

**HIGH JUDICIAL AND PROSECUTORIAL COUNCIL OF  
BIH**

**2014 – 2018 STRATEGIC PLAN**

Adopted at the Council session of 25 September 2014

## Chapter 1

### INTRODUCTION

In order to ensure a planned approach to strategic reforms of the judiciary in Bosnia and Herzegovina, the High Judicial and Prosecutorial Council of Bosnia and Herzegovina (hereinafter: HJPC BiH), being the lead institution in the judicial sector, undertook to prepare its first strategic plan in 2005, for the period between March 2005 and December 2006, based on the problems that it identified within the judicial sector.

Based on the results achieved through the implementation of the first strategic document and taking into consideration the demands placed before the BiH institutions by the European integration process, a second HJPC BiH Strategic Plan was prepared for the period 2007 – 2012.

Following the adoption of the BiH Justice Sector Reform Strategy (hereinafter: JSRS) for the period 2008 – 2012 and the accompanying Action Plan for the period 2009 – 2013, and with the identified goal of creating a common reform-based framework for the institutions of the BiH Justice Sector as well as the harmonised priorities for the development of the judicial sector as a whole, a need presented itself to revise the HJPC BiH Strategic Plan and harmonise it with the BiH Justice Sector Reform Strategy. Accordingly, in December 2009, the HJPC BiH adopted a revised Strategic Plan for the period 2009 – 2013.

Based on the recommendations of the European Commission<sup>1</sup>, in the second half of 2013 the institutions of the BiH Justice Sector implemented numerous activities with the aim of drafting a new JSRS for the period 2014 – 2018. Even though its adoption was expected at the 11<sup>th</sup> Ministerial Conference on Overseeing the Implementation of the JSRS, held on January 29, 2014, it did not happen and a 60 day deadline was set for further consultation on disputed issues from the draft JSRS for 2014 – 2018.

To prevent any negative effects to the strategic tasks of the HJPC BiH due to the delays in the adoption of the JSRS, which stands as a framework strategic document for all BiH institutions in the Justice Sector, in January 2014, the HJPC BiH began work on drafting a new Strategic Plan for the period 2014 – 2018.

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<sup>1</sup> At its 6<sup>th</sup> session of the Structured Dialogue held in Brcko on April 8-9, 2013, the European Commission underlined the importance of developing a new JSRS for the period 2014 – 2018 reminding that the adoption of the JSRS represented a key strategic step towards receiving assistance through IPA funds.

## Chapter 2

# STRATEGIC FRAMEWORK

Within the framework of the reform process, Bosnia and Herzegovina has taken on numerous obligations, including those pertaining to strengthening the rule of law. Considering that the HJPC BiH is one of the institutions that have a key role in the execution of such obligations, when preparing the Strategic Plan consideration was given to all obligations stemming from the strategic documents relevant for the justice sector<sup>2</sup>:

1. Draft BiH Justice Sector Reform Strategy for the period 2014 – 2018,<sup>3</sup>
2. National War Crimes Strategy<sup>4</sup>,
3. Mid-term Strategy for induction training and advanced professional training for judges and prosecutors for 2012 – 2015,
4. Strategy for combatting corruption for the period 2009 – 2014,
5. Strategy for the implementation of the Council of Europe Convention on Preventing and Combatting Violence against Women and Domestic Violence,
6. Interim Agreement/Stabilisation and Association Agreement,
7. Strategy against human trafficking in BiH and the Action Plan for Implementation in BiH for 2013 – 2015,
8. Strategy to combat juvenile delinquency,
9. Action Plan for preventing and suppressing crimes involving motorized vehicles,
10. Recommendations of the European Commission from the meeting of the EU – BiH Structured Dialogue on Justice----- BiH Foreign Investors Council – White Book 2012 – 2013.<sup>5</sup>.

Apart from that, when developing the Strategic Plan within the scope of the accompanying Implementation Plan consideration was given to the indicators developed by the European Commission for the Efficiency of Justice (CEPEJ) and the World Bank within the framework of the EU Project for Monitoring and Evaluation Capacity Development in the Western Balkans and Turkey.

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<sup>2</sup> After the Council of Ministers of BiH adopts the Transitional Justice Strategy for BiH, which is currently being developed, the HJPC BiH Strategic Plan will also incorporate activities that would ultimately fall under the responsibility of the HJPC BiH.

<sup>3</sup> The draft BiH Justice Sector Reform Strategy, among other things, covers the BiH Public Administration Reform Strategy and the EU Integration Strategy of BiH. It was developed through the joint efforts of the ministries of justice of BiH, the entities and the cantons, the HJPC BiH and the JC BD, representatives of the judge/prosecutor/bar/notary-public/mediator associations and other non-governmental organisations. The adoption of the JSRS is expected in 2014.

<sup>4</sup> Adopted by the Council of Ministers on December 29, 2008. The Strategy was drafted by the Working Group for drafting the National War Crimes Strategy that was established by the Ministry of Justice of BiH in September, 2007.

<sup>5</sup> Apart from this, consideration was also given to the guidelines from the following documents of the Council for Regional Cooperation: Strategy and Work Program 2014 – 2016 and South-East Europe 2020 Strategy: Jobs and Prosperity in a European Perspective and the World Bank document: Monitoring and Evaluation Capacity Development in the Western Balkans and Turkey (Inception Report P128734).

**The Draft BiH Justice Sector Reform Strategy** has five areas<sup>6</sup>:

1. Judiciary,
2. Criminal sanction enforcement in BiH,
3. Access to Justice in BiH,
4. Support to the economic development of BiH &
5. A coordinated, well-managed and accountable sector.

One long-term priority has been identified for each area of reform:

1. Area one – long-term priority: Continue strengthening and maintaining the independence, accountability, professionalism and harmonization of the judicial system which ensures the rule of law in BiH.
2. Area two – long-term priority: Develop a more harmonised criminal sanction enforcement system in BiH which, in conformity with European standards, ensures humane and lawful treatment as well as effective resocialisation in prisons in BiH.
3. Area three – long-term priority: Improve the system for international legal aid and establish, strengthen and maintain systems and processes that guarantee equal access to justice in BiH.
4. Area four – long-term priority: Define and implement measures that will allow the BiH Justice Sector to contribute to establishing a more favourable environment for sustainable economic growth in BiH.
5. Area five – long-term priority: Coordinate and make more efficient the roles and responsibilities of the most important institutions in the BiH Justice Sector in order to establish a more effective, open and accountable justice system in BiH.

Considering that the new draft JSRS has not incorporated all HJPC BiH proposals, in January 2014, the Council adopted a conclusion to include such proposals in the new HJPC BiH Strategic Plan.

**The National War Crimes Strategy** underlines the commitment of BiH to process the most complex war crimes before the Court of BiH and the Prosecutors Office of BiH, while cases evaluated as less complex are to be processed before the cantonal and district courts and the entity prosecutor's offices.

**The EU-BiH Structured Dialogue on Justice** represents a new instrument of the European Commission that was introduced in order to support the judicial reform in BiH and improve the structured relationships within the area of the rule of law with potential candidate states for membership to the EU prior to the coming into effect of the Stabilisation and Accession Agreement. BiH is the first country in the enlargement process to utilise this instrument. After each meeting of the Structured Dialogue, the European Commission provides a set of recommendations directly stemming from the positions and

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<sup>6</sup> HJPC responsibilities are present in all areas apart from area 2.

conclusions agreed upon by the 27 EU member states during preparations for the meeting, as well as resulting from meeting itself.

## **Chapter 3**

### **VISION, MISSION, MANDATE & KEY PRINCIPLES**

#### **3.1 Vision**

The HJPC BiH will continue to contribute to the strengthening of the rule of law in BiH.

#### **3.2 Mission**

By establishing an independent, impartial, professional and efficient judiciary in BiH, the HJPC BiH allows for equal access to justice and the equality of citizens before the law.

#### **3.3 HJPC BiH's mandate**

The competencies of the HJPC BiH are defined with the Law on the HJPC BiH<sup>7</sup> and, among other things, include:

- The appointment of judicial office holders on all levels in BiH, disciplinary accountability of judges and prosecutors,
- Advanced professional training for judges and prosecutors,
- Proposing annual budgets for the courts and prosecutors' offices,
- Judicial administration and supervision,
- Coordination and supervision over the utilisation of information technology in the courts and prosecutors' offices,
- Providing opinions on draft laws, regulations and other important issues that may influence the judiciary, and
- Initiate procedures for the adoption of laws and other regulations in areas of importance for the judiciary.

#### **3.4 Key principles**

The HJPC Strategic Plan defines the four key principles on which a functional judiciary is founded: efficiency, quality, accountability and independence.

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<sup>7</sup> "Official Gazette of BiH", no: 25/04, 93/05, 48/07, 15/08.

The need to continue strengthening and maintaining the independence, accountability, efficiency, professionalism and harmony of the judicial system, which ensures the rule of law in BiH is also pointed out in the BiH Justice Sector Reform Strategy.

## Chapter 4

### STRATEGIC OBJECTIVES AND STRATEGIC PROGRAMS

#### **Strategic Objective 1**

#### **THE CONTINUED IMPROVEMENT OF THE SYSTEM FOR THE SELECTION AND APPOINTMENT OF JUDICIAL OFFICE HOLDERS**

The HJPC BiH has the task of continuously improving the procedure for the appointment of judicial office holders by identifying any flaws and finding solutions to overcome them. The HJPC BiH has already implemented a number of activities for introducing entrance exams and written tests with structured candidate interviews. The comprehensive implementation of these procedures will improve transparency and objectivity of the appointment procedure, and contribute to the election of the best candidates for judicial and prosecutorial office. The aforesaid HJPC BiH activities have also been supported by the European Commission with its recommendations within the EU – BiH Structured Dialogue on Justice.

#### **Links with other strategic documents**

- Law on the HJPC BiH

#### **STRATEGIC PROGRAMS:**

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#### ***Strategic program 1.1: IMPLEMENT ENTRANCE EXAMS<sup>8</sup> & WRITTEN<sup>9</sup> TESTS<sup>10</sup>***

##### **Background:**

The HJPC BiH has completed a normative framework for the application of entrance exams and written tests for candidates consisting of the Law on the HJPC BiH, the Rules of Procedure of the HJPC BiH<sup>11</sup>, the Book of Rules on Entrance Exams and

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<sup>8</sup> Entrance exams must be taken by candidates who: are not judicial office holders and who apply for judge or prosecutor office on any level; are judicial office holders though do not have a performance evaluation for their last three years, except for cases when a candidate was not evaluated for the past three years due to absence or termination of office – then consideration will be given to the performance evaluation for the last three years preceding the absence or termination of office.

<sup>9</sup> Written test must be taken by candidates who: are not judicial office holders and who have applied for the position of judge of a district or cantonal court, an entity supreme court, the Court of BiH, the High Commercial Court or the Appellate Court of the BD BiH, as well as the position of prosecutor of an entity prosecutors office or the Prosecutors Office of BiH; are judicial office holders and who do not have a performance evaluation for the last three years, except in the event that during the past three years a candidate has not been evaluated due to absence or termination of office – then consideration will be given to the performance evaluation for the last three years preceding the absence or the termination of office.

<sup>10</sup> Strategic program 1.1 adjusted at the session of the Council on November 6, 2014.

<sup>11</sup> The Rules of Procedure on Amendments to the Rules of Procedure of the HJPC BiH were published in the "Official Gazette of BiH", no: 78/14.

Written Tests for Candidates for Judicial Office in the BiH Judiciary<sup>12</sup>, Instructions for Candidates Taking Entrance Exams and the Catalogue of Exam Fields.

After the testing phase finished on May 1, 2015, the entrance exams were then fully implemented into the appointment procedure.

Apart from that, the HJPC BiH also introduced written tests to enhance the objectivity of the procedure for the evaluation of the candidates' professional skills when applying for judicial office.

**Deadline:**

December 2014

**Effects of the program:**

A more objective, transparent and efficient appointment procedure.

***Strategic Program 1.2: IMPROVE THE CANDIDATE INTERVIEW PROCEDURE***

**Program background:**

The introduction of a structured interview with candidates can greatly contribute to the evaluation of a candidate's abilities as required for holding judge and prosecutor office, seeing as the structured interview allows for an assessment of the various types of competences of a candidate which cannot be done using other evaluation systems.

**Deadline:**

March 2015

**Effects of the program:**

A more objective, transparent and efficient appointment procedure.

***Strategic Program 1.3: ENSURE A MORE EFFICIENT AND EFFECTIVE APPOINTMENTS PROCESS***

**Program Background:**

Given the complexity and long duration of the appointment process, which is governed by the Law on the HJPC BiH, the HJPC has been making efforts to expedite those phases of the process where it is objectively possible.

Thus, the use of modern ICT tools will enable objective and transparent testing of a large number of candidates over a short period of time. In addition, entry-level and written examination will allow adequate proficiency check of all candidates, and only the most successful among them will be interviewed. Upcoming activities will be aimed at creating prerequisites for the introduction of an online application system for judicial and prosecutorial posts and building the capacities of the regional centres to conduct a competitive examination.

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<sup>12</sup> Published in the "Official Gazette of BiH", Nr. 78/14, and went into effect on 01.10.2014. This Book of Rules, when came into effect, replaced the Book of Rules on Qualifying Exam for the Candidates for Judicial Offices in BiH Judiciary ("Official Gazette BiH", Nr. 30/13 and 96/13).

**Deadline:**

April 2017

**Program Effects:**

A more efficient and effective appointments process.

***Strategic Objective 2***

***CONTINUED IMPROVEMENT OF JUDICIAL ACCOUNTABILITY***

The HJPC BiH has the power to exercise disciplinary authority over judicial office holders failing to abide by the rules of professional conduct and ethics, and it also contributes to preservation of an impartial judiciary.

During the previous period, the HJPC has been particularly focused on better acquainting the public with the work of the Office of Disciplinary Counsel (hereinafter: the ODC) with a view to reducing the number of unfounded complaints, strengthening public confidence in the work of judicial office holders and improving the transparency of activities that the HJPC has been taking in this field.

The HJPC BiH will improve its disciplinary system and practice, which will on the one hand ensure a fair and transparent system, and on the other, increase the accountability of judicial office holders and public confidence in the justice system in general.

**Links with other strategic documents**

- Draft BiH Justice Sector Reform Strategy 2014 - 2018

**STRATEGIC PROGRAMS:**

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***Strategic Program 2.1: IMPROVE DISCIPLINARY PROCEDURES THROUGH APPROPRIATE CHANGES AND ADOPTION OF INTERNAL REGULATIONS GOVERNING DISCIPLINARY ACCOUNTABILITY OF JUDICIAL OFFICE HOLDERS***

**Program Background:**

In 2013, the HJPC submitted to the relevant authorities draft amendments to the Law on the HJPC containing amendments pertaining to disciplinary procedures' and disciplinary accountability, with a view to improving disciplinary procedures<sup>13</sup>.

If the legislator adopts mentioned amendments to the Law on the HJPC as proposed, it will require amendments to the HJPC Rules of Procedures in the part governing disciplinary accountability of judicial office holders.

**Deadline:**

December 2015

**Program Effects:**

A more effective and more accountable disciplinary system;

More precisely regulated rules and more effective disciplinary procedures.

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<sup>13</sup> Strategic Program 1.3.2. from the Draft JSRS 2014 - 2018 "Improving Disciplinary Accountability of Judicial Office Holders in BiH, in line with amended provisions of the Law on HJPC BiH".



**Strategic Program 2.2: *IMPROVE THE TRAINING SYSTEM FOR JUDICIAL OFFICE HOLDERS IN THE AREA OF COMPLIANCE WITH THE CODE OF JUDICIAL ETHICS***

**Program Background:**

In November 2005, the HJPC adopted the Codes of Ethics for Judges and Prosecutors, respectively. They represent a concise yet comprehensive set of principles relating to a number of ethical issues that judges and prosecutors face in their living and working environment.

In the upcoming period and in cooperation with the Judicial and Prosecutorial Training Centres, the HJPC will continue its activities towards improving and implementing the training programmes for judges and prosecutors in the field of ethical and professional standards, and it will also ensure that the training in this field is incorporated into professional development programs.

**Deadline:**

December 2018

**Program Effects:**

Improved judicial accountability.

**Strategic Program 2.3: *BUILD THE CAPACITY OF THE OFFICE OF THE DISCIPLINARY COUNSEL FOR A MORE EFFICIENT HANDLING OF COMPLAINTS AND DISCIPLINARY PROCEEDINGS INITIATED EX-OFFICIO***

**Program Background:**

Since 2004 onwards, the ODC has made significant progress in organisational, staffing and professional domain, as well as in terms of development of professional and ethical standards for judges and prosecutors. However, the overall capacity of the ODC is not an optimum level yet and do not meet the current needs of the society and the legal community.

In order for the ODC to be able to exercise its legal mandate in full capacity, which implies a reduction in the number pending complaints and the time needed for resolution of complaints and focusing on serious complaints in a timely manner, it is necessary to further develop human resources of the ODC, enable experienced judges and prosecutors to work in the ODC, redefine work processes, provide tailored training for its employees and adequate material and technical resources.

**Deadline:**

December 2018

**Program Effects:**

Improved efficiency of the ODC.

**Strategic Program 2.4: *IMPROVEMENT AND FURTHER DEVELOPMENT OF THE DISCIPLINARY CASE MANAGEMENT SOFTWARE (DCMS)***

**Program Background:**

With the introduction of the Case Management Software (DCMS) in the ODC in the second half of 2011, aligning the work of the ODC with that of the courts and prosecutor's offices, the efficiency in terms of work organisation and processing of complaints has significantly increased.

This strategic programme will include activities aimed at improving the software that will be tailored to the specific needs of the ODC, the elimination of deficiencies noted during the implementation of the DCMS, the connection to the old database of the ODC, which in certain respects proved more effective, the DCMS alignment with e-registry of the HJPC and overcoming the current problem with regard to assignment of different numbers to identical cases registered in these two databases.

**Deadline:**

December 2018

**Program effects:**

Improved efficiency of the ODC.

**Strategic Program 2.5: *IMPROVE ACCOUNTABILITY OF HJPC MEMBERS AND THE JUDICIARY IN GENERAL***

**Program Background:**

The members of the HJPC, within the scope of their competences stipulated by the Law on the HJPC BiH, decide, inter alia, on the status of persons applying for judicial office or those already holding judicial appointment in BiH. To prevent possible conflicts of interest in exercising the function as a member of the HJPC, or private interests that may harm the public interest and undermine public trust, the HJPC will pay particular attention to this issue.

The HJPC will also take the necessary actions with a view to adopting clear rules and regulations to resolve conflict of interest issues within the broader judicial and prosecutorial services throughout the country, including through functional system for submission and monitoring of assets declaration.

**Deadline:**

December 2015

**Program Effects:**

Adopted internal regulations governing conflict of interest, the procedure for determining the existence of conflict of interests and the accountability of members of the HJPC in case of conflict of interest;

Improved accountability of HJPC members and judicial office holders.

**Strategic Objective 3**  
**IMPROVE COURT EFFICIENCY**

The task of the HJPC is to continuously improve the work of courts by improving their efficiency and bringing the BiH judiciary closer to CEPEJ standards.

The HJPC has already taken a number of activities aimed at reducing the number of oldest cases and increasing the productivity of judges and legal associates, which will be continued.

In addition, the HJPC will initiate new activities aimed at improving the management skills in courts, and enhancing the use of alternative dispute resolution methods and other.

**Links with other strategic documents**

- Draft BiH Justice Sector Reform Strategy 2014 – 2018
- European Commission's recommendations from the EU-BiH Structured Dialogue on Justice
- National War Crimes Strategy
- BiH Anti-corruption Strategy 2009-2014
- 2014–2018 strategy for the implementation of the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence
- Strategy to Counter Trafficking in Human Beings in Bosnia and Herzegovina 2013 – 2015
- Strategy against Juvenile Delinquency

**STRATEGIC PROGRAMS:**

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***Strategic program 3.1: REDUCE THE NUMBER AND AGE OF PENDING CASES***

**Program Background:**

Since 2005 onwards, the HJPC has been seeking to bring down the number and age of pending cases. Owing to backlog reduction plans, the number of pending cases (with the exception of utility cases) has been constantly decreasing. Still, this issue remains a significant burden for the BiH judiciary.

Within the framework of the Structured Dialogue, the European Union supports the activities that the HJPC has been undertaking to address this issue, which is also reflected in the European Commission's recommendations.

In addition, a draft Justice Sector Reform Strategy stipulates a number of activities that should contribute to solving court backlogs.

**Deadline:**

December 2018

**Program Effects:**

Lower number and age of cases pending before courts;

Improved court efficiency.

***Strategic Program 3.2: PREVENTING THE STATUTE OF LIMITATIONS FROM RUNNING***

**Program Background:**

The HJPC collects data on the number of cases that have become time-barred and the circumstances associated with it<sup>14</sup> and it also looks for possible flaws in the work of the court that led to the time-bar. This is done through the review of court decisions on discontinuation of proceedings on the grounds of the statute of limitations along with the explanatory notes of adjudicating judges.

In addition to the existing mechanism for monitoring the statute of limitations in courts, the HJPC BiH will develop a mechanism for monitoring the approaching periods of limitations. Specifically, a special type of record will be integrated into the CMS that will enable the court president and the judge to be timely warned about the approaching statute of limitation in each specific case.

**Deadline:**

February 2015

**Program Effects:**

The records on the approaching statute of limitations are kept;

A steady decrease in the number of statute of limitations cases resulting from the failure of courts.

***Strategic Program 3.3: ENSURE THE APPLICATION OF THE BOOK OF RULES ON JUDICIAL TIMEFRAMES TO INCREASE THE COURT EFFICIENCY***

**Program Background:**

The Book of Rules on Judicial Timeframes in BiH Courts stipulates the criteria and the methodology for determination and monitoring of compliance with optimum and foreseeable timeframes<sup>15</sup> by courts in accordance with the CEPEJ guidelines, and an analysis of non-compliance is also envisaged including measures proposed to eliminate delays.

**Deadline:**

Continuous activity

**Program Effects:**

Continuous resolution of cases within an optimal timeframe;

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<sup>14</sup> The conditions for statute of limitations in criminal and minor offense cases are established by law.

<sup>15</sup> The purpose of determining the optimum and foreseeable timeframes is to ensure trial within a reasonable time, thus enabling effective and professional case processing, based on the principles of objectivity, impartiality, transparency and equality, which is the essence of a fair trial. Determining optimum and foreseeable timeframes and monitoring their compliance aims to harmonise standards for distribution of resources in the courts in a way that will ensure timely resolution of cases in all courts in BiH.

Continuous shortening of foreseeable timeframes in order to bring them closer to optimal timeframes.

**Strategic Program 3.4: EFFICIENT PROSECUTION OF WAR CRIME CASES BY COURTS**

**Program Background:**

The National War Crimes Strategy, which was adopted in 2008, provides that the most complex and top priority war crime cases should be prosecuted within 7 years and other war crime cases within 15 years from the adoption of the Strategy. Given that the prosecutor's offices have prepared the plans for the prosecution of war crimes and stepped up their efforts to solve them, the courts can expect a higher case inflow in the upcoming period. In order to ensure efficient processing of these cases, the HJPC will implement measures that have had a positive impact on the resolution of old cases at courts. Specifically, the IPA 2012 project envisages that the courts will make plans for the processing of war crimes and the monitoring of the duration of individual phases and actions taken in these cases will be introduced.

**Deadline:**

December 2018

**Program Effects:**

Efficient prosecution of war crime cases at courts.

**Strategic Program 3.5: CONSIDER THE MODALITIES AND PROPOSE INITIATIVES FOR ALLEVIATING THE WORKLOAD IN JUDICIAL INSTITUTIONS BY REMOVING CERTAIN TYPES OF PROCEEDINGS FROM THE COURTS AND BY TRANSFERRING CERTAIN POWERS**

**Program Background:**

A large number of cases pending before courts is caused by a massive influx of certain types of cases, especially those initiated on the basis of an authentic document, that is unpaid RTV license fees and other claims arising from unpaid utility bills (so-called "utility cases"). The number of these cases is on the rise. Although their value is often very small, the resolution of utility cases requires equal efforts from judges as the cases with much greater value.

Bearing this in mind, within the framework of the Structured Dialogue, the European Commission has recommended that "a set of measures be put in place to decrease the huge influx of cases of unpaid utility bills, such as, removing the processing of utility cases from courts, transferring the non-judicial part of their enforcement to private or public enforcement agencies, and transferring non-contested inheritance cases to notaries"<sup>16</sup>.

The HJPC will make an analysis of the possibility for removing the enforcement procedure from the courts on the basis of which the most suitable model for the transfer of cases will be identified, as well as the most suitable types of enforcement cases in terms of the transfer of powers.

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<sup>16</sup> Recommendation from the second meeting of the Structured Dialogue, held on 10 -11 November 2011

Also, in cooperation with the competent entity-level notary associations and other bodies, an analysis of extra-judicial proceedings will be made to determine whether there is a possibility to transfer jurisdiction from courts to other bodies in certain non-contentious cases, where these should only be the indisputable non-contentious matters.

**Deadline:**

December 2015

**Program Effects:**

By removing these cases from courts, judges would have more time to deal with more complex cases.

Improved court efficiency.

***Strategic Program 3.6: IMPROVING MANAGEMENT SKILLS IN COURTS***

**Program Background:**

The position of a court president requires planning, organisation, supervisory and managerial skills.

The introduction of the CMS<sup>17</sup> in all courts has significantly facilitated the case management process for all judicial office holders. In addition to that, this kind of automation allows the use of a wide range of statistical reports as a more efficient managerial tool in courts.

**Deadline:**

December 2018

**Program Effects:**

Improved efficiency of judicial institutions;

Training for using CMS-generated managerial reports organised;

Improved management skills of court presidents and court secretaries.

***Strategic Program 3.7: IMPROVE AND COMPLETE THE PERFORMANCE EVALUATION SYSTEM FOR COURT PRESIDENTS***

**Program Background:**

Since the initiatives of the HJPC BiH for the completion of the legal framework for performance evaluation in courts have not resulted in the inclusion of court presidents and the judges of the Court of BiH, nor of the President of the FBiH Supreme Court, into the performance evaluation system, these initiatives need to be re-launched.

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<sup>17</sup> Court Case Management System.

To that end, it will be necessary to adopt new criteria for performance evaluation of presidents of highest instance courts<sup>18</sup> in order to improve the performance monitoring and evaluation system of their work and of the overall court results.

**Deadline:**

September 2014 (initiating legislative changes);

December 2014 (adopting the criteria).

**Program Background:**

Amendments to the Law on the HJPC BiH initiated<sup>19</sup>;

An analysis aimed at identifying the most objective parameters for performance evaluation of presidents of highest instance courts prepared;

New criteria for performance evaluation for court presidents adopted;

Court presidents' performance monitored on the basis of the adopted criteria.

***Strategic Program 3.8: FURTHER PROMOTION OF THE ALTERNATIVE DISPUTE RESOLUTION SYSTEM (ADR)***

**Program Background:**

The HJPC has taken a number of activities to promote alternative dispute resolution as a model that allows for a shorter and more expedient case processing.

Also, the European Commission has, within the framework of the Structured Dialogue, recommended that "a plan for the introduction of a functional system for in-court and out-of-court mediation throughout BiH be prepared on the basis of the preliminary assessment conducted by the HJPC".

**Deadline:**

December 2018

**Program Effects:**

Alternative dispute resolution methods are applied on a large scale, resulting in increased court efficiency.

***Strategic Program 3.9: ENSURE ORGANISATIONAL, INFRASTRUCTURAL AND MATERIAL- TECHNICAL PREREQUISITES FOR THE WORK OF COURTS***

**Program Background:**

One of the prerequisites for efficient judicial proceedings is adequate working conditions, especially when they are directly connected with the legal requirements for the proceedings, such as audio recording of criminal proceedings<sup>20</sup>.

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<sup>18</sup> These are: the Court of BiH, FBiH Supreme Court, RS Supreme Court and Appellate Court of BD BiH.

<sup>19</sup> Note: In the period 2011 – 2014, the HJPC repeatedly initiated amendments to the aforesaid laws with the relevant ministries of justice with the aim of regulating performance evaluation for judges and the President of the Court of BiH, and the President of the FBiH Supreme Court.

<sup>20</sup> Required under the Criminal Procedure Codes.



The HJPC BiH has made a significant contribution in this regard through the implementation of several projects for the renovation of court buildings. The support for has also been provided by the European Commission within the framework of the Structured Dialogue.

Also, by supporting the Justice for Every Child Project<sup>21</sup>, the HJPC will create the conditions for the implementation of the Law on Treatment of Children and Juveniles in Criminal Proceedings (the Law)<sup>22</sup>. This project will enable the improvement of conditions for court proceedings involving children in accordance with the above mentioned Law.

**Deadline:**

December 2018

**Program Effects:**

Improved organisational, infrastructural and material-technical working conditions in courts;  
Courts capacitated for the full implementation of the legislation;  
Improved support mechanisms for children witnesses in criminal proceedings.

***Strategic Program 3.10: INCREASE INFORMATISATION POTENTIALS IN COURTS***

**Program Background:**

Within the scope of its competencies set forth in the Law on the HJPC BiH, the HJPC leads, coordinates and oversees the utilisation of information technology in the courts and prosecutor's offices in order to achieve and maintain uniformity in judicial institutions throughout the whole country.

After the successful implementation of the Case Management System in courts (CMS), the HJPC BiH will continue activities aimed at upgrading the existing infrastructure and improving the functionality of the system.

**Deadline:**

Continuous

**Program Effects:**

The upgrade or replacement of the existing technology completed;  
The CMS developed to allow more efficient court operations;  
All information needed by the court presidents in their decision-making and performance reporting processes are generated from the CMS;  
Control procedures developed to ensure complete, accurate and timely data entry to the CMS by the courts.

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<sup>21</sup> Project implemented by UNICEF with the financial support of Sweden and Switzerland.

<sup>22</sup> "RS Official Gazette", No. 13/10, "BD BiH Official Gazette", No. 44/11, "FBiH Official Gazette", No. 7/14.



***Strategic Program 3.11: CONTINUOUSLY ANALYSE THE COURT NETWORK AND MAKE RECOMMENDATIONS AS APPROPRIATE***

**Program Background:**

Despite the recommendation of the second meeting of the Structured Dialogue and the Analysis of the Court Network in FBiH, which the HJPC submitted to the FBiH Parliament in February 2012, the legislative and executive authorities further pursued their initiatives to increase the number of courts and court departments outside the seat of the court without an adequate needs assessment for their establishment. This trend has had a number of negative consequences for the functioning of the judicial system, starting with material preconditions for their work to an insufficient number of cases in judicial institutions with a small number of judicial office holders.

**Deadline:**

December 2015

**Program Effects:**

Objective criteria for assessing the justification for the adjustment of the court network adopted;

An analysis of the BiH court network prepared on the basis of established criteria;

Recommendations for their application adopted and submitted to legislative and executive authorities.

***Strategic Program 3.12: REVIEW THE EXISTING SYSTEMATISATION OF POSTS IN THE COURTS AND AMEND THEM AS APPROPRIATE***

**Program Background:**

The HJPC BiH has the authority to determine the number of judges, after consultation with the relevant court presidents, relevant budgetary authority, and the relevant Ministry of Justice.

Pursuant to the conclusion of the HJPC<sup>23</sup>, an analysis of posts systematised in all courts is necessary in order to determine whether the specified number of judge posts, and of judicial associate positions in the municipal courts in FBiH, is sufficient.

**Deadline:**

December 2015

**Program Effects:**

Decisions amending court systematisations made based on the review of existing systematisations.

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<sup>23</sup> In December 2013, the HJPC BiH passed the criteria for a comprehensive analysis of systematization in courts and prosecutors' offices in BiH.

**Strategic Program 3.13: INITIATE THE ADOPTION OF REGULATIONS TO IMPROVE EFFICIENCY OF COURT ADMINISTRATION**

**Program Background:**

Since there is a number of regulations governing the status, obligations, salaries, recruitment and promotion of professional and administrative and technical staff in BiH judiciary, it is necessary to conduct an analysis of all aspects relevant to these categories of staff. Based on the results of the analysis, the HJPC will initiate the activities<sup>24</sup> focused on harmonisation of legislation and advancement of the status of administrative and technical staff in the judiciary.

**Deadline:**

June 2017

**Program Effects:**

Relieving judges of administrative and technical tasks;  
Improved court efficiency.

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<sup>24</sup> The expected duration of this activity within the framework of IPA 2010 project is 24 months.

**Strategic Objective 4**  
**ENHANCE THE EFFICIENCY OF PROSECUTOR'S OFFICES**

Enhancing the efficiency of prosecutor's offices is one of the most important segments of judicial reform. To that end, the HJPC will further pursue its efforts towards reducing the backlog of cases in prosecutor's offices, further automation of work processes, the introduction of strategic planning and management processes, and taking other measures necessary for the streamlining of the prosecutorial service organisational structure.

**Links with other strategic documents**

- Draft BiH Justice Sector Reform Strategy 2014 – 2018;
- European Commission's recommendations from the EU-BiH Structured Dialogue on Justice
- National War Crimes Strategy<sup>25</sup>;
- BiH Anti-corruption Strategy 2009-2014;
- The medium-term strategy for initial training and professional development of judges and prosecutors 2012-2015;
- Strategy for the implementation of the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence;
- Strategy to Counter Trafficking in Human Beings in Bosnia and Herzegovina 2013 – 2015;
- Strategy against Juvenile Delinquency;
- Action Plan for the prevention and suppression of crimes in connection with motor vehicles 2012-2015.

**STRATEGIC PROGRAM:**

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***Strategic Program 4.1: REDUCE THE NUMBER AND AGE OF PENDING REPORTS AND INVESTIGATIONS IN PROSECUTOR'S OFFICES***

**Programme Background:**

With the adoption of the Book of Rules on Indicative Measures for Prosecutors in Prosecutor's Offices in BiH the prerequisites have been set for performance measuring and monitoring in prosecutor's offices in BiH<sup>26</sup>, and consequently the activities of the HJPC will be focused on the development and monitoring of backlog reduction plans for overdue and other pending reports and investigations.

In addition, there will be further activities related to modification of existing solutions provided for by criminal and criminal procedure codes aimed at increasing the efficiency of investigations.

**Deadline:**

December 2018

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<sup>25</sup> Adopted by the Council of Ministers on 29 December 2008. The Strategy has been prepared by a working group for developing a National War Crimes Strategy, established by the Ministry of Justice in September 2007.

<sup>26</sup> Applied as of 1 January 2013.

**Program Effects:**

Reduced number of pending reports and investigations and ensured timeliness of prosecutor's offices;  
Workload properly balanced across all prosecutors in BiH;  
Monitoring the implementation of orientation measures and their advancement.

***Strategic Program 4.2.: PREVENTING THE STATUTE OF LIMITATIONS IN PROSECUTOR'S OFFICES FROM RUNNING***

**Program Background:**

The HJPC BiH collects data on the cases that have become time-barred and the circumstances associated with it<sup>27</sup> and it also looks for possible flaws in the work of the prosecutor's offices that led to time-bar. This is done through the review of prosecutorial decisions to discontinue proceedings on the grounds of the statute of limitations along with the explanatory notes of the prosecutor-in-charge.

In addition to the existing mechanism for monitoring the statute of limitations in prosecutor's offices, the HJPC BiH will develop a mechanism for monitoring the approaching statutes of limitations. Specifically, a special type of record will be integrated into the TCMS that will enable timely warning of the chief prosecutor and the prosecutor in charge of the case about the approaching statute of limitations in each specific case.

**Deadline:**

December 2018

**Program Effects:**

The records of the approaching statute of limitations are kept;  
The statute of limitations cases resulting from the failure of prosecutor's offices eliminated.

***Strategic Program 4.3.: ENSURE THE APPLICATION OF THE BOOK OF RULES ON PROSECUTORIAL TIMEFRAMES WITH A VIEW TO INCREASING THE EFFICIENCY OF PROSECUTOR'S OFFICES***

**Program Background:**

The Book of Rules on Prosecutorial Timeframes established the criteria and methodology for determining and monitoring compliance with optimum and

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<sup>27</sup> The conditions for the statute of limitations in criminal and minor offense cases are established by law.

foreseeable timeframes<sup>28</sup> for case handling in prosecutor's offices in accordance with the CEPEJ guidelines, and an analysis of non-compliance with the optimum timeframes is also envisaged including measures proposed to eliminate delays.

**Deadline:**

Continuous

**Program Effects:**

Continuous increase in the number of cases solved by the prosecutor's offices within optimum timeframes;

Continuous shortening of foreseeable timeframes in order to bring them closer to optimum timeframes.

***Strategic Program 4.4.: EFFICIENT PROSECUTION OF WAR CRIME CASES BY PROSECUTOR'S OFFICES***

**Program Background:**

The National War Crimes Strategy, which was adopted in 2008, provides that the most complex and top priority war crime cases should be prosecuted within 7 years and other war crime cases within 15 years from the adoption of the Strategy.

In order to ensure the effective prosecution of war crimes in prosecutor's offices, all prosecutor's offices that have unresolved war crime cases are required to prepare their case resolution plans, where the EU has provided financial assistance for covering personnel and material needs for the prosecution of war crimes<sup>29</sup>.

**Deadline:**

December 2018

**Program Effects:**

Effective prosecution of war crimes cases in prosecutor's offices.

***Strategic Program 4.5.: IMPROVING MANAGEMENT SKILLS IN PROSECUTOR'S OFFICES***

**Program Background:**

The position of a chief prosecutor requires planning, organisation, supervisory and managerial skills.

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<sup>28</sup> The purpose of determining the optimum and foreseeable timeframes is to ensure reasonable length of proceedings, thus enabling effective and professional case processing, based on the principles of objectivity, impartiality, transparency and equality, which is the foundation of a fair trial. Determining optimum and foreseeable timeframes and monitoring their compliance aims to harmonise standards for distribution of resources in a way that will ensure timely resolution of cases in all prosecutor's offices in BiH.

<sup>29</sup> These activities are implemented as part of Measure 2 - IPA 2012/2013 Project, which is related to the establishment of an adequate system for the effective prosecution of war crimes in all relevant judicial institutions in BiH.

The introduction of the TCMS<sup>30</sup> in all prosecutor's offices has significantly facilitated the case management process for judicial office holders. In addition to that, this kind of automation allows the use of a wide range of statistical reports as a more efficient managerial tool in courts.

**Deadline:**

December 2018

**Program Effects:**

Improved efficiency in prosecutor's offices;  
Training for the use of TCMS-generated managerial reports organised;  
Improved management skills of chief prosecutors and secretaries of prosecutor's offices.

***Strategic Program 4.6.: STRENGTHENING CAPACITIES FOR STRATEGIC OVERSIGHT OVER THE WORK OF PROSECUTOR'S OFFICES WITH THE SUPPORT OF THE PROSECUTOR'S OFFICE OF FBIH AND THE PROSECUTOR'S OFFICE OF RS***

**Program Background:**

By establishing a Strategic Body of Prosecutors<sup>31</sup> in July 2013, the HJPC has introduced a mechanism for more intensive monitoring of prosecutors' performance and the provision of adequate support. The Strategic Body discusses strategic issues of relevance for the prosecutor's offices, it is actively involved in the efforts to resolve the current issues and proposes solutions aimed at achieving greater efficiency of the prosecutor's offices, with the full cooperation and support of the Prosecutor's Office of FBIH and the Prosecutor's Office of Republika Srpska.

**Deadline:**

December 2018

**Program Effects:**

The HJPC has developed the capacities for strategic oversight over the work of prosecutor's offices.

***Strategic Program 4.7.: IMPROVE AND COMPLETE THE PERFORMANCE EVALUATION SYSTEM FOR CHIEF PROSECUTORS AND PROSECUTORS***

**Program Background:**

Since the initiatives of the HJPC for the completion of the legal framework for performance evaluation of prosecutors and chief prosecutors have not yielded results, these initiatives need to be re-launched.

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<sup>30</sup> Court Case Management System.

<sup>31</sup> The members of the Strategic Body are all prosecutors who are the members of the HJPC.

To that end, it will be necessary to adopt new criteria for performance evaluation of chief prosecutors<sup>32</sup> in order to improve the performance monitoring and evaluation system of their work and of the overall results of prosecutor's offices.

**Deadline:**

December 2014 (adoption of criteria).

Continuous.

**Program Effects:**

Amendments to the Law on the HJPC BiH initiated;

An analysis aimed at identifying the most objective parameters for performance evaluation of chief prosecutors prepared;

New criteria for performance evaluation for chief prosecutors adopted;

Chief prosecutors' performance monitored on the basis of the adopted criteria;

Improved criteria for prosecutors' performance evaluation;

Prosecutors' performance monitored on the basis of the adopted criteria.

***Strategic Program 4.8.: ENSURE ORGANISATIONAL, INFRASTRUCTURAL AND MATERIAL-TECHNICAL PREREQUISITES FOR THE WORK OF PROSECUTOR'S OFFICES***

**Program Background:**

One of the prerequisites for efficient judicial proceedings is adequate working conditions, especially when they are directly connected with the legal requirements for the proceedings, such as audio recording of criminal proceedings<sup>33</sup>.

The HJPC has made a significant contribution in this regard through the implementation of several projects for the renovation of prosecutor's offices, the support for has also been provided by the European Commission within the framework of the Structured Dialogue.

Also, by supporting the Justice for Every Child Project<sup>34</sup>, the HJPC will create the conditions for the implementation of the Law on Treatment of Children and Juveniles in Criminal Proceedings (the Law)<sup>35</sup>. This project will enable the improvement of conditions for court proceedings involving children in accordance with the above mentioned Law.

**Deadline:**

December 2018

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<sup>32</sup> These are: Court of BiH, FBiH Supreme Court, RS Supreme Court and Appellate Court of BD BiH.

<sup>33</sup> Required under the Criminal Procedure Code.

<sup>34</sup> Project implemented by UNICEF with the financial support of Sweden and Switzerland.

<sup>35</sup> "RS Official Gazette", No. 13/10, "BD BiH Official Gazette", No. 44/11, "FBiH Official Gazette", No. 7/14.

**Program Effects:**

Improved organisational, infrastructural and material-technical working conditions in prosecutor's offices;  
Prosecutor's offices made fully functional for law enforcement;  
Improved support mechanisms for children witnesses in criminal proceedings.

***Strategic Program 4.9.: INCREASE INFORMATISATION POTENTIALS IN PROSECUTOR'S OFFICES***

**Program Background:**

Within the scope of its competencies set forth in the Law on the HJPC BiH, the HJPC leads, coordinates and oversees the utilisation of information technology in the courts and prosecutors' offices in order to accordingly, achieve and maintain uniformity in judicial institutions throughout the country.

After the successful implementation of the Case Management System in prosecutor's offices (TCMS), the HJPC will continue activities aimed at upgrading the existing infrastructure and improving the functionality of the system.

**Deadline:**

Continuous

**Program Effects:**

The upgrade or replacement of the existing technology completed;  
The TCMS developed to allow more efficient prosecutor's offices operations and better performance monitoring;  
A new functionality has been developed in the TCMS to enable chief prosecutors to monitor case processing through the war crimes database.  
All information needed by chief prosecutors in their decision-making and performance reporting processes are generated from the TCMS;  
Control procedures developed to ensure complete, accurate and timely data entry to the TCMS by the prosecutor's offices.

***Strategic Program 4.10.: REVIEW THE EXISTING SYSTEMATISATION OF POSTS IN PROSECUTOR'S OFFICES AND MAKE EFFORTS TO FILL VACANT POSTS***

**Program Background:**

The HJPC BiH has the authority to determine the number of prosecutors and deputy chief prosecutors, after consultation with the relevant chief prosecutor, relevant budgetary authority, and the relevant Ministry of Justice.



Pursuant to the conclusion of the HJPC<sup>36</sup>, an analysis of posts systematised in all prosecutor's offices is necessary in order to determine whether the specified number of prosecutor posts is sufficient.

**Deadline:**

December 2015

**Programme Effects:**

Decisions amending systematisations in prosecutor's offices made based on the review of existing systematisations;

Implementation of activities that will facilitate efforts to fill vacant posts.

***Strategic Program 4.11.: INITIATE THE REGULATIONS FOR EFFICIENCY IMPROVEMENT OF PROSECUTORIAL ADMINISTRATION***

**Program Background:**

Since there is a number of regulations governing the status, obligations, salaries, recruitment and promotion of professional and administrative and technical staff in BiH judiciary, it is necessary to conduct an analysis of all aspects relevant to these categories of staff. Based on the results of the analysis, the HJPC would initiate the activities<sup>37</sup> focused on harmonisation of legislation and advancement of the status of administrative and technical staff in the judiciary.

**Deadline:**

June 2017

**Program Effects:**

Relieving prosecutors of administrative and technical tasks;

Improved prosecutorial efficiency.

***Strategic Program 4.12.: ADVOCATE FOR ENACTMENT OF A LAW ON PROSECUTOR'S OFFICES IN FBiH AND PREPARE AND ENACT RELEVANT BY-LAWS***

**Program Background:**

Advocating the enactment of a single Law on Prosecutor's Offices in the Federation BiH has already been identified as an issue of strategic importance bearing in mind that the prosecutorial system in FBiH is governed by 11 laws.

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<sup>36</sup> In December 2013, the HJPC BiH passed the criteria for a comprehensive analysis of systematization in courts and prosecutors' offices in BiH.

<sup>37</sup> The expected duration of this activity within the framework of IPA 2010 project is 24 months.

The dynamic of realisation of this Strategic Program depends on the cooperation with the competent authorities at the level of FBiH and the cantons, and their willingness to accept this legislative initiative.

**Deadline:**

December 2018

**Programme Effects:**

All institutions involved in negotiating a single Law on Prosecutor's Offices in the FBiH, that is in the law adoption process, recognise the importance of this legislative initiative and are willing to take the necessary action for its implementation.

***Strategic Program 4.13.: PREPARE AN EFFICIENCY ANALYSIS OF PROSECUTOR'S OFFICES IN TERMS OF THE IMPACT OF CURRENT ORGANISATION OF THE PROSECUTORIAL SYSTEM AND MAKE RECOMMENDATIONS FOR IMPROVEMENT***

**Program Background:**

The current organisation of the prosecutorial system adds to inefficiency of the prosecution. Thus, the fact that prosecutors have to present cases before the courts seated outside the seats of their respective prosecutor's offices is time-consuming due to travel distances and consequently prevents prosecutors from carrying out other tasks related to specific stages of investigation, as well as to other stages of the proceedings until the completion of the entire criminal proceeding.

**Deadline:**

December 2015

**Program Effects:**

An efficiency analysis of prosecutor's offices has been prepared in terms of the impact of current organisation of the prosecutorial system;

Recommendations for improvement issued;

Recommendations for their implementation adopted and submitted to competent authorities.

**Strategic Objective 5**  
**IMPROVE THE QUALITY OF THE JUDICIARY IN BIH**

With the publication of reliable legal information, especially applicable regulations, selected court decisions and professional publications in one place, an essential prerequisite has been put in place for judicial office holders to improve the quality of their work.

Professional development of judges and prosecutors is also an important element pertaining to the protection of judicial independence, quality and efficiency.

Furthermore, through an ongoing dialogue among the courts of highest instance in BiH the HJPC seeks to provide a platform for the harmonisation of case law and discussion on other common challenges faced by the BiH judiciary.

**Link with other strategic documents**

- Draft BiH Justice Sector Reform Strategy 2014 - 2018
- European Commission's recommendations from the EU-BiH Structured Dialogue on Justice
- The medium-term strategy for initial training and professional development of judges and prosecutors 2012-2015;
- Strategy for the implementation of the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence;
- Strategy against Juvenile Delinquency;
- Action Plan for the prevention and suppression of crimes in connection with motor vehicles 2012-2015.

**STRATEGIC PROGRAMS:**

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***Strategic Program 5.1.: THE PROVISION OF RELIABLE LEGAL INFORMATION THROUGH THE WEBSITE OF THE HJPC'S JUDICIAL DOCUMENTATION CENTRE***

**Program Background:**

The HJPC has been continuously working on providing the judicial community in BiH with the latest judgements of the highest courts through the database of court decisions of the HJPC's Judicial Documentation Centre (JDC), which at the time of writing this Strategic Plan contained over 10,100 court decisions.

In order to improve the selection and indexation of court decisions prior to their delivery to the JDC, the involvement of judges in the partner courts has been stipulated by the Book of Rules on Indicative Quotas for Judges and Judicial Associates in Courts in BiH<sup>38</sup>.

In addition to that, the JDC website needs to be constantly improved by adding new content and information concerning case law, new legislation and similar.

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<sup>38</sup> "BiH Official Gazette", No. 2/14; Article 15, paragraph 3.

**Deadline:**

December 2018

**Program Effects:**

The number of visits to the JDC database and other website content has increased;  
The cooperation with partner courts in terms of regular delivery of judgments accompanied by indexing forms has improved;  
The quality of the court decisions database has improved.

***Strategic Program 5.2.: ENSURE ONLINE ACCESS TO LEGISLATION FOR JUDICIAL OFFICE HOLDERS***

**Program Background:**

In exercising their judicial office, judicial office holders must be familiar with legislation adopted at various levels of government. Despite all-pervasive computerisation, there are still no electronic editions of official journals at any level of government in BiH. Apart from that, the access to a variety of electronic publications of official gazettes usually requires separate subscription to individual publishers. Therefore, the introduction of an electronic database of legal regulations would facilitate and expedite the work of judicial office holders.

Within the framework of the IPA 2010 project, the HJPC has prepared a feasibility study identifying all relevant prerequisites for establishing and ensuring the viability of such a database.

**Deadline:**

December 2018

**Program Effects:**

Improved access to legislation for judicial office holders in BiH.

***Strategic Program 5.3.: COORDINATE THE HARMONISATION OF CASE LAW IN BIH***

**Program Background:**

In line with the Structured Dialogue recommendations, the HJPC has begun organising panels for harmonisation of case law in civil, criminal and administrative law fields. In this way, an institutional format has been created for regular consultations among the highest judicial instances on harmonisation of case law, which is also in line with relevant conclusions contained in the opinion of the Venice Commission on Legal Certainty and the Independence of the Judiciary from 2012.

**Deadline:**

Continuous activity.

**Program Effects:**

The panels for harmonisation of case law are held regularly and take legal positions resulting in greater efficiency and quality of case resolution;

The panels launch initiatives for adoption of new or amendments to existing legislation with the competent authorities, thereby contributing to greater quality of justice.

***Strategic Program 5.4.: COORDINATE JUDICIAL TRAINING MATTERS FALLING WITHIN THE SCOPE OF COMPETENCIES OF THE HJPC BIH***

**Program Background:**

The Law on the HJPC BiH and the respective laws on the Judicial and Prosecutorial Training Centres (JPTC) stipulate an advisory and supervisory role of the HJPC in the professional development of judges and prosecutors. The HJPC advises the entity-level JPTCs and the Judicial Commission of Brcko District in their adoption of professional development programmes for judges and prosecutors; determines the minimum amount of training to be undertaken, determines the induction training for newly appointed judges and prosecutors and supervises the provision of such training.

The strategy for induction training and professional development for the period 2012 - 2015 sets out directions for development of induction training and professional development for judges and prosecutors in BiH, as well as the courses of action for institutions involved in the training process. The strategy reflects the efforts of the HJPC, JPTCs and of the Judicial Commission of Brcko District to enhance the system of training for BiH judiciary in line with the lessons learned, reform processes, priorities and available resources.

In line with the Structured Dialogue recommendations, the HJPC will support the idea that the training events be used as a forum for identification of the contested legal issues, and that the joint training of JPTCs and BD Judicial Commission be organised to discuss these issues and thereby influence the harmonisation of case law.

**Deadline:**

December 2018

**Program Effects:**

Improved judicial training,

Joint training events organised by the JPTCs to discuss different legal practices, with the aim of improving the quality of justice.

***Strategic Program 5.5.: ESTABLISH A SYSTEM OF JOINT TRAININGS FOR PROSECUTORS AND AUTHORISED OFFICIALS WORKING UNDER THE SUPERVISION OF PROSECUTORS***

**Program Background:**

In line with the Structured Dialogue recommendations, the HJPC will in particular engage in the organisation and finding a systemic solution for joint trainings for prosecutors and authorised officials through regular organisation of round tables, workshops and other forms of exchange of knowledge and experience.

Furthermore, it is necessary to improve cooperation at the operational level by holding regular meetings between prosecutor's offices and law enforcement agencies having the same territorial jurisdiction. This form of cooperation would contribute to a better quality and more efficient work of prosecutor's offices and authorised officials.

**Deadline:**

December 2018

**Program Effects:**

Improved system of continuous and joint trainings of prosecutors and authorised officials working under the supervision of prosecutors;

Improved operational cooperation between prosecutors and authorised officials.

### **Strategic Objective 6**

## **IMPROVE AND MAINTAIN INDEPENDENCE AND ORGANISATION OF JUDICIARY IN BIH**

Judicial independence is a prerequisite to the rule of law and legal certainty, and an important segment in ensuring it is the existence of a harmonised salary and allowance system for judicial office holders across BiH.

Although it has no jurisdiction to decide on budgets of courts and prosecutor's offices, the HJPC has a number of responsibilities related to budget preparation. In this context, the HJPC undertakes numerous activities aimed at improving the budget process, with a view to ensuring adequate funding for the BiH judiciary.

### **Link with other strategic documents**

- The Law on the HJPC BiH
- European Commission's recommendations from the EU-BiH Structured Dialogue on Justice
- HJPC BiH recommendations for improving the funding system for BiH judicial institutions
- A policy paper of the Joint Policy Forum for "Reduced budget fragmentation of the FBiH judicial institutions"

## **STRATEGIC PROGRAMS:**

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### ***Strategic Program 6.1.: PREPARE AN ANALYSIS AND PROPOSAL FOR HARMONISATION OF LAWS GOVERNING SALARIES AND ALLOWANCES OF JUDICIAL OFFICE HOLDERS IN BIH***

#### **Program Background:**

Since the system of salaries and allowances of judicial office holders in BiH has been disturbed at the level of BiH and the Entities and Brcko District BiH through the amendments to the existing laws and decisions of the constitutional courts<sup>39</sup>, it is particularly important to harmonise this system across BiH.

#### **Deadline:**

June 2015

#### **Program Effects:**

Holding judicial office while having equal right to equal pay across all levels of the BiH judiciary.

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<sup>39</sup> Decision of the BiH Constitutional Court published in "BiH Official Gazette" No.17/13, and the judgement of the FBiH Constitutional Court published in the "FBiH Official Gazette" No.27/12.

***Strategic Program 6.2.: ENSURE ADEQUATE PARTICIPATION OF THE HJPC BIH IN THE PROCESS OF BUDGET PREPARATION AND APPROVAL FOR COURTS AND PROSECUTOR'S OFFICES***

**Program Background:**

The HJPC assists courts and prosecutor's offices in the process of preparing their budget requests, both through the preparation of budget guidelines and direct contacts. Apart from that, through its letters and contacts with the legislative and executive authorities, the HJPC seeks to ensure the adoption of adequate budgets for courts and prosecutors' offices.

**Deadline:**

December 2018

**Program Effects:**

Improved budgetary guidelines;

More intensive and more effective contacts with the executive and legislative authorities in BiH.

***Strategic Program 6.3.: IMPROVE THE SYSTEM OF FUNDING OF THE JUDICIAL INSTITUTIONS AND THE HJPC BIH***

**Program Background:**

The analysis of the funding system adopted by the HJPC<sup>40</sup>, has shown that the existing competencies of the HJPC in the budget preparation and adoption process do not provide a sufficient level of judicial independence.

In this regard, the HJPC has adopted the following recommendations for improving the funding system for courts and prosecutor's offices:

- it is necessary to reduce fragmentation in the financing of judicial institutions, in the short run by establishing a uniform system of financing in the Federation of Bosnia and Herzegovina from the Federation budget, and in the long run by establishing a funding system for all courts and prosecutor's offices from the budget of BiH institutions;
- the role of the HJPC in the budget preparation, adoption and execution process, both for courts and prosecutor's offices and the HJPC, needs to be strengthened through legislation.

Also, given the fact that the various reform activities are financed partly from the HJPC budget and partly from donor funds<sup>41</sup>, and taking into account a prospective gradual reduction in donor funding, it is necessary to ensure timely funding for reform activities from the budget of BiH institutions.;

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<sup>40</sup> At the Council session in November 2011.

<sup>41</sup> Article 17, paragraph 21 of the Law on HJPC BiH: "initiates, oversees and coordinates projects related to improving all aspects of the administration of courts and prosecutor's offices, including seeking national and international funding".



**Deadline:**

December 2018.

**Program Effects:**

Implementation of activities in relation to legislative amendments with a view to improving the system of financing of the HJPC and judicial institutions in BiH;

Ensure continuity in funding reform activities from the budget of BiH institutions.

**Strategic Objective 7**

**IMPROVE TRANSPARENCY AND AVAILABILITY OF INFORMATION REGARDING THE WORK OF JUDICIAL INSTITUTIONS IN BIH TO THE PROFESSIONAL AND GENERAL PUBLIC**

Developing proactive relations with citizens and the media, as a particularly important partner in communicating with the public, is one of the crucial communication-related tasks of any public sector institution and a precondition to increasing the public trust in the judicial system. Positive communication with the mentioned audiences depends on the good-quality and efficient performance by the judicial institutions. Therefore, taking activities that are necessary for the establishment and maintenance of the rule of law, and keeping the public informed of the achieved results forms a basis on which it is possible to build a positive image and reputation of judicial institutions.

**Link with other strategic documents**

- The draft Justice Sector Reform Strategy in BiH for the period 2014 - 2018

**STRATEGIC PROGRAMS:**

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***Strategic Program 7.1.: IMPROVE COMMUNICATION BETWEEN THE JUDICIAL INSTITUTIONS IN BIH AND THE GENERAL PUBLIC***

**Program Background:**

The establishment or further development of institutional communication capacities and specific communication channels in the judiciary is of critical importance for the improvement of communication between the judicial institutions and the public and the media.

Also, it is necessary to continue to strengthen the institutional communication capacities in courts and prosecutor's offices and implement activities that will contribute to the strengthening of the citizens' trust in their work.

**Deadline:**

December 2018

**Program Effects:**

Improved communication of judicial institutions in BiH with the public and the media;  
Improved public perception of the judicial system in BiH.

***Strategic Program 7.2.: SET UP A REGULAR PRACTICE OF INFORMING THE PUBLIC OF THE ROLE AND WORK OF JUDICIAL INSTITUTIONS IN BIH***

**Program Background:**

In order to improve the practice of informing the public and increase the level of availability of information regarding the work of judicial institutions in BiH, it is necessary to organize professional and promotional events, and ensure that the communication by all judicial institutions with the public follows the same communication principles.

In addition to that, it is necessary to increase the availability of information on the work of judicial institutions in BiH to the professional and wider public by organizing professional and promotional events, which will increase the trust of the professional and wider public in the judicial system of BiH.

**Deadline:**

December 2018

**Program Effects:**

Increased transparency of the work and the trust of citizens in the work of the judicial institutions.

***Strategic Program 7.3.: PUBLISHING MORE DETAILED STATISTICS ON THE PERFORMANCE RESULTS OF ALL JUDICIAL INSTITUTIONS IN BIH ON THE JUDICIAL WEB PORTAL***

**Program Background:**

Professional public and the media are constantly showing a great deal of interest in the statistics on the work of courts and prosecutor's offices, especially with regard to some types of criminal offenses. That is why it is necessary to determine the set of statistics that will be regularly prepared and published on the judicial web portal ([www.pravosudje.ba](http://www.pravosudje.ba)).

**Deadline:**

September 2014 (to determine the set of information)

Continuous activity

**Program Effects:**

Improved availability of information on the work of judicial institutions in BiH to the professional public and the media.

***Strategic Program 7.4.: ENSURE THAT HJPC's SESSIONS ARE OPEN TO PUBLIC***

**Program Background:**

In July 2013, the HJPC BiH adopted the new Rules of Procedure, which changed the prior method of work in a way that, as a rule, the HJPC BiH sessions will be open to public.<sup>42</sup>

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<sup>42</sup> Article 13

**Deadline:**

June 2015 (enable IT prerequisites for holding public sessions)

Continuous activity

**Program Effects:**

Ensure that the HJPC BiH sessions are open to public;

Increased level of trust of the professional community and the public in the work of HJPC BiH.

**Strategic Objective 8**

***ENSURE A MORE EFFICIENT INTERNAL COORDINATION OF THE EUROPEAN INTEGRATION PROCESS AND THE IMPROVEMENT OF INTER-INSTITUTIONAL COOPERATION IN THE JUSTICE SECTOR***

Ensuring an efficient internal coordination is a prerequisite for a timely exchange of relevant information and achieving a higher degree of synchronization in fulfilling the obligations arising from the European integration process that fall within the competence of each institution in BiH, including the HJPC.

As coordination tasks in the European integration process include, among other things, the coordination in the development of strategies and policies, there is a clear connection between the strengthening of capacities for the strategic planning and development of policies and the establishment of a functional cooperation and coordinated inter-institutional actions.

**Link with other strategic documents**

- Draft Justice Sector Reform Strategy in BiH for the period 2014-2018
- Public Administration Reform Strategy
- Stabilisation and Association Agreement between the European Communities and their Member States, of the one part, and BiH, of the other part.

**STRATEGIC PROGRAMS:**

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***Strategic Program 8.1.: IMPROVE THE COORDINATION AND EU INTEGRATION CAPACITIES***

**Program Background:**

Preparations for the judicial sector's integration into EU create the need to ensure an efficient internal coordination of European integration process with the improved inter-institutional cooperation, as well as participation in the coordinating mechanisms for the use of donor assistance in the justice sector in BiH.

**Deadline:**

Continuous

**Program Effects:**

Improved internal coordination and cooperation with other institutions in the justice sector in meeting the obligations arising from the process of BiH integration into EU;

Improved coordination and cooperation with the BiH Directorate for European Integration;

Participation in the coordinating mechanism for the use of donor assistance in the justice sector in BiH;

Participation in the JSRS working bodies, oversight of implementation and regular reporting on the implementation of JSRS.

***Strategic Program 8.2.: IMPROVE THE CAPACITIES FOR STRATEGIC PLANNING, POLICY DEVELOPMENT AND PREPARING ANALYSES***

**Program Background:**

The need for the judicial sector to be ready for the EU integration, including the improvement of processes of planning and reporting on the implementation of HJPC activities, as well as determination of the strategic course of action.

**Deadline:**

December 2016 / continuous

**Program Effects:**

Develop and update the HJPC Strategic Plan, monitor its implementation and regular reporting;

Develop policies, strengthen coordination and cooperation with the justice sector institutions;

Ensure internal support to members of inter-institutional working bodies in developing policies and implementing other activities agreed between these bodies;

Improve the quality of statistics in the BiH justice sector in order to meet the HJPC BiH obligations in accordance with the adopted strategic documents in BiH.

## Chapter 5

# OVERVIEW OF STRATEGIC OBJECTIVES AND STRATEGIC PROGRAMS WITH QUANTITATIVE INDICATORS OF IMPLEMENTATION

### ***Strategic objective 1: THE CONTINUED IMPROVEMENT OF THE SYSTEM FOR THE SELECTION AND APPOINTMENT OF JUDICIAL OFFICE HOLDERS***

#### **STRATEGIC PROGRAMS:**

1. Implement entrance exams and written tests;
2. Improve the candidate interview procedure;
3. Ensure a more efficient and effective appointments process.

| Quantitative indicators  | Evaluation method   | Tasked with evaluating                    | Situation in 2013   | Objective – in relation to 2013  |
|--|---|---|---|--|
| % of judicial office holders appointed based on objective and transparent criteria | Number of judicial office holders appointed based on objective qualitative and transparent criteria/Total number of appointments to judicial office | Appointments Department<br>ICT Department | Test phase carried out for the application of the Book of Rules on Entrance Exams and Written Tests for Candidates for Judicial Office in the BiH Judiciary and general steps for the introduction of structured candidate interviews | Comprehensive implementation of the entrance exams and written tests and the structured candidate interviews by December 31. 2014 which will contribute to more objective and transparent procedures for election and appointment to judicial office |
| Average duration of judicial office appointment process                            | Cumulative duration of appointment process in days/number of judicial office appointments   |   | Average duration of procedures is 6 – 8 months  | Average duration of procedures is 3 – 5 months   |

## **Strategic Objective 2: CONTINUOUS IMPROVEMENT OF JUDICIAL ACCOUNTABILITY**

### **STRATEGIC PROGRAMS:**

1. Improve disciplinary procedures through appropriate changes and adoption of internal regulations governing disciplinary accountability of judicial office holders
2. Improve the training system for judicial office holders in the area of compliance with the code of judicial ethics;
3. Build the capacity of the Office of the Disciplinary Counsel for more efficient handling of complaints and disciplinary proceedings initiated ex-officio;
4. Improvement and further development of the Disciplinary Case Management Software (DCMS);
5. Improve accountability of HJPC members and the judiciary in general.

| <b>Quantitative indicators</b>   | <b>Evaluation method</b>  | <b>Tasked with evaluating</b> | <b>Situation in 2013</b> | <b>Objective – in relation to 2013</b> |
|--|---|-------------------------------|--------------------------|--|
| Number of initiated disciplinary proceedings   | Number of initiated disciplinary proceedings  | ODC, ICT Department           | 18                       | 18                                     |
| Number of disciplinary proceedings initiated on the basis of received complaints   | Number of disciplinary proceedings initiated on the basis of complaints                               |                               | 11                       | 14                                     |
| Number of disciplinary proceedings initiated on the ODC own initiative (cases registered ex officio, among other, those registered through the HJPC monitoring activities) | Number of disciplinary proceedings initiated ex officio   |                               | 7                        | 4                                      |
| The average time needed for resolution of complaints against judicial office holders.  | Cumulative number of days of investigation /number of complaints closed after conducted investigation |                               | 282/803                  | 250/803 <sup>43</sup>                  |

<sup>43</sup> The number of investigations conducted and cases closed on completion of investigation depends on influx of cases. The target set on the basis of influx from the previous period.



**Strategic Objective 3: IMPROVE COURT EFFICIENCY****STRATEGIC PROGRAMS:**

1. Reduce the number and age of cases pending before courts;
2. Preventing the statute of limitations from running;
3. Ensure the application of the Book of Rules on Judicial Timeframes with a View to Increasing Court Efficiency;
4. Efficient prosecution of war crime cases by courts;
5. Alleviate the workload in judicial institutions by removing certain types of proceedings from the courts and by transferring certain powers;
6. Improve management skills in courts;
7. Improve and complete the performance evaluation system for court presidents;
8. Further promote the alternative dispute resolution system;
9. Ensure organisational, infrastructural and material-technical prerequisites for the work of courts;
10. Increase informatisation potentials in courts;
11. Prepare an analysis of court network and make recommendations, as appropriate
12. Review the existing systematisation of posts in the courts and fill the vacancies as needed;
13. Initiate the adoption of regulations to improve the efficiency of court administration.

| Quantitative indicators   | Evaluation method   | Tasked with evaluating  | Situation in 2013      | Objective – in relation to 2013 |
|---|---|---|------------------------|---------------------------------|
| Case flow rate for non-utility cases (CR <sup>44</sup> )            | The number of resolved / received non-utility cases in courts during the year   | Improving Judicial Efficiency Project, Judicial Administration Department | 102%                   | 108% <sup>45</sup>              |
| Expected disposition time for non-utility cases (DT <sup>46</sup> ) | (The number of pending non-utility cases at the end of the year /the number of non-utility cases throughout the year)*365 |   | 320 days <sup>47</sup> | 290 days <sup>48</sup>          |

<sup>44</sup> Clearance rate (CR indicator) is the ratio between the new cases and resolved cases during a certain time period, expressed as a percentage. For example, if a court during one calendar year receives 500 new cases and during the same time period resolves 550 cases, CR in this case is 110%. If the court resolves 400 cases, CR will be 80%. Clearance rate (CR) above 100 % means that the number of unresolved cases is decreasing.

<sup>45</sup> The objective is proposed in accordance with the case flow for the utility cases in the first half of 2014.

<sup>46</sup> Disposition time (DT) = expected time for case resolution.

<sup>47</sup> Number of unresolved cases as at 31.12.2013 was 455.127 and the number of resolved cases in 2013 was 519.232. Formula (455.127 / 519.232) \* 365 results in 320, or if 519.232 cases were resolved in 365 days, 455.127 cases, assumed they will be handled with the same speed, will be processed in 320 days.

<sup>48</sup> Improvement by 10%.

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|--|--|--|---|--|
| <p>Age breakdown of unresolved non-utility cases expressed as percentages.</p> | <p>% of the number of unresolved non-utility cases older than 15, 10, 7, 5, 3 and 1 year</p> |  | <p>1 year – 49.58%<br/>3 years – 18.28%<br/>5 years – 6.47%<br/>7 years – 2.38%<br/>10 years – 0.59%<br/>15 years – 0.12%</p> <p>Only for first-instance courts:<br/>3 years – 17%<br/>5 years – 6%</p> | <p>1 year – 52%<br/>3 years – 20%<br/>5 years – 4%<br/>7 years – 1%<br/>10 years – 0.1%<br/>15 years – 0%<sup>49</sup></p> <p>Only for first-instance courts:<br/>3 years – 15% until 1 jan 2016<br/>5 years – 0% until 1 Jan 2016</p> |
| <p>Duration of bankruptcy procedures and age of pending bankruptcy cases</p>   | <p>Average duration of proceedings and number of pending bankruptcy cases annually</p>       | <p>Improving Judicial Efficiency Project</p> | <p>Average duration of proceedings / number of unresolved bankruptcy cases as at 31 Dec 2013 – 972 days / 836 cases</p>   | <p>Average duration of bankruptcy cases – 2 years</p>  |
| <p>Monitoring the inflow and duration of discrimination cases</p>              | <p>Influx and average duration of proceedings annually</p>                                   |  | <p>Influx in 2013: 136 cases according to CMS data</p> <p>Duration as at 31 Dec 2013 – 872 days according to CMS data</p>   | <p>Duration within an optimum time frame<sup>50</sup></p>  |

<sup>49</sup> Improvement by 10%.

<sup>50</sup> For civil cases determined by the Book of Rules on Judicial Timeframes in Courts and Prosecutor's Offices in BiH.

**Strategic Objective 4: ENHANCE THE EFFICIENCY OF PROSECUTOR'S OFFICES****STRATEGIC PROGRAMS:**

1. Reduce the number and age of pending reports and investigations in prosecutor's offices
2. Preventing the statute of limitations in prosecutor's offices from running
3. Ensure the application of the Book of Rules on prosecutorial timeframes with a view to increasing the efficiency of prosecutor's offices
4. Efficient prosecution of war crime cases by prosecutor's offices
5. Improving management skills in prosecutor's offices
6. Strengthening capacities for strategic oversight over the work of prosecutor's offices
7. Improve and complete the performance evaluation system for chief prosecutors and prosecutors
8. Ensure organisational, infrastructural and material- technical prerequisites for the work of prosecutor's offices
9. Increase informatisation potentials in prosecutor's offices
10. Revise the existing systematisation of posts in prosecutor's offices and make efforts to fill vacant posts
11. Initiate the regulations for efficiency improvement of prosecutorial administration
12. Advocate for enactment of a law on prosecutor's offices in FBiH and prepare and enact relevant by-laws
13. Prepare an efficiency analysis of prosecutor's offices in terms of the impact of current organisation of the prosecutorial system and make recommendations for improvement

| Quantitative indicators  | Evaluation method  | Tasked with evaluating   | Situation in 2013   | Objective – in relation to 2013   |
|--|--|--|---|---|
| Number of pending reports and investigations in prosecutor's offices has reduced | Number of pending reports and investigations at the end of calendar year (31 December) | Strengthening Prosecutorial Capacities Project, Judicial Administration Department | Number of pending reports as at 31.12.2013 was 17.000, and number of pending investigations 6.042 | Number of pending reports had reduced by at least 10%, and pending investigations by at least 15% |
| War Crimes   | Number of pending reports and investigations at the end of calendar year (31 December) | Judicial Administration Department   | In KTRZ cases the number of pending reports on 31.12.2013 was 575, and pending investigations 563 | The total number of pending KTRZ war crimes cases has reduced by at least 50% <sup>51</sup>       |

<sup>51</sup> This objective stems from the National War Crimes Strategy and the Document on Budget Support for processing war crimes cases within the Instrument on Pre-Accession Assistance (IPA) for 2012.

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|  |   |  |  |   |
|--|---|--|--|---|
| Prosecutor's Offices in BiH process organized crime, corruption and privatization cases as a priority  | Number of organized crime, corruption and privatization cases at the end of calendar year (31 December) | Strengthening Prosecutorial Capacities Project, Judicial Administration department | In March 2014, number of organized crime, corruption and privatization cases in prosecutor's offices BiH in the report stage was 1.140, and in the investigation stage 340;<br>As at 31.12.2013, the number of unresolved cases older than 2 years:<br>Organized crime: 37 (12 reports and 25 investigations)<br>Privatization: 16 (10 reports and 6 investigations)<br>Corruption: 552 (427 reports and 125 investigations) | In prosecutor's offices in BiH there are no organised crimes, corruption and privatization cases older than 2 years and there has been a general increase in the number of cases being processed. |
| Average age of unresolved cases in days  | Average age of pending reports and investigations at the end of calendar year (31 December)             |  | Pending reports – 661 day<br>Pending investigations – 894 days   | Reports – 595 days<br>Investigations – 805 days   |
| Full staffing in accordance with the existing systematisation of posts in prosecutor's offices         | Number of vacant posts  | Judicial Administration Department   | 47 vacant prosecutors posts  | All prosecutors posts included in systematization have been filled  |
| Statute of limitations does not apply in cases where no international arrest warrants have been issued | Number of cases in which statute of limitations has run out   |  | In 2013, the statute of limitations has run out in 206 cases <sup>52</sup>   | Statute of limitations is not running in cases due to subjective reasons  |

<sup>52</sup> 109 absolute and 97 relative cases of expired period of limitations.

**Strategic Objective 5: IMPROVE THE QUALITY OF THE JUDICIARY IN BiH****STRATEGIC PROGRAMS:**

1. The provision of reliable legal information through the website of the HJPC's Judicial Documentation Centre
2. Ensure online access to legislation for judicial office holders
3. Coordination of the harmonisation of case law in BiH
4. Coordinate judicial training matters falling under the scope of competencies of the HJPC BiH
5. Establish a system of joint training for prosecutors and authorised officials working under the supervision of prosecutors

| Quantitative indicators   | Evaluation method  | Tasked with evaluating                         | Situation in 2013                                   | Objective – in relation to 2013   |
|---|--|--|---|---|
| Judgments and other contents published on the Judicial Documentation Centre Web Site                              | Number of judgments and other contents published on JDC web site                                       | JDC  | 10.084 judgments, 1.200 pieces of legal information | Increase the number of published judgments by 1.000 annually in order to improve the database of judicial decisions |
| Meeting to harmonise case law in BiH are being held regularly   | Number of held meetings and number of consolidated legal opinions at panels for case law harmonization |  | 0   | Coordination of processes and publishing of consolidated legal opinions in order to harmonise the case law in BiH   |
| HJPC BiH makes decisions on issues concerning education of judges and prosecutors that fall within its competence | Number of HJPC BiH decisions   |  | 8   | HJPC BiH contribution to improving the training system in accordance with the best European practices               |
| Institutions in BiH are independently organizing joint trainings for prosecutors and authorised officials         | Number of held joint training sessions   | Strengthening Prosecutorial Capacities Project | 0 <sup>53</sup>                                     | 8   |

<sup>53</sup> During 2013, there have been 8 joint trainings held in cooperation with the international organizations.

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**Strategic goal 6: IMPROVE AND MAINTAIN INDEPENDENCE AND ORGANISATION OF JUDICIARY IN BiH**
**STRATEGIC PROGRAMS:**


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1. Prepare an analysis and proposal for harmonisation of laws governing salaries and allowances of judicial office holders in BiH
2. Ensure adequate participation of the HJPC BiH in the process of budget preparation and approval for courts and prosecutor's offices
3. Improve the system of funding for the judicial institutions and the HJPC BiH

| <b>Quantitative indicators</b>   | <b>Evaluation method</b>   | <b>Tasked with evaluating</b>         | <b>Situation in 2013</b> | <b>Objective – in relation to 2013</b> |
|--|--|---------------------------------------|--------------------------|--|
| Share of judicial budgets compared to the total budget expenditure of other budget users (expressed as percentage) | Judicial budget / total budget expenditure by other budget users | Department for budget and donor funds | 2,65%                    | 2,5%                                   |

**Strategic Objective 7: IMPROVE TRANSPARENCY AND AVAILABILITY OF INFORMATION REGARDING THE WORK OF JUDICIAL INSTITUTIONS IN BIH TO THE PROFESSIONAL AND GENERAL PUBLIC**

**STRATEGIC PROGRAMS:**

1. Improve communication between the judicial institutions in BiH and general public
2. Set up a regular practice of informing the public of the role and work of judicial institutions in BiH
3. Share more detailed statistics on the performance results of all judicial institutions in BiH on the judicial web portal
4. Ensure that HJPC sessions are open to public

| Quantitative indicator  | Evaluation method  | Tasked with evaluating                              | Situation in 2013  | Objective – in relation to situation in 2013  |
|---|--|---|--|---|
| Perception of courts users on procedural justice – periodic surveys / polls on the level of BiH | Percentage of the total number of courts users who participated in the survey / poll | HJPC Cabinet, Improving Judicial Efficiency Project | Results from Initial Survey of satisfaction level among users of Municipal Courts in Mostar / Tuzla <sup>54</sup> :<br>25% / 25% citizens believe that the judicial system ensures fair trial;<br>Regarding the usual duration of court proceedings:<br>64% / 35% users completed the proceedings within a month,<br>11% / 30% within 1 year,<br>17% / 13% within 1 - 6 years,<br>2% / 5% within a period longer than 6 years,<br>6% within 2 – 14 years / 4% within 2 – 30 years. | 35% citizens believe that judicial system ensures fair trials;<br>Usual duration of court proceedings was reduced by 10%. |

<sup>54</sup> 14% users of Municipal Court in Tuzla did not want to answer the questions contained in the initial research.

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|   |  |   |   |  |
|---|--|---|---|--|
| <p>Number of communication channels used by Prosecutor's Offices in public relations</p>            | <p>Number of communication channels in use at the end of reporting period compared to number of communication channels used in 2013.</p> | <p>Strengthening Prosecutorial Capacities Project</p> | <p>Prosecutors Office use 3 communication channels in public relations<sup>55</sup></p> | <p>Most Prosecutor's Offices use 5 communication channels in public relations</p>                  |
| <p>Amount of information which the Prosecutor's Offices share with the public through web pages</p> | <p>Amount of information which the Prosecutor's Office share with the Public compared to the situation in 2013.</p>                      |   | <p>On average 66 per Prosecutor's Office<sup>56</sup></p>                               | <p>Amount of information which the Prosecutor's Offices share with public has increased by 20%</p> |

<sup>55</sup> Press releases (distributed through e-mails, in writing and orally), web page announcements and TV programs.

<sup>56</sup> Source: HJPC BiH statistics.



**Strategic Objective 8: ENSURE AN EFFICIENT INTERNAL COORDINATION OF THE EUROPEAN INTEGRATION PROCESS AND THE IMPROVEMENT OF INTER-INSTITUTIONAL COOPERATION IN THE JUSTICE SECTOR**

**STRATEGIC PROGRAMS:**

1. Improve the coordination and EU integration capacities
2. Improve the capacities for strategic planning, policy development and drafting analyses

| Quantitative indicator   | Evaluation method  | Tasked with evaluating                                 | Situation in 2013 | Objective – in relation to situation in 2013 |
|--|--|--|-------------------|--|
| Level of inter-institutional coordination and cooperation  | Number of meetings held in relation to inter-institutional cooperation in justice sector   | European Integration and Strategic Planning Department | 10                | 20   |
|  | Number of joint documents which were drafted jointly by several institutions of justice sector   |  | 1                 | 4  |
|  | Obligations arising from strategic documents for justice sector entered into strategic and operational plans of HJPC BiH                         |  | Yes               | Yes  |
| Level of inter-institutional cooperation within the coordinating mechanism for use of assistance in justice sector | Number of meetings held in relation to inter-institutional cooperation within the coordinating mechanism for use of assistance in justice sector | Judicial Budgets and Donor Funds Department            | 8                 | 8  |
|  | Number of joint documents which were jointly drafted by several justice sector institutions  |  | 1                 | 1  |