”) published five vacancy announcements for the staffing of the Department in an open competition and established two different selection panels.

Selection panel 1 is competent for the positions of

- Head of Department (1 position)
- Legal Advisor (1 position).

Selection panel 2 is competent for the positions of

- Deputy Head of Department (1 position)
- Expert Advisor (1 position)
- Expert Associate / Analyst (4 positions).

At the same time, some additional positions for HJPC were advertised which are not meant for the Department and thus are not subject to the monitoring of the experts and this report.

HJPC received in total 144 applications from 92 individuals.

The exact figures can be seen in the table below.

With decision of 28 October 2024 the Civil Service Agency appointed the members of the selection panels.

Panel 1 consists of one elected Member of HJPC, one Head of (another) Department of the Secretariat of HJPC and three high-ranking civil servants of the Ministry of Justice of BiH, the Personal Data Protection Agency of BiH, and the Agency for the Prevention of Corruption.

Panel 2 consists of one elected Member of HJPC (the same as in panel 1), another Head of Department of the Secretariat, and three high-ranking civil servants of the General Secretariat of the Council on Ministers of BiH, the Ministry of Finance and Treasury, and the Ministry of Justice of BiH (the same person as in panel 1).

The panels convened for deliberations on the eligibility of the candidates on 19 and 29 November respectively. The meeting of panel 2 did not come to a final conclusion on certain issues and had a follow-up by emails between the panel members - mainly on the question which kind of previous working experience should be accepted in view of the criterium "the same or similar job". This exchange was concluded on 20 December 2024. It should be mentioned, even if it is out of the calendry scope of this report, that on the recommendation of the experts, for the sake of transparency and clarification panel 2 convened again for an in-person meeting on 21 January 2025 and formally confirmed the results of the email exchanges between the members.

Some candidates who were found eligible had to take the public/administrative exam as a precondition to proceed further in the competition. The exam was administered by the CSA on 03 January 2025.

Candidates of panel 1 who were found ineligible were duly notified. One candidate filed an appeal. The decision of the appeals panel is not known yet.

Candidates of panel 2 have not yet been notified during the timeframe for this report.

Figures:

Advertised position	Number of received applications	Number of eligible candidates	Number of candidates who failed the public exam or failed to take it	Number of candidates who will proceed further in the procedure
Head of Department	11	7	-	7
Legal Advisor	35	26	-	26
Deputy Head of Dep.	25	17	-	17
Expert Advisor	28	18	1	17
Exp. Associate/Analyst	45	25	4	21
total	144	93	5	88

Please note that the number of individuals who are still in the procedure is less than 88, because a considerable number of candidates applied for several positions.

Findings:

Both HJPC and CSA as institutions and also the selection panels cooperated with the experts to full extend and with a maximum of transparency. Experts had full access to all relevant documents and could follow the procedure closely through emails and videoconferences of the panel meetings. Both panels applied and interpreted the relevant laws and bylaws in the same manner. The experts did not observe any violations of the relevant laws, bylaws or procedural rules. The procedure was conducted without unnecessary delays but – expectedly - slowed down during the winter holidays and festivities due to the limited availability of the panel members.

03 February 2025

Maria Giuliana Civinini

Anette Milk