

HIGH JUDICIAL AND PROSECUTORIAL COUNCIL OF BOSNIA AND HERZEGOVINA ANNUAL REPORT FOR 2008

The 2008 Annual Report of the High Judicial and Prosecutorial Council is printed in the Serbian language.
The Council prints its annual reports only in one of the official languages of Bosnia and Herzegovina, and does so successively in the following order - Bosnian, Serbian and Croatian.

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PRESIDENT'S OPENING ADDRESS

In the course of last year, the High Judicial and Prosecution Council has undergone significant personnel changes. The Council elected its new president as well as a deputy president, Danijela Mikić, and eight new members including colleagues Enisa Adrović, Svetlana Brković, Asim Crnalić, Slavica Čurić, Nedžad Popovac, Biljana Simeunović, Zdravko Rajić and Gorana Zlatković. Following in the footsteps of our predecessors who had earmarked the Council's direction, we have, in the new line up, continued with intensive activities directed towards the development of a modern judicial system and the strengthening of its independence. These activities produced concrete results of which I would point out just a few.

A new District Court building was opened in Eastern Sarajevo. Reconstruction of the Palace of Justice in Sarajevo is still ongoing which, when finished, will provide better working conditions for judges and other staff, and improved access to the administration of justice for BiH citizens. The Court Documentation Centre commenced work and its database contains some 1500 court decisions that will help harmonise court practice in BiH. Computerisation of the judicial system is also continuing. The automated case management system has been introduced in almost all courts in BiH, thus providing the prerequisite for further development of a technically-equipped and modern judicial system. Reform of Court administration continues and, as a result, 22 courts have started implementing European standards. The Council presented a new project, introducing improved mechanisms for cooperation between the police and the prosecutor offices in BiH which will facilitate a more efficient prevention of all criminal trends in Bosnia and Herzegovina by way of increased effectiveness of prosecutor offices and improvement of their skills to process criminal cases.

Speaking of projects, I should like to thank our partners from the international community, European Commission, governments of the USA, Norway, Italy, Canada, Netherlands, Sweden, Spain and other countries, to which we extend our gratitude for their financial and technical support without which we would not be able to achieve the results we are so proud of.

We are very happy about the fact that we have set an example of good practices for the countries in the region. In the course of 2008, the Court Council of the Former Yugoslav Republic of Macedonia visited the High Judicial and Prosecution Council in order to become acquainted with the reforms of the judicial system in Bosnia and Herzegovina, and the role of the Council in its implementation. We are particularly happy about the visit of the High Judicial and Prosecution Council from Georgia which was interested in the results and fundamental advantages of implementing the automated case management system.

Cooperation with Montenegro led to the signing of the Memorandum of Understanding as the basis for the implementation of the regional cooperation project within the framework of the judicial system in Montenegro. Experts from the High Judicial and Prosecution Council BiH have, within the framework and at the request of the government of the Kingdom of Norway, prepared an evaluation of the needs of the judicial system in Montenegro and provided the relevant recommendations.

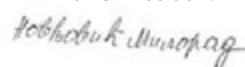
In addition, the Council continued direct cooperation with the judiciary by way of organising conferences for court presidents and chief prosecutors, including a number of field visits to identify the issues that the Council will have to pay full attention to in the coming period.

In any case, concrete solutions can only be achieved through cooperation with representatives of the legislative and executive authorities. For this reason, I use this opportunity to reiterate that an independent, impartial and professional judicial system forms the basis of any system of law and we can only ensure this through partnership, respect and understanding between Councils, representatives of the legislative and executive authorities and the legal community.

I should also like to emphasise that all members of the Council are aware that the judicial system BiH is facing a great number of challenges which need to be addressed adequately and in good time. The above is also indicated in the European Commission Report on Development of Bosnia and Herzegovina in 2008. With due respect to the significance of other issues mentioned in the Report, members of the Council appreciate that the problem of outstanding court cases represents one of the basic obstacles in getting the public's full confidence in the work of judicial institutions in BiH. The fact that citizens have been waiting for several years for judgements in respect their court cases presents a constant cause for concern; therefore the intensification in finding a solution to this problematic issue. Certain solutions had been proposed during 2008; however in 2009 the utmost efforts will be made to find the right solution. Our ongoing visit to judicial institutions throughout the country will form the basis for the preparation of a study with a view to overcoming this problem. The Council is of the belief that this problem has to be decided upon within the framework of intensive cooperation with representatives of legislative and executive authorities, participation of the entire legal community and to the satisfaction of all BiH citizens.

And finally, I wish to thank all judges and prosecutors, previous and current members of the Council, Council employees, all ministers of justice, ministers of finance, governments and representatives of parliament for the support and contribution given to the reform of the judicial system and development of an independent, responsible and effective judicial system as well as the development and strengthening of the HJPC.

Milorad Novković
HJPC President



EVENTS AND MEETINGS HIGHLIGHTING THE YEAR 2008

DISTRICT COURT IN EASTERN SARAJEVO IN THE NEW PREMISES (16 JANUARY 2008)



The formal ribbon cutting ceremony held at the premises of the ex-army barracks "Slobodan Princip Seljo" marked the official opening of the new District Court building in Eastern Sarajevo, housing the Department of the Basic Court Sokolac.

This building reconstruction project, implemented under HJPC patronage, was jointly funded by the Kingdom of Norway with 640.000 EURO and the Government of Republika Srpska with 190.000 KM. Apart from HJPC representatives and Eastern Sarajevo Regional Court president Bogdanka Dabić-Jovičić, the ceremony was also attended by the State Secretary of the government of the Kingdom of Norway, Elisabeth Walaas and the RS Minister of Justice, Gerard Selman.

AGREEMENT ON JOINT FUNDING OF THE JUDICIAL SYSTEM COMPUTERISATION PROJECT SIGNED ON 21 JANUARY 2008 AND 11 FEBRUARY 2008

Branko Perić, HJPC president and HE Lars-Erik Wingren, ambassador of the Kingdom of Sweden in BiH, signed the Agreement on joint funding of the Project "Information-Communication Technology and Case Management System". The Agreement was subsequently signed by HE Karel E. Vasskonehler, ambassador of the Kingdom of the Netherlands.

The court computerisation system project managed by the HJPC involves providing the latest IT equipment for courts and prosecutor offices, installation of local and network development, implementation of automated case management, website and the establishment of the Court documents centre.

LOCAL RADIO STATIONS ASSOCIATION EXPRESSED GRATITUDE TO HJPC (8 APRIL 2008)

Representatives of the Association of Local Radio Stations ALTER MEDIA visited the HJPC to express their gratitude for the cooperation in the realisation of the project "Development of the tripartite partnership for media promotion of judicial system reform" funded by USAID within the Judicial System Development project (JSDP).

In the course of nine months, i.e. the duration of the Project, ALTER MEDIA organised ten theme workshops in several towns in Bosnia and Herzegovina, attended by representatives of judicial institutions and the leading media organisations in the country. Sixteen programs on the reform of the judicial system have been produced and broadcasted on 11 local radio stations.



AGREEMENT ON IMPROVED COOPERATION BETWEEN POLICE AND PROSECUTOR'S OFFICE BIH SIGNED ON 9 APRIL 2008

Branko Perić, HJPC President, Tarik Sadović, Security Minister BiH, Muhidin Alić, Internal Affairs Minister FBiH and Duško Kovačević, adviser to the RS Internal Affairs Minister, signed an Agreement on Cooperation regarding the project "Introduction of Improved Mechanisms of Cooperation between the Police and Prosecutor's office in BiH" funded by the government of the United Kingdom.

The project objective is the increase in the effectiveness of the Prosecutor's offices in processing criminal acts by way of adopting the necessary by-laws, introduction of continuous joint education of the Police and Prosecutor's office staff, harmonisation of records and statistics as well as providing access to criminal and other records.

REGIONAL COOPERATION: MEMORANDUM OF UNDERSTANDING SIGNED BETWEEN HJPC AND MONTENEGRO GOVERNMENT (11 APRIL 2008)

Branko Perić, HJPC President, Miraš Radović, Montenegro Minister of Justice and Dino Biccato, IMG General Manager (International Management Group), signed a Memorandum of Understanding "Implementation of regional cooperation project regarding support to an independent and effective judicial system in Montenegro".

This Memorandum represents an ongoing cooperation between the HJPC and the judiciary of Montenegro, commencing in July 2007 when at the request of the government of the Kingdom of Norway, HJPC representatives prepared an evaluation of the needs of the judicial system of Montenegro and provided recommendations for possible financial assistance from the government of the Kingdom of Norway.



FOURTH CONFERENCE OF COURT PRESIDENTS IN BIH HELD ON 18 APRIL 2008



The HJPC organised the 4th Conference of Court Presidents in BiH, held in Mostar. Apart from court presidents, the conference was also attended by court secretaries, ombudsmen, representatives of professional associations, centres for education of judges and prosecutors including the Judicial Commission of Brčko District BiH, legislative bodies and executive authorities, lawyers and the international community in BiH.

Some of the conference conclusions included: enactment of the uniform law on salaries for judges, court office workers and other employees; participation of HJPC in negotiations on constitutional reform, legal system and the introduction of the judges promotion system; improved cooperation between the HJPC and the legislative and executive authorities, ministries of justice; increased cooperation with ombudsmen in BiH and building of public confidence in the judicial system.

REGIONAL COOPERATION: REPRESENTATIVES OF THE REPUBLIC OF MACEDONIA JUDICIAL COUNCIL VISITED HJPC (12 MAY 2008)

A five member delegation of the Republic of Macedonia Judicial Council visited the HJPC in order to be introduced to the judicial system reforms in Bosnia and Herzegovina and the role of the HJPC in its implementation. Members of the delegation were introduced to the work of HJPC Presidency, the role of Disciplinary Prosecutor's office and the disciplinary system, functioning of the judicial appointment process in BiH, system of judges' performance assessment and progress of implementation of the Automated Court Cases Management System (CMS).

During their stay in BiH, members of the Macedonian delegation visited the Court of BiH and the Palace of Justice in Sarajevo and met with the President of the Court of BiH, President of the Cantonal Court in Sarajevo and President of the Municipal Court in Sarajevo.

INTERNATIONAL COOPERATION: REPRESENTATIVES OF THE HIGH COURT COUNCIL FROM GEORGIA VISITED HJPC (13 MAY 2008)

A delegation of ten members of the High Judicial Council working group from Georgia met with representatives of the HJPC in order to see the results of implementation and basic CMS functions, including the working processes and the management structure in BiH courts.

During their stay in BiH, members of the working group visited the Municipal and Cantonal courts in Goražde, Cantonal court in Mostar, Municipal court in Sarajevo and the FBiH Supreme Court and exchanged experiences with colleagues from the HJPC in terms of judicial administration, introduction of new information technology and possible problems that may occur in the course of CMS implementation to courts and prosecution offices, in order to pave the way for the best possible method for the forthcoming judicial system computerisation process in Georgia.

EUROPEAN STANDARDS IMPLEMENTED IN 22 MORE COURTS IN BOSNIA AND HERZEGOVINA (19 MAY 2008)



Branko Perić, HJPC President and Jane Nandy, Head of USAID Mission, signed a Declaration of Cooperation whereby 22 more courts from all areas in BiH joined the program supported by USAID, involving the implementation of European standards in BiH courts.

Until May 2008, the Judicial System Development Project (JSDP) funded by USAID produced, in partnership with the HJPC, the program of standards for model courts and provided assistance for 17 model courts in BiH with a view to ensuring implementation of European standards in court administration by way of standardised assessment of quality of performance. Implementation of European standards in 22

additional courts will suggest that a total of 39 courts throughout BiH will be able to work faster and serve public in a more effective way.

INTERNATIONAL COOPERATION: JUDICIAL REPRESENTATIVES OF THE KINGDOM OF NORWAY VISITED HJPC (30 MAY 2008)

A delegation including representatives of the State Court Administration of the Kingdom of Norway, judges and court officials at two first instance courts in Norway visited the HJPC with a view to obtaining information about the judicial system reforms in BiH, the HJPC and its structure, processing laws reform, the structure of courts and CMS implementation.

HJPC President expressed his gratitude to the guests for the long-term support and contribution of the government of the Kingdom of Norway for the judicial system reforms in BiH, achieved with the funding of a number of projects and the involvement of experts who helped HJPC in its work.



PROMOTION OF THE COURT DOCUMENTATION CENTRE (27 MAY 2008)



A special ceremony held in Sarajevo marked the official opening of the HJPC Court Documentation Centre. The Centre was established thanks to the financial support of the Spanish agency for international development cooperation, which invested 300.000 Euros in this project.

The basic function of the Centre is to provide the judiciary and the legal community at large with easy access to reliable legal information necessary in their day to day work.

NEW COUNCIL MEMBERS ELECTED (MAY-DECEMBER 2008)

At the HJPC meeting held on 30.5.2008, the newly elected members with a 4-year mandate included: *Nedžad Popovac*, judge of the Court of Bosnia and Herzegovina *Danijela Mikić*, judge of the Municipal Court in Sarajevo, *Gorana Zlatković*, prosecutor at the District Prosecutor's office in Doboj, *Slavica Čurić*, judge of the Supreme Court of the Federation of Bosnia and Herzegovina, *Svetlana Brković*, prosecutor in the Republic Prosecutor's office of Republika Srpska and *Enisa Adrović*, prosecutor in the Cantonal Prosecutor's office of Zenica-Doboj Canton.

In the period from July to December 2008, two new members were elected. The lawyer Zdravko Rajić was elected on behalf of the Council of Ministers BiH and the prosecutor Biljana Simeunović on behalf of the Prosecutor's office BiH.

MILORAD NOVKOVIĆ WAS ELECTED AS NEW HJPC PRESIDENT (3 JUNE 2008)

At the inaugural meeting, the HJPC elected Milorad Novkovića, ex-member of the HJPC and the District Court Banja Luka, as a new HJPC President.

MEMORANDUM OF UNDERSTANDING SIGNED BETWEEN HJPC AND SWEDISH NATIONAL COURT ADMINISTRATION (3 JULY 2008)

On 3.7.2008, the HJPC and Swedish National Court Administration (SNCA) representatives signed a Memorandum of Understanding identifying areas of importance for the continuation of cooperation between these two institutions. This also included strengthening of the managerial role of court presidents, presentation of activities, completion of court decisions, coordination of activities between judges, prosecutors, police, induction training of prosecutors and investigation activities, programmed budget planning and court funds allocation model. Continuation of the planned cooperation shall depend on the possibility of finding adequate funding from external sources.





MUHAMED TULUMOVIĆ APPOINTED HEAD OF HJPC SECRETARIAT (26 AUGUST 2008)

At the meeting held on 26.8.2008, the HJPC appointed Muhameda Tulumović, President of the District Court Živinice to the position of Head of HJPC Secretariat for a four-year term with effect from 1.1.2009.

HJPC REPRESENTATIVES ATTENDED INTERNATIONAL CONFERENCE OF REGULATORY JUDICIAL INSTITUTIONS IN BUCHAREST (23 SEPTEMBER 2008)

Milorad Novković, HJPC President and Council member Enisa Adrović took part in a two day International Conference of Regulatory Judicial Institutions in Bucharest. The Conference assembled representatives of judicial and prosecution councils from Albania, Bulgaria, Montenegro, Italy, Hungary, Former Yugoslav Republic of Macedonia, Serbia and Bosnia and Herzegovina.

Two years ago, the HJPC initiated the convening of the international conferences of regulatory judicial institutions. The first conference was held in November 2006 in Sarajevo, followed by Budapest in 2007 and the High Court Council of Romania was the organiser of the third conference. The objective of these conferences is the introduction and maintenance of an independent, professional and effective judicial system in the countries facing political and economic transition, and with it the need for judicial system reform.

FOURTH CONFERENCE OF CHIEF PROSECUTORS IN BOSNIA AND HERZEGOVINA HELD ON 21 OCTOBER 2008

HJPC organised the 4th Conference of Chief Prosecutors in Bosnia and Herzegovina held in Mostar with the objective of exchanging experiences and ensuring a systematic approach to the issues important for the work, and improvement of skills, of prosecutors in BiH.

Apart from chief prosecutors and their assistants, the conference also included more than 60 participants, representatives of Ministries of Justice, prosecutors associations and the international community. All had the opportunity to obtain more information on topics such as money laundering and tax evasion, Draft Law on Prosecutor's offices in the Federation BiH, juvenile delinquency, reasons and trends for stopping investigations and the computerisation of the Prosecutor's office BiH. The conference produced conclusions and recommendations on the above mentioned subject matters.



STRATEGY FOR WORK ON WAR CRIMES CASES ADOPTED ON 29 DECEMBER 2008

The Council of Ministers BiH adopted the State strategy for work on war crime cases. The strategy included a systematic approach to the problematic issue of solving the great number of war crime cases in courts and prosecutor's offices throughout BiH. This document defined the deadlines, human resources, criteria and war crime cases management mechanisms, harmonisation of practice of law, issues of regional cooperation, protection and support to victims and witnesses including financial aspects and supervision over the implementation of the strategy.

The strategy underlines the need for processing the most complex and high priority war crime cases within seven years and processing of other war crime cases within fifteen years.

THE HIGH JUDICIAL AND PROSECUTION COUNCIL OF BOSNIA AND HERZEGOVINA

The High Judicial and Prosecution Council of Bosnia and Herzegovina (HJPC) was established by the Law on the High Court and Prosecution Council of Bosnia and Herzegovina¹ (Law on HJPC) on 01.06.2004, as an independent and autonomous BiH institution.

The HJPC's vision is the introduction of a judicial system that will function based on the principles of independence, responsibility, effectiveness and quality of performance, while being accessible to all citizens in all parts of the country. The HJPC's mission, within its area of competence, is to ensure the maintenance of an independent, impartial and professional judicial system in BiH as the basis of any democratic state.

HJPC's competence is laid down in the Law on HJPC² and refers to all courts and prosecutor's offices at all levels of the government, including Brčko District BiH, with certain limitations in terms of Entities constitutional courts. The HJPC has exclusive competence in terms of appointments and assessment of disciplinary responsibility of the judiciary while sharing other competences such as budgets with other relevant institutions. Therefore, the HJPC makes ongoing efforts in establishing intensive cooperation with all relevant institutions in order to, in the shortest possible time, create conditions for the effective functioning of the BiH judicial system and for the provision of services according to European standard.

Equally, the HJPC is a regulatory body at the BiH level, laying down ethical and professional standards for the legal profession and community.

In the course of 2008, the HJPC held 19 sessions (15 regular, 3 extraordinary and 1 inaugural). Three sessions were held outside Sarajevo Headquarters, namely in Livno (30.10.2008), Bijeljina (20 November 2008) and Tuzla (18 December 2008). At all HJPC sessions, decisions are taken by majority vote of all members present and voting, and the presence of at least eleven members is required for a quorum.

HJPC STRUCTURE

In accordance with Article 4 of the Law on HJPC, the HJPC includes 15 members elected by other competent authorities with a four-year mandate.

At the end of 2008, the HJPC consisted of 5 judges, six prosecutors, one representative each of entities lawyers' chambers, one representative each of legislative bodies and executive authorities in BiH, including one member from the international community.

According to the 1991 Consensus of Bosnia and Herzegovina, six HJPC members are Bosniacs (40%), five Serbs (33,3%), three Croats (20%) including one member from 'other' ethnic minorities (6,7%).

As a rule, the HJPC structure also reflects gender representation in Bosnia and Herzegovina. Nine HJPC members are men and seven women.

1 „Official Gazette BiH“, No 25/04, 93/05, 48/07, 15/08

2 Article 17 of the Law in HJPC

THE HJPC MEMBERS AS OF 31.12.2008:



MILORAD NOVKOVIĆ, THE HJPC PRESIDENT

Mandate: July 2006 – July 2010

Elected as the HJPC member in July 2006 by the judges of the District and Basic courts in the Republika Srpska.

In June 2008, at the HJPC inaugural meeting, elected as the HJPC President.

Within judicial system he holds the position of the President of the District Court in Banja Luka.

ZEKERIJA MUJKANOVIĆ, THE HJPC VICE PRESIDENT

Mandate: March 2005 – March 2009

Elected as member of the HJPC in March 2005 by the Judicial Commission of Brčko District BiH.

Within judicial system he holds the position of the Chief Prosecutor at the Prosecutor Office in Brčko District BiH.



DANIJELA MIKIĆ, THE HJPC VICE PRESIDENT

Mandate: June 2008 – June 2012

Elected as the HJPC member in June 2008 by judges of Cantonal and Municipal Courts in the Federation BiH.

Within judicial system she holds the position of the judge at the Municipal Court in Sarajevo.

NEDŽAD POPOVAC

Mandate: June 2008 – June 2012

Elected as the HJPC member in June 2008 by the judges of the Court BiH.
Currently holding the position of the judge at the Court BiH.



BILJANA SIMEUNOVIĆ

Mandate: November 2008 - November 2012

Elected as the HJPC member in November 2008 by prosecutors of the Prosecutor's Office BiH.

Within judicial system holds the position of the prosecutor at the Prosecutor Office BiH.

OBREN BUŽANIN

Mandate: September 2007 – September 2011

Elected as the HJPC member in September 2007 by the judges of RS Supreme Court.

He is the judge at the RS Supreme Court.



SLAVICA ČURIĆ

Mandate: June 2008 – June 2012

Elected as the HJPC Member in June 2008 judges of the Federation BiH Supreme Court.

She is the judge at the Federation BiH Supreme Court.

SVETLANA BRKOVIĆ

Mandate: June 2008 – June 2012

Elected as the HJPC member in June 2008 by the prosecutors at RS Republic Prosecutor Office.
She holds the position of the prosecutor at RS Republic Prosecutor Office.



ZDRAVKO KNEŽEVIĆ

Mandate: July 2006 – July 2010

Elected as the HJPC member in July 2006 by the prosecutors of the Federation BiH Prosecutor Office.

Within judicial system holds the position of the Chief Prosecutor at the Federation BiH Prosecutor Office.



GORANA ZLATKOVIĆ

Mandate: June 2008 – June 2012

Elected as the HJPC member in June 2008 by the prosecutors of the District Prosecutor's offices in Republika Srpska.

Within judicial system holds the position of the prosecutor at the District Prosecutor Office in Doboj.



ENISA ADROVIĆ

Mandate: June 2008. – June 2012

Elected as the HJPC member in June 2008 by the prosecutors of the Cantonal Prosecutor Offices in the Federation BiH.

Within judicial system holds the position of the prosecutor at the Cantonal Prosecutor Office of Zenica-Doboj Canton.



ZLATKO KNEŽEVIĆ

Mandate: August 2006 – August 2010

Elected as the HJPC member in August 2006 by the RS Lawyers Chamber.
He is the President of the RS Lawyers Chamber Governing Board.



ANGELA PULJIĆ

Mandate: January 2005 – January 2009

Elected as the HJPC member in January 2005 by the FBiH Lawyers Chamber.
Works as a lawyer at a Lawyer's Office in Čapljina.



ZAHID KOVAČ

Mandate: July 2008 – July 2012

Elected as the HJPC member in July 2008 by the House of Representatives of the Parliamentary Assembly BiH.

Works as a lawyer at a Lawyer's Office in Zenica.





ZDRAVKO RAJIĆ

Mandate: July 2008 – July 2012

Elected as the HJPC member in Julz 2008 by the Council of Ministers BiH.
Works as a lawyer at a Lawyer's Office in Mostar.

SVEN MARIUS URKE

Mandate: June 2008 – December 2009

Mandate of Sven Marius Urke, lawyer from Norway, the international member of the HJPC, was Extended until 31.12.2009 by the Decision of Miroslav Lajčák, the High Representatives for Bosnia and Herzegovina of 26.6.2008.



CHANGES IN THE HJPC STRUCTURE IN THE COURSE OF 2008

In the course of 2008, there were significant changes in the structure of the HJPC³, as follows:

- Danijela Mikić, Sarajevo Municipal Court judge, replaced Mladen Jurišić, Mostar Cantonal Court President. Her mandate as a HJPC member and vice president ended on 3 June 2008.
- Nedžad Popovac, judge of the Court of BiH replaced Branko Perića, judge of the Court of BiH. His mandate as a HJPC member and vice president ended on 3 June 2008.
- Biljana Simeunović, prosecutor at the Prosecutor's office BiH, replaced Mirsad Strika, prosecutor at the Prosecutor's office BiH. Her mandate as a member of the HJPC ended on 1 November 2008.
- Svetlana Brković, prosecutor of the Republic Prosecutor's office RS, replaced Amor Bukić, Chief Republic Prosecutor at the Republic Prosecutor's office RS. Her mandate as a HJPC member ended on 3 June 2008.
- Slavica Čurić, judge of the Supreme Court FBiH, replaced Ljiljana Filipović, judge of the FBiH Supreme Court. Her mandate as a HJPC member ended on 3 June 2008.
- Gorana Zlatković, Prosecutor at the District Court in Doboj replaced Snježanu Petković, prosecutor at the District Prosecutor's office in Banja Luka. Her mandate as a HJPC member and vice president ended on 3 June 2008.
- Enisa Adrović, prosecutor at the Cantonal Prosecutor's office of Zenica-Doboj Canton, replaced Slađana Milojković, prosecutor at Tuzla Canton Prosecutor's office. Her mandate as a HJPC member ended on 3 June 2008.
- The Council of Ministers of Bosnia and Herzegovina elected Zdravko Rajić, lawyer from Mostar, as a new HJPC member to replace Nada Lovrić, Deputy Minister at the Ministry of Justice of Bosnia and Herzegovina. Her mandate as a HJPC member ended on 8 July 2008.
- At the 32nd session held on 14 July 2008, the House of Representatives of the Parliamentary Assembly of BiH re-elected Zahid Kovač, lawyer from Zenica, as a HJPC member.
- In the Decision of 26 June 2008, Miroslav Lajčák, High Representative for Bosnia and Herzegovina and special EU representative, extended the mandate of the international HJPC member Svena Mariusa Urkea, lawyer from Norway, until 31 December 2009.
- At the inaugural meeting held on 3 June 2008, the HJPC members elected the new HJPC governing body. **Milorad Novković**, President of the District Court in Banja Luka was elected as the new the HJPC President by majority vote. **Danijela Mikić**, Sarajevo Municipal Court judge, was elected as the second HJPC Vice President. **Zekerija Mujkanović**, the HJPC Vice President continues in office until completion of his mandate in March 2009.
- At the same meeting, **Nedžad Popovac**, judge of the Court of BiH, **Gorana Zlatković**, Prosecutor at the District Prosecutor's office in Doboj, **Slavica Čurić**, judge of the Supreme Court of FBiH, **Svetlana Brković**, prosecutor at the Republic Prosecutor's office of Republika Srpska and **Enisa Adrović**, prosecutor at the Cantonal Prosecutor's office of Zenica-Doboj Canton also resumed their duties as HJPC members.

³ New the HJPC members election procedure has been defined by the Law on the HJPC, the HJPC Rules of Procedure and the Book of Rules on Election of Members adopted by the HJPC at the meeting held 28 February 2008. The Book of Rules can be accessed at <http://www.the.HJPC.ba/docs/vstvdocs/?cid=3384,2,1>

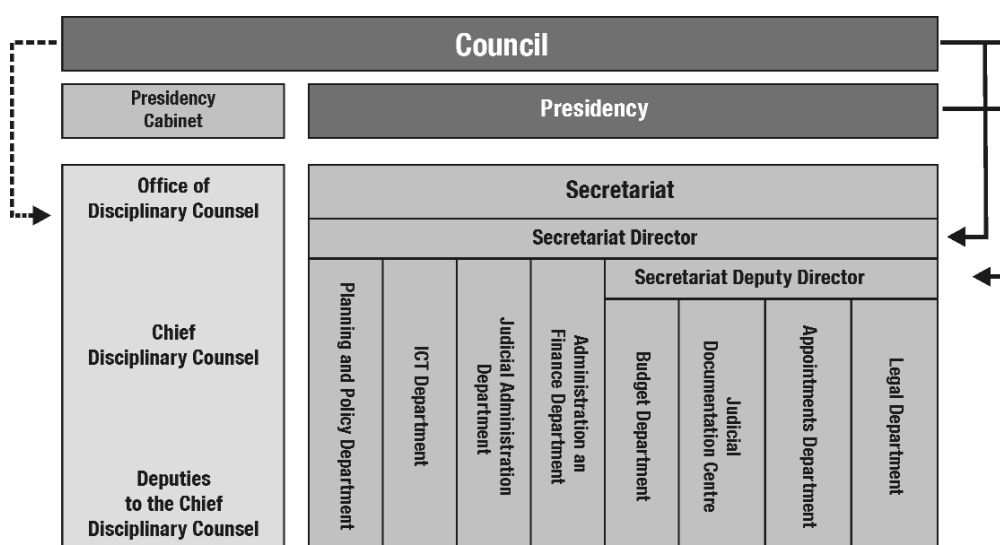
THE HJPC STANDING COMMITTEES

At the meeting held on 19 June 2008, in accordance with the Law on the High Court and Prosecution Council of Bosnia and Herzegovina, the Council issued a Decision on forming Standing Committees to deal with issues of particular interest to the judicial system as follows:

1. Standing Committee for judicial administration,
Members:
 - Mladen Jurišić, President of the Cantonal Court in Mostar (Chairman);
 - Zekerija Mujkanović, Vice President of the Council and the Chief Prosecutor in Brčko District BiH;
 - Semiha Kuljuh, President of the Cantonal Court in Goražde;
 - Danijela Mikić, Vice President of the Council and judge of the Municipal Court in Sarajevo;
 - Sven Marius Urke, Council member and
 - Radomir Aleksić, President of the Municipal Court in Bijeljina.
2. Standing Committee for Court Documentation Centre,
Members:
 - Obren Bužanin, Council member and judge of the RS Supreme Court (Chairman);
 - Slavica Čurić, Council member and judge of the Federation BiH Supreme Court;
 - Svetlana Brković, Council member and prosecutor at the Republic Prosecutor's office of Republika Srpska ;
 - Ljiljana Filipović, judge of the Federation BiH Supreme Court,
 - Dragana Tešić, judge of Brčko District Appeal Court.
3. Standing Committees for Education,
Members:
 - Zdravko Knežević, Council member and Chief Federation Prosecutor (Chairman);
 - Zekerija Mujkanović, Council Vice President and Chief Prosecutor of Brčko District BiH;
 - Branko Perić, judge of the Court of BiH;
 - Asja Razić, judge of Tuzla Cantonal Court and
 - Nevenka Mitrić, judge of the Basic Court in Banja Luka.
4. Standing Committee for Legislature,
Members:
 - Slavica Čurić, Council member and judge of the Federation BiH Supreme Court (Chairman);
 - Obren Bužanin, Council member and judge of the RS Supreme Court;
 - Zdravko Knežević, Council member and Chief Federation Prosecutor;
 - Danijela Mikić, Vice President of the Council and judge of the Sarajevo Municipal Court;
 - Gorana Zlatković, Council member and prosecutor at the Prosecutor's office in Doboј and
 - Zijada Alihodžić, President of the Cantonal Court in Zenica.
5. Standing Committee for Judicial and Prosecution Budgets,
Members:
 - Amir Jaganjac, President of the Federation BiH Supreme Court (Chairman);
 - Zdravko Knežević, Council member and Chief Federation Prosecutor;
 - Zahid Kovač, Council member and lawyer;
 - Nedžad Popovac, Council member and judge of the Court BiH;
 - Želimir Barić, President of the Supreme Court of Republika Srpska and
 - Amor Bukić, Chief Prosecutor at the Republic Prosecutor office of Republika Srpska.
6. Standing Committee for Judicial and Prosecution Ethics, Independence and improper conduct
Members:
 - Svetlana Brković, Council member and Prosecutor at the RS Republic Prosecutor's office (Chairperson);
 - Enisa Adrović, Council member and Prosecutor at the Cantonal Court of Zenica-Doboј Canton;
 - Marija Zgonjanin, District Court judge in Banja Luka and
 - Malik Hadžimeragić, judge of the Federation BiH Supreme Court.

Members of the Standing Committees consisting of at least three members are appointed by the HJPC with two year mandate. However, starting this year, members of Standing Committees can be holders of judicial positions who are not members of the HJPC. In this way the HJPC intends to strengthen relations and partnerships with courts and prosecutor's offices in BiH.

ORGANISATIONAL STRUCTURE OF THE HIGH JUDICIAL AND PROSECUTION COUNCIL



The Presidency

In accordance with the HJPC Book of Procedures, the Presidency is the body responsible for monitoring the implementation of decisions and HJPC Strategy, supervision of activities of the Secretariat, checking the working conditions of the Secretariat and the Office of Disciplinary Counsel, analysis of the planned HJPC budget and preparation of the Director's and Deputy Director's analysis of annual results.

The presidency consists of the President, two Vice Presidents and other members of the Council with full time employment contract with the HJPC. On December 2008, the Presidency included Novković, Danijela Mikić, Zekerija Mujkanović and Obren Bužanin.

The Presidency Cabinet

The Presidency Cabinet provides direct Expert and administrative support to the Presidency in conducting its business activities. In addition, the Cabinet provides internal communication between the Presidency, the Secretariat and the Office of Disciplinary Counsel. The Cabinet also includes the Public Relations Unit.

Secretariat

The Secretariat conducts the Expert, financial and administrative work of the HJPC⁴ and provides support to the Council, Standing Committees of the Council, Collegium and the Office of Disciplinary Counsel in completing their tasks according to the Law, other relevant regulations, the HJPC Book of Procedures and other HJPC⁵ internal rules.

The Secretariat has a director and deputy director reporting to the Council.

According to the Law on the HJPC, the director is responsible for the overall achievement of activities dealing with Expert, administrative and financial issues, including execution of the HJPC budget and donor funds expenditures. The Deputy Director is, in accordance with the HJPC Law, is responsible for supervising the preparation of HJPC meetings and execution of the HJPC decisions and other tasks assigned by HJPC Decision. The Secretariat consists of eight organisational units (seven sections and the Court Documentation Centre), the organisational structure of which is detailed in the Book of Rules on the Internal Structure and Job Descriptions.

⁴ Article 15 of the Law on the HJPC („Official GazetteS BiH“, No. 25/04).

⁵ Article 19 of the HJPC Book of Procedures.

Office of Disciplinary Counsel

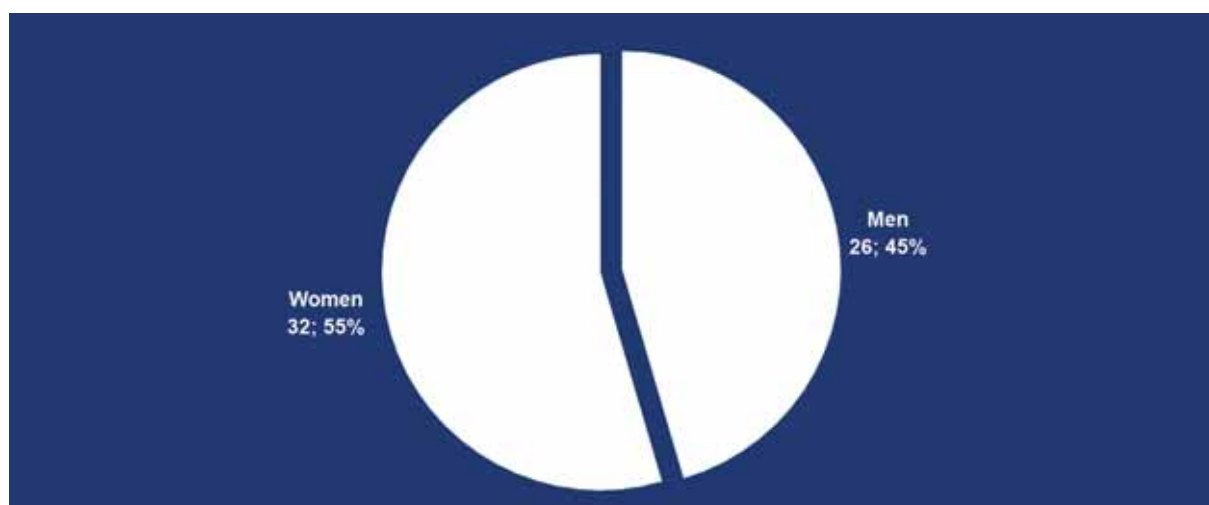
The Office of Disciplinary Counsel (ODC) is an independent body within the HJPC. The ODC receives complaints, conducts investigations and initiates disciplinary procedures against judges, jurors, reserve judges and prosecutors at all levels of the judicial system in BiH, except against judges of constitutional courts. Should the ODC prove that a judge or a prosecutor committed a disciplinary offence⁶, the Council shall impose a disciplinary measure against the indicted judge or prosecutor, ranging from a written caution for minor misconduct to permanent dismissal from office for serious offence.

The activities of the ODC have been carried out by the Chief Disciplinary Counsel (CDC) who has two deputies. The function of CDC has been conducted by Anđelko Marijanović. Three Disciplinary Counsels have also been employed at the ODC including one assistant investigator and one administrative assistant.

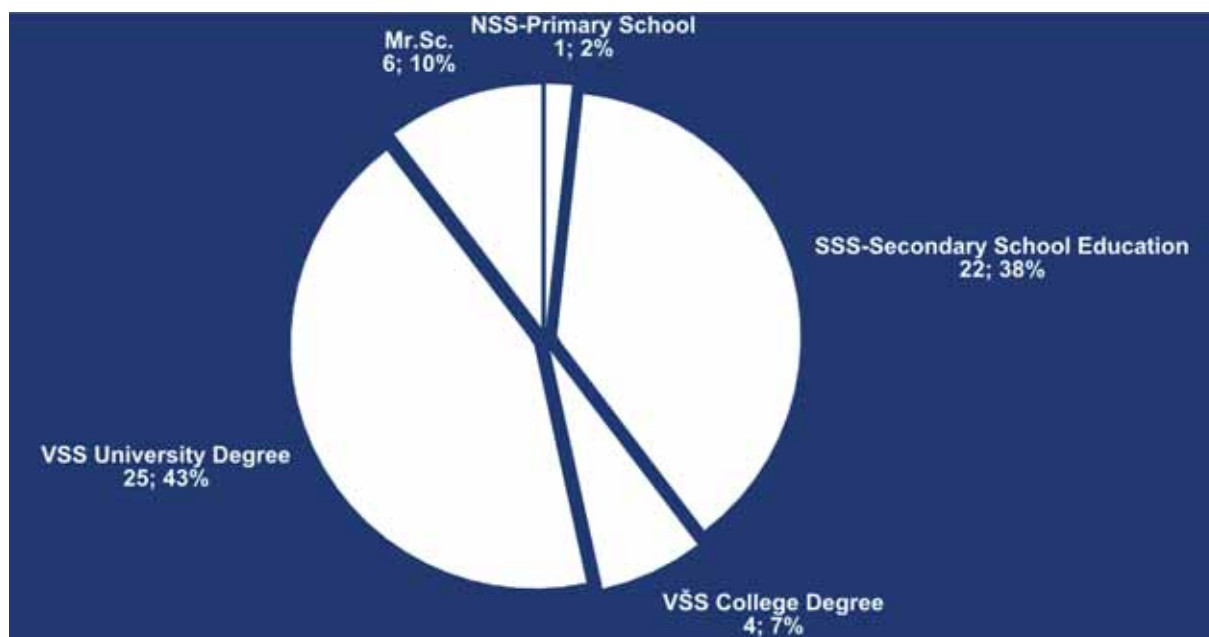
THE HJPC PERSONNEL STRUCTURE

On 31 December 2008 the HJPC had 116 employees of which 66⁷ were funded from the HJPC budget and 50 were recruited for carrying out HJPC project activities and funded from donor funds.

GENDER STRUCTURE OF THE HJPC EMPLOYEES



QUALIFICATION STRUCTURE OF THE HJPC EMPLOYEES



⁶

23 each disciplinary offences which judicial officials can be sanctioned for, have been defined in Articles 56 and 57 of the Law on the HJPC. Although the Book of Rules on the HJPC Internal Organisation and Job Structure envisaged 90 jobs, on 31 December 2008, 66 positions were filled at the HJPC (Presidency Cabinet, Secretariat and ODP), i.e. 63 temporary jobs and 3 full time jobs.

⁷

THE HJPC BUDGET

The activities of the HJPC are partly funded from the approved budget funds of the institutions of BiH, and partly from donor funds.

HJPC Activities Funding from Institutions of BiH Budget Funds

Pursuant to the Law on the Institutions of BiH Budget and international commitments of BiH, a budget of 7.090.747 KM was approved for the HJPC, of which 89% of funds were utilised. The following table shows the execution of budget itemised:

Budget Item	Approved budget	Rebalance	Execution of budget	Index
Gross Pay and Compensations	2 884 884	2 434 884	2 229 716	92%
Compensations of Staff Expenses	305 963	305 963	259 436	85%
Travel Allowance	295 151	165 151	163 332	99%
Telephone and Mail Services	112 902	112 902	89 035	79%
Energy and Utility Services	121 466	121 466	85 789	71%
Material procurement costs	53 554	53 554	53 137	99%
Transport and Fuel Expenses	26 095	43 095	36 110	84%
Rental Costs	0	0	0	0
Running Costs	352 199	352 199	346 022	98%
Insurance and payment transactions	4 382	12 382	5 239	42%
Contracted Services	360 531	560 531	450 654	80%
Equipment Supplies	2 573 620	2 928 620	2 617 446	89%
TOTAL:	7 090 747	7 090 747	6 335 916	89%

Audits

The Institutions of BiH Audit Office determined that the Financial Report for 2007 reflects a fair and true statement of the accounts as at 31 December 2007 in keeping with the Book of Rules on Financial Reporting and the Book of Rules on Accounting Practices of the Institutions of BiH.

In November 2008, a preliminary audit of the budget funds for the fiscal year 2008 was carried out. In the course of 2009, the final audit for the fiscal year 2008 will be done including those of donor funds.

HJPC Activities Financed from Donor Funds

In the course of 2008, the HJPC completed 12 donor projects.

Implementation of projects has been regulated by Article 15 Para 11 of the Law on the HJPC, which states “*The Council can receive funds from international donors for the HJPC operating budget and for special judicial reform projects outside the HJPC operating budget. Funds shall be paid to the special account opened with the Central Bank of BiH. Funds shall be utilised upon approval of the Head of Secretariat in accordance with regulations on the use of donor funds laid down by the Council and according to the terms of agreement on donations signed with the donor.*”

The most significant partner in the funding of various judicial reform projects is the Kingdom of Norway with a participation of 25,16% of the total value of donated funds. Regarding joint funding projects, representing 36,48 % of the total value of funds donated, the Kingdom of Netherlands and the Kingdom of Sweden are the most significant partners in the computerisation of the judicial system. Sizeable funds for the realisation of different projects were provided by the European Commission, USA, the Governments of Ireland and Canada, and the Kingdoms of Spain and Great Britain.

All donor funds have been utilised through the Financial Management Information System (FMIS) of the Ministry of Finance and Treasury of BiH from donor accounts opened with the Central Bank of BiH.

The following table gives an overview of donor and individual projects completed in the course of 2008:

Source of funding and project description	Total Funds Approved (KM)	Project Implementation Period
1. Norwegian grant 2006/2007 Capital investment (reconstruction of District Court I Sarajevo and Municipal/Cantonal Court Sarajevo)	1 134 382	July 2006 – June 2008
2. Norwegian grant 2007/2008 Support to Judicial System Reform Extension of the HJPC Office Space Support to CMS Development Project Reconstruction of the Basic Court Sokolac, Reconstruction of the Municipal/Cantonal Court Sarajevo, Support to the Records Relocation Project, Support to the Project for reduction of number of outstanding court cases	1 979 237	July 2007 – July 2008
3. USA Grant Reconstruction of the Training Centre FBiH	301 654	January 2005 – September 2009

Source of funding and project description	Total Funds Approved (KM)	Project Implementation Period
4. European Commission Grant 2005/107-513 ICT Project, Project for reform of Misdemeanour Courts, Judicial training support project	4 037 357	January 2006 - January 2008
5. Spanish Agency for Cooperation grant (FIIAPP) Support to Judicial Documentation Centre	54 763	October 2006 - until further notice
6. Irish Grant Drafting of the Book of Rules on Judicial activities in BiH	168 172	August 2007 - August 2008
7. Norwegian Grant War crimes database development project	156 466	November 2007 - November 2008
8. Norwegian Grant Judicial system reform – to establish facts on judicial system in Montenegro	30 406	July 2007 - July 2008
9. Canadian Grant Support for international consultant	32 596	September 2007 - May 2008
10. Dutch and Swedish grant ICT/CMS project	4 895 768	January 2008 - December 2008
11. British grant Project for the introduction of improved instruments for cooperation between the police and prosecutor offices	554 478	April 2008 - March 2009

Audits

Most donors require opinion of an independent auditor enclosed with the final report on realisation of the project and a financial report on the utilisation of funds. In the course of 2008, an independent auditor completed the audit for the following grants:

- Norwegian grant for the Project for the Reconstruction of District Court Istočno Sarajevo and Municipal/Cantonal Court in Sarajevo,
- US grant for the Reconstruction of Judges and Prosecutors Training Centre in Republika Srpska,
- European Commission grant for the Project of Computerisation of Judicial System,
- Irish grant for the Project for Drafting the Book of Rules on Judicial Activities,
- Norwegian grant for the Fact-Finding Project on the Judicial System in Montenegro.

An independent auditor rendered a positive opinion regarding the aforementioned grants as follows: "the Project budget report reflects a true and fair account of income and expenditures of the project on all counts and is accurately prepared according to International Accounting Standards. We can conclude that there are no deviations or errors in terms of the above."

Reports of the independent auditor for 2008 have been sent to the Audit Office for the Institutions of BiH and the Ministry of Finance and Treasury BiH in the same manner as previous years.

CHAPTER 1 APPOINTMENTS

1.1 INTRODUCTION

Within its competence to appoint judicial officials the HJPC is, in accordance with its legal powers, also competent to appoint:

- judges, including court presidents, lay judges and reserve judges to all courts at the state, entity, cantonal, district, basic and municipal levels in Bosnia and Herzegovina including Brčko District Bosnia and Herzegovina with the exception of the Constitutional Court of Entities of Bosnia and Herzegovina,
- chief prosecutors, deputy chief prosecutors and prosecutors in all prosecutor's offices at state, entity, cantonal and district level in Bosnia and Herzegovina including Brčko District of Bosnia and Herzegovina,
- judicial associates in courts at the basic level,
- at basic level courts, judges and prosecutors at the Court and Prosecutor's office of Bosnia and Herzegovina,
- to propose to the competent authorities their recommendations for the selection of judges of the Constitutional Court of Republika Srpska and appointment of judges of the Constitutional Court of the Federation of Bosnia and Herzegovina.

The HJPC Secretariat Appointments Office provides support to the Council in terms of appointments and other decision-making regulations, status of judicial office holders (termination of mandate, referral to other court) and, in this context, prepares the relevant material and analyses, maintains updated records about candidates and appointments of judges, prosecutors and judicial associates.

1.2. ACTIVITIES AND RESULTS ACHIEVED IN 2008

In the course of 2008, the HJPC published 11 job advertisements for 327 vacancies for positions in the judicial system including 2 job advertisements for positions of judges of the Constitutional Court of FBiH and 2 for selection of candidates to represent Bosnia and Herzegovina at the International Criminal Court (ICC).

A total of 1,457 candidates applied for these positions. In the course of 2008, members of the Council, in their capacity as members of the Interviewing Commissions, interviewed 505 job applicants.

The Council delivered 204 decisions on appointments and nominated 141 judges, prosecutors, president of the court, and deputy chief prosecutor, 15 reserve judges, 21 judicial associates, 21 lay judges and 6 international judges and prosecutors including a candidate to be nominated for the International Criminal Court (ICC)⁸.

Several months are necessary for the selection and appointment procedure due primarily to two elements: the complexity of the procedures as laid down in the Law on The High Judicial and Prosecutorial Council of BiH and the obligation to respect the relevant constitutional provisions regulating equal rights and representation of the constituent peoples and others. In the case of the first of these elements, the Council makes a maximum effort to accelerate particular stages of the procedure, i.e. the procedure as a whole as much as it is objectively possible, notwithstanding the difficult circumstances which include, a great number of applicants and the fact that most candidates tend to apply for more than one position. A special problem exists in filling vacant positions on the Council due to the impossibility of appointing a candidate of the relevant ethnic background (or from the Others) causing the Council to advertise vacancies repeatedly, consequently taking a longer period of time to fill these vacancies, which directly affects effectiveness of the judicial system as a whole.

In 2008, the Council extended the mandate of 30 presidents of municipal and basic courts, two chief prosecutors and one deputy chief prosecutor. 20 decisions on extension of mandates to reserve judges and 9 decisions on extension of mandates to international judges and prosecutors were delivered.

1.2.1. POSITION AS AT 1 JANUARY 2008

Out of a total number of 1.339 planned vacancies for judges, prosecutors and judicial associates in Bosnia and Herzegovina, on 1 January 2008, 1.273 (95,07%) positions were filled.

8 Having completed the procedure carried out in keeping with the ICC Roman Statut and provisions of the Law on the HJPC, the HJPC has, for the first time, at the proposal of the Ministry of Justice of Bosnia and Herzegovina, selected the judge Vukoje Dragomir to be appointed as the ICC judge to represent Bosnia and Herzegovina.

Table 1.1.: Judges, prosecutors and judicial associates

	Number of Planned Positions	Number of Positions Filled	Number of Vacancies	% of Positions Filled
Judges	885	856	29	96,72%
Prosecutors	304	293	11	96,38%
Judicial Associates	150	124	26	82,67%
TOTAL	1 339	1 273	66	95,07%

1.2.2. JUDGES AND PROSECUTORS

1.2.2.1. Appointment of Judges and Prosecutors

In the course of 2008, a total of 141 judges, prosecutors, court presidents, chief prosecutors and deputy chief prosecutors were appointed.

Tabela 1.2.: Appointment of judges and prosecutors who did not hold judicial office at the time of appointment (in alphabetical order)

No.	Surname and Name	Appointed at the Position	Starting Date of Mandate
1.	Badnjar Ljubo	Cantonal Prosecutor's office Sarajevo	15.4.2008.
2.	Bogunić Sanin	Cantonal Prosecutor's office Sarajevo	15.4.2008.
3.	Botonjić Đemal	Municipal Court Sanski Most	5.5.2008.
4.	Buhić Hasiba	Municipal Court Velika Kladuša	15.4.2008
5.	Dautbegović Senada	Municipal Court Konjic	1.6.2008.
6.	Jaramaz-Dedić Sanja	Municipal Court Sarajevo	1.12.2008.
7.	Kalender Nijazija	Basic Court Brčko Distict BiH	1.3.2008.
8.	Kitić Ljubomir	Court BiH	1.7.2008.
9.	Kljajić Ratka	Prosecutor's office Brčko District BiH	1.7.2008.
10.	Marenić Željka	Court of BiH	1.12.2008.
11.	Milivojević Dobrinka	Basic Court Brčko Distict BiH	1.3.2008.
12.	Miljković Jasmina	Municipal Court Velika Kladuša	1.12.2008
13.	Odobasić Izet	Cantonal Prosecutor's office Bihać	15.10.2008.
14.	Popović Sanela	Municipal Court Zenica	1.12.2008.
15.	Radan Aleksandar	Municipal Court Živinice	1.12.2008.
16.	Radulović Miloš	Municipal Court Novi Grad	22.3.2008.
17.	Rubil Goran	District Prosecutor's office Dobo	15.4.2008.
18.	Sarajlija Sabina	Cantonal Prosecutor's office Sarajevo	15.4.2008.
19.	Šarić Ekrem	Municipal Court Velika Kladuša	1.12.2008.
20.	Šarić Maja	Basic Court Banja Luka	1.7.2008.
21.	Tešnjak Nermin	Cantonal Prosecutor's office Zenica	15.10.2008.
22.	Travar Zorica	District Prosecutor's office Banja Luka	15.4.2008.
23.	Zobenica Ljiljana	Basic Court Brčko Distict BiH	1.3.2008.

Table 1.3.: Appointment of judges and prosecutors who, at the time of appointment, held different judicial positions (in alphabetical order)

No.	Surname and Name	Position and institution prior to appointment	Position and institution after appointment	Starting Date of Mandate
1.	Antonović Zvezdana	Judge, Cantonal Court Zenica	Judge, Court BiH	1.7.2008.
2.	Arnautović Edina	Judge, Cantonal Court Bihać	President, Cantonal Court Bihać	1.9.2008.
3.	Banjac-Lopandić Snežana	Reserve Judge, Basic Court Derventa	Judge, Basic Court Derventa	15.4.2008.
4.	Baštinac Jasminka	Reserve Judge, Basic Court Prijedor	Judge, Basic Court Prijedor	15.4.2008.
5.	Begović Amina	Judge, Municipal Court Sarajevo	Judge, Cantonal Court Sarajevo	15.10.2008.
6.	Bilajac Mirsad	Prosecutor, Cantonal Prosecutor's office Goražde	Chief Prosecutor, Cantonal Pros. Office Goražde	1.9.2008.
7.	Bjelobrk Mersida	Judge, Basic Court Banja Luka	Judge, District Court Banja Luka	15.4.2008.
8.	Blagojević Radenko	Judge, Cantonal Court, Bihać	Judge, Supreme Court FBiH	1.12.2008.
9.	Brković Dženana	Judicial Associate, Municipal Court Zenica	Judge, Municipal Court Zenica	1.12.2008.
10.	Cikotić Aida	Judicial Associate, Municipal Court, Sarajevo	Judge, Municipal Court Sarajevo	5.5.2008.
11.	Čačić Stjepan	Prosecutor, Cantonal Prosecutor's office Tuzla	Deputy Chief Prosecutor, Cantonal Prosecutor's office. Tuzla	20.11.2008.
12.	Debevec Ranko	Prosecutor, Cantonal Prosecutor's office Sarajevo	Prosecutor, Prosecutor's office BiH	5.5.2008.
13.	Duraković Sedina	Reserve Judge, Municipal Court Sarajevo	Judge, Municipal Court Sarajevo	1.12.2008.
14.	Đajić Miodrag	Judge, Basic Court Novi Grad	President, Basic Court Novi Grad	22.3.2008.
15.	Ezić Munevera	Prosecutor, Cantonal Prosecutor's office Bihać	Judge, Municipal Court Bosanska Krupa	15.4.2008.
16.	Handžić-Selimović Lejla	Judicial Associate, Municipal Court Visoko	Prosecutor, Cantonal Prosecutor's office Zenica	15.10.2008.
17.	Janjić Radomir	Judge, Municipal Court Bihać	Judge, Basic Court Prnjavor	1.12.2008.
18.	Janković Radenko	Judge, Basic Court Banja Luka	Judge, District Prosecutor's office Banja Luka	15.4.2008.
19.	Jesenković Vesna	Judge, Municipal Court Sarajevo	Judge, Court BiH	1.7.2008.
20.	Jovanović Ranko	Judge, Municipal Court Bihać	Judge, Basic Court Trebinje	15.4.2008.
21.	Kajmaković Diana	Prosecutor, Cantonal Prosecutor's office Sarajevo	Prosecutor, Prosecutor's office BiH	5.5.2008.
22.	Komić Sead	Judge, Municipal Court Bosanska Krupa	President, Municipal Court Bosanska Krupa	15.3.2008.
23.	Kopilaš Ivanka	Reserve Judge, Municipal Court Široki Brijeg	Judge, Municipal Court Široki Brijeg	1.12.2008.
24.	Kosović Jasmina	Judge, Cantonal Court Sarajevo	Judge, Court of BiH	5.5.2008.
25.	Kovačević Dragana	Reserve Judge, Basic Court Banja Luka	Judge, Basic Court Banja Luka	1.7.2008.
26.	Kršlaković Fikret	Judge, RS Supreme Court	Judge, Court BiH	1.7.2008.
27.	Kudić Rasmira	Judicial Associate, Municipal Court Velika Kladuša	Judge, Municipal Court Cazin	1.12.2008.
28.	Kulenović Vasvija	Judge, Municipal Court Velika Kladuša	Judge, Municipal Court Bihać	15.10.2008.
29.	Kurtović Suad	Prosecutor, Cantonal Prosecutor's office Zenica	Judge, Supreme Court FBiH	1.12.2008.
30.	Lalović Ljiljana	Judge, Municipal Court Sarajevo	Judge, Court BiH	5.5.2008.
31.	Lazić Zoran	Judicial Associate, Basic Court Derventa	Judge, Basic Court Derventa	15.10.2008.
32.	Lipovača Jasmina	Judicial Associate, Municipal Court Bihać	Judge, Municipal Court Bihać	15.10.2008.
33.	Macanović Ljubo	Judge, Municipal Court Velika Kladuša	Judge, District Prosecutor Office Banja Luka	15.4.2008.
34.	Maksumić Snježana	Judicial Associate, Municipal Court Konjic	Judicial Associate, Municipal Court Mostar	5.5.2008.
35.	Malićbegović Mirela	Judicial Associate, Municipal Court Zavidovići	Judge, Municipal Court Žepče	15.4.2008.
36.	Mašović Hasija	Judge, Municipal Court Sarajevo	Judge, Court BiH	1.7.2008.
37.	Mešković Zinaida	Judge, Municipal Court Sarajevo	Judge, Cantonal Court Sarajevo	15.4.2008.
38.	Mićić Ljubiša	Judicial Associate, Basic Court Zvornik	Judge, Basic Court Bijeljina	15.10.2008.
39.	Milanović Nermana	Judge, Basic Court Novi Grad	Judge, District Court Banja Luka	15.4.2008.
40.	Miloica Duško	Judge, Basic Court Prijedor	President, Basic Court Prijedor	15.3.2008.
41.	Mugoša Tanja	Judicial Associate, Basic Court Prijedor	Judge, Basic Court Prijedor	15.10.2008.
42.	Mujanović Ismeta	Judge, Municipal Court Tuzla	Judge, Cantonal Court Tuzla	15.10.2008.

No.	Surname and Name	Position and institution prior to appointment	Position and institution after appointment	Starting Date of Mandate
43.	Muratbegović Amra	Judge, Municipal Court Konjic	President, Municipal Court Konjic	15.4.2008.
44.	Muratbegović Dževad	Deputy Chief Prosecutor, District Prosecutor's office Trebinje	Prosecutor, Prosecutor's office BiH	1.12.2008.
45.	Nežirović Goran	Judge, Cantonal Court Tuzla	FBiH Supreme Court Judge	1.4.2008.
46.	Novak Biljana	Judge, Municipal Court Tuzla	President, Municipal Court Tuzla	1.9.2008.
47.	Orman-Šerbo Rasema	Judge, Municipal Court Travnik	Judge, Municipal Court Kiseljak	1.12.2008.
48.	Pajić Slađana	Judge, Basic Court Doboj	Judge, District Court Doboj	15.4.2008.
49.	Pećanac Jasna	Prosecutor, Cantonal Prosecutor Office Sarajevo	Prosecutor, Prosecutor's office FBiH	1.7.2008.
50.	Perić Milena	Judge, Municipal Court Ljubuški	President, Municipal Court Ljubuški	1.12.2008.
51.	Petrović Angela	Judge, Municipal Court Zenica	Judge, Cantonal Court Novi Travnik	15.10.2008.
52.	Popadić Gorjana	Reserve Judge, RS Supreme Court	Judge, RS Supreme Court	1.12.2008.
53.	Porobić Huso	Judge, Basic Court Vlasenica	Judge, Cantonal Court Odžak	1.12.2008.
54.	Potogija Jasenka	Judicial Associate, Municipal Court Sarajevo	Judge, Municipal Court Sarajevo	1.12.2008.
55.	Ravlija Franjo	Judge, Municipal Court Široki Brijeg	President, Municipal Court Široki Brijeg	1.3.2008.
56.	Rondić Sanela	Judicial Associate, Municipal Court Sarajevo	Judge, Municipal Court Sarajevo	1.12.2008.
57.	Šabić Nijaz	Prosecutor, District Prosecutor's office Banja Luka	Judge, Municipal Court Travnik	1.12.2008.
58.	Šehović Mirsad	Prosecutor, Cantonal Prosecutor's office Sarajevo	Deputy Chief Prosecutor, Cantonal Prosecutor's office Sarajevo	1.12.2008.
59.	Tadić Lucija	Reserve Judge, Municipal Court Živinice	Judge, Municipal Court Živinice	1.12.2008.
60.	Tica Senad	Judge, District Court Banja Luka	Judge, Supreme Court RS	1.12.2008.
61.	Tomić Predrag	Judge, Municipal Court Konjic	Prosecutor, Cantonal Prosecutor's office Mostar	15.10.2008.
62.	Turkeš Drago	Judge, Basic Court Bosanska Gradiška	Judge, District Court Banja Luka	15.4.2008.
63.	Vinojčić-Topić Gordana	Expert Associate, Basic Court, Kotor Varoš	Judge, Basic Court Kotor Varoš	15.4.2008.
64.	Vuleta Aleksandra	Judicial Associate, Municipal Court Sarajevo	Judge, Municipal Court Sarajevo	5.5.2008.
65.	Zadrić Marin	President, Municipal Court Ljubuški	President, Municipal Court Mostar	1.7.2008.
66.	Žabić Ivo	Judge, Basic Court Derventa	Judge, Municipal Court Travnik	1.12.2008.

Table 1.4.: Appointed court presidents, chief prosecutors and deputy chief prosecutors (in alphabetical order)

No.	Surname and Name	Position and Institution	Starting Date of Mandate	First Mandate or Re-elected
1.	Alajbegović Firdeus	President, Basic Court Vlasenica	29.3.2008	Re-elected
2.	Alić Alma	President, Municipal Court Gradačac	08.3.2008.	Re-elected
3.	Arnautović Edina	President, Cantonal Court Bihać	1.9.2008.	First Mandate
4.	Banduka Božana	President, Municipal Court Kiseljak	15.3.2008.	Re-elected
5.	Bilajac Mirsad	Chief Prosecutor, Cantonal Prosecutor's office Goražde	1.9.2008.	First Mandate
6.	Bogdanović Radmila	President, Basic Court Višegrad	15.3.2008.	Re-elected
7.	Borovčanin Luka	President, Basic Court Sokolac	29.3.2008.	Re-elected
8.	Bosić Milan	President, Basic Court Trebinje	29.3.2008.	Re-elected
9.	Bosnić Željko	President, Municipal Court Bihać	15.3.2008.	Re-elected
10.	Cvitanović Niko	President, Municipal Court Livno	1.3.2008.	Re-elected
11.	Čobo Fikret	President, Municipal Court Visoko	22.3.2008.	Re-elected
12.	Čolović Rajko	Chief Prosecutor, District Pros. Office Istočno Sarajevo	10.11.2008.	Re-elected
13.	Čačić Stjepan	Deputy Chief Prosecutor, Cantonal Pros. Office Tuzla	20.11.2008.	First Mandate
14.	Dabić Luka	Chief Prosecutor, Cantonal Prosecutor Office Orašje	10.7.2008.	Re-elected
15.	Dragičević Dragica	President, Municipal Court Žepče	10.7.2008.	Re-elected
16.	Dujić Goran	President, Municipal Court Travnik	1.3.2008.	Re-elected
17.	Đajić Miodrag	President, Basic Court Novi Grad	22.3.2008.	First Mandate
18.	Gajanin Zdenka	President, Basic Court Kotor Varoš	22.3.2008.	Re-elected
19.	Grbić Zijad	President, Basic Court Derventa	15.3.2008.	Re-elected
20.	Hairlahović Mirsad	President, Municipal Court Cazin	15.3.2008.	Re-elected
21.	Halilović Hajrudin	President, Basic Court Srebrenica	15.3.2008.	Re-elected
22.	Imamović Sead	President, Municipal Court Goražde	1.1.2008.	Re-elected
23.	Indić Rajko	President, Municipal Court Sanski Most	29.3.2008.	Re-elected
24.	Jovanović Jovanka	President, Basic Court Doboj	02.02.2008.	Re-elected

No.	Surname and Name	Position and Institution	Starting Date of Mandate	First Mandate or Re-elected
25.	Kasagić Predrag	President, Basic Court Bosanska Gradiška	15.3.2008.	Re-elected
26.	Kaurinović Damjan	President Appellate Court Brčko District	1.04.200.	Re-elected
27.	Komić Sead	President, Municipal Court Bosanska Krupa	15.3.2008.	First Mandate
28.	Kundačina Milena	President, Basic Court Foča	1.3.2008.	Re-elected
29.	Ljubojević Hasnija	President, Municipal Court Kakanj	22.3.2008.	Re-elected
30.	Mikić Željko	President, Municipal Court Orašje	2.2.2008.	Re-elected
31.	Miloica Duško	President, Basic Court Prijedor	15.3.2008.	First Mandate
32.	Muhić Hava	President, Municipal Court Zavidovići	22.3.2008.	Re-elected
33.	Muratbegović Amra	President, Municipal Court Konjic	15.4.2008.	First Mandate
34.	Novak Biljana	President, Municipal Court Tuzla	1.9.2008.	First Mandate
35.	Omerović Ibrahim	President, Municipal Court Kalesija	2.2.2008.	Re-elected
36.	Perić Milena	President, Municipal Court Ljubuški	1.12.2008.	First Mandate
37.	Radovanović Dragan	Deputy Chief Prosecutor, Cantonal Pros. Office Tuzla	20.11.2008.	Re-elected
38.	Ravlija Franjo	President, Municipal Court Široki Brijeg	1.3.2008.	First Mandate
39.	Soldo Katica	President, Municipal Court Bugojno	15.3.2008.	Re-elected
40.	Šehović Mirsad	Deputy Chief Prosecutor, Cantonal Pros. Office Sarajevo	1.12.2008.	First Mandate
41.	Šerbecić Husejin	President, Basic Court Teslić	29.3.2008.	Re-elected
42.	Tulumović Muhamed	President, Municipal Court Živinice	8.3.2008.	Re-elected
43.	Vejzović Muhamed	President, Basic Court Zvornik	2.2.2008.	First Mandate
44.	Zadrić Marin	President, Municipal Court Mostar	1.7.2008.	First Mandate
45.	Zvizdić Alija	President, Basic Court Bijeljina	8.3.2008.	Re-elected
46.	Živković Nada	President, Basic Court Prnjavor	15.3.2008.	Re-elected

Table 1.5.: Incumbents Appointed Court Presidents/ Chief Prosecutors (in alphabetical order)

No.	Name and Surname	Court/Prosec. Office	Date of Appointment
1.	Aničić-Zgonjanin Marija	District Court Banja Luka	30.10.2008.
2.	Barašin Milorad	Prosecutor's office BiH	28.2.2008.
3.	Hodžić Fikret	Cantonal Court Bihać	10.4.2008.
4.	Krtalić Zoran	Cantonal Court Mostar	18.1.2008.
5.	Perić Milena	Municipal Court Ljubuški	29.5.2008.

1.2.2.2. Increase in the planned number of judges and prosecutors

In 2008, the HJPC delivered Decisions on the increase in numbers of judges and prosecutors necessary at particular courts and prosecutor's offices, as follows:

- Prosecutor's office of Brčko District BiH due to filling of vacancies of the newly opened War Crimes Office,
- Municipal Court Mostar due to the need for additional resources for completion of a great number of outstanding case files,
- Court of BiH and Prosecutor's office BiH due to the replacement of international judges and prosecutors with local judges and prosecutors in accordance with the Agreement on the Office of the Registrar⁹.

Table 1.6.: Increase in the Number of Planned Judges and Prosecutors

Court/Prosecutor Office	Previously planned number of judges/prosecutors	Number of increased positions in 2008	Total number of positions
Prosecutor's office Brčko District BiH	7	3	10
Municipal Court Mostar	22	1	23
Court of BiH	36	6	42
Prosecutor Office BiH	27	1+1	29

1.2.2.3. Resignations and dismissals from office of judges and prosecutors

In 2008, 30 judges handed in their resignations. It is evident from the HJPC records that implementation of the Law on Notaries in Entities contributed to the number of resignations compared to the previous year since a certain number of judges and prosecutors started their careers as notaries.

9 Agreement signed between the High Representative for Bosnia and Herzegovina and Bosnia and Herzegovina, 26 September 2006.

Table 1.7.: Resignations of Judges and Prosecutors (in alphabetical order)

No.	Surname and Name	Court/ Prosecutor Office	Date Mandate Terminated
1.	Barbić Pero	Cantonal Pros. Office Travnik	31.10.2008.
2.	Begović Besima	Municipal Court Tuzla	31.7.2008.
3.	Bošković Milica	Municipal Court Široki Brijeg	12.5.2008.
4.	Bradvić Ivo	Prosecutor's office FBiH	15.12.2008.
5.	Bursač Milka	Basic Court Prijedor	6.5.2008.
6.	Delalić Sead	Municipal Court Bihać	31.8.2008.
7.	Delić Milenko	District Pros. Office Banja Luka	11.1.2008.
8.	Đuranović Branka	District Pros. Office Doboј	21.1.2008.
9.	Đurić Olivera	Municipal Court Kiseljak	18.2.2008.
10.	Guzina Sanja	Cantonal Pros. Office Bihać	6.10.2008.
11.	Jakić-Kuhač Ana	Basic Court Derventa	19.1.2008.
12.	Josić Sanda	District Pros Office Banja Luka	11.1.2008.
13.	Jukić Spomenko	Cantonal Pros. Office Mostar	31.8.2008.
14.	Jurčević Marinko	Prosecutor's office BiH	21.10.2008.
15.	Kapić Reuf	Cantonal Court Bihać	7.4.2008.
16.	Karasalihović Salina	Municipal Court Živinice	13.7.2008.
17.	Klobučar Željka	Municipal Court Zenica	7.9.2008.
18.	Kurić Ajda	Municipal Court Travnik	16.9.2008.
19.	Mahmutbegović Jasminka	Municipal Court Bugojno	15.10.2008.
20.	Marić Josip	Municipal Court Žepče	30.11.2008.
21.	Milaković Radovan	Basic Court Banja Luka	24.1.2008.
22.	Mukanović Edin	Municipal Court Tuzla	1.10.2008.
23.	Mulabdić Damirka	Cantonal Pros. Office Bihać	11.1.2008.
24.	Pokvić Hajrudin	Municipal Court Bugojno	3.11.2008.
25.	Savić Miloš	Cantonal Pros. Office Orašje	11.1.2008.
26.	Sofović Jasna	Municipal Court Travnik	5.11.2008.
27.	Softić Vesna	Supreme Court FBiH	21.4.2008.
28.	Sunarić Anton	Municipal Court Zenica	31.10.2008.
29.	Ševa Drago	Basic Court Banja Luka	28.5.2008.
30.	Tomić Zdenko	Municipal Court Bugojno	3.11.2008.

Apart from resignations in the course of 2008, the mandates of judges/prosecutors were also terminated in the 2 following cases:

- As a result of disciplinary proceedings and following the HJPC Decision, on 7 February 2008, a disciplinary measure *dismissal from duty* was imposed on the Prosecutor at the Prosecutor's office FBiH, Branimir Rončeviću, and
- As a result of disciplinary proceedings and following the HJPC Decision, a judge of the Court of BiH, Vlado Adamović was *dismissed from office* on 29 May 2008.

1.2.2.4. Annulment of decisions on appointments of judges and prosecutors

Provided that, for unjustified reasons, the appointed person did not assume office within the deadline set by the HJPC, the HJPC shall repeal the Decision on the appointment¹⁰. In the course of 2008, the HJPC annulled 2 Decisions on appointments.

¹⁰ Article 46 of the Law on the HJPC.

Table 1.8.: Judges/Prosecutors whose Decisions on Appointments were Annulled

No.	Surname and Name	Court/Prosecutor Office	Annulment Date of Appointment
1.	Mijatović Vlatka	Municipal Court Konjic	1.2.2008.
2.	Oršolić Christian	ntonal Prosecutor's office Orašje	1.12.2008.

1.2.2.5. Temporary referral of judges to other courts

The HJPC may temporarily refer judges to other courts of the same or lower level¹¹. In the course of 2008, the HJPC passed two Decisions in this respect due to apparent need for help to solve a huge backlog of old cases at the Basic Court Banja Luka and the Basic Court Sokolac.

Table 1.9.: Decisions on Temporary Referral of Judges to Other Courts

No.	Surname and Name	Court referred from	Court referred to
1.	Oruč Almina	Basic Court Foča	Basic Court Sokolac
2.	Popović Vesna	Basic Court Mrkonjić Grad	Basic Court Banja Luka

1.2.2.6 Judges and prosecutors retirement age

In 2008, four Decisions were delivered on termination of mandate of judges due to retirement age, regulated by the mandatory retirement age, and one Decision on termination of mandate due to disability retirement. There were no terminations of mandates among prosecutors due to retirement age.

Tabela 1.10.: Retirements

No.	Surname and Name	Court	Mandate Termination Date
1.	Bahtijarević Emina	FBiH Supreme Court	16.2.2008.
2.	Dolan Hazim	Municipal Court Kiseljak	8.9.2008.
3.	Ninić Janko	RS Supreme Court	22.10.2008.
4.	Perišić Mirjana	FBiH Supreme Court	7.4.2008.
5.	Savković Ana	District Court Doboj	11.9.2008.

1.2.2.7. Ethnic Structure of judges and prosecutors

In the course of 2008, as in the previous period, the HJPC was faced with problems as a result of the obligation to apply certain constitutional provisions regulating equal rights and representation of constituent groups and others at the time of passing decisions on appointments. Namely, during the selection and appointment of candidates to certain positions and in certain regions of BiH, there were no interested candidates or skilled personnel from the ranks of some of the constituent groups or others to be appointed, in accordance with the consensus from 1991. Candidates applying for the first time mostly apply for vacant positions in their place of residence or close to it. However, judges and prosecutors who work outside their place of residence for a considerable period of time (in excess of three years), keep applying in order to get appointed to positions in their place of residence or nearby. In case they are unsuccessful in their attempts to relocate to such positions they often decide to hand in their resignations due to difficulties related to life away from home and family and the expenses thereof.

The HJPC achieved a satisfactory level of ethnic balance in judicial institutions in BiH, however it is increasingly difficult to maintain the principle of ethnic representation of constituent groups and others from the ranks, as per the consensus from 1991. In the course of 2008, the HJPC continued with the practice so far, that at the first publication of the job advertisement, this legal obligation has to be fully respected. There were minor digressions in exceptional cases only, when it was not possible to appoint a candidate from the ranks of constituent group or others according to the consensus from 1991, not even after one or repeated job advertisements.

In this respect, the HJPC was constantly facing the dilemma of, on one hand how and in what way to respect the constitutional and legal obligation of equal rights and representation of constituent groups and Others during appointments to judicial positions and, on the other hand how to adequately meet its legal obligation to provide an effective and professional judicial system.

¹¹ Article 50 of the Law on the HJPC

Table 1.11.: Ethnic Structure of Judges and Prosecutors according to the Level of the Court Authority and the Type of Institution

Level	Type of institution	Bosniacs	Croats	Serbs	Undecided	Others	Total
BiH		33(47,83%)	11(15,94%)	22(31,88%)	1(1,45%)	2(2,9%)	69
	Court	19(45,24%)	6(14,29%)	15(35,71%)	1(2,38%)	1(2,38%)	42
	Pros. Off.	14(51,85%)	6(14,29%)	7(25,93%)	0(0%)	1(3,7%)	27
Brčko Dist.		12(40%)	6(20%)	12(40%)	0(0%)	0(0%)	30
	Apell. Court	2(28,57%)	3(42,86%)	2(28,57%)	0(0%)	0(0%)	7
	Pros. Off.	4(50%)	1(12,5%)	3(37,5%)	0(0%)	0(0%)	8
	Basic C.	6(40%)	2(13,33%)	7(46,67%)	0(0%)	0(0%)	15
FBiH		18(58,06%)	8(25,81%)	4(12,9%)	0(0%)	1(3,23%)	31
	Court	14(63,64%)	5(22,73%)	3(13,64%)	0(0%)	0(0%)	22
	Pros. Off.	4(44,44%)	3(33,33%)	1(11,11%)	0(0%)	1(11,11%)	9
RS		4(19,05%)	3(14,29%)	12(57,14%)	0(0%)	2(9,52%)	21
	Court	4(23,53%)	2(11,76%)	10(58,82%)	0(0%)	1(5,88%)	17
	Pros. Off.	0(0%)	1(25%)	2(50%)	0(0%)	1(25%)	4
Cantonal		159(56,58%)	65(23,13%)	46(16,37%)	1(1,36%)	10(3,56%)	281
	Court	65(55,08%)	29(22,09%)	21(17,8%)	0(0%)	3(2,54%)	118
	Pros. Off.	94(57,67%)	36(22,09%)	25(15,34%)	1(0,6%)	7(4,29%)	163
District		29(20,57%)	11(7,8%)	95(67,38%)	2(1,42%)	4(2,84%)	141
	Court	13(21,31%)	6(9,84%)	40(65,57%)	0(0%)	2(3,28%)	61
	Pros. Off.	16(20%)	5(6,25%)	55(68,75%)	2(2,5%)	2(2,5%)	80
Municipal		223(58,07%)	81(21,09%)	72(18,75%)	3(1,78%)	5(1,3%)	384
Basic		51(26,02%)	13(6,63%)	123(62,76%)	2(1,02%)	7(3,57%)	196

Diagram 1.1.: Ethnic Structure of the Court of BiH and Prosecutor's Office BiH

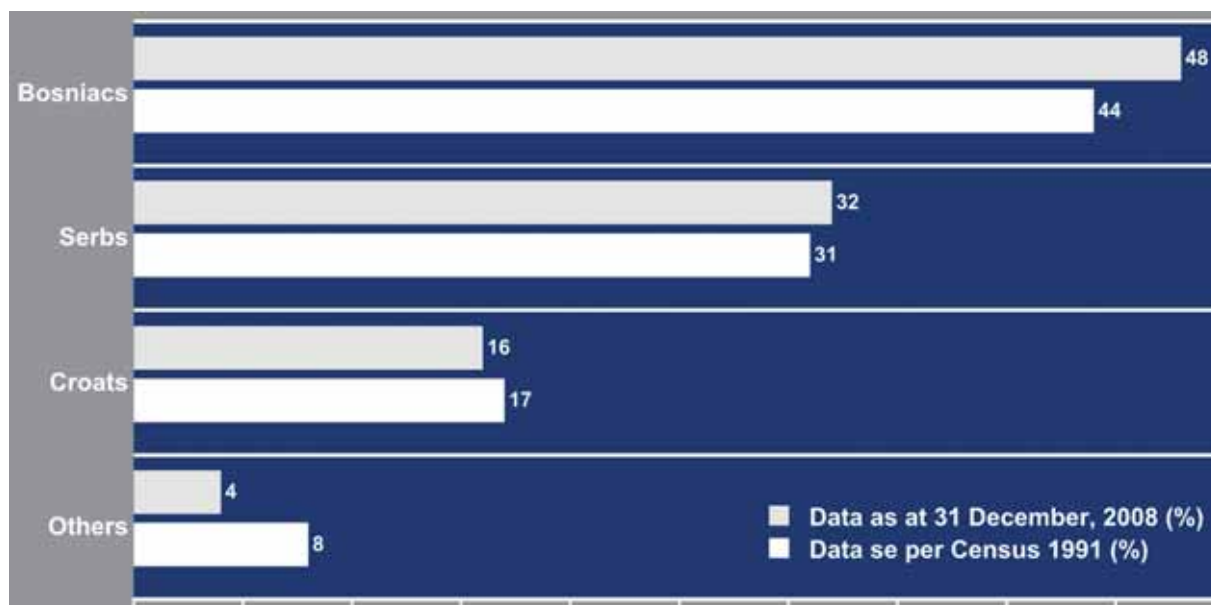


Diagram 1.2.: Ethnic structure in Courts and Prosecutor Offices in the Federation BiH

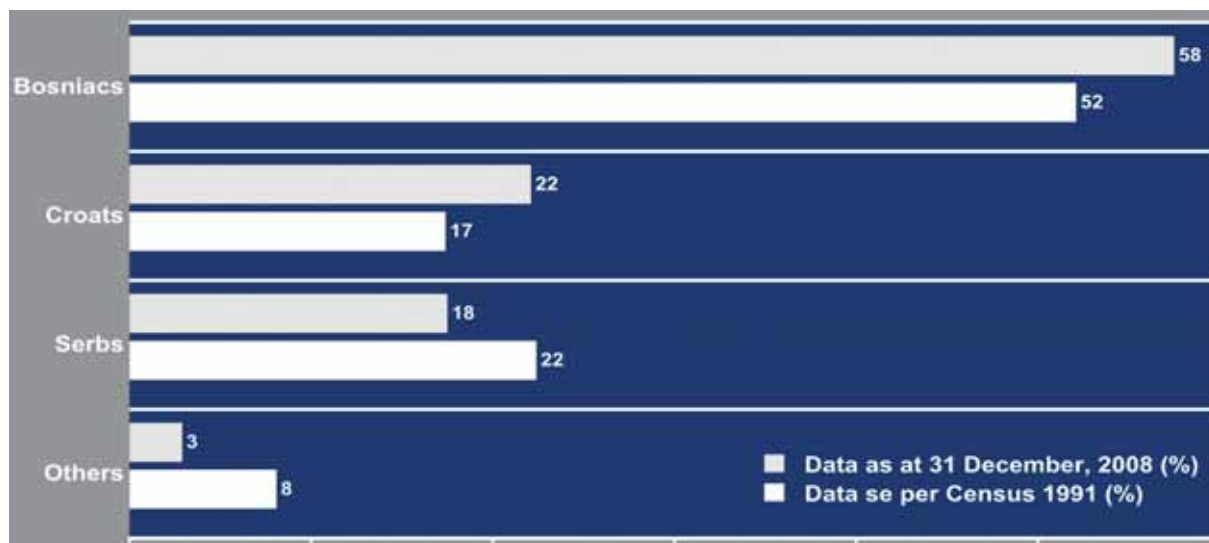


Diagram 1.3.: Ethnic structure in courts and prosecutor's offices in Republika Srpska

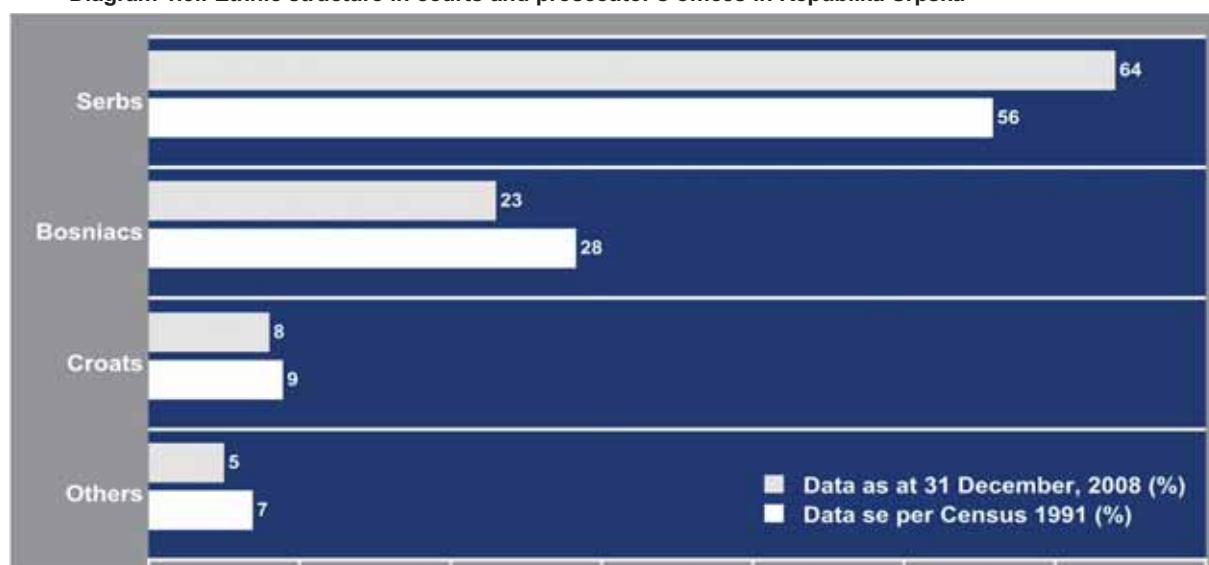


Diagram 1.4.: Ethnic structure at judicial institutions in Brčko District BiH

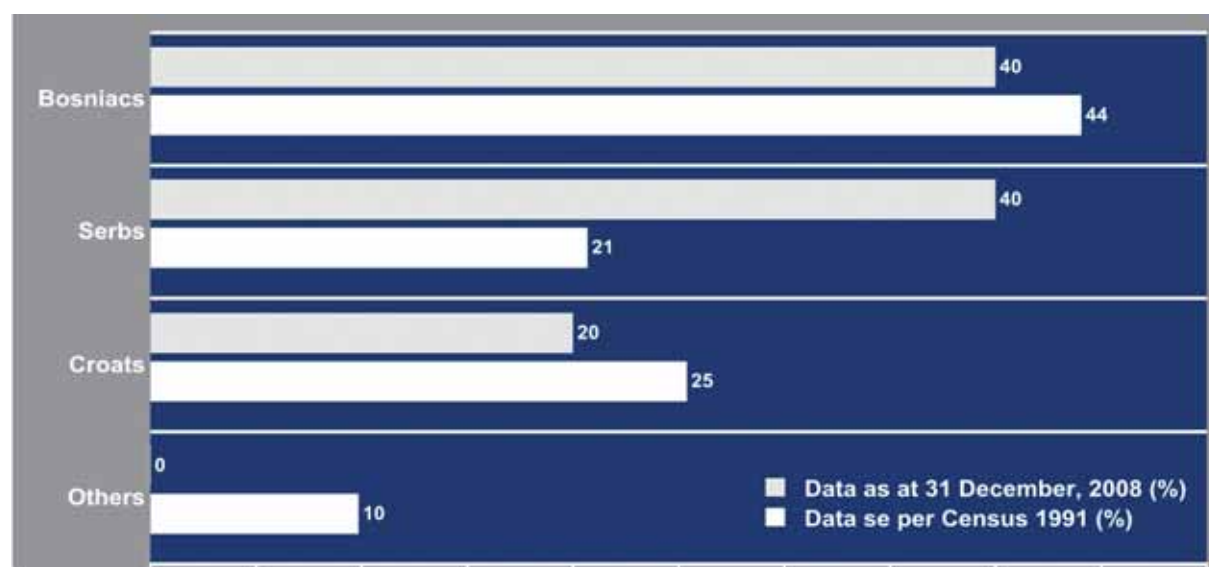


Table 1.12.: Ethnic structure of court presidents and chief prosecutors based on the level of the judicial institution

Institution	Position	Bosniacs	Croats	Serbs	Others
Court BiH and Supreme Courts	Court President	2		1	
Cantonal Courts	Court President	6	4		
District Courts	Court President			5	
Municipal	Court President	13	10	3	1
Basic Courts	Court President	6	1	11	
Appellate and Basic Court Brčko District BiH	Court President		1	1	
FBiH and RS Prosecutor Office	Chief Prosecutor			1	1
Cantonal Prosecutor Office	Chief Prosecutor	6	2	2	
District Prosecutor Office and Special Prosecutor Off. Banja Luka	Chief Prosecutor	1		5	
Prosecutor Office Brčko District BiH	Chief Prosecutor	1			
TOTAL		35	18	29	2

1.2.2.8. Age structure of judges and prosecutors¹²

Table 1.13.: Review of average age structure of the holders of judicial office according to the level of judicial institution

	Under 30	Under 40	Under 50	Under 60	Over 60	Average age
Municipal Courts	7 judges	53 judges	184 judges	124 judges	16 judges	48
Basic Courts	1 judge	48 judges	81 judges	56 judges	9 judges	47
Basic BD BiH	0 judges	1 judge	7 judges	6 judges	1 judges	49
Appellate Ct BD BiH	0 judges	0 judges	1 judges	6 judges	0 judges	55
Cantonal Courts	0 judges	3 judges	38 judges	55 judges	22 judges	54
District Court	0 judges	1 judge	20 judges	32 judges	8 judges	53
Supreme Court RS	0 judges	0 judges	7 judges	12 judges	7 judges	52
Supreme Court FBiH	0 judges	0 judges	6 judges	14 judges	4 judges	55
Court BiH	0 judges	0 judges	13 judges	22 judges	7 judges	54
Average age of Judges						50
Cantonal Pros. Office	3 prosecut.	16 prosecut.	71 prosecut.	58 prosecut.	13 prosecutors	50
District Pros. Office	0 prosecut.	13 prosecut.	34 prosecut.	26 prosecut.	7 prosecutors	49
Public pros. Office BD BiH	0 prosecut.	3 prosecut.	1 prosecutor	4 prosecut.	0 prosecutors	46
Prosecutor Off. FBiH	0 prosecut.	0 prosecut.	3 prosecut.	5 prosecut.	0 prosecutors	53
Republic Pros. Off. RS	0 prosecut.	0 prosecut.	1 prosecutor	2 prosecut.	1 prosecutor	55
Prosecutor Office BiH	0 prosecut.	4 prosecut.	11 prosecut.	13 prosecut.	0 prosecutors	49
Average age of prosecutors						50
Average age in the judicial system						50

Table 1.14.: Age structure of Court presidents and chief prosecutors according to the level of the judicial institution

Level of Institution	Managerial Position	Average Age
Court BiH	Court President	61
Prosecutor Office BiH	Chief Prosecutor	- ¹³
Supreme Court FBiH and Supreme Court RS	Court President	53
FBiH and RS Prosecutor Offices	Chief Prosecutor	57
Cantonal and District Courts	Court President	57
Municipal and Basic Courts	Court President	51
Cantonal and District Prosecutor Offices	Chief Prosecutor	55

¹² In accordance with Article 90 of the Law on the HJPC, mandatory retirement age for judges and prosecutors is 70 years of age incl

¹³ At the time of drafting of the Report the position of the Chief Prosecutor at the Prosecutor Office was vacant.

1.2.2.9. Judges and prosecutors gender structure

Table 1.15.: Judges and prosecutors gender structure based on the level of the judicial institution

Level	Type of Institution	Male	Female	Total
BiH		39 (56,52%)	30 (43,48%)	69
	Court	26 (61,9%)	16 (38,1%)	42
	Prosec. Office	13 (48,15%)	14 (51,85%)	27
Brčko District BiH		14 (46,6%)	16 (53,3%)	30
	Appellate Court	3 (42,86%)	4 (57,14%)	7
	Prosec. Office	3 (37,5%)	5 (62,5%)	8
	Basic Court	8 (53,33%)	7 (46,67%)	15
Entity FBiH		17 (54,84%)	14 (45,16%)	31
	Court	12 (54,55%)	10 (45,45%)	22
	Prosec. Office	5 (55,56%)	4 (44,44%)	9
Entity RS		11 (52,38%)	10 (47,62%)	21
	Court	9 (52,94%)	8 (47,06%)	17
	Prosec. Office	2 (50%)	2 (50%)	4
Cantonal		130 (46,26%)	151 (53,74%)	281
	Court	37 (31,36%)	81 (68,64%)	118
	Prosec. Office	93 (57,06%)	70 (42,94%)	163
District		74 (52,48%)	67 (47,52%)	141
	Court	30 (49,18%)	31 (50,82%)	61
	Prosec. Office	44 (55%)	36 (45%)	80
District	Court	119 (30,99%)	265 (69,01%)	384
District	Court	72 (36,73%)	124 (63,27%)	196

Diagram 1.5.: Gender structure of judges and prosecutors in Bosnia and Herzegovina

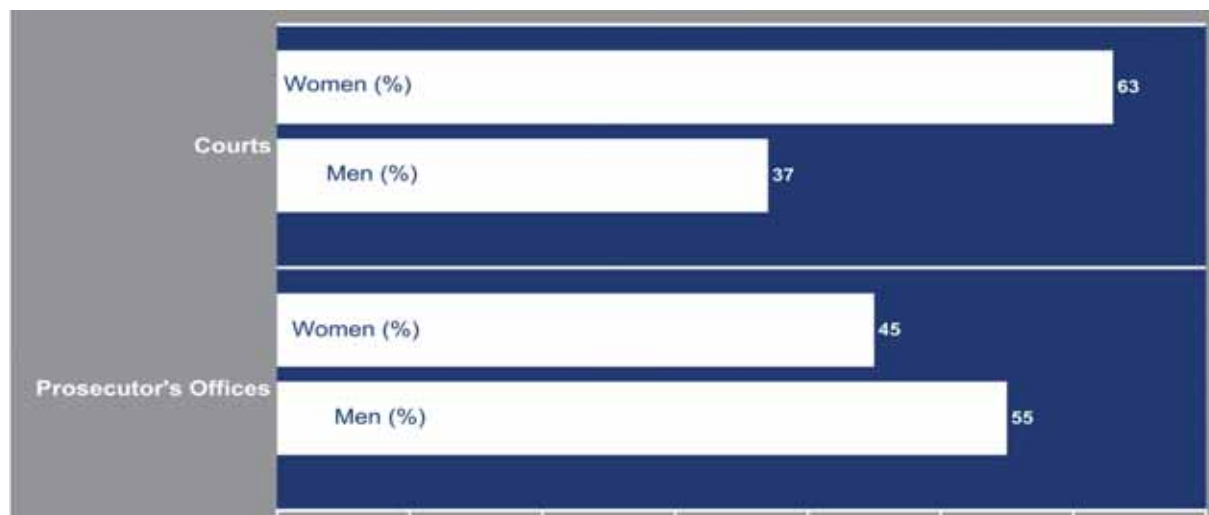


Table 1.16.: Gender Structure of court presidents and chief prosecutors according to the level of the judicial institution

Institution	Position	Male	Female	Total
Court BiH	Court President	0	1	1
Supreme Courts	Court President	2	0	2
Cantonal Courts	Court President	2	8	10
District Courts	Court President	4	1	5
Appellate Court Brčko District BiH	Court President	1	0	1
Municipal Courts	Court President	14	13	27
Basic Courts	Court President	13	5	18
Basic Court Brčko District BiH	Court President	1	0	1
Prosecutor's Office BiH	Chief Prosecutor	1	0	1
Prosecutor's Office FBiH	Chief Prosecutor	1	0	1
Prosecutor's Office RS	Chief Prosecutor	1	0	1
Cantonal Prosecutor's Offices	Chief Prosecutor	10	0	10
District Prosecutor's Office and Special				
Prosecutor's Office Banja Luka	Chief Prosecutor	5	1	6
Prosecutor's Office Brčko District BiH	Chief Prosecutor	1	0	1
TOTAL		56	29	85

1.2.3. INTERNATIONAL JUDGES AND PROSECUTORS

1.2.3.1. Appointment of International Judges and Prosecutors

In accordance with an Agreement between the High Representative for Bosnia and Herzegovina, and Bosnia and Herzegovina on the Office of the Registrar of 26 September, and the Book of Rules of the HJPC on the Selection and Appointments of International Judges and Prosecutors Procedure, the HJPC makes selection and appointments of candidates to the position of international judges and prosecutors at the Court of BiH and the Prosecutor's Office BiH. Following completion of the procedure carried out in accordance with the Book of Rules and in coordination with registrars and the Court of BiH President or the Chief Prosecutor, six international judges/prosecutors were appointed in 2008.

Table 1.17.: International judges and prosecutors appointed in 2008

No.	Appointee	Citizenship	Court/Prosecutor's Office	Termination Date of Mandate
1.	David Re	Australia	Court BiH	31.12.2009.
2.	Snezhana Botusharova-Doicheva	Bulgaria	Court BiH	31.12.2009.
3.	John Fields	USA	Court BiH	31.12.2009.
4.	Philip Weiner	USA	Court BiH	31.12.2009.
5.	Paul Flynn	Ireland	Prosecutor's Office BiH	31.12.2009.
6.	Harij Furlan	Slovenia	Prosecutor's Office BiH	31.12.2009.

1.2.3.2. Extension of Mandate for International Judges and Prosecutors

In accordance with the aforementioned regulations, the HJPC has the competence to re-elect international judges and prosecutors. In the course of 2008, after having completed discussions, the HJPC delivered Decisions on re-election of nine international judges and prosecutors.

Table 1.18.: Re-election of International Judges and Prosecutors

No.	Appointee	Citizenship	Court/Prosecution Office	Termination Date of Mandate
1.	Merja Halme-Korhonen	Finland	Court BiH	20.07.2009.
2.	Marie Tuma	Sweden	Court BiH	31.12.2009.
3.	Mitja Kozamernik	Slovenia	Court BiH	31.12.2009.
4.	Drew Engel	USA	Prosecutor's Office BiH	31.12.2009.
5.	Kwai Hong Ip	Great Britain	Prosecutor's Office BiH	31.12.2009.
6.	David Schwendiman	USA	Prosecutor's Office BiH	31.12.2009.
7.	Heikki Wendorf	Finland	Prosecutor's Office BiH	31.12.2009.
8.	Peter Korneck	Germany	Prosecutor's Office BiH	31.12.2009.
9.	Jude Romano	Philippines	Prosecutor's Office BiH	31.12.2009.

1.2.4. RESERVE JUDGES

1.2.4.1. Appointments of Reserve Judges

In accordance with the Law on the HJPC, the HJPC nominates reserve judges with a view to providing assistance to the courts in terms of reducing the number of outstanding cases or in the event that a court needs additional judges due to the long-term absence of a judge.

As at 31 December 2008 (including previous years) the HJPC delivered Decisions on approval of 115 reserve judges positions at particular courts in BiH, namely: one reserve judge position at the Court of BiH, 19 reserve judge positions at Entities supreme courts, 25 reserve judge positions at cantonal and district courts and 70 reserve judge positions at municipal and basic courts.

In 2008, following verification of the recommendation by the Court President and confirmation of the provision of the necessary funds, the HJPC appointed fifteen reserve judges.

Table 1.19.: Reserve Judges Appointed in 2008 (in alphabetical order)

No.	Surname and Name	Court	Starting Date of Mandate	Date of Termination of Mandate
1.	Fuško Šemsudin	Municipal Court Zenica	15.4.2008.	1.12.2010.
2.	Hajdarević Muhidin	Cantonal Court Sarajevo	1.12.2008.	1.12.2010.
3.	Hodžić Esad	Municipal Court Bugojno	1.12.2008.	1.12.2010.
4.	Jevtović Marela	Basic Court Banja Luka	1.10.2008.	1.10.2010.
5.	Kasum Suada	Cantonal Court Bihać	1.10.2008.	1.10.2010.
6.	Kokotović Mirjana	Basic Court Trebinje	1.12.2008.	1.10.2010.
7.	Kovačević Melisa	Municipal Court Zenica	15.4.2008.	15.4.2010.
8.	Malenica Zdenka	Municipal Court Kiseljak	1.12.2008.	1.12.2010.
9.	Mandić Violeta	Basic Court Banja Luka	15.4.2008.	15.4.2010.
10.	Markić Jasna	Municipal Court Mostar	5.5.2008.	5.5.2010.
11.	Miljković Slađana	Cantonal Court Tuzla	1.2.2009.	1.2.2011.
12.	Papić Vesna	Basic Court Banja Luka	15.4.2008.	15.4.2010.
13.	Perišić Mirjana	Supreme Court FBiH	2.6.2008.	7.4.2010.
14.	Skrobo Amela	Municipal Court Sarajevo	1.12.2008.	1.12.2010.
15.	Sujoldžić Emira	Municipal Court Zenica	1.12.2008.	1.12.2010.

1.2.4.2. Extension of Mandate of Reserve Judges

In the course of 2008, following verification of the recommendation by the Court President and confirmation of the provision of the necessary funds, the HJPC delivered Decisions on the Extension of Mandate of 20 reserve judges.

Table 1.20.: Reserve Judges whose Mandate was Extended (in alphabetical order)

No.	Surname and Name	Court	Termination Date of Mandate
1.	Ajanović-Selimović Amela	Supreme Court FBiH	28.4.2010.
2.	Bajrović Aida	Supreme Court FBiH	1.12.2010.
3.	Gužvić Božana	Basic Court Bijeljina	3.5.2010.
4.	Džendžo Izeta	Municipal Court Livno	15.5.2010.
5.	Hadžić Nedžida	Cantonal Court Sarajevo	3.7.2010.
6.	Kalaba Dragan	Basic Court Banja Luka	3.5.2010.
7.	Kovač-Grabonjić Sanela	Cantonal Court Sarajevo	1.12.2010.
8.	Krnić Nijaz	Cantonal Court Novi Travnik	1.12.2010.
9.	Lukić Dragoslav	Supreme Court RS	1.6.2010.
10.	Mitrović Mirosljub	District Court Bijeljina	12.4.2010.
11.	Omeragić Ramiz	Supreme Court FBiH	28.2.2010.
12.	Omerspahić Sedad	Basic Court Sokolac	11.5.2010.
13.	Pupić Milena	Supreme Court FBiH	1.4.2010.
14.	Raosavljević Mirjana	District Court Banja Luka	1.12.2010.
15.	Skakić Dragana	Basic Court Bosanska Gradiška	15.5.2010.
16.	Šuh Daniela	Municipal Court Mostar	1.1.2010.
17.	Vulić Božana	District Court Banja Luka	1.12.2010.
18.	Zlotrg Nidžara	Supreme Court FBiH	1.4.2010.

1.2.4.3. Increase in Number of Reserve Judges

In the course of 2008, the HJPC delivered Decisions on the increase of reserve judges in five courts.

Table 1.21.: Increase in Numbers of Reserve Judges

Court	Previously Approved Number	Number Approved in 2008	Total Number of Positions
Municipal Court Orašje	0	1	1
Supreme Court FBiH	13	1	14
Cantonal Court Zenica	2	1	3
Municipal Court Zenica	3	2	5
Cantonal Court Sarajevo	4	3	7

1.2.4.4. Resignations of Reserve Judges

In 2008, three reserve judges handed in their resignations.

Table 1.22.: Resignations of Reserve Judges

No.	Surname and Name	Court/Prosecutor's Office	Resignation Date
1.	Lazić Milka	Basic Court Bijeljina	8.2.2008.
2.	Marić Slađana	Basic Court Banja Luka	5.10.2008.
3.	Mrđa Nada	Basic Court Banja Luka	29.2.2008.

1.2.4.5. Annulment of Decisions on Appointments of Reserve Judges

In the course of 2008, the HJPC delivered two Decisions on annulments of appointments of reserve judges after the appointment and prior to assuming office.

Table 1.23.: Decisions on Annulment of Appointments

No.	Surname and Name	Court/Prosecutor's Office	Annulment Date of Appointment
1.	Hrnjadović Sabrija	Basic Court Teslić	1.12.2008.
2.	Mušanović Tefida	Basic Court Banja Luka	1.10.2008.

1.2.4.6. Age Structure of Reserve Judges¹⁴ as per the Level of Judicial Institution

Table 1.24.: Overview of Age Structure of Reserve Judges based on the Level of the Institution

Level of the Institution	Number of Reserve Judges	Average Age
Court BiH	1	71
Supreme Court FBiH and RS Sup. Ct.	16	64
Cantonal and District Courts	18	53
Municipal and Basic Courts	53	45

1.2.5. JUDICIAL ASSOCIATES

1.2.5.1. Appointment of Judicial Associates

Table 1.25.: Judicial Associates appointed in 2008 (in alphabetical order)

No.	Surname and Name	Court	Starting Date of Mandate
1.	Bijedić Alma	Municipal Court Zenica	1.12.2008.
2.	Buljubašić Elma	Municipal Court Sarajevo	1.12.2008.
3.	Čagalj Irma	Municipal Court Konjic	1.12.2008.
4.	Delić Fikreta	Municipal Court Zavidovići	1.12.2008.
5.	Garača Jelena	Basic Court Banja Luka	15.4.2008.
6.	Gazibegović Lejla	Municipal Court Tuzla	1.12.2008.
7.	Hajdarević Fatima	Municipal Court Kiseljak	1.12.2008.
8.	Halilović Amira	Municipal Court Živinice	15.4.2008.
9.	Kišić Selma	Municipal Court Tuzla	1.12.2008.
10.	Kljajić Tomislav	Basic Court Doboј	15.4.2008.
11.	Luburić Sanja	Basic Court Banja Luka	15.10.2008.
12.	Mitrović Dragan	Basic Court Bijeljina	1.7.2008.
13.	Mujezinović Jasmina	Municipal Court Tuzla	1.12.2008.
14.	Puljić Robert	Municipal Court Široki Brijeg	15.4.2008.
15.	Ribić Alem	Municipal Court Bugojno	15.4.2008.
16.	Ristić Milan	Municipal Court Mostar	1.12.2008.
17.	Sivrić Ivana	Municipal Court Mostar	15.4.2008.
18.	Sokoljaković Mersed	Municipal Court Gradačac	15.4.2008.
19.	Šimunović Božo	Municipal Court Čapljina	15.4.2008.
20.	Šljuka Nedžad	Municipal Court Kakanj	15.4.2008.
21.	Vojinović Danica	Basic Court Trebinje	1.7.2008.

14 In accordance with Article 33 Para 2 of the Law on the HJPC, retired judges and prosecutors can be appointed to positions of reserve judges until 72 years of age.

1.2.5.2. Increase in Planned Number of Judicial Associates

Table 1.26.: Increase in numbers of judicial associates

Court	Previously Planned Number	Number of positions increase in 2008.	Total Number
Basic Court Trebinje	2	1	3

1.2.5.3. Resignations of Judicial Associates

Table 1.27.: Resignation of Judicial Associates in 2008

No.	Surname and Name	Court	Resignation Date
1.	Čurčić Dragica	Basic Court Bijeljina	8.2.2008.
2.	Halilović Amira	Municipal Court Živinice	30.11.2008.
3.	Lugonja Draženko	Basic Court Bijeljina	30.7.2008.
4.	Mitrović Dragan	Basic Court Bijeljina	31.12.2008.
5.	Mularifović Arif	Municipal Court Tešanj	20.9.2008.
6.	Sarajlić Azra	Municipal Court Tuzla	4.8.2008.
7.	Tešanović Slađana	Basic Court Bijeljina	18.4.2008.
8.	Tulumović Asim	Municipal Court Živinice	30.7.2008.
9.	Žuljević Milanka	Basic Court Trebinje	19.1.2008.

1.2.5.4. Annulment of Decisions on Appointments of Judicial Associates

Should Judicial Associates surrender the positions they are appointed to, after the appointment and prior to assuming office, the HJPC shall annul the appointment in accordance with the Law on the HJPC.

Table 1.28.: Annulment of Decisions on Appointment

No.	Surname and Name	Court	Annulment of Appointment date
1.	Hamzić Albina	Municipal Court Kiseljak	15.4.2008.

1.2.6. LAY JUDGES1.2.6.1. Appointment of Lay Judges

Table 1.29.: Appointed Lay Judges (in alphabetical order)

No.	Appointee	Court	Starting Date of Mandate
1.	Begović Ibrahim	District Court Bijeljina	1.9.2008.
2.	Delić Minka	Municipal Court V. Kladuša	1.2.2008.
3.	Derlić Ramiz	Municipal Court Žepče	1.9.2008.
4.	Došenović Dragomir	Supreme Court FBiH	1.12.2008.
5.	Grozdić Svetislav	Municipal Court Žepče	1.9.2008.
6.	Horić Elvira	District Court Bijeljina	1.9.2008.
7.	Lovrić Meri	Supreme Court FBiH	1.12.2008.
8.	Marinković Borivoje	Basic Court Srebrenica	15.3.2008.
9.	Matić Gojko	Basic Court Srebrenica	1.2.2008.
10.	Mićić Radoje	Basic Court Srebrenica	15.3.2008.
11.	Mladenović Jelena	District Court Bijeljina	1.9.2008.
12.	Motika Branislav	Supreme Court FBiH	1.12.2008.
13.	Mujakić I. Muhamed	Supreme Court FBiH	1.12.2008.
14.	Mujakić Mersiha	Municipal Court V. Kladuša	1.2.2008.
15.	Rešidović Mirsada	District Court Bijeljina	1.9.2008.
16.	Širić Ana	Municipal Court Žepče	1.9.2008.
17.	Triglav Marijana	Supreme Court FBiH	1.12.2008.
18.	Vasilić Jevto	District Court Bijeljina	1.9.2008.
19.	Vuković Miladin	District Court Bijeljina	1.9.2008.
20.	Vulović Zoran	District Court Bijeljina	1.9.2008.
21.	Zlatanović Jasmin	Supreme Court FBiH	1.12.2008.

1.2.6.2. Termination of Mandates of Lay Judges

Table 1.30.: Decisions on the termination of mandates/annulments of appointment of lay judges

No.	Surname and Name	Court	Mandate Termination Date/ Appointments Annulled
1.	Juščić Muhamed	Municipal Court Cazin	22.5.2008.
2.	Nišić Edin	Municipal Court Živnice	29.5.2008.

1.2.7. JUDGES AT ENTITY CONSTITUTIONAL COURTS

In terms of Entity Constitutional Courts judges, the HJPC has jurisdiction to give recommendations to the competent authorities regarding their proposals and selection of judges of the Constitutional Court of Republika Srpska and the Constitutional Court of the Federation BiH.

1.2.7.1. Recommendations in terms of Selection of Judges at Entity Constitutional Courts

In the course of 2008, after the necessary procedure, the HJPC sent a proposal to the President of FBiH regarding the candidates for the two vacant positions of judges for the Constitutional Court of FBiH, and a written opinion. The President of FBiH then appointed two judges of the Constitutional Court of FBiH, regardless of the HJPC recommendation for candidates from a Croat ethnic background, although the relevant constitutional and legal provisions clearly indicate that the President of FBiH delivers Decision on applications and appointments based on the recommendation from the HJPC, i.e. only those candidates selected by the HJPC after the selection process.

Since these controversial appointments violated the legally prescribed procedure for the appointment of judges, the HJPC reacted strongly, inviting the President of FBiH to re-examine her decision on the appointments and drew the attention of the delegates of the House of Peoples of the Parliament of FBiH to the infringement of the Law. This caused a reaction from the High Representative for BiH who invited the President of FBiH to withdraw her Decision on the appointments and, should the President FBiH fail to withdraw the Decision, he invited delegates at the House of Peoples of FBiH not to adopt it. A majority vote of the delegates present in the House of Peoples of the Parliament of FBiH is required for the appointment of a judge of the Constitutional Court of FBiH. The procedure for appointment of these two judges was not completed by the end of 2008.

Towards the end of 2008, the HJPC initiated the procedure for filling yet another position of judge of the Constitutional Court of FBiH that will become vacant in April 2009.

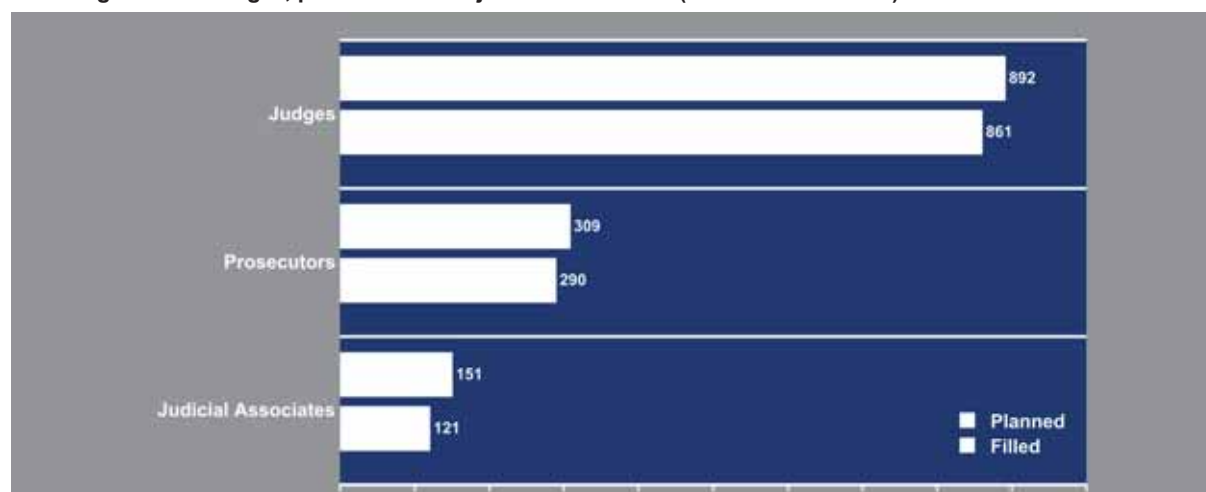
1.2.8. VACANT POSITIONS ON 31 DECEMBER 2008

Out of 1 352 planned positions of judges, prosecutors and judicial associates in Bosnia and Herzegovina, on 31 December 2008 inclusive, a total of 1 272 positions (94,8%) were filled. Table 1.31 provides an overview of the number of appointed holders of judicial office in Bosnia and Herzegovina, including judicial associates, compared to the planned number of positions.

Table 1.31.: Judges, prosecutors and judicial associates

	Planned Positions	Filled Positions	Vacancies	Situation in %
Judges	892	861	31	96,52%
Prosecutors	309	290	19	93,85%
Judicial Associat.	151	121	30	80,13%
TOTAL	1 352	1 272	80	94,08%

Diagram 1.6.: Judges, prosecutors and judicial associates (vacancies overview)

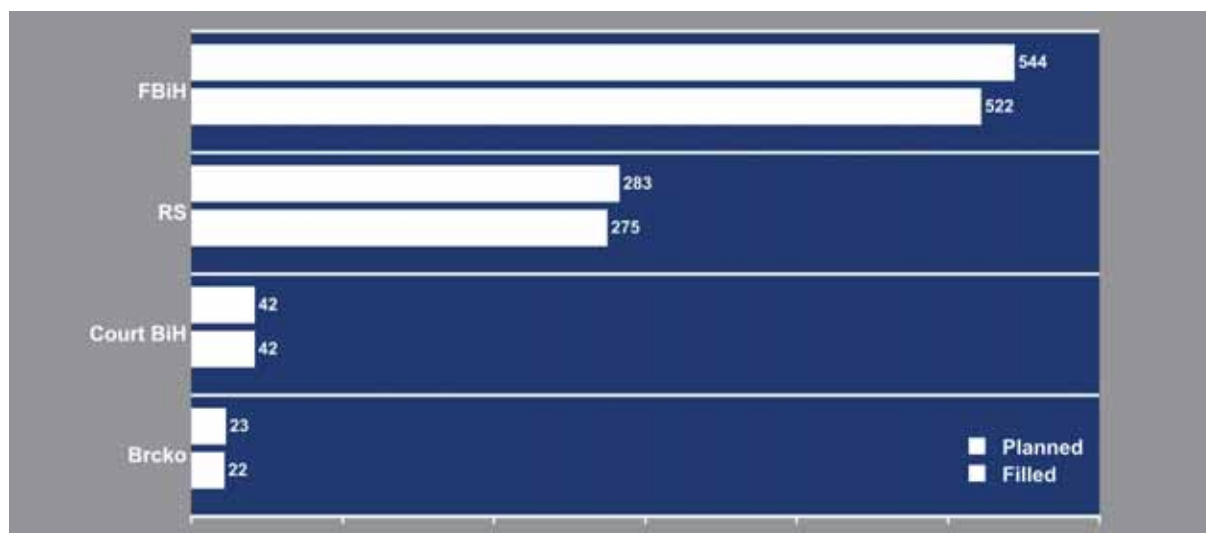


Out of 861(eight hundred sixty one) judge appointed by 31 December 2008 incl., 42 are in the Court BiH, 522 in FBiH, 275 in RS and 22 in Brčko District BiH.

Table 1.32.: Judges

	Positions Planned	Positions Filled	Judicial Vacancies	Situation in %
Court BiH	42	42	0	100%
FBiH	544	522	22	95,96%
RS	283	275	8	97,17%
Brčko District BiH	23	22	1	95,65%
TOTAL	892	861	31	96,52%

Diagram 1.7.: Judges (Vacancies Overview)



Out of 290 prosecutors appointed by 31 December 2008, 27 are in the Prosecutor's office BiH, 171 in FBiH, 84 in RS and 8 in Brčko District BiH

Table 1.33.: Prosecutors

	Positions Planned	Positions Filled	Vacancies	Vacancies in %
Prosecutor Office BiH	29	27	2	93,10%
FBiH	181	171	10	94,48%
RS	89	84	5	94,38%
Brčko District BiH	10	8	2	80%
TOTAL	309	290	19	93,85%

Diagram 1.8.: Prosecutors (Vacancies Overview)

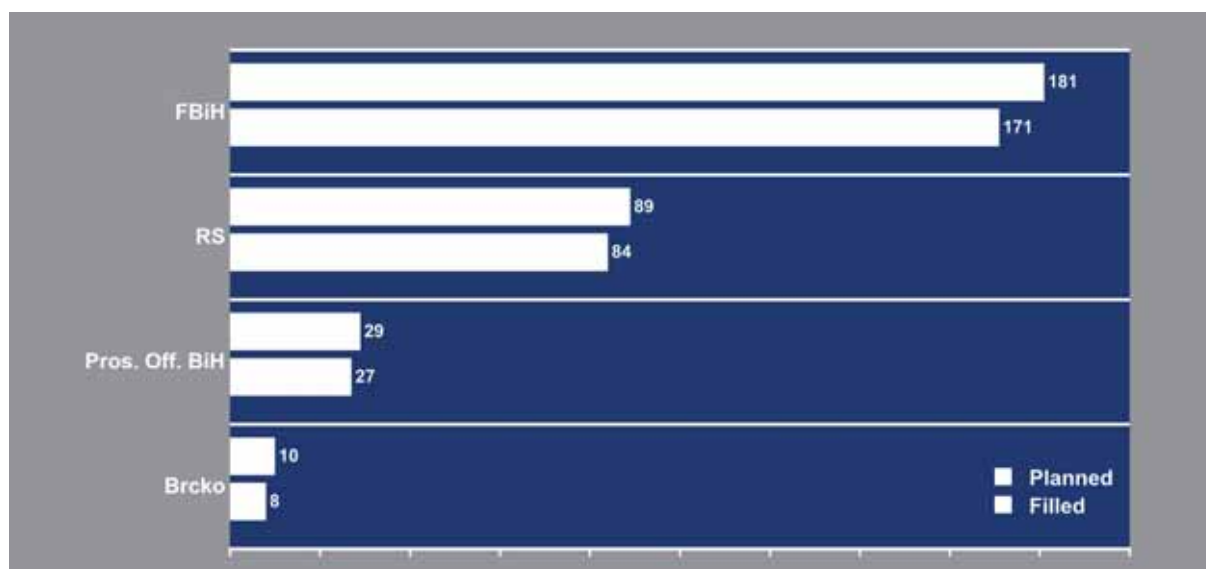
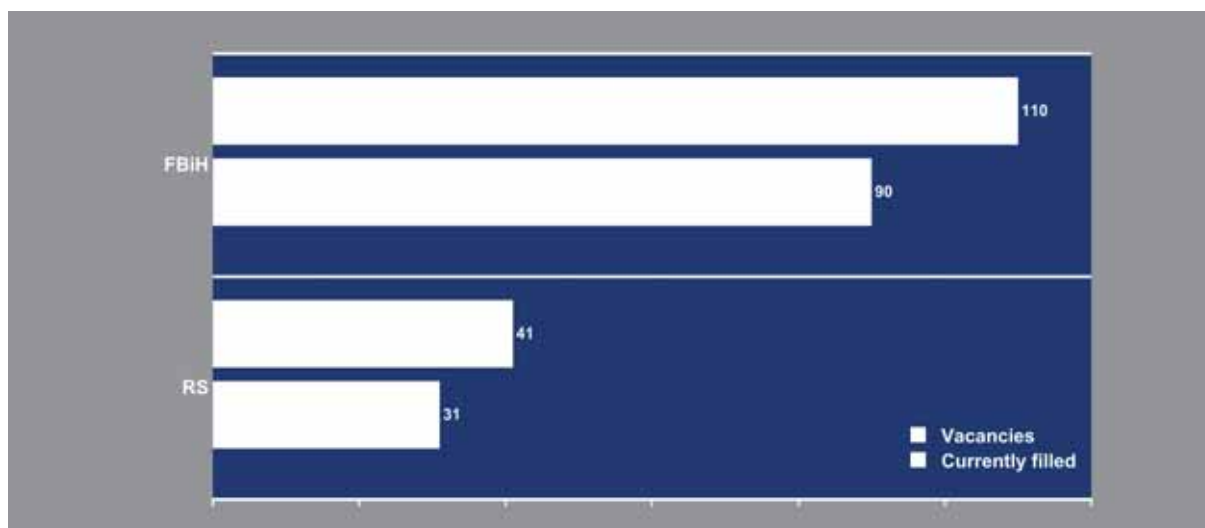


Table 1.34.: Judicial Associates

	Positions Planned	Positions filled	Vacancies	Vacancies in %
FBiH	110	90	20	81,82%
RS	41	31	10	75,61%
TOTAL	151	121	30	80,13%

Diagram 1.9. Judicial Associates (Vacancies Overview)



1.2.9. IMPROVEMENT OF APPOINTMENTS PROCEDURE

In an attempt to improve the appointments procedure in terms of the selection of quality staff and the simplification of the appointments procedure, in the second half of the year the HJPC formed a working group consisting of HJPC members, with the task of carrying out an analysis of the procedure for the selection and appointments of candidates and to propose the measure for ensuring a more effective procedure.

In 2008, experience of the appointments procedure was exchanged with the Court Council of Montenegro. During 2009, the HJPC will take into consideration particular decisions in force in Montenegro for the purpose of possible implementation into practice in BiH. The HJPC will consider the introduction of written testing of candidates for judicial positions at the basic level, i.e. judges, prosecutors and judicial associates for whom appointments would ensure «entry to the judicial system» and contribute to more objective assessment of candidates and expedite the selection process.

1.3. RECOMMENDATIONS

- In order to resolve systemically the issue of ensuring an appropriate ethnic representation amongst holders of judicial office and retain the best possible judicial staff throughout Bosnia and Herzegovina, in this Annual Report the HJPC again wishes to emphasise the need for the competent government authorities to examine the possibility of introducing compensation for accommodation and working away for those judges and prosecutors who are appointed in a place far away from their place of residence including the cost of transport. The problem of appropriate representation of the constituent peoples and others to judicial positions in Bosnia and Herzegovina is not a problem the HJPC can resolve without the adequate support of the legislative and executive authorities since the solution of this issue is our joint responsibility.
- With a view to ensuring transparency within the procedure for the proposal of candidates by an independent judicial regulatory body within the judicial system, it is necessary to examine the possibility of harmonising the selection procedure for Constitutional Court of FBiH judges with the existing procedures for the selection of judges of RS and FBiH Constitutional Courts. This kind of decision is also one of the strategic objectives in the Judicial Sector Reform Strategy in BiH (JSRS), strategic area 1.1. Independence and Harmonisation, realisation of which has been worked out in details in the JSRS Implementation Action Plan. The HJPC also participated in its preparation.
- One of the proposals of the HJPC Working Group for Appointments Policy, whose Report was adopted by the HJPC in 2007, refers to the reform of the judicial exams program in the whole territory of BiH, in a way that exams should be harmonised and modernised so as to be able to follow dynamic changes in the national judicial system including changes in the national and international judicial practices. The need for this reform is also recognised in the Judicial Sector Reform Strategy in BiH, strategic area 1.3. Accountability and Professionalism and its realisation has been worked out in detail in the JSRS Implementation Action Plan.

- In terms of the above mentioned proposal and with a view to ensuring young and effective personnel, based on the experience gained in the course of filling judicial associates' vacancies in the previous period, the HJPC has come to the conclusion that there were no interested candidates for these positions. According to information received from judicial institutions, the same situation seems to be with the trainees, therefore, the HJPC recommends to the Government executive authorities to secure sufficient and adequate funds, especially keeping in mind the ongoing need for appointments of the holders of judicial office at the basic level.

CHAPTER 2

DISCIPLINARY PROCEDURES AND SANCTIONS

2.1. INTRODUCTION

The Office of Disciplinary Counsel (ODC) is an independent office within the HJPC. The ODC acts upon complaints or on its own initiative and it has the competence to assess legal grounds for complaints, investigate allegations against judges and prosecutors in terms of abuse of office, initiate disciplinary proceedings and represent disciplinary cases before the HJPC disciplinary panels. A complaint can be filed by any person and in any manner, with no specially prescribed form; while anonymous complaints are also taken into consideration including information obtained in other ways such as those published in newspapers articles. When the ODC has proved that a judge or prosecutor has committed a disciplinary offence,¹⁵ the HJPC shall impose disciplinary measures against the indicted judge or prosecutor ranging from a written caution for minor offences to permanent dismissal from office for serious misconduct.

The ODC has authority over all judges, prosecutors, reserve judges and lay judges including court presidents, chief prosecutors and their deputies. The ODC has no jurisdiction over the judges of the constitutional courts.

2.2. ACTIVITIES AND RESULTS ACHIEVED IN 2008

In December 2007, three out of five Disciplinary Counsels resigned and left the ODC. Due to the exceptionally long civil servants recruitment procedures through the Civil Service Agency of BiH, the process for filling these three positions was completed as late as mid October, 2008. Although the ODC's reduced capacities had a negative impact on total result in terms of the number of complaints solved and disciplinary proceedings initiated in the course of 2008, the extraordinary efforts of the remaining staff at the ODC prevented the statute of limitation from expiring in the great number of cases. The number of cases received and processed by each member of staff exceeds the results of similar offices in modern democratic countries.

2.2.1. COMPLAINTS

In the course of 2008, a total of 1 161 complaints were received or 96,75 % complaints per month on average. This is 18,8 % less compared to the previous year, a continuation of the decreasing trend of complaints which started in 2006.

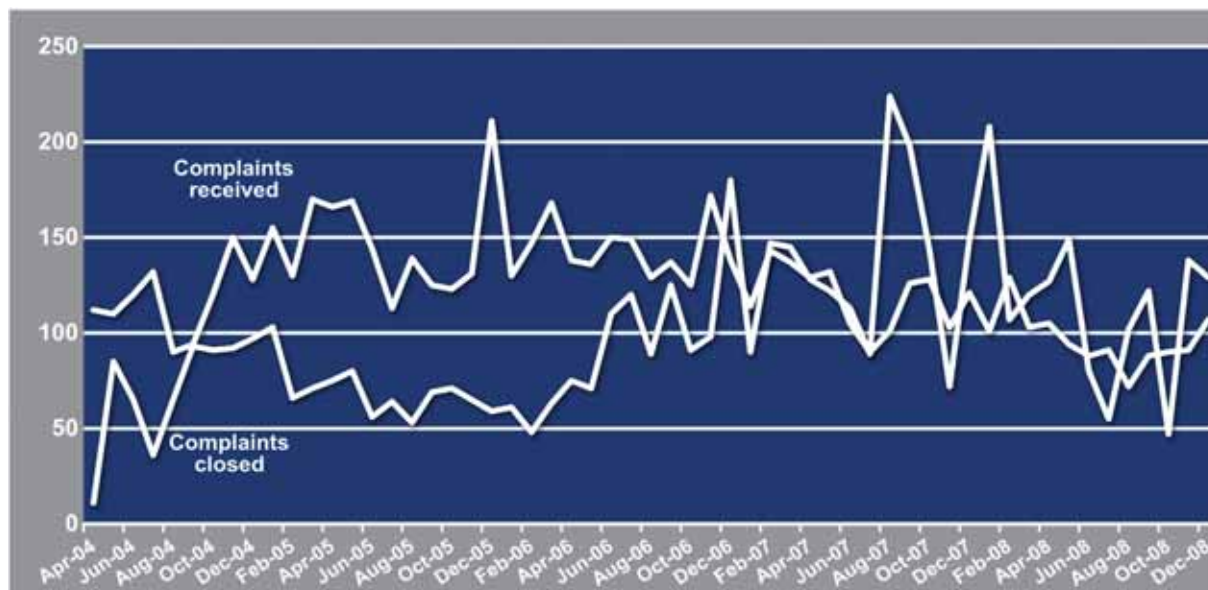
Most complaints received in the course of 2008 referred to judges (including presidents of the courts) and to a lesser degree to prosecutors (including chief prosecutors) while individual complaints referred to several holders of judicial office.

Out of the total number of complaints, including complaints received in 2008 and outstanding complaints from the previous period,¹⁶ in 2008, the ODC processed 1 381 complaints with considerably less human resources (the trend of inflow and solution of complaints is illustrated in Diagram 2.1 on the next page). Thirteen complaints resulted in disciplinary proceedings while in the remaining 1 368 complaints the ODC concluded that there were no grounds for initiating disciplinary proceedings. Compared to previous years, the number of complaints requiring prior verification or investigation is on the increase, indicating an increased awareness by the citizens of the nature of a disciplinary offence and what justifies the filing of a complaint. However, there is still a great number of complaints rejected due to ignorance about the real jurisdiction of the ODC. The ODC and the HJPC are not appellate bodies and therefore cannot amend any of the court/prosecution rulings, neither can they give legal advice to individuals or intervene in a case on behalf of any of the parties. Although the ODC runs a public awareness campaign regarding its purpose, jurisdiction and competences, with visible results due to the fact that in the last three years there was a slight drop in the number of complaints filed, the need for further education of the public on this issue is obvious.

15 In Articles 56 and 57 of the Law on HJPC, 23 examples of misconduct which holders of judicial office can be sanctioned for have been defined.

16 On 31 December 2007, 1 541 unresolved complaints were recorded.

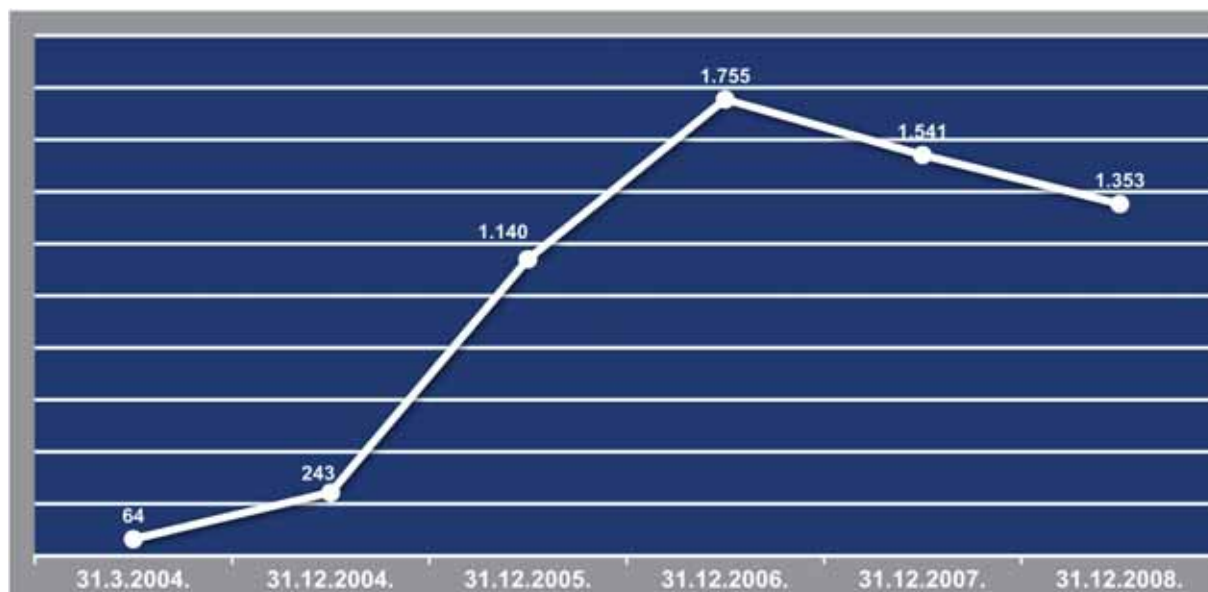
Diagram 2.1.: Trend of influx and solution of complaints in the period from 2004 - 2008.



The ODC, within its jurisdiction and as much as it is possible with the current resources, takes a proactive role, i.e. acts not only upon complaints but also ex officio. This is particularly apparent when the ODC learns through the media about actions and conduct of holders of judicial office that have all the characteristics of possible disciplinary offence. For example, in the course of 2008, 22 ex officio cases of investigation were initiated while, in 2007, 48 cases were opened on the same grounds, three time more compared to 2006, when the investigation of 17 cases was initiated.

Thanks to the extraordinary efforts of ODC employees, the trend in the reduction of unresolved complaints continues.

Diagram 2.2.: Number of unresolved complaints at the end of each year from 2004 to 2008



The total number of unresolved complaints at the end of 2008 was 1 353,¹⁷ which is 188 or 2,1% complaints less compared to 2007, when the number of unresolved complaints was reduced by 13,9% compared to 2006.

In the course of 2008, due to great influx of complaints over the previous years and insufficient resources to work on complaints, the ODC developed triage criteria¹⁸ which were applied when reviewing complaints. The triage criteria were a decisive factor in the practical work and assessment of complaints and their effects are evident. This was recognised and emphasised in the report of Ms Victoria Henley, the Director of California Commission on Judicial Performance who said that, in the course of 2007, ODC employees resolved 65% more complaints compared to New York Commission employees, 42% more than Texas Commission employees and 78% more than employees of the Commission in California.¹⁹ This trend also

¹⁷ In the course of 2008, 32 previously closed cases were reopened thus increasing the number of open cases by 32. Namely, complainants often contact the ODC after the case is closed and, having assessed that the new and relevant details have been included, the ODC reopens the case.

¹⁸ The triage criteria are standards applied during processing of complaints. These standards are critical to acceptance or rejection of complaints without additional information or it will be the subject of prior verification or comprehensive investigation. The triage criteria ensure better quality of work on serious complaints whereby complaints referring to dissatisfaction with judicial and prosecution rulings do not take too much resources available to the ODC.

¹⁹ Victoria Henley produced her Report after her visit to the ODC organised by the USAID. The Report was made on 19 September 2007.

continued in 2008 given that individual plans for each ODC employee were based on these criteria and the improvement of triage criteria is an ongoing task.

2.2.2. DISCIPLINARY PROCEEDINGS

Disciplinary proceedings are initiated by way of disciplinary action by the ODC and, in the course of 2008, eight disciplinary actions were filed before the disciplinary panel of first instance of the HJPC. Disciplinary proceedings before the HJPC can be completed in a legally valid way as follows:

- Delivering the final decision of the HJPC disciplinary panels after the hearing,²⁰
- Accepting the Joint Consent Agreement that determines disciplinary accountability by the HJPC disciplinary panel,²¹
- Acceptance of the resignation of a judge/prosecutor by the HJPC,²² and
- Termination of proceedings due to retirement, death or any other reason for termination of the mandate of a judge or prosecutor.

In the course of 2008, the ODC disciplinary panels completed 20 cases of misconduct. The HJPC disciplinary panels delivered 18 final decisions.²³ Out of 20 disciplinary proceedings completed, 6 were initiated in the course of 2008, 12 during 2007 and even earlier and 2 proceedings upon the request for the suspension²⁴ of a judge.

Table 2.1.: Proceedings initiated and finalised in 2008

	Proceedings initiated in 2008.	Proceedings concluded in 2008 by a final ruling			
		Initiated in 2006 and before	Initiated in 2007	Initiated in 2008	TOTAL
Judge	7	3	7	6	16
Court President	0	0	1	0	1
Reserve Judge	0	0	0	0	0
Prosecutor	0	0	1	0	1
Chief Prosecutor	1	0	0	0	0
Deputy Chief Prosecutor	0	0	2	0	2
TOTAL	8	3	11	6	20

In all disciplinary proceedings finalised by the end of 2005, the HJPC confirmed charges of misconduct of a judge/prosecutor and imposed one or more disciplinary measures laid down in the Law on the HJPC. In the course of 2006, for the first time, a disciplinary complaint was rejected and the judge acquitted of misconduct charges. During 2007, four misconduct charges were rejected whereas there was only one in the course of 2008. One case of misconduct charges was rejected due to the statute of limitation of disciplinary proceedings from Article 72 Para 1 of the Law²⁵, which had expired.

In the course of 2008, 12 disciplinary measures and one suspension were imposed. Some of the disciplinary proceedings completed in 2008, were initiated in 2007. Two disciplinary proceedings were completed upon the request for suspension and two disciplinary proceedings due to retirement of a judge and resignation of a judge prior to completion of disciplinary proceedings.

Table 2.2.: Disciplinary measures in the period from 2004 - 2008

	2004.	2005.	2006.	2007.	2008.
Letter of Admonition	0	2	7	3	3
Public Caution	8	4	4	9	3
Pay Reduction	7	8	4	9	4
Dismissal	2	1	0	1	2
Resignations ²⁶	2	3	4	3	0
TOTAL	19	18	19	25	12

²⁰ If a judge/prosecutor is dismissed from duty by final ruling of the HJPC, then a judge/prosecutor has possibility to challenge this ruling by initiating proceedings before the Court BiH.

²¹ The Joint Consent Agreement is an agreement by which the ODC and a judge/prosecutor agree on a voluntary solution of disciplinary proceedings initiated for an alleged misconduct which judge/prosecutor is charged for. The parties may agree which disciplinary offences a judge/prosecutor will admit to and upon adequate disciplinary measure. The Joint Consent Agreement shall be submitted to the HJPC after which the President of the HJPC shall appoint a disciplinary panel that may accept or reject this Agreement.

²² Should the judge/prosecutor file a resignation before or after the disciplinary proceedings were initiated, the proceedings for establishing possible disciplinary responsibility will be terminated.

²³ Two such decisions were delivered in 2007 but the cases were closed in 2008. A decision referred to the proceeding upon request for suspension. Another decision terminated the proceedings due to retirement of the judge. In two cases (one upon suspension and another one upon disciplinary action) the HJPC did not deliver any decision and consequently the ODC closed them on its own initiative. This number includes 4 proceedings completed upon agreement.

²⁴ Legal term is "temporary dismissal from duty", however, this text uses simplified term "suspension".

²⁵ Refers to the case against the Court BiH judge where a disciplinary measure was imposed, however, after Decision of the Constitutional Court BiH the case was rejected in the revised first instance proceedings due to the statute of limitation of the proceedings.

²⁶ Although resignations are not treated as disciplinary measures, it is necessary to point them out in order to illustrate a better picture about the situation in the judicial system including disciplinary system. Therefore, only those resignations related to the cases of misconduct and disciplinary proceedings for establishing disciplinary responsibility of holders of judicial office are mentioned in these reports while resignations for different reasons are not mentioned.

On 31 December 2008, there were 2 (two) disciplinary proceedings.

It is necessary to note that there have also been cases of disciplinary recidivism against a judge who has previously been disciplined, new disciplinary proceedings have been initiated because a new offence was committed.

In 2008, only 0,9 % of holders of judicial office resigned or were sanctioned as a result of disciplinary procedure.

Apart from establishing the case of misconduct, the ODC investigates and represents before the HJPC cases concerning the physical, emotional, mental and other disabilities of judges or prosecutors that require permanent or temporary removal of the judge or prosecutor from office or termination of their mandate. In these cases, appropriate practices are not yet in place and there are uncertainties regarding the application of the appropriate provisions of the Law on the HJPC.

2.2.3. TYPES OF DISCIPLINARY OFFENCES RESULTING IN DISCIPLINARY SANCTIONS

Disciplinary offences for which the HJPC delivered disciplinary decisions²⁷ in 2008 defined in Articles 56 and 57 of the Law on HJPC can be classified as follows:

- Article 56, Item 8 of the Law on HJPC: neglect or lack of care in exercising official duties (four cases),
- Article 56 Item 9 of the Law on HJPC: issuing decisions in patent violation of the Law or persistent and unjustified violation of procedural rules (in one case),
- Article 56 Item 10 of the Law on HJPC: unjustified delays in issuing decisions or other activities related to the holding of judicial office (in three cases),
- Article 56 Item 13 of the Law on HJPC: Interference in the work of a judge or prosecutor with a view to obstructing or demeaning their activities (one case),
- Article 56 Item 22 of the Law on HJPC: Conduct inside and outside the court damaging the reputation of the judicial office (two cases),
- Article 56 Item 27 of the Law on HJPC: Any other conduct representing serious abuse of office or bringing into question the confidence of the public in the impartiality and credibility of the judiciary (one case),
- Article 57 Item 9 of the Law on HJPC: unjustified delays in conducting activities related to the running of the prosecutor's office or any other repeated disregard for the prosecutor's duties (in one case),
- Article 57 Item 19 of the Law on HJPC: Deliberate provision of false, misleading and insufficient information regarding job applications, disciplinary matters, job promotions or any other issues within the competence of the HJPC (one case),
- Article 57 Item 22 of the Law on HJPC: Conduct inside and outside the Prosecutor's office damaging the reputation of the position of prosecutor (two cases).

2.2.4. INFORMATION ON ODC ACTIVITIES AND COOPERATION WITH PARTNERS

The Law on HJPC prescribes that procedures and activities related to allegation on misconduct and incompetence to hold judicial office, initiated before the ODC filed a disciplinary action, are private and confidential. In accordance with these provisions, in 2008, the ODC continued with a transparent modus operandi that does not jeopardise the principles of confidentiality and secrecy, while at the same time the public is provided with a better understanding of the disciplinary system and the jurisdiction of the ODC.

Although until 2007, the ODC was reporting its activities to the HJPC in monthly reports, as of 2007, quarterly, annual and special reports are regularly supplied and this practice continued throughout 2008. Special reports are sent when the ODC, through its operations, noticed certain discrepancies or peculiarities requiring issuance of certain decisions by the HJPC. A special feature of these reports is that the ODC gives the HJPC recommendations on possible actions to be taken in order to overcome the current difficulties.

The HJPC web site publishes all relevant information concerning the HJPC and ODC performance and the judicial disciplinary system. In addition, the HJPC web site allows the public to file a complaint against the performance of a judge and/or prosecutor. In the course of 2007 the HJPC introduced the practice of publishing summaries on its web site of disciplinary actions and all decisions of the HJPC disciplinary panels with the exception of decisions resulting in letters of admonition that are not public²⁸. This practice continued in 2008 and proved to be a relevant source of information for the public, including the media and all holders of judicial office.

During 2008, the HJPC in cooperation with representatives of the judicial community and executive authorities worked on the design of new posters that will be posted in courts and prosecutor's offices in the course of 2009, together with the new brochure which describes all phases of processing complaint, from the moment of filing a complaint to completion and the possible initiation of disciplinary proceedings using comprehensible and simple vocabulary. This brochure will be accessible

²⁷ In majority of decisions, responsibility of judges for committing several different disciplinary offences is established.

²⁸ The Law on HJPC prescribed the obligation not publish written admonitions.

to all individuals coming to the court or prosecutor's office. Each complainant will be given one copy of this brochure by the ODC with the information confirming that the complaint has been received and registered including the ODC conclusions in terms of legal grounds of the filed complaint.

The pocket version of the Judges and Prosecutors Code of Conduct has also been published and sent to all holders of judicial office in Bosnia and Herzegovina. In this way, the ODC wishes to increase the awareness of the holders of judicial office regarding the obligation to respect standards of ethic regardless of whether conduct is inside or outside the official premises and regardless of whether the activities in question occur during or outside working hours.

During 2008, in the course of numerous meetings the ODC organised a large number of presentations on the judicial disciplinary system in BiH, including meetings with judges and prosecutors associations, seminars for judges and prosecutors on ethics and with delegations of other countries. In addition, during 2008, the ODC cooperated with representatives of governmental and non-governmental local and international organisations and institutions in terms of improving the system of disciplinary responsibility with a view to exchanging experiences and improving respect for human rights and the rule of law. Equally, several meetings were held with representatives of the OSCE, JSDP and CIDA with the same objective.

2.3. RECOMMENDATIONS

- In order to improve the current disciplinary proceedings and ensure its easier implementation, amendments and supplements are necessary to the existing provisions of the Law on HJPC referring to the disciplinary responsibility of proceedings. This recommendation is also documented in the Judicial Sector Development Strategy in Bosnia and Herzegovina, strategic program 1.3.3 improvement of provisions referring to disciplinary responsibility of judges and prosecutors within the Law on HJPC.
- It is necessary to pay special attention to the training of the ODC staff in terms of acting properly upon receipt of complaints, including special emphasis on the administrative work and representation of disciplinary cases. It is therefore recommended to the Civil Service Agency of BiH to ensure the adequate training of the ODC staff as follows:
 - a) Improve the capability of administrative staff in order to provide support effectively and in good time and ensure support when acting upon complaints and disciplinary cases,
 - b) Improve the skills necessary for the investigation of complaints.
 - c) Improve individual skills necessary for the representation of disciplinary complaints,
 - d) Improve the internal procedures and mechanisms used by the ODC.
- It is necessary to improve the awareness of all holders of judicial office about professional and ethics standards. To achieve this objective it is recommended that:
 - a) Court presidents and chief prosecutors hold discussions within their courts and prosecutor's offices regarding the ethical and professional standards that can contribute to the improvement of procedures, standards and conduct of each and every member of the professional community,
 - b) In cooperation with the HJPC and ODC, Entity centres for training of judges and prosecutors, to prepare and implement training programs of judges and prosecutors in the area of ethics and professional standards knowledge so that each holder of judicial office is included in this training at least once every two years.
- The competent authority to ensure that the necessary funds are in order to adequately inform the public on the mandate of the HJPC and the ODC by providing funds for DVDs.

CHAPTER 3

JUDICIAL STRATEGY AND LEGISLATION

3.1. INTRODUCTION

The HJPC jurisdictions in terms of judicial strategy and legislation have been defined in Article 17 Item 28 of the Law on the HJPC including providing opinions on drafts of laws and regulations, and providing opinions on instituting legal proceedings for adopting laws and regulations, and providing opinions on important issues that may influence the judicial system and guidelines to courts and prosecutor's offices, within its competence.

Therefore, in 2008, the HJPC in cooperation with local and international partners participated in defining judicial key sector strategic issues in the Judicial Sector Strategy Development in BiH and Strategy for Processing War Crime Cases.

Initiatives for the adoption of amendments to the Law on Salaries and Compensations of judges and prosecutors and the adoption of the Law on Prosecutor's offices in FBiH were instigated. In addition, the HJPC deliberated upon the proposal of amendments and supplements to the Law on Courts in Republika Srpska, Draft of the Law on Civil Service in FBiH and Draft of the Law on Juvenile Delinquency and Legal Protection of Children and Youth.

3.2. ACTIVITIES AND RESULTS ACHIEVED IN 2008

3.2.1. STRATEGY FOR PROCESSING OF WAR CRIME CASES

The national strategy for work on war crime cases was adopted by the Council of Ministers of BiH at the session held on 29 December 2008. The Strategy was prepared by the Working Group formed by the Ministry of Justice in July 2007 and included representatives of the Ministry of Justice BiH, Ministry of Finance and Treasury of BiH, Ministry of Security of BiH, the HJPC, Prosecutor's office of BiH, the Court of BiH, the State Investigation and Protection Agency (SIPA) and representatives of the Entity Ministries of Justice and Finance including representatives of Brčko District BiH.

In addition to deliberating upon this issue at a regular session of the Council, an extraordinary session was held in 2008 dedicated to strategic issues in terms of processing of war crimes. Two Opinions were adopted where the HJPC stresses its dedication to strengthening capacities and improving the organisation within the current system and the decentralisation of the system of war crime cases processing so as to allow the delegation of competences for processing of individual cases to the Entity judicial system and judicial system of Brčko District BiH.

3.2.2. JUSTICE SECTOR DEVELOPMENT STRATEGY IN BIH

The Justice Sector Development Strategy in BiH was adopted by the Council of Ministers at the session held on 23 June 2008. The process of drafting the Justice Sector Development Strategy in BiH started at the end of 2006 which, apart from representatives of other institutions, also included representatives of the HJPC.

The Strategy was built on five reform pillars: judiciary, enforcement of criminal sanctions, access to justice, support to economic development and coordination, a well managed and responsible sector. The most important engagement of the HJPC referred to the defining of strategic programs related to the Judiciary pillar and preparation of the Action Plan for its implementation with defined concrete activities, deadlines, competent institutions and indicators for implementation of these activities.

According to one of conclusions of the Ministries Conference held on 17 December 2008, the competent institutions of the legal sector in BiH will include in their strategic plans and annual programs the key activities defined in the Action Plan. In its Action Plan for 2009, the HJPC included activities defined in the Action Plan and allowed for the revision of the Strategic Plan of the HJPC, i.e. its harmonisation with the Judicial Sector Development Strategy.

3.2.3. SALARIES AND COMPENSATIONS FOR HOLDERS OF JUDICIAL OFFICE

The current laws for the salaries of judges and prosecutors were enacted in late 2005. Enactment of these laws established a harmonised system of pay for judges and prosecutors in all regions of Bosnia and Herzegovina. Taking into account that, since the Law had come into force, circumstances have changed considerably and there is a need for adjustment of the regulations governing this problematic issue according to the situation and circumstances. This above all, refers to the increase of the monthly net salary in BiH and inflation in the period since the Law entered into force, on 1 January 2006 to the middle of 2008 and the fact that, in this period, salaries of judges and prosecutors were not adequately corrected and adjusted against inevitable changes due to the restricting provision in the basic text of the Law whereby the increase of salaries of holders of judicial office is conditional upon the increase of average pay in BiH to 800 KM.

Furthermore, in June 2008, the Parliamentary Assembly of BiH adopted the Conclusion which entrusted the Council of Ministers BiH to draft a proposal on the Law on Salaries and Other Compensations in the judicial and prosecution institutions at the BiH level and submit it into parliamentary procedure. With a view to ensuring the principle of harmonisation and uniform regulating of material laws at all levels of the judicial system, it is necessary to ensure that amendments to the Law on Salaries at BiH level is followed by harmonisation of regulations at the level of Entities and in Brčko District BiH. In addition, implementation of the current Law on Salaries showed that certain decisions prescribed in the basic text should be put into final form and that the laws should be supplemented by prescribing particular rights for holders of judicial office.

Therefore, at the meeting held on 19 June 2008, the Council brought a Decision on instituting an initiative for the formation of the Working group for deliberating upon salaries and compensations of the holders of judicial office at BiH, Entity and Brčko District BiH level. This Working Group completed its activities on the draft of the law in amendments and supplements of the Law on Salaries and Other Compensation of judges and prosecutors at all four levels and sent it to the HJPC for deliberation. After the proposed laws were discussed at the meeting of the Council held on 11 September 2008, the proposal of the draft text of the Law on Amendments and Supplements to the Law on Salaries and Compensations was sent to the Ministry of Justice BiH, Entity Ministries of Justice and the Judicial Panel of Brčko District BiH for discussion and instigation of proposal and adoption procedure.

3.2.4. LAW ON COURTS IN RS

In the course of 2008, on two occasions the Ministry of Justice of Republika Srpska sent the proposal of the draft Law on Amendments and Supplement to the Law on Courts in Republika Srpska, envisaging the opening of a Commercial Court, its competence and other issues necessary to its functioning.

In this respect, the HJPC carried out analysis showing that establishment of special courts for resolving cases of commercial dispute is not the only way of improving the situation in the area of ruling upon commercial disputes and that other instruments can be more cost effective and efficient solution for the improvement of the current system. Therefore, amongst other things, proposed the increase in the number of judges in the commercial departments within basic courts, expansion of competences by allowing all courts in RS to rule upon small claims, and discussion regarding the possibility of introducing priority criteria for cases before commercial departments. In the Opinion arrived at the meeting held on 13 November 2008, the HJPC stressed that the proposed amendments to the Law on Courts in RS erodes the system of uniform organisation of courts defined in the current Entity laws on courts and the Law on courts in Brčko District BiH. In addition, the HJPC provided concrete suggestions in terms of proposed provisions in order to harmonise the text of the proposed law with the wider legal framework, above all with the Law on the HJPC.

3.2.5. LAW ON PROSECUTOR'S OFFICES IN FBiH

The Judicial System in FBiH is regulated through ten Cantonal laws and one law at the FBiH level. Given that enactment of the single legislation regulating this area in FBiH will increase the effectiveness in the performance of Prosecutor's offices, this issue is also included in the Judicial Sector Development Strategy and in the HJPC Strategic Plan.

In February 2008, the HJPC established a Working Group and instigated the initiative for the production of working papers on the Law on Prosecutor's offices in FBiH. The Working Group included representatives of Prosecutor's offices FBiH, Republic Prosecutor's offices RS, Prosecutor's office Brčko District BiH, Cantonal Prosecutor's office of Zenica-Doboj Canton and Cantonal Prosecutor's office of Herzegovina – Neretva Canton.

In the course of producing the draft of the Law, the Working Group decided that the texts of the Law should, in the widest possible way, be harmonised with the Law on Prosecutor's offices in Republika Srpska, taking into account the constitutional structure of FBiH. The working papers of the Law on Prosecutor's offices in FBiH discussed at the meeting held on 28 August 2008, was sent to the Federation Ministry of Justice.

Although the procedure for adoption for the Draft of the Law is in progress, the HJPC has already started activities regarding the enactment of relevant by-laws by instituting a Working Group for the preparation of the Book of Rules on Internal Structure and the Book of Rules on Internal Business Activities in Prosecutor's offices FBiH.

3.2.6. OVERVIEW OF OTHER REGULATIONS DELIBERATED UPON BY THE HJPC

Draft of the Law on Civil Servants in the civil service authorities in the Federation of Bosnia and Herzegovina - proponent the Federation Ministry of Justice. The first draft of the Law was later sent to the HJPC at its request. Having studied the text, the HJPC emphasised that it is necessary to exclude judicial associates and advisors in courts and prosecutor's offices in

FBiH from the amendment to this Law, and to allow court presidents, chief prosecutors or the HJPC to appoint court and prosecutor's office secretaries.

Draft of the Law on Juvenile Delinquents and legal protection of children and youth, the proponent is the Ministry of Justice BiH. The HJPC gave proposals for instigation of a number of activities such as analysis of the impact of proposed decisions on the effectiveness and organisational structure of courts and prosecutor's offices and assessment of the financial impact. Since it would not be possible to implement the proposed measures prior to adoption of this Law, the HJPC proposed enactment of interim and closing provisions, allowing a period of least one year from the date this Law comes into force to the start of its application.

The HJPC deliberated and supported the USAID/JSDP initiative for instigation of the execution procedure reform project and drafting of the working version of relevant laws on execution procedure including the initiative that the Project should, as a model, be realised in Brčko District BiH.

3.3. RECOMMENDATIONS

- Preservation of the harmonised salaries system of holders of judicial office in BiH is of the utmost importance. In coordination with representatives of the professional community, the HJPC prepared appropriate proposals of amendments to the current set of laws on salaries of judges and prosecutors. Therefore, it is recommended as follows:
 - The Parliamentary Assembly of BiH to adopt the Law on Amendments and Supplements to the Law on Salaries and Other Contributions in judicial institutions at the BiH level,
 - The Parliament of the Federation of BiH to adopt the Law on Amendments and Supplements to the Law on salaries and other contributions of judges and prosecutors in FBiH with prior adoption of the Law on salaries and other contributions of judges and prosecutors in the Federation of BiH imposed by the High Representative,
 - The National Assembly of RS to adopt the Law on Salaries and other contributions of judges and prosecutors in RS,
 - The Assembly of the Brčko District BiH to adopt the Law on Salaries and other contributions of judges and prosecutors in Brčko District BiH.
- Taking into account the significance of adoption of the single Law on Prosecutor's offices in FBiH, it is recommended that the Federation Ministry of Justice, after deliberation of the working papers, i.e. draft of the Law prepared by the Working Group formed by the HJPC, initiate the procedure for its adoption. In the course of further deliberation and proposals of the Law, the HJPC remains open to any form of cooperation that can contribute to the adoption of the best quality regulations in this area.

CHAPTER 4 JUDICIAL ADMINISTRATION

4.1. INTRODUCTION

The judicial system in Bosnia and Herzegovina, excluding the constitutional courts, consists of:

- 48 first instance courts (28 in FBiH, 19 in RS and one in Brčko District BiH),
- 16 second instance courts (10 in FBiH, 5 in RS and one in Brčko District BiH),
- the Entity Supreme Courts and
- the Court of BiH.

The prosecution system includes 20 prosecutor's offices:

- 10 Cantonal in FBiH,
- 5 District in RS,
- District Prosecutor's office in Banja Luka, Special department for prevention of organised crime and the most serious commercial crimes – Special Prosecutor's office,
- Prosecutor's office of Brčko District BiH,
- 2 Entity Prosecutor's offices and
- Prosecutor's offices BiH.

The key competences of the HJPC in the area of judicial administration relates to adoption and supervision of implementation of the Book of Rules on internal activities of the courts and prosecutor's offices, determining criteria for assessment of performance of judges and prosecutors and assessment of the number of holders of judicial office following consultations with the Court President or the Chief Prosecutor, the competent ministries of justice and finance.

In the realisation of these competences and all other activities with the objective of increasing the effectiveness of courts and prosecutor's offices, the HJPC has the support of the Standing Committee for Judicial Administration with the assistance of the HJPC Secretariat for Judicial Office Administration.

4.2. ACTIVITIES AND RESULTS ACHIEVED IN 2008

4.2.1. RATING THE VOLUME OF JUDICIAL PERFORMANCE

Rating of the workload of judges is important for both assessment of their effectiveness and effectiveness of the courts, i.e. the judicial system as a whole. The current system of rating the volume of judicial workload in Bosnia and Herzegovina is based on the archaic concept of approximate rating (set in the 80s of the last century). They are based on simple records of the number of cases a judge has completed in a given period of time. In the process, the complexity of any particular case is not taken into consideration, nor are the merits of the manner in which it has been completed. This method of workload assessment has a lacklustre impact on those judges who work hard on resolving complex cases. Equally, this system has become one of the reasons that a great number of cases are piling-up and taking unreasonably long time to complete (so called old case files).

Taking into account the above mentioned, the HJPC delivered a decision to replace the dated and unreliable rating system with the new judges performance assessment system based on the time effectively spent by a judge on processing activities or the resolving of a case. Assessment of the time spent would be carried out based on previously instituted rating standards (hereinafter: time scale rating²⁹), or the average time spent to complete each processing activity in order to arrive at the overall time needed for completion of a particular case. Time scale rating

29 Introduction of time scale rating is a strategic issue defined in the Judicial Sector Development Strategy in BiH for the period 2009.-2013 and in the Action Plan of implementation of the European Partnership with Bosnia and Herzegovina.

is expected to ensure more objective observation of performance results of all judges and to increase their motivation to work on more demanding cases which would certainly reduce the number of old cases.

According to this decision, Working Groups formed by the HJPC, consisting of judges at all levels of judicial system in BiH, prepared the proposal of time scale rating for all basic court sections. In the period from 1 December 2006 to 1 April 2007, testing of the proposed time scale rating took place at eight courts and, as a result, it was concluded that the added input of the working groups is needed for further definition of time scale rating. In the course of 2008, the working groups worked on the finalisation of this complex task that will have long term effects for the functioning of the judicial system in BiH. According to instructions of the HJPC, in the first part of 2009, the working groups will present the new proposal of the time scale rating that will then be forwarded to courts for comments. The HJPC Working Plan for 2009 envisaged that introduction of time scale rating will be completed in the course of this year after which its implementation will follow.

4.2.2. PERFORMANCE ASSESSMENT OF JUDGES AND PROSECUTORS

In accordance with Article 17 Para 22 of the Law on the HJPC, the HJPC sets criteria for judges' performance assessment and criteria for assessment of the performance of prosecutors. Based on these criteria, court presidents and chief prosecutors carry out annual performance assessments of judges and judicial associates at Municipal and Basic courts and annual assessment of the performance of prosecutors. The criteria take into consideration a number of elements based on which the volume of workload is assessed, approximate rating and quality of work, skills, efficiency, handling tasks etc. the sum total of these points according to these elements gives the total annual assessment of the performance.

In terms of criteria for assessment of judges, in the course of 2008, the Standing Committee for Judicial Administration deliberated suggestions from representatives of the judicial community related to individual elements of these criteria. Special attention is paid to the correction of approximate ratings for particular court departments (e.g. offences), and possible amendments of existing evaluation of judges and judicial associates quality of performance is also considered. It is certain that, during 2009, there will be important changes in criteria regarding the elements of assessment on grounds of judges' quality of work.

With a view to assessing the volume of workload of judges more correctly, the above mentioned corrections of the approximate rating, it is necessary to introduce time scale rating as the new, more objective way of monitoring the results judges' performance.

In order to conduct the process of annual assessment of performance of judges and prosecutors in a more objective and transparent way, in 2008 the HJPC, at suggestion of the Standing Committee for Judicial Administration, was resolving complaints of judges and prosecutors in terms of assessment for the previous year.

4.2.3. BOOK OF RULES ON JUDICIAL PERFORMANCE

In accordance with Article 17 Para 19 and 30 of the Law on HJPC and relevant provisions of the Law on Courts in FBiH, RS and Brčko District BiH, on 29 May 2008, the HJPC delivered a decision on adoption of the Book of Rules on Internal Judicial Activities published in "The Official Gazette BiH, No. 57/08". The Book of Rules entered into force on the eighth day from the day of publication in The Official Gazette BiH, and its application started 90 days from the day of its entering into force, i.e. on 23 October 2008.

Apart from representatives of the HJPC and courts, representatives of Entity ministries of justices and Judiciary Panel of Brčko District BiH have also taken part in the drafting of the Book of Rules.

The Book of Rules regulates the organisation and internal modus operandi of municipal, basic, cantonal, district courts, the Appellate Court in Brčko District BiH and supreme courts in Bosnia and Herzegovina, including other issues significant to the internal activities of courts. In accordance with Article 186, the Book of Rules is not applicable to the issues of the internal activities of the Court of Bosnia and Herzegovina due to its specific jurisdiction, and the internal organisation regulated by the Rules of Procedures on the modus operandi of the Court of BiH ("Official Gazette BiH, No. 82/05").

The book of Rules created conditions for improvement of the situation in the area of court administration competences. The Book of Rules has, therefore, given powers to the court president to delegate to court secretaries certain administrative and technical activities in terms management of the court. In addition, particular decisions have been defined with a view to describing exactly the responsibility within the court for respecting deadlines when taking cases for processing and delivering court rulings. The Book of Rules is, at the same time, the first regulation guiding the issues of automated case management and the use of information-communication technology in courts.

On 29 October 2008, the Council delivered a decision on forming the Working Group for monitoring of the implementation of the Book of Rules with the task of monitoring its implementation without interruption and provide support to the HJPC in terms of supervision of implementation of the Book of Rules.

4.2.4. JOB STRUCTURE AND NUMBER OF JUDICIAL POSITIONS

In accordance with Article 17 Item 25 of the Law on HJPC and following an agreement with the court president and the chief prosecutor, the competent ministries of justice and finance, the HJPC shall be competent to assess the number of holders of judicial office (judges, reserve judges, deputies chief prosecutor and prosecutors, senior judicial associates, judicial

associates in municipal and basic court). Assessment of the optimal number of holders of judicial office is one of the strategic issues defined in the Judicial Sector Development Strategy in BiH for the period 2009 to 2013 and one of the strategic priorities defined in the HJPC Strategic Plan for the period from 2007 to 2012.

Therefore, on 8 May 2008, the HJPC delivered a Decision on starting the Working Group for Systematisation of the Number of Holders of Judicial Office with the task of determining the criteria based on which the optimal number of holders of judicial office in the judicial system BiH will be assessed. The Working Group will hold discussions with the competent authorities for funding the work of the courts and other relevant institutions and produce an analysis including recommendation to the HJPC in terms of the number of judges, prosecutors and judicial associates at each court and prosecutor's office in Bosnia and Herzegovina.

With this objective, the Working Group prepared a preliminary analysis of the data on the work of courts for the period from 1 January 2004 to 31 December 2008. This analysis will be the basis for discussion with court presidents and will be completed at the beginning of 2009. The HJPC Action Plan envisaged that, by the end of April 2009, analysis of the work of prosecutors' offices for the period from 2004 to the end of 2008 will also be completed and the optimal number of holders of judicial office in BiH assessed. Therefore, in cooperation with the competent executive authorities, conditions will be created to provide the personnel resources in judicial institutions necessary for more effective work, particularly in terms of the reduction in the number of unresolved cases.

4.2.5. STATUTE OF LIMITATION OF CASES IN COURTS AND PROSECUTOR'S OFFICES

In the course of 2008, the application of statute of limitation was noted in a small number of cases at some courts and prosecutor's offices whereby it was not possible to proceed further with these cases. They included criminal and minor offences cases, and cases of enforcement of criminal and minor offences sanction, since according to the relevant provisions of the laws on proceedings the reasons for statute of limitation can be objective and subjective. In order to observe the trend of statute of limitation cases realistically, in the course of 2008, the HJPC collected relevant data from courts and prosecutor's offices including detailed explanations based on which it was concluded that, in most cases, there was a justifiable reason (e.g. defendant unavailable).

In addition, in December 2008, the HJPC held a meeting with court presidents and chief prosecutors where it was concluded that the HJPC would pay special attention to this issue in 2009 and that court presidents and chief prosecutors are expected to use all instruments available in order to prevent the occurrence of statute of limitation.

4.2.6. VISITS TO COURTS AND PROSECUTOR'S OFFICES

In the period to September 2008, the HJPC organised working visits to a number of courts and prosecutor's offices with a view to see first-hand the situation in these institutions and the problematic issues they were facing. These visits included 12 courts and 8 prosecutors' offices including the Supreme Court of FBiH and the Supreme Court of RS. This activity will continue during 2009 with the objective of visiting all judicial institutions in BiH.

During these visits, talks were held with court presidents and chief prosecutors and other holders of judicial office in these institutions. In addition, the HJPC representatives met with some Cantonal Ministers of Justice.

These visit presented the opportunity to get to know the specifics of each institution visited but also to identify issues of importance for judicial institutions and of common interest for the professional community. They primarily refer to the need for improvement of financial status of holders of judicial office, faster recruitment as well as the procedure for filling vacancies in courts and prosecutor's offices, harmonisation of the functioning of CMS and noting comments and suggestions of judges, creation of mechanisms for harmonisation of judicial practices and finalisation of the analysis of the job structure of holders of judicial office.

At the courts and prosecutor's offices visited it was found that the HJPC practice of visits to courts and prosecutor's offices was very useful and should continue.

4.3. RECOMMENDATIONS

- Analysis of performance data of particular courts and prosecutor's offices revealed a big problem regarding the existence of statute of limitation in outstanding cases. In order to resolve this problem it is necessary that court presidents and chief prosecutors formulate and implement organisational and other internal measures which would contribute to the existing human and financial resources and consequently ensure a higher level of efficiency at these courts and prosecutor's offices.
- It is certain that the analysis of the number of holders of judicial offices in a number of courts and prosecutor's offices produce results that will assess the need for the increase in the number of judges, prosecutors and judicial associates. In order to follow through the decision of the HJPC on the increase of holders of judicial office, the competent bodies of judicial and executive authorities should support this process by ensuring additional budget funds.

- In the past period, at particular courts and prosecutor's offices a number of cases were subject to statute of limitation for subjective reasons. Given that this form of inefficient work can seriously damage the reputation of the judiciary, courts presidents and chief prosecutors should take all measures available in order to update their work on cases facing a possible statute of limitation.

CHAPTER 5

COMPUTERISATION OF THE JUDICIAL SYSTEM

5.1. INTRODUCTION

Computerisation of the judicial system includes all aspects of systematic implementation of computerisation and communication technology (ICT) into courts and prosecutor's offices throughout BiH, including hardware, software, application programs, network solutions, use of human resources, control of relevant process changes and other related activities processes.

These activities are carried out by the ICT Office and the HJPC ICT/CMS Project with support of donors: European Commission and Swedish Government, Netherlands and Norway that jointly finance this Project. In addition, in 2008, significant funds for computerisation of courts and prosecutor's offices were approved.

Computerisation of the judicial system is one of the strategic programs of the Judicial Sector Development Strategy in BiH for the period 2009 -2013. Computerisation is one of strategic objectives underlined in the HJPC Strategic Plan for the period 2007-2012 and is included in activities mapped out in the Action Plan for implementation of the European Partnership with Bosnia and Herzegovina.

5.2. ACTIVITIES AND RESULTS ACHIEVED IN 2008

5.2.1. IMPLEMENTATION AND DEVELOPMENT OF THE JUDICIAL IT SYSTEM

5.2.1.1. Implementation of the system for automated case management in courts (CMS)

Using positive experiences from the previous year, in 2008, the implementation of CMS in courts was carried out exclusively with participation of regional teams formed for the needs of each Canton or Region. Teams consist of the ICT employees, trainees, volunteers and other judicial staff from each court in a particular Canton/Region. The intention is that, having completed the implementation process, members of regional teams continue to provide support to other users and, in the capacity of trainers, to conduct training of new users.

Each team out of five has three trainers thus ensuring simultaneous implementation of CMS at five locations. CMS trainers train members of regional teams in the use of SMC applications first, after which they jointly carry out implementation of CMS at all courts in a particular Canton/ Region. This methodology has considerably expedited the work of implementation, therefore during 2008 CMS was introduced in 37 first instance and 11 second instance courts, which is 90% more compared to the preliminary plan for 2008 that envisaged implementation of CMS at 27 courts. The accelerated tempo of implementation ensured that project resources in the course of 2009 can be directed more towards development of software and further CMS training of "less successful" users.

Out of a total of 66 courts included in implementation of the CMS, by 31 December 2008, CMS was completed in full at 61 court (92,42%) and individual offices of the Supreme Court of the Federation of Bosnia and Herzegovina and Republika Srpska.

Illustration 5.1.: CMS Implementation Status 31 December 2007 and 31 December 2008



Table 5.1.: Volume of CMS Usage Data at Courts as at 31 December 2008

Description	Number
Total number of registered CMS users	2 863
Total number of registered cases in the CMS	492 394
Total number of documents in the CMS	6 208 502
Total number of hearings in the CMS	317 396

5.2.1.2. Development of New CMS Functionalities

In the course of 2008, a new version of CMS was completed (CMS 2008) featuring the possibility of producing new statistical reports based on requests from the Working Group for strategic planning and CMS development. These reports include, amongst other things, reports on the duration of the case, reports on dormant cases, reports on cases pending appeal and reports on cases where a ruling has been made.

New functionalities necessary for linking CMS with the public register were developed. With the help of the above mentioned, all CMS now can have an *online* access to data on a physical person kept in the Public register. Access to data is based on the JMB (unique personal number).

With a view to ensuring the effective exchange of data between courts and prosecutor's offices, the court version of the CMS had undergone significant changes. Therefore, a number of new functions were developed in the course of 2008:

- registration of every document in the case file received,
- new module for linking and separating cases,
- electronic exchange of documents between courts and prosecutor's offices,
- introduction of barcode readers for registration of bills of delivery,
- module for registration of detention, custody and sanctions and
- module for monitoring enforcement of detention, custody and sanctions.

This CMS version has already been introduced at the Municipal and Cantonal Court in Goražde and the Project Plan for 2009 envisaged implementation in other courts in the country.

Based on the HJPC decision from September 2008, experts for the design of forms for the CMS have been employed with the task of revising the current lists of court documents and propose a newly agreed list, including names of all court documents with a view to verifying the material and legal accuracy of existing forms and possibly propose new forms for documents from the final review for the whole country. Teams of experts produced in excess of 6 000 CMS forms. The process of downloading and linking of forms in the CMS is planned for 2009. With a view to ensuring respect for the constitutional rights of citizens, the forms are available in all languages officially used in BiH.

The ICT Department took over a number of activities aimed at the optimal use of CMS server resources, including changes in the operative systems of application servers housed at the HJPC database centre for Windows 2003 on Oracle Linux 4, so that they could support increased load caused by the increase in the number of CMS courts and users, and verification of installations and configurations of the CMS database server carried out by an Oracle expert for Real Application Cluster.

In the course of the entire 2008, the ICT Department administered and maintained the CMS database server and CMS applications servers using high tech tools for supervision, monitoring and configuration of servers. Therefore, database administrators have detailed information in terms of user sessions, CPU (Central Processing Units) and the level of utilisation of database system in database servers and application servers.

5.2.1.3. Development and Implementation of the Case Management System at Prosecutor's offices (PCMS)

In May 2008, the HJPC formed the Working Group for providing expert assistance for preparing the Case Management System at Prosecutor's offices (PCMS). This Working Group had the task of looking into all proposals of the analytical-design team in terms of development of the PCMS, assess their justifiability and create teams of users with the task of producing new and improved current functionalities.

In cooperation with the ICT/CMS Project, the ICT Office carried out functional and organisational analysis of working processes at prosecutor's offices at all levels in BiH. Based on this analysis the project proposal for the PCMS was produced including detailed specification of prosecution software functions. All functionalities planned at the PCMS were presented to the members of the Working Group that adopted them with minor corrections. Planned PCMS functions include:

- usage of module for registration of documents and opening of the case,
- usage of module for delegation of different tasks to different staff groups at different prosecutor's offices,
- automatic reporting on developments between related cases at courts and prosecutor's offices,
- electronic exchange of documents between courts and prosecutor's offices,
- use of module for registration of linking and separating cases and module for registration of sent and received documents,
- introduction of barcode readers for sent and received bills of delivery,
- use of module for registration of detention/custody, sanctions and fines,
- use of module for monitoring enforcement of detention/custody, sanctions and fines and,
- option for production of various statistical reports for prosecutor's offices.

The ICT/CMS Project staff carried out testing of the PCMS at the development stage followed by the pilot implementation at the Cantonal Prosecutor's office in Goražde and the Prosecutor's office of Posavina Canton. Since implementation of the PCMS involved the use of new, previously non-existing functions built in the new CMS software such as electronic exchange of documents between courts and prosecutor's offices, use of barcode technology etc., pilot implementation of the TCMS was carried out in parallel with the implementation of the new CMS version at courts in Bosnia-Podrinje and Posavina Cantons.

The Project Plan envisaged that, by the end of 2009, the PCMS will be implemented at all prosecutor's offices.

5.2.1.4. Development and Installation of Web Portal

The central point for online access to various pieces of information from every modern system is a web site or web portal through which the system maintains communication with both and systems from its immediate environment and with the public. In this respect, the web site www.pravosudje.ba should be the central point for access to the information from the judicial system of Bosnia and Herzegovina.

The web portal of the judicial system BiH will provide, apart from information significant to the judicial system of Bosnia and Herzegovina as a whole also contain the web sites of individual courts and prosecutor's offices, updated public information which greatly influence the perception of the public about the work of particular judicial institutions and the judicial system as a whole.

With this objective, the HJPC instigated the project of introducing the web portal www.pravosudje.ba and formed the Working Group for the installation of the web portal. The Working Group included lawyers, experts for selection of contents of the web portal and IT experts. Based on their instructions, the module for downloading contents to be published on the website of judicial institutions was developed and the proposal for the layout of web sites of courts and prosecutor's offices was designed. An example of the first website page is given on the Illustration 5.2.

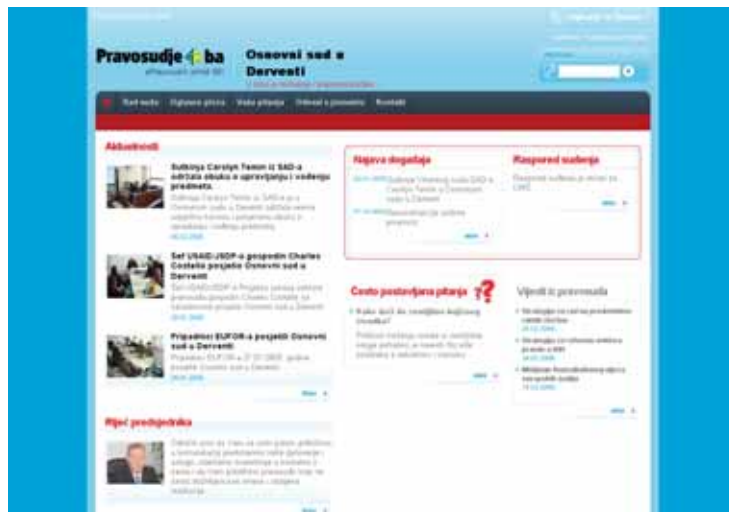


Illustration 5.2.: Example of the first judicial presentation website page

Within the project, the scheme of posting addresses of courts and prosecutor's offices on the website was instituted according to which website addresses of courts and prosecutor's offices will be the sub-domain of the domain "pravosudje.ba".

For example:

<http://ossud-derventa.pravosudje.ba> – website address of the Basic Court Derventa,

<http://opsud-gorazde.pravosudje.ba> – website address of the Municipal Court Goražde,

<http://t-banjaluka.pravosudje.ba> – website address of the District Court Banja Luka,

<http://t-sarajevo.pravosudje.ba> – website address of the Cantonal Prosecutor's office Sarajevo.

In addition, functions necessary for publication of the time table of court hearings on the website and the relevant court downloaded directly from the calendar in the CMS database, have also been developed.

The forum website (<http://forum.pravosudje.ba>) was established, providing the possibility of exchange of opinions related to legal and other issues. All judges, prosecutors and judicial associates from the courts are registered members of the forum.

In the course of 2008, an advanced web address book of court experts and interpreters was developed and it can be used directly from the website of a judicial institution. In this case it is possible to obtain only information on court experts and interpreters from the area of jurisdiction of a particular judicial institution, while information on court experts and interpreters from other regions can be found on the judiciary web portal.

In addition, an advanced website address book of judicial institutions of BiH has been introduced.

The module for downloading contents was introduced in seven courts that started and maintain websites using this system. Three more courts are in the process of installing their websites including the Municipal Court Zenica, Municipal Court Žepče and Municipal Court Kiseljak.

Table 5.2. Web addresses of courts maintaining websites using the HJPC system

No.	Court	Web Address
1.	Basic Court Derventa	http://ossud-derventa.pravosudje.ba
2.	Municipal Court Goražde	http://opsud-gorazde.pravosudje.ba
3.	Municipal Court Konjic	http://opsud-konjic.pravosudje.ba
4.	Municipal Court Bugojno	http://opsud-bugojno.pravosudje.ba
5.	Municipal Court Travnik	http://opsud-travnik.pravosudje.ba
6.	Basic Court Modriča	http://ossud-modrica.pravosudje.ba
7.	Basic Court Mrkonjić Grad	http://ossud-mrkonjic-grad.pravosudje.ba

Tender procedures for the development of functionality was instigated, helping lawyers and the public to have *online* access to cases registered in the CMS database. The tender documentation in question contains the specification of at least seven *online* graphs illustrating statistics in terms of cases from particular institutions. These statistics will be based on data from the CMS application. It is expected that this function will be completed by the end of 2009.

5.2.2. ICT SUPPORT

5.2.2.1. ICT Development of Infrastructure in the Judicial System

In the course of 2008, significant capital investments from the HJPC budget intended for further development of judicial information system and maintenance of instituted infrastructure were recorded. In addition, the Kingdom of Sweden and the Kingdom of the Netherlands, that signed joint financial agreement with the HJPC at the beginning of 2008 continued their financial support of the development of IT infrastructure.

In 2008, a further 550 personal computers, 200 printers and 66 projectors were installed for the needs of CMS implementation in courts and implementation of PCMS in pilot prosecutor's offices. Each court received one laptop each to be used by judges and prosecutors for field work.

Additional servers and necessary equipment intended for further enhancement of installed application capacity, database and relevant services were installed in the HJPC database centres. An overview the equipment supplied to the HJPC, courts and prosecutor's offices and an overview of the equipment still lacking in courts and prosecutor's offices is given in tables 5.3 and 5.4.

Table 5.3.: Equipment supplied to courts, prosecutor's offices and the HJPC by 31 December 2008

Donor	2008.			Total (2005 – 2008)		
	Work Stations	Servers	Printers	Work Stations	Servers	Printers
European Commission	-	-	-	2 105	108	736
ICITAP	-	-	-	755	30	695
Budget HJPC	550	14	-	550	14	-
Kingdom of Netherlands	-	-	200	-	-	200
GTZ	-	-	-	270	50	-
CIDA	-	-	-	10	-	-
TOTAL						
(All Donors)	550	14	200	3.690	202	1.631

Table 5.4.: Number of personal computers necessary, existing and lacking

Categories	Total Number of staff	Number of work stations needed	Number of work stations	Number of workstations lacking
Judges, prosecutors,				
Judicial Associates	1 325	1 325	1 275	50
Administrative Staff	3 117	2 805	2 415	390
Total Court and Prosecutor's Offices	4 442	4 130	3 690	440

A necessary part of the IT equipment and software is for the installation of the reserve centre for processing and storage of data at a distant location (*Disaster recovery*) which would take over the functions of the primary centre in case it is not accessible.

In 2008, an agreement on maintenance of the key IT equipment and software was signed thus ensuring support by manufacturers and local distributors in cases of preventive and corrective maintenance of the above mentioned equipment and software.

5.2.2.2. Completion of implementation of wide application judicial system network and electronic mail system

During 2008, the process of implementation of joint wide application network (WAN) for the need of judicial institutions throughout BiH was completed, thus linking all judicial institutions in BiH by the fast WAN connections both between each other and the HJPC centre for processing and storage of data.

With a view to ensuring a prompt response in case of problems with judicial network connection, there is a system of continuous monitoring of primary communication links (wide application network for the needs of judicial institutions) and reserve Internet connections (Illustration 5.3). Monitoring includes verification of accessibility, flow and analysis of network traffic.

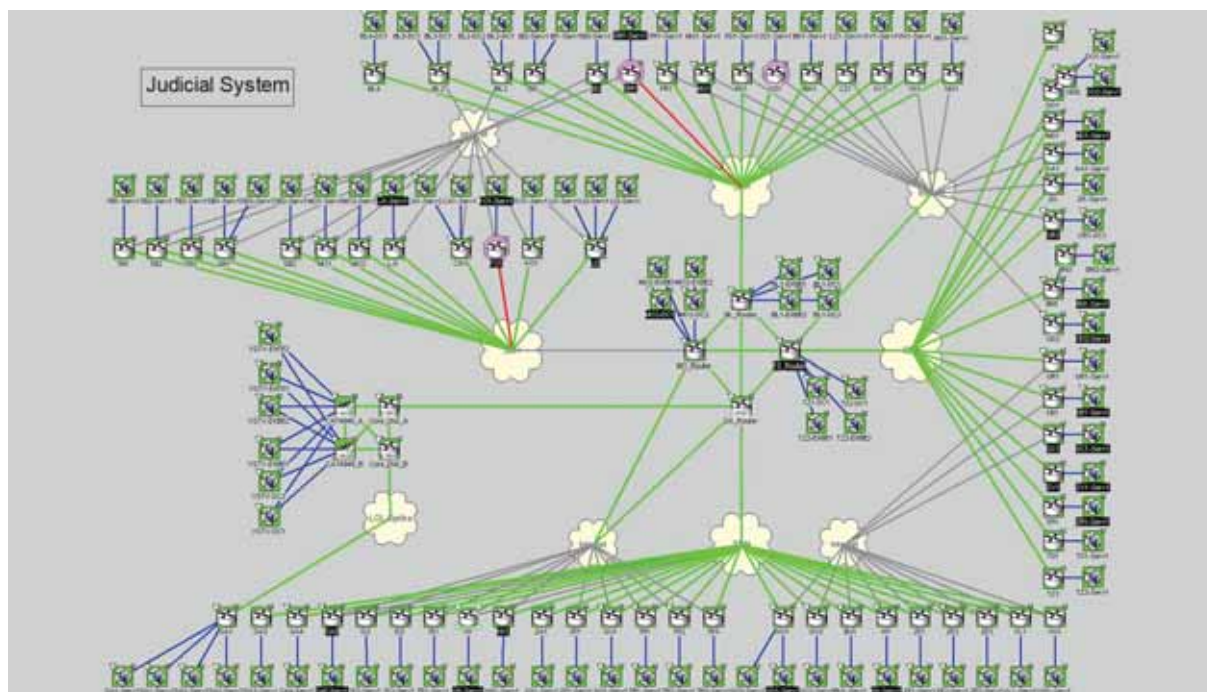


Illustration 5.3.: Monitoring of wide application network at the HJPC in a realistic time scale

All courts and prosecutor's offices are included in the electronic mail system (e-mail) for judicial institutions. At the end of 2008, this system had 4 165 users. The system is used for the exchange of information and communication between judges, prosecutors and administrative staff within courts and prosecutor's offices including the HJPC. This system facilitates communication with the rest of the professional community, institutions of judicial and executive authorities, international organisations and the public and it makes a considerable cost saving against using fax machines and classic post office services.

5.2.2.3. Organisation of ICT Support to Courts and Prosecutor's offices

In the course of 2008, the HJPC continued the process of support for recruiting ICT staff in courts and prosecutor's offices in BiH. At the end of 2008, the number of IT members of staff at courts and prosecutor's offices increased to 91, which was a considerable increase compared to 73 IT staff members employed at courts and prosecutor's offices at the end of 2007.

In order to keep pace with the fast development of ICT technology in the world and to implement new technological solutions, the Plan for training of ITC employees at courts and prosecutor's offices was produced and adopted. As a result of the realisation of this Plan, about 50 ITC members of staff attended training courses at two training centres in Sarajevo and Banja Luka endorsed by Microsoft. Courses were organised by the ICT Department and funds were provided from the courts and prosecutor's offices budgets.

Using public procurement procedures, a local company was selected that carried out the analysis of current users support procedures and gave recommendations based on collection of good practices for planning, provision and IT support "Information Technology Infrastructure Library" (ITIL).

In 2008, the Book of Rules on internal judicial activities was adopted, which in Chapter 15 regulates the common issues in terms of implementation of the information-communication technology in courts.

5.2.2.4. Training of Users at Courts and Prosecutor's offices

After the initial testing and training of users in courts in 2007, the HJPC ICT department and ITC staff from courts have gone through the second round of testing in order to determine the overall improvement in the training of court staff in elementary computer knowledge and usage. The average passing grade in the second testing round was 3.56 (on the scale of 1 to 4). Having compared this result with the average mark in the first testing round (2.54), it was concluded that the training of staff in courts produced result showing a significant improvement of their computer literacy.

In 2008, using the same methodology, the HJPC ICT Office and ICT staff from prosecutor's offices, organised and implemented training at all prosecutor's offices in BiH with the exception of the Prosecutor's office BiH. Performance testing started in the first round with testing of the basic knowledge of the work done on computer for 512 (out of total 577) users. The average passing grade in the first round of testing was 2,84 (on the scale of 1 to 4). After that, the elementary training program for about 450 users at prosecutor's offices was carried out using exclusively the internal resources of the prosecutor's offices.

5.3. RECOMMENDATIONS

- Ensure to the greater extent possible, capital investments for procurement of computer equipment lacking and software to be included in budgets of courts and prosecutor's offices for continuous updating of IT system within the judicial system, maintenance of existing equipment and software licences including training of IT and other judicial staff, with the support of the competent government authorities;
- It is necessary that executive and judicial authorities monitor the new modus operandi in the judicial system and take steps for amendments of laws necessary to facilitate or improve the work of judicial institutions in the e-environment;
- It is necessary to enact by-laws to ensure overall implementation of the Law on Electronic Signature and the Law on Electronic Business Activities within the IT system of the judicial system, which above all offers the possibility of submitting documents to the court in electronic form including sending court rulings by electronic mail.

CHAPTER 6 BUDGETS

6.1. INTRODUCTION

Adequate financing is a condition for the running of regular judicial and prosecutorial activities as well as for the implementation of judicial system reform.³⁰ All expenses of judicial institutions, with the exception of a small part financed from donors' funds, are covered from the budgets under the purview of the relevant judicial and executive authorities. Funds for the Court of BiH and the Prosecutor's office of BiH are planned in the budget of the common institutions of BiH. While judicial institutions in Republika Srpska are funded from the budget of Republika Srpska, the funds for the Supreme Court of FBiH and the Prosecutor's office of FBiH are sourced from the budget of the Federation BiH, and for other judicial institutions in the Federation BiH in the relevant cantonal budgets. Financing of the institutions in Brčko District BiH is under the competence of the executive and judicial authorities of the District.

The Law on the HJPC³¹ defined that the HJPC "participates, at its own discretion, in the process of drafting of annual budgets for courts and prosecutor's offices", while Entity laws on courts³² explicitly state that:

- All courts submit their budgets to the HJPC and all comments of the HJPC, if any, are submitted to the relevant ministry of justice together with budget requirements,
- Should the relevant ministry of justice disagree with the court proposal of the budget, it shall report to the HJPC thereof, and that
- The relevant ministry of finance or the government, prior to changing the proposal of the court budget, hold consultations with the HJPC.

The same budget procedures are applied to prosecutor's offices based on the competences laid down in the Law on the HJPC

The Standing Committee for court and prosecutors budgets is in place within the HJPC and deals with all issues in terms of budgets of courts and prosecutor's offices, therefore, gives proposals to the HJPC for making the relevant decisions.

6.2. ACTIVITIES AND RESULTS ACHIEVED IN 2008

6.2.1. EXECUTION OF BUDGET FOR 2007³³

In the course of 2008, the HJPC compiled and consolidated data on the execution of budgets of all judicial institutions mentioned in 2007. Data is compiled from annual financial reports of courts and prosecutor's offices and in particular, cases back-up reports are also used – "net balance as per budget beneficiaries" supplied to court and prosecutor's offices by the relevant ministries. Budget execution data for courts and the prosecutor's office of Brčko District BiH have been received from the Directorate for Finances of Brčko District BiH. The compiled data is used as the basis for comparative analyses at the national and international level and is also presented to the local public and the Council of Europe.

6.2.1.1. Total Costs in 2007

Total costs of courts and prosecutor's offices in 2007 were 176 million KM.

The breakdown of total costs included the following items:

Salaries and costs of employees	76,3%
Material and services costs	20,7%
Capital Investments	3,0%

³⁰ Adequate funding is one of mid-term priorities of the European Partnership with Bosnia and Herzegovina and is one of strategic goals defined in the HJPC Strategic Plan for the period 2007-2012.

³¹ Article 17 Para 15 and 16 of the Law on the HJPC („Official Gazette BiH", No. 25/04; 93/05 and 48/07).

³² Law on Court in the Federation BiH („Official Gazette FBiH", No. 38/05 and 22/06) and the Law on Courts in Republika Srpska („Official Gazette of Republika Srpska", No. 111/04, 109/05 and 37/06).

³³ Data on execution of budget of judicial institutions in BiH for 2007 were compiled and processed in the course 2008 therefore showed in the HJPC Annual Report for 2008.

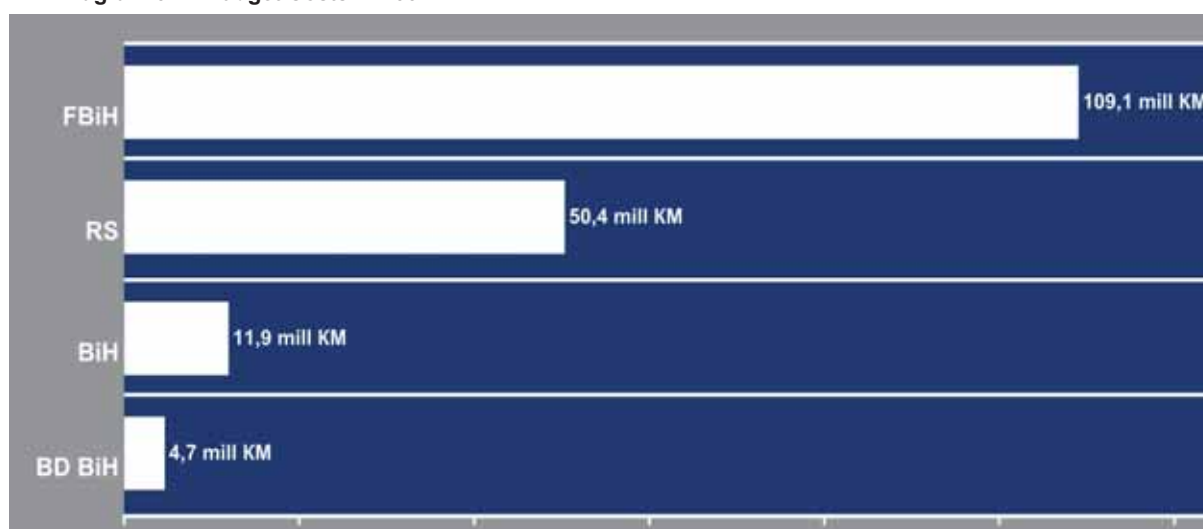
Although slightly increased compared to the previous year, the share of capital investments in the budget is still insufficient for financing the modernisation of the judicial system. In addition to the basic needs for renovation of buildings and courts and prosecutor's offices premises, the need for computerisation of the judicial system is also emphasised. Given that in the last period the HJPC, with the help of donors, managed as much as possible to equip judicial institutions with IT equipment, it is necessary to secure funds in the budgets of courts and prosecutor's offices to facilitate further computerisation of the judicial system and ongoing updating of existing equipment. This is particularly significant from the aspect of implementation of recently adopted state Strategy for work on war crime cases that is planned. Procurement of appropriate audio and video equipment will be needed for processing war crimes cases.

Of no lesser importance is the fact that restriction of funds available for material costs including stationery costs, maintenance, utility services, cost of legal aid for ex officio defence of clients and other costs greatly slows down and hinders the functioning of the judicial system.

6.2.1.2. Costs According to the Source of Financing

Of the overall costs of courts and prosecutor's offices in BiH, 61,9% refers to the costs incurred in the institutions of FBiH, 28,6% in institutions of RS, 2,7% in courts and the Prosecutor's office Brčko District BiH, while 6,8% of the said costs were generated by the Court of BiH and Prosecutor's office of BiH.

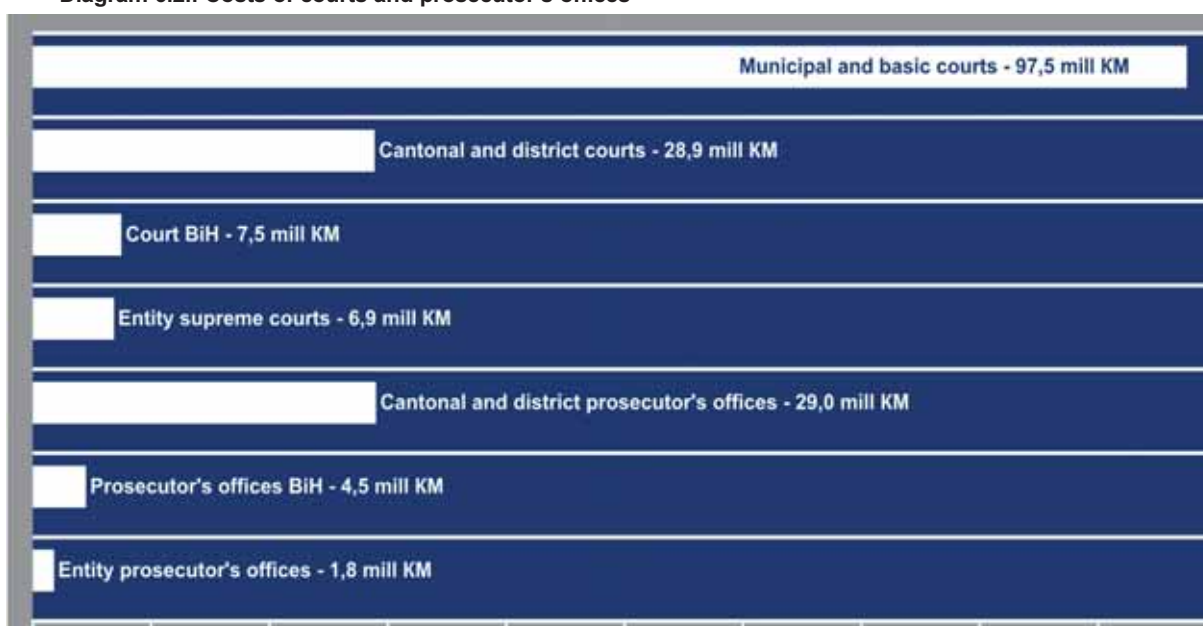
Diagram 6.1.: Budget Costs in 2007



6.2.1.3. Costs According to Types of Institutions

Almost four fifths (79,9% or 140,7 million KM) of budget costs were utilised by courts, the rest (20,1% or 35,3 million KM) by prosecutor's offices which is in keeping with the judicial system structure (67 institutions) compared to the prosecution system (20 institutions).

Diagram 6.2.: Costs of courts and prosecutor's offices



Of the overall costs of courts in BiH, the first instance courts (municipal courts in FBiH and Basic Courts in RS and Brčko District BiH³⁴) utilised 69,3% of costs, second instance courts utilised 20,5% of costs while the other 10,2% of costs referred to the Court of BiH (5,2%) and two Entities Supreme Courts (4,9%).

Of the overall costs of prosecutor's offices in BiH, cantonal prosecutor's offices in the Federation of BiH, district prosecutor's offices in RS and Prosecutor's office in Brčko District BiH utilise 82,2% of overall costs of prosecutor's offices. The Prosecutor's office of BiH consumed 12,6%, while 5,2% of prosecutor's offices costs referred to Entity prosecutor's offices.

6.2.1.4. Revenue Generated from Court Stamp Duty

In the course of 2008, with a view to ensuring data for participation in the work of the European Commission for effectiveness of the judicial system of the Council of Europe and for internal needs, the HJPC compiled data on revenue generated by activities of judicial institutions recorded within particular commercial codes through the single treasury system. The compiled data on collected court stamp duty according to the laws on court fees payable by individuals who initiate, and in whose interest, court proceedings activities are instigated and requiring payment of court stamp duty according to the law, and also to court stamp duty before the Court of BiH, Federation court stamp duty, Republic court stamp duty in Republika Srpska, revenue generated from the court stamp duty in Brčko District BiH, and revenue from stamp duty recorded in the books of cantonal ministries of finance. Table 6.1 illustrates comparison of revenue from court stamp duty collected in 2006 and 2007:

Table 6.1.: Comparison of revenue generated from court stamp duty in 2006 and 2007 in KM

Level of Authority	Court stamp duty Collected in 2006	Court stamp duty collected in 2007	Changes compared to 2006
	I	II	II/I
BiH level	222 489	325 093	46,1%
Republika Srpska	17 234 372	20 831 999	20,9%
Federation BiH	246 983	145 116	-41,2%
Una -Sana Canton	4 584 253	4 523 049	-1,3%
Posaavina Canton	166 416	404 851	143,3%
Tuzla Canton	5 298 939	4 904 195	-7,4%
Zenica-Doboj Canton	3 508 794	3 366 880	-4,0%
Bosnia Podrinje Canton	90 447	59 523	-34,2%
Srednja Bosnia Canton	2 223 328	1 974 596	-11,2%
Herzegovina-Neretva Canton	3 057 684	2 554 303	-16,5%
Zapadna Herzegovina Canton	1 606 190	1 299 924	-19,1%
Sarajevo Canton	7 048 678	7 191 112	2,0%
Canton 10	778 118	316 940	-59,3%
FBiH – total	28 609 830	26 740 490	-6,5%
Brčko District BiH	1 384 001	1 537 840	11,1%
GRAND TOTAL	47 450 692	49 435 422	4,2%

In 2007, revenue from court stamp duty increased by 4,2 % compared to 2006 or nearly 2 million KM. The biggest increase was noticed at the state level (46,1%) and Republika Srpska (20,9%), while there was a 6,5% drop in the revenue from court stamp duty at the Federation BiH level.

6.2.2. BUDGETS ADOPTED IN 2008 AND THE HJPC GUIDELINES

In the middle of 2007, the HJPC sent the guidelines for development of budget proposals for 2008 to courts and prosecutor's offices in Republika Srpska and Federation BiH. The guidelines were not done for the Court of BiH and the Prosecutor's office of BiH due to the complexity of the transitional period of these two institutions and neither for the Basic and Appellate Courts in Brčko District BiH due to the particularity of the budget process in Brčko District BiH. The HJPC guidelines for development of the budget help judicial institutions prepare budget proposal in accordance with applicable HJPC decisions on the number of holders of judicial office and other relevant decisions and regulations. In addition, the guidelines include the HJPC estimate of minimum budget funds needed for the running of an institution.

Since it is not possible to assess precisely when vacant positions of judges and prosecutors will be filled, the HJPC based its estimate of budget funds needed for the smooth running of courts and prosecutor's offices on the assumption that vacancies for holders of judicial office are filled to the maximum. In addition, the guidelines are based on available data on salaries and compensations for administrative and technical staff in courts and prosecutor's offices. Based on the Protocol on the increase of basic rate of pay for the calculation of salaries of administrative staff, signed on 2 May 2007 by representatives the Government of Republika Srpska and representatives of the Unions of Republika Srpska, with the assumption that the mandate of reserve judges terminated in the course of 2007 and 2008 will be extended. The HJPC later updated its estimation of the funds necessary for courts and prosecutor's offices. In table 6.2. an updated amount of the estimate of funds necessary is provided.

³⁴ Financial reports do not provide an option to separate costs of the Basic and Appellate Court of Brčko District BiH. Assessment of costs generated in the Brčko District BiH courts has been made according to the number of judges.

For the estimate of costs of material and services, data on costs from previous years, budgets adopted for the current year, average breakdown of costs for courts and prosecutor's offices and the estimate of necessary funds for the maintenance of IT system, were used.

The guidelines for 2008, included funds necessary for capital expenditures at 5% of total budget planned for salaries, compensations and cost of material and services. Funds necessary for capital investments included funds for procurement of IT equipment.³⁵

Tables 6.2 and 6.3 contain comparison of the HJPC guidelines and budgets adopted for Entity institutions.³⁶

Table 6.2.: The HJPC budget guidelines and budgets adopted for 2008 in KM

Institution	The HJPC guidelines for 2008.	Previously adopted budgets for 2008	Rebalance of budget for 2008	Previously approved HJPC guidelines	Rebalance/ guidelines HJPC
	I	II	III	II/I	III/II
Republika Srpska					
Supreme Court	3 438 449	3 272 263	2 713 100	-4,8%	-21,1%
Prosecutor's Office	597 279	617 700	625 715	3,4%	4,8%
District courts	9 776 550	9 874 630	9 293 161	1,0%	-4,9%
District Pros. Offices	8 888 983	8 297 830	7 745 758	-6,7%	-12,9%
Basic Courts	31 112 552	30 490 450	30 197 942	-2,0%	-2,9%
Total RS	53 813 813	52 552 873	50 575 676	-2,3%	-6,0%
Federation BiH					
Supreme Court	5 644 700	5 276 247	5 276 247	-6,5%	-6,5%
Prosecutor's office	1 394 637	1 321 529	1 321 529	-5,2%	-5,2%
Cantonal courts	19 797 550	21 933 597	20 513 321	10,8%	3,6%
Cantonal pros. offices	19 848 885	22 516 292	21 043 656	13,4%	6,0%
Municipal courts	67 201 361	73 291 657	71 108 880	9,1%	5,8%
Total FBiH	113 887 134	124 339 322	119 263 633	9,2%	4,7%

Table 6.3.: The HJPC budget guidelines and budgets adopted for 2008 based on type of costs in KM

Commercial code	The HJPC guidelines for 2008.	Previously adopted budgets for 2008	Rebalance of budget for 2008	Previously approved HJPC guidelines	Rebalance/ guidelines HJPC
	I	II	III	II/I	III/II
Republika Srpska					
Salaries and compensations, taxes and contributions	40 727 982	42 002 083	40 560 464	3,1%	-0,4%
Material and services expenditures	10 523 265	9 630 890	8 668 200	-8,5%	-17,6%
Capital costs	2 562 566	919 900	1 347 012	-64,1%	-47,4%
Total RS	53 813 813	52 552 873	50 575 676	-2,3%	-6,0%
Federation BiH					
Salaries and compensations, taxes and contributions	83 656 671	95 720 561	91 816 260	14,4%	9,8%
Material and services expenditures	24 807 266	23 744 320	23 068 281	-4,3%	-7,0%
Capital costs	5.423.197	4.874.441	4.379.092	-10,1%	-19,3%
Total FBiH	113 887 134	124 339 322	119 263 633	9,2%	4,7%

The process of harmonising the amounts of the approved judicial institutions budgets in Republika Srpska with the HJPC guidelines started with the rebalance of the budget for 2007 and continued with the approved budget for 2008. Previously approved budgets in total amount are in most parts in keeping with HJPC guidelines (-2,3%). However, in the rebalance of the budget, approved funds for courts and prosecutor's offices were reduced by 3,8% compared to the previously approved budget for 2008. The biggest reduction of the budget was noted in the item – material costs, 10% compared to previously approved budget.

It is evident that in the Federation BiH the previously approved budget for 2008 was 9,2% higher than the minimum of funds necessary according to the HJPC estimate. The most significant reason for this deviation is the planned increase of salaries of administrative and technical staff, of which the HJPC had no information of at the time guidelines were prepared.

By the budget rebalance, funds were reduced by 4,1% compared to the previously approved budget for 2008 thus bringing the difference between the HJPC guidelines and the funds approved to courts and prosecutor's offices down to 4,7% level.

The problem mentioned earlier of the insufficient allocation for capital investments was highlighted when budgets for 2008 were approved. Therefore, the overall amount of the approved budget earmarked for this usage was 47,4% less in

³⁵ Assessment carried out by the ICT Office of the HJPC Secretariat.

³⁶ Comparison does not include Special Prosecutor's Office of Republika Srpska, established in 2006.

Republika Srpska compared to the guidelines set by the HJPC, while in the Federation BiH the discrepancy was slightly less (19,3% less compared to the guidelines). Nevertheless, it is necessary to note that the fund for capital expenditures of courts and prosecutor's offices are not only provided through the budgets but also through donors' funds and public investments programs.

Table 6.4.: Budgets approved for 2007 and 2008 for the Court of BiH and the Prosecutor's office of BiH and courts and the Prosecutor's office of Brčko District BiH ³⁷

Institution	Approved budget 2007.	Approved budget 2008.	Approved budget 2008./ 2007.
	I	II	II/I
BiH level			
The Court BiH	8 162 029	10 373 749	27,1%
Prosecutor's office BiH	5 347 583	8 712 383	62,9%
Total BiH level	13 509 612	19 086 132	41,3%
Brčko District BiH			
Basic and Appellate Court	4 220 374	4 378 430	3,7%
Prosecutor's Office Brčko District	1 041 869	1 703 593	63,5%
Total Brčko District BiH	5 262 243	6 082 023	15,6%

Table 6.5: Approved budgets for 2007 and 2008 for the Court of BiH and the Prosecutor's office of BiH and courts and Prosecutor's office Brčko District BiH as per type of costs in KM

Commercial Code	Approved Budget 2007	Approved Budget 2008	Approved Budget 2008/ 2007
	I	II	II/I
BiH Level			
Salaries and compensations, taxes and contributions	10 393 612	15 012 047	44,4%
Material and services expenditures	2 512 000	3 756 085	49,5%
Capital costs	404 000	318 000	-21,3%
Earmarked programs	200 000		
Total BiH Level	13 509 612	19 086 132	41,3%
Brčko District BiH			
Salaries and compensations, taxes and contributions	3 680 743	4 148 023	12,7%
Material and services expenditures	1 316 500	1 744 000	32,5%
Capital costs	265 000	190 000	-28,3%
Total Brčko District BiH	5 262 243	6 082 023	15,6%

Budgets of the Court of BiH and the Prosecutor's office of BiH and judicial institutions of Brčko District BiH have grown in proportion due to the increase in the number of cases processed by these institutions. Therefore, for the Court of BiH and the Prosecutor's office of BiH, approved funds in 2008 were 41,3% larger compared to 2007 while the parallel increase for courts and the Prosecutor's office of Brčko District BiH was 15,6%.

6.2.3. BUDGET TRENDS

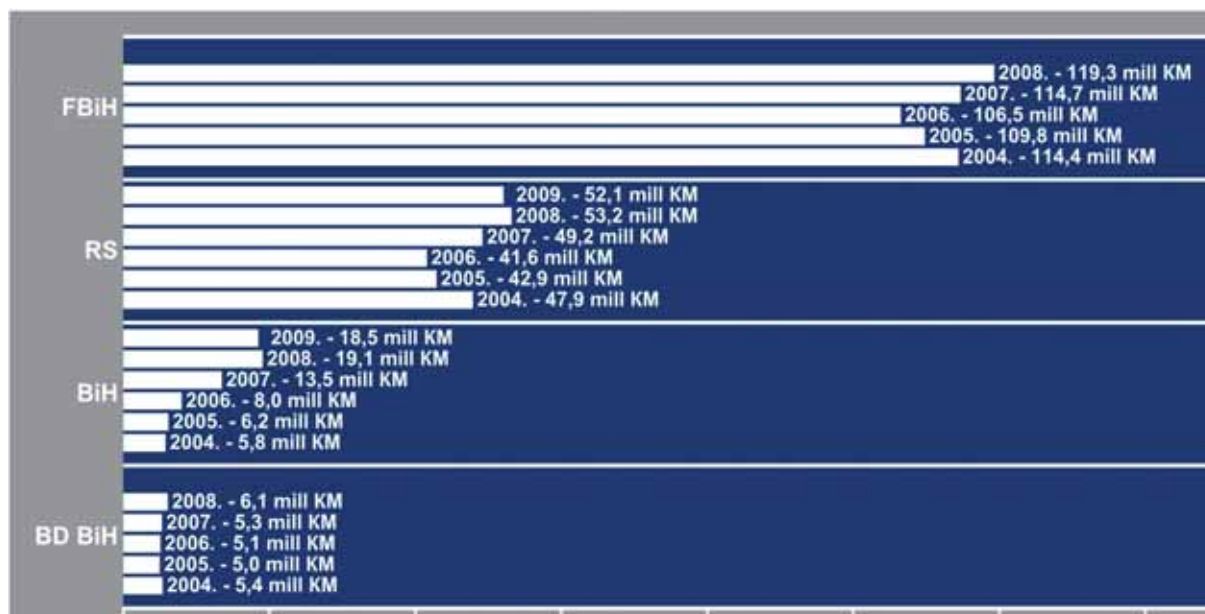
The restrictive financial policy that budget beneficiaries in Bosnia and Herzegovina are faced with, is also applied to courts and prosecutor's offices so that the trend of an increase in budget over the previously approved budget for 2008 has stopped. Budget rebalances for 2008 in the Federation BiH and Republika Srpska and later also approved budgets for 2009 in Republika Srpska and at the state level, reduced the funds for courts and prosecutor's offices compared to the previously approved budgets for 2008.

The following illustration indicates overall budgets of courts and prosecutor's offices from 2004 to 2009 with the exception of the budget of the Federation BiH and Brčko District BiH in 2009.³⁸

³⁷ Comparison is made in terms of the approved budget for 2007 because the HJPC did not provide the above mentioned institutions with the guidelines for 2008 explained in the previous text. Approved funds for salaries data for 2007 were assessed based on budget requests of courts and the Prosecutor's Office Brčko Distrikta because in the approved budget for 2007, salaries and compensations of all Brčko District budget beneficiaries were showed cumulatively.

³⁸ Data on approved budgets of judicial institutions in the Federation BiH and Brčko District BiH for 2009 are not showed due to the fact that at the time of preparation of the budget report for 2009, only two out of ten cantons approved them, i.e. budget was not approved for Brčko District BiH.

Diagram 6.3.: Budget Trends (in million KM)³⁹



The continuous trend of budget increase for the Court of BiH and the Prosecutor's office of BiH was stopped by the budget approved for 2009, which is 2.9% less compared to the approved budget for 2008. In this way, the share of the Court of BiH and the Prosecutor's office of BiH budget in the overall budget of the institutions of BiH was reduced from 1,59% in 2008 to 1,31% in 2009.

Although positive steps were made in the financing of judicial institutions in Republika Srpska compared with the previously approved budget for 2008, the negative trend from previous years continued in the second half of 2008 when the rebalance of the budget for 2008 and adopted budget for 2008 reduced the funds available to courts and prosecutor's offices. Taking into account the continuous growth of the overall budget of Republika Srpska and the stagnation or reduction of judicial budgets in Republika Srpska, the relative share of the budget of courts and prosecutor's offices in the overall budget of Republika Srpska came down to 4,62% in 2004 and 3,12% in 2009, and as such is at the lowest level in the last six years. However, one should keep in mind that in the budget of Republika Srpska for 2009, within the portion for the RS Ministry of Justice including courts and prosecutor's offices, 7,06 million KM of initial funds was earmarked for work on the new institutions (higher and district courts of commerce, Agency for investigating property origins and the Legal Aid Centre).

6.3. RECOMMENDATIONS

- It is necessary to adopt a legal framework to ensure the financing of all judicial institutions from a smaller number of sources. This would create the conditions for financing of the development of the whole judicial system based on uniform principles and clearly-set strategic directions and, similarly, ensure equal access to justice for all citizens in accordance with international standards.
- It is necessary to give more legal powers to the role of the HJPC in the process of preparation, adoption and execution of budgets as defined in the Action Plan for the implementation of the Judicial Sector Development Strategy in BiH.
- It is necessary to introduce instruments for the harmonisation of courts and prosecutor's offices budget amounts in the proposal phase, between the HJPC, ministries of justice and ministries of finance as laid down in the Action Plan for implementation of the Judicial Sector Development Strategy in BiH.
- It is necessary to ensure that there are budget funds no less than the minimum set by the HJPC necessary for the smooth running and development of judicial institutions. This includes the increase in allocations for material costs and provision of funds for capital investments to facilitate modernisation and computerisation of the judicial system. As was already mentioned, the provision of adequate budget funds is also a strategic priority within the HJPC Strategic Plan.

³⁹ For comparable analysis reasons, data include budgets of misdemeanour courts that closed their doors during 2006 and the budget of the Special Prosecutor's Office RS established in 2006.

CHAPTER 7 TRAINING

7.1. INTRODUCTION

These days, when we are witnessing an increased attention paid to the role and significance of the judicial system as a guarantor for the democratic functioning of institutions at the state and international level, the issue of adequate training of judges and prosecutors is of the utmost importance. The need for training is emphasised in a number of strategic documents and it is one of the priorities in the European Partnership with Bosnia and Herzegovina, realisation of which is within the competence of the HJPC.

In the training field, the HJPC has a close cooperation with Entity training centres for the education of judges and prosecutors and the Judicial Panel of Brčko District of Bosnia and Herzegovina (hereinafter: JPBD), competent for the creation and implementation of the training program.

The HJPC's legal jurisdiction in terms of training is:

- to supervise over the professional development of judges, consultations with Entity Judicial and Prosecutorial Training Centres and JPBD as regards the adoption of the professional development program for judges and prosecutors,
- to assess the minimum volume of professional development each judge and prosecutor has to achieve in the course of each year,
- to determine the induction course for individuals selected to positions of judges and prosecutors and to supervise the implementation of this training,
- to approve the annual reports of the governing boards of Entity Judicial and Prosecutorial Training Centres for the education of judges and prosecutors and the professional development of judges and prosecutors.

In the course of planning and realisation of the above mentioned activities, the HJPC is governed by the HJPC Strategic Plan for the period from 2007 to 2012 and Mid-term strategy for induction training and professional development for the period from 2007 to 2010.

The Centre for Judicial Documentation in cooperation with the HJPC Standing Committee is in charge of the organisation and coordination of these issues.

7.2. ACTIVITIES AND RESULTS ACHIEVED IN 2008

7.2.1. PROFESSIONAL DEVELOPMENT PROGRAM FOR 2008

As in the previous period, in the course of 2008, the HJPC supervised the implementation of the professional development of judges and prosecutors program, including training from different areas of legal competence such as human rights and European Union rights. The development of training material -modules⁴⁰, used was funded by the European Commission from CARDS funds.

In the course of implementation of the professional development program the JTC noticed that a number of registered participants of the seminar did not attend and informed the HJPC, court presidents and chief prosecutors. Efforts will be made to overcome this problem by changing the system of registration for the training in 2009.

⁴⁰ For further information refer to the HJPC Annual Report for 2007, Chapter 6 Training activities 6.2.2. Development of the Module.

The problem of insufficient coordination between JTC and the international organisations dealing with training issues is still present and further efforts to resolve it are necessary.

7.2.2. INDUCTION COURSE

The Mid-term strategy for the induction course and professional development for the period from 2007 to 2010, and the introduction of the special induction program for judicial associates was planned. The proposal for the program was made as a result of cooperation between Canadian International Development Agency CIDA), JTC-s, JPBD, HJPC and judicial experts from BiH based on the Report on assessment of needs for the training of judicial associates or advisors in the judicial system of BiH. The HJPC supported the induction course proposal for judicial associates at the meeting held on 9 October 2008, however, implementation of the program will commence in 2009.

The program includes training divided into four modules per annum which means that, in the three year period, judicial associates will be given training from twelve modules. Each module is a mix of theoretical and practical teaching on different legal topics with emphasis on improvement of skills and knowledge in the application of material and procedural laws, including amongst others, simulated court trials and distance training.

The proposed training program is the initial step towards the effective training of judicial associates or advisors, as future candidates for positions of judges and prosecutors in the judicial institutions of BiH.

7.2.3. BOOK OF RULES ON CATEGORIES, SELECTION, RIGHTS AND OBLIGATION OF TRAINERS

In order to improve the quality of training for induction training and professional development, it was necessary in the mid-term strategy for the period 2007 to 2010, to assess the categories of trainers, rights and obligations of trainers and the system for their selection. Therefore, at the end of 2008, the JTC governing boards adopted the Books of Rules on categories, selection, rights and obligations of trainers approved by the HJPC at the meeting held on 18 December 2008.

The Books of Rules introduced a novelty in terms of public advertisements for selection of new trainers and their active role in the development of the training plan and program for the following year. In addition, the criteria for evaluation of trainers and their status and pay were included.

7.2.4. PROCUREMENT OF LEGAL REFERENCE LITERATURE

As was agreed in the HJPC report last year, the European Commission at the initiative of the HJPC, provided funds for the procurement of legal reference literature for courts and prosecutor's offices in BiH.

After a successful tender procedure for the procurement of books, carried out by the European Commission in 2008, delivery of books should be completed in the course of 2009. Literature includes legal lexicons, publications covering different legal topics, survey of legal practice, dictionaries etc.

The objective of this project is the modernisation and extension of the range of reference libraries in these institutions, to facilitate holders of judicial office to access the opinions of legal theory and practice in order to perform their daily duties in a more effective and efficient way.

Procurement of legal literature is earmarked in the HJPC Strategic Plan for the period 2007- 2012 and is an ongoing activity.

7.2.5. CHANGES IN JUDICIAL TRAINING CENTRES (JTC)

Thanks to donors' help and support of relevant state institutions, the JTC-s were given new premises for their work. Considerable funds for their adaptation were secured within the USAID project.

In the meantime, JTC-s have undergone personnel changes. In March 2008, the HJPC confirmed the appointment of new members of the JTC governing boards for a four-year mandate. In addition, in the middle of 2008, the HJPC confirmed the appointment of the new JTC RS director. The job structure at JTC-s has allocated an increase in the number of staff.⁴¹

Since June 2008, JTC-s have been given observer status at the European Judicial Training Network schools (EJTN). This network was founded in 2000 as an association of institutions competent for the training of judges in countries of the European Union. Involvement in EJTN gave JTC-s an opportunity to exchange experiences with European institutions and improve the methodology of work, quality of training and bring it in line with European standards which is of utmost importance in terms of the recent signing of the Stabilisation and Accession Agreement between Bosnia and Herzegovina and the European Union.

7.2.6. OTHER ACTIVITIES

JTC-s developed work programs for 2009 taking into account the needs of judges and prosecutors and recommendations from the European Partnership with Bosnia and Herzegovina for 2008, that stressed the need for ensuring adequate training of the judiciary particularly in terms of legislation on human rights and issues related to implementation of

⁴¹ The need for the increase in number of staff in centres for training of judges and prosecutors in Entities is highlighted in the EC Report on Development of Bosnia and Herzegovina in 2008.

the Stabilisation and Accession Agreement. At the meeting held on 18 December 2008, the HJPC adopted programs of work for training centres for 2009.

Work programs include continuous training and professional development from different areas of legal competence, training and professional development of judges and prosecutors for processing war crimes in Bosnia and Herzegovina and the training planned by the HJPC project Introduction of improved mechanisms of coordination and cooperation between the police and prosecutor's offices in Bosnia and Herzegovina.

Programs also included induction training for individuals who intend to be judges or prosecutors and a number of training courses with specialised topics such as international law, European law and international standards, European Convention on Human Rights and Basic Freedoms and training of the management in judicial institutions. A part of the training will be carried out in cooperation between JTC-s and JPBD.

In the course of the year, the HJPC worked on development of project proposals for the enhancement of capacities of JTC-s, especially in the part relating to rights in the European Union.

7.3. RECOMMENDATIONS

- Continuation of the work of JTC-s on the improvement of professional development program in keeping with the needs of training participants.
- Coordinate donors' training policy for more effective planning and the use of resources.
- Ensure adequate financial resources for the running of JTC-s.

CHAPTER 8

JUDICIAL DOCUMENTATION CENTRE

8.1. INTRODUCTION

A special promotion ceremony held on 27 May 2008, that earmarked the official opening of the Judicial Documentation Centre (hereinafter JDC) established with a view to solving the problem regarding the lack of harmonisation of judicial practice in Bosnia and Herzegovina which has occurred as a result of the application of new legal provisions of material and procedural law.

Apart from contributions to the harmonisation of judicial practice, the JDC is expected to contribute to the professional development and exchange of information within the legal community, which is of particular importance to newly appointed judges and prosecutors in BiH since they will have the possibility to enhance their legal knowledge and improve their legal skills.

The JDC ensures simple and fast access to legal information and the chosen legal practice through the website www.pravosudje.ba/csd. Website gives holders of judicial office access to the interactive judicial rulings database which, at this point, facilitates search of decisions on different criteria such as name of the court, number and type of case, date of ruling, type of ruling, legal area of competence, content of the ruling etc.

Financial support for the development of the JDC was provided by the Spanish Agency for International Cooperation and Development (AECID) and the European Union with technical assistance of the Spanish Documentation Centre.

8.2. ACTIVITIES AND RESULTS ACHIEVED IN 2008

8.2.1. COURT RULINGS DATABASE

In the course of 2007, the JDC developed software for court rulings database and completed the initial download of selected rulings as laid down in the HJPC Strategic Plan.

In the course of 2008, the compilation and downloading of selected court rulings intensified in accordance with the criteria of importance defined by the Standing Committee for the JDC. Protection of personal data is made in keeping with the Instruction on Anonymity of Court Rulings with a view to protecting the privacy of parties in the proceedings. In addition, the ruling of Supreme Courts, Appellate Court of Brčko District BiH and the Court of BiH and the related rulings of lower courts and the Constitutional Court of BiH delivered since 2003, i.e. since new procedural laws have entered into force. The intention is to allow users access to all rulings in any chosen case, from the ruling delivered in the first instance proceedings to the ruling delivered upon appeal before the Constitutional Court of BiH.

By the end of 2008, 1 545 selected rulings were downloaded into the database accessible by users from courts and prosecutors. Users have also access to the Manual for the use of court rulings data.

In the course of 2009, the JDC will work on improvement of the effectiveness of the court ruling search system such as to allocate advanced index parameters to the court rulings like legal provisions (Thesaurus terms), applicable legal regulations etc.

8.2.2. THE JDC WEBSITE

All information at the disposal of the JDC is available on the JDC website, which can be accessed via Internet only or WAN⁴² at courts and prosecutor's offices.

The JDC regularly updates information on the website including:

- information on legal practice such as information on new decisions of the European Court for Human Rights and links for websites containing an overview of the relevant court practice,

⁴² About WAN more in Chapter 5.

- various publications such as modules, specimen of court rulings and court acts, expert studies etc,
- the JDC activities updates.

8.2.3. COOPERATION WITH USERS OF THE JDC SERVICES

In the course of 2008, the JDC staff worked continuously on cooperation with end users of court rulings through trainings in courts and prosecutor's offices or organisation of round tables.

The purpose of the training is to explain the JDCe website and the court database to users and the system of search of court rulings within the database. Continuation of these activities is planned in 2009, to educate all judges and prosecutors about the advantages and possibilities provided by the JDC.

The JDC strives to develop, in keeping with the needs of its users who can send suggestions and recommendations for improvement of the JDC's work including information on the use of contents provided by the JDC via e-mail, questionnaires, focus groups etc.

In order to give a comment or suggestion, visitors to the JDC website can also use the specialised forum. The forum can also be used for the exchange of opinions on various legal topics. It is necessary to register prior to accessing the forum.

8.2.4. DEVELOPMENT OF SPECIMEN COURT RULINGS AND PROSECUTORIAL ACTS

In 2007, on the initiative of the Standing Committee for the JDC, the realisation of the project for the development of specimen legal acts commenced and was financially supported by the Spanish Agency for International Cooperation (AECID). The Project was completed in the course of 2008 and consisted of two segments: development of specimen of court rulings and development of specimen of prosecutorial acts.

In the process of development of specimen of court rulings the principal JDC partners were judges with long-term experience, predominantly from Entity Supreme Courts. The specimen refer to first instance court decisions applying the most important provisions from criminal and civil law, a total of 59 examples primarily intended for newly appointed judges, prosecutors and judicial associates.

Long-term experience prosecutors took part in the development of specimen of prosecutorial acts. Having completed the JDC activities of reflecting upon the coordination of the development and review of specimen, the Standing Commission for the JDC verified 29 acts including specimen of indictments, appeals upon different grounds of appeal, recommendations for verdicts /extension of custody and other acts.

The said specimen of court rulings and prosecutorial acts are available on the JDC website under "Library".

8.2.5. DEVELOPMENT OF EXPERT STUDIES

In an effort to initiate the development of studies covering topics from current legal theory and practice issues, in May 2008, the JDC advertised a public invitation for the nomination of topics for expert studies.

After deliberation of the applications received, the Standing Committee for the JDC selected eight topics as follows:

- (1) independence of judges in the context of relevant international documents,
- (2) completion of cases within reasonable deadlines,
- (3) role of the notary in terms of establishment of trading companies,
- (4) exclusion of a member from a company with limited liability,
- (5) cooperation of defendant in criminal proceedings – cooperative witness
- (6) second instance court hearing,
- (7) status of individuals with mental problems and
- (8) lack of harmonisation in terms of rules on imposing sanctions.

Authors of these studies are mainly judges and prosecutors. All studies can be found on the JDC website under "Library".

8.2.6. VISIT TO THE SPANISH DOCUMENTATION CENTRE

The Spanish Documentation Centre which has a great reputation and support of the legal community in Spain, was taken as a model for the establishment of the JDC as well as for defining its initial activities

In the course of continued cooperation, in September 2008, the HJPC visited the Spanish Documentation Centre in San Sebastian. During this visit numerous projects implemented within the Centre were presented, which could certainly be used as a guideline in development of new JDC projects.

8.2.7. OTHER ACTIVITIES

As it was proved in the short period of the JDC's existence, information on legal practices of countries in the region are of great help to the legal profession in BiH due to common legal tradition. Therefore, at the end of 2008, the JDC initiated cooperation with similar institutions in the region in terms of exchange of information and experiences. In this way contact was made with the Supreme Court of the Republic of Slovenia and its Records Centre, which the HJPC delegation is going to visit in 2009.

In accordance with the HJPC Strategic Objectives to ensure court and prosecutor's offices online access to legal regulations, the JDC carried out analysis of the current regulations database available on the Internet. Based on this analysis, the JDC gave its recommendation to support further development of existing legal regulations data in the official gazettes in BiH as one of the official sources of information on legal regulations.

8.3. RECOMMENDATIONS

- Further work on current legal regulations data in the official gazettes of BiH is needed with a view to ensuring access to legal regulations via Internet /WAN.

CHAPTER 9

COOPERATION BETWEEN PROSECUTOR'S OFFICES AND THE POLICE

9.1. INTRODUCTION

Regarding the activities directed at increasing the capacity of the prosecutor's offices in 2008, the HJPC focused on three areas of interest:

1. Implementation of the project for Introduction of Improved Instruments of Cooperation between Prosecutor's Offices and the Police in BiH,
2. Continuation of prosecutor's office reform – legal framework and
3. Improvement of relations with the public, particularly with the media.

9.2. ACTIVITIES AND RESULTS ACHIEVED IN 2008

9.2.1. PROJECT OF INTRODUCTION OF IMPROVED INSTRUMENTS OF COOPERATION BETWEEN PROSECUTOR'S OFFICES AND THE POLICE IN BIH

In October and November 2007, a study of the current situation in the domain of cooperation between the prosecutor's offices and the police was funded by the Ministry for Foreign Affairs and the embassy of Great Britain. The study included legal, institutional and organisational aspects of this cooperation and was carried out by two experts from Bosnia and Herzegovina. The results, conclusions and recommendations were taken as a starting point for the development of the project Introduction of Improved Instruments for Cooperation between Prosecutors' Offices and the Police.

The Project was sent to the government of Great Britain in December 2007 together with the request for the financing, and its launch was approved in April 2008. The Kingdom of Norway provided funds for this project in the amount of 100 000 Euros for 2008, 200 000 Euros for 2009 and 50 000 euros for 2010.

The Project's objective is the improvement of existing, as well as the introduction of new, instruments of cooperation between the prosecutor's offices and the police that will help fight against all types of criminal activities in Bosnia and Herzegovina more effectively. Implementation of this Project will increase the effectiveness of prosecutor's offices in terms of improvement of their capability to process criminal acts.

The objective of the Project is defined by four operation objectives:

- a) Development of the missing by-laws and harmonisation of current by-laws,
- b) Introduction of ongoing joint training of police and prosecutors,
- c) Harmonisation of records and statistics⁴³,
- d) Development of a feasibility study for the introduction of access, by the police and prosecutor's offices, to criminal and other records.

The work is carried out via sub-groups consisting of all relevant local institutions and international organisations in Bosnia and Herzegovina operating in this area of competence.

The HJPC Project Team is implementing this project in cooperation with the Coordination Committee established by the decision of the Project Governing Board. In addition to these bodies, a Working Group was formed (by a decision of the

⁴³ Harmonisation of records and statistics and creation of conditions for access to criminal records is one of strategic programs of the Judicial Sector Development Strategy in BiH for the period 2009- 2013.

Governing Board) that coordinated the implementation of planned tasks in accordance with the terms of reference of the Project.

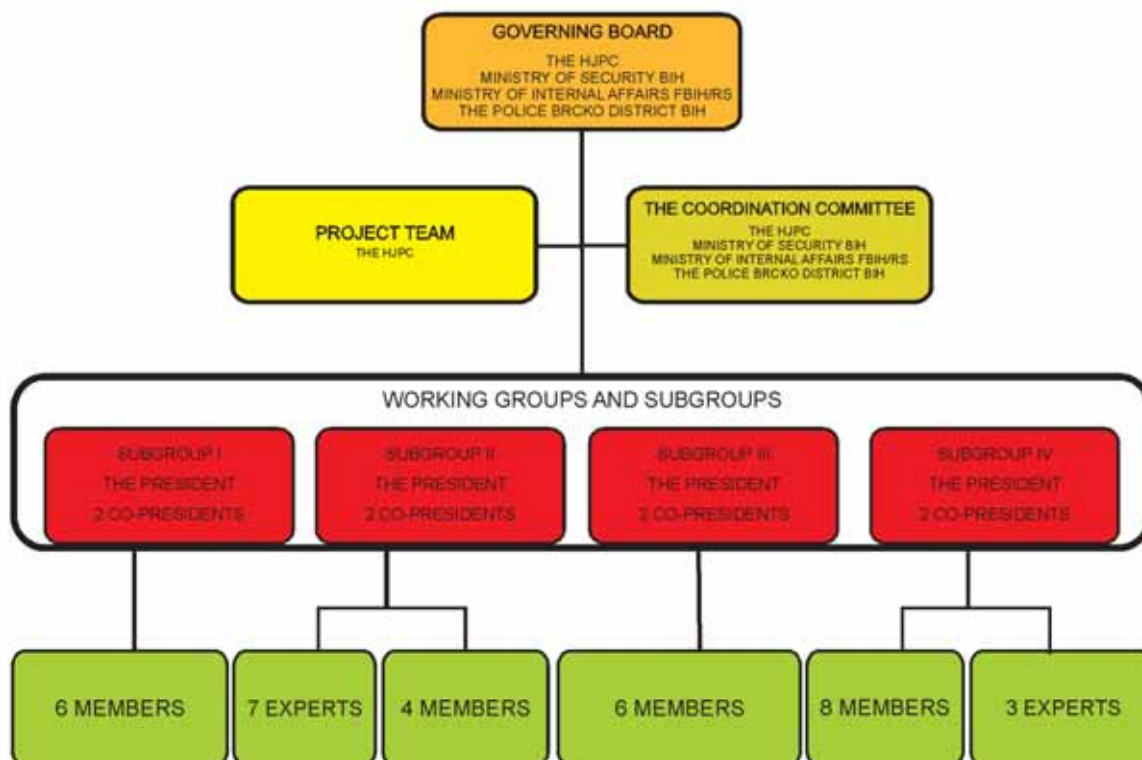
The European Union Police Mission (EUPM) that had in the past emphasised the importance of resolving problems of cooperation between the police and prosecutor's offices, was actively involved in the issue and played a significant role in the preparation of the analysis, planning further development of the project and its implementation.

The Agreement on cooperation in the implementation of the Project was signed on 9 April 2008 at the HJPC premises. This Agreement defined the roles and obligations of the parties in the implementation of the Project and was signed by Branko Perić, the HJPC President, Tarik Sadović, Minister in the Ministry of Security BiH, Muhidin Alić, Minister in the Federation Ministry of Internal Affairs of the Federation BiH and Stanislav Čado, Minister in the Ministry of Foreign Affairs of Republika Srpska.

The signatories to the Agreement formed the Governing Board, ie consisting of the same the panel as listed above, and held three meetings by the end of 2008. At the second meeting, held in Brčko on 22 July 2008, a conclusion was made regarding the expansion of this body to include a representative of Brčko District BiH. After Goran Lujčić, the Head of Police of Brčko District BiH, signed the Annex to the Agreement on Cooperation, the formal conditions for active participation of this institution in the Project were met.

Apart from the Governing Board and the Project Team, other Project bodies were introduced in the first phase of the realisation of the Project: a Coordination Committee, a Working Group and four sub-groups. The most important members of these groups were representatives of relevant institutions: the HJPC, ministries, prosecutor's offices and police agencies.

Illustration 9.1.: Organisational scheme of the Project for development of improved instruments of cooperation between prosecutor's offices and the police in BiH



At its first meeting, the Governing Board formed a Working Group consisting of:

1. Milorad Barašin, acting Chief Prosecutor at the Prosecutor's Office of BiH,
2. Zdravko Knežević, Chief Prosecutor at the Prosecutor's Office of the Federation BiH,
3. Amor Bukić Chief Prosecutor at the Republic Prosecutor's Office RS,
4. Zekerija Mujkanović, Chief Prosecutor at the Public Prosecutor's Office Brčko District BiH,
5. Vinko Dumančić, Director State Border Police BiH,
6. Mirko Lujčić, Director SIPA,
7. Uroš Pena, Director Police RS,
8. Samir Džebo, Deputy Director of the Federation Police Administration,
9. Gojko Vasić, Chief of Staff of the Criminal Police Administration RS,
10. Senad Jašarević, Head of the Criminal Police Administration Brčko District BiH,
11. Josip Petrić, Commissioner, Ministry of Internal Affairs of Posavski Canton.

Members of the Working Group are, at the same time, presidents and co-presidents of subgroups with TOR to complete one task each of the operational objectives mapped out in the Project. Subgroups include representatives of all institutions involved in the Project such as directors of centres for training of judges and prosecutors and the police training administration or the police academies. The subgroups started their work in June 2008 and the first concrete results were noticed in the second half of 2008.

Table 9.1.: Overall number of meetings of the Project working bodies in 2008

Project's working bodies	Number of meetings held
Governing Board	3
Coordination Committee	1
Working Group	3
Subgroup for development of missing by-laws and harmonisation of current by-laws	6
Subgroup for introduction of permanent common police and prosecutors training policy	2
Working body for implementation of the Agreement on cooperation in implementation of permanent common training of police and prosecutors	1
Subgroup for harmonisation of records and statistics	3
Subgroup for analysis of feasibility for introduction of access by the police and prosecutor's offices of criminal and other records	2

The results in the implementation of all four operative objectives are presented in the following sections of the chapter while a special section is devoted to the Fourth Conference on Cooperation between Prosecutor's Offices and the Police in BiH.

1. Development of missing by-laws and harmonisation of current by-laws

The subgroup in charge of realisation of this objective analysed in detail the Criminal Procedures Law and took it as a main reference for defining roles of prosecutors and the police. A high level of consensus on the *modus operandi*, and on what the results of the work of this subgroup should be was achieved. According to the tempo of the development of the Instruction on procedures and cooperation of competent officials and prosecutors in the implementation of activities regarding the finding of evidence during an investigation, this is expected to be completed within the planned deadlines and its application in practice could be in place by May 2009.

2. Introduction of permanent common training of the police and prosecutors

The biggest development within this operational objective is the introduction of formal cooperation between centres for education of judges and prosecutors, and institutions conducting training of the police based on the signed Agreement on Cooperation. This Agreement included the introduction of the Working body that would be the controller of most activities regarding the instigation of permanent common training of prosecutors and the police. Three topics have been agreed for the train the trainer courses for the police officers and prosecutors course, and the basic criteria for the selection of trainers defined. By the end of the year the Project Team received from the Working Body the names of 44 potential trainers for whom training was to be organised and implemented including the course papers – modules which could be used, after which some of them would be utilised in the implementation of pilot courses.

3. Harmonisation of records and statistics

The subgroup in charge of achieving the third operational objective compiled the data and models currently in use in their institutions. After the analysis carried out by the Project Team it was concluded that there was a significant difference in systems and as such, statistical analysis at the state level could not be ensured. Therefore, members of the subgroup decided to put the focus on official reports of each institution in order to define the minimum standards of reporting to be applied to all parties involved. In addition, the police forms have been harmonised, all 20 of them, including official reports on criminal offence committed, including the layout and content of the KU registers that entered into force on 1 January 2009. On the other hand, the Project Team carried out a comparative analysis of official reports of the police and prosecutor's offices and noted significant discrepancies in the statistical data showed. Since these data were based on records and statistics in police and prosecutor's offices, the Project Team, in agreement with the Subgroup, prepared an investigation/pilot project in three smaller regions in BiH with a view to identifying and eliminating the causes of these trends. This activity will be implemented in Orašje, Goražde and Trebinje at the beginning of 2009. The possibility of harmonising the format and contents of these reports, or even some of their segments, have been looked into, something which would also ensure the harmonisation of records and statistics in agencies and prosecutor's offices.

4. Analysis of feasibility for development of access to criminal and other records by prosecutor's offices and the police

In order to carry out an analysis of the current situation and the development of the feasibility study, the HJPC will employ three experts - legal, police and IT. A public advertisement was published on 17 November 2008 and it is planned that the experts should start their work on 1 January 2009.

The subject of analysis will be a review of the current situation, a comparative analysis and the basis for an optimal solution defined.

The fourth Conference on cooperation between the police and prosecutors held from 13 October 2008 to 14 October 2008 in Sarajevo

This time, for the first time, institutions of Bosnia and Herzegovina and more precisely, the Governing Board of the Project organised the conference on cooperation between the police and prosecutors, while the first three conferences were organised by the EUPM. More than 100 participants attended the first day of the conference and speakers included the highest ranking BiH and international community officials in BiH dealing with judicial and security issues. The conference was opened by members of the Project's Governing Board emphasising its significance for the development of the rule of law and the improvement of law enforcement, stability and overall security in BiH.

Illustration 9.2: Address of Ambassador Dimitris Kourkoulasa, the Head of the European Commission Delegation in BiH, at the conference



The Project was assessed as very important in the light of the efforts that BiH has been making to meet its commitments in terms of signing the Agreement on Stabilisation and Accession of Bosnia and Herzegovina to the European Union.

During the conference, an Agreement on cooperation between the centres for training of judges and prosecutors, and the police training centres was signed - which is one of the operational objectives of the Project. After the signing ceremony, representatives of the international community in BiH: Vincenzo Coppola, Head of EUPM, Ambassador Dimitris Kourkoulas, Head of the European Commission Delegation in BiH, Raffi Gregorian, First Deputy High Representative for BiH, H.E. Jan Braathu, Ambassador of the Kingdom of Norway and James Rodehaver, Head of Human Rights Department of the OSCE for BiH, expressed their full support and pleasure that all relevant institutions recognised its importance and took over full responsibility for its implementation. The Project is recognised as a good example of successful cooperation between local institutions in solving one of the most important issues regarding law enforcement and security in BiH. The highest ranking representatives of the international community have also promised full support in the implementation of these activities.

The last plenary session was devoted to presentations by members of the Project's Working Group, more particularly the chief prosecutors and directors of police agencies. They presented the work of their institutions and cooperation with other agencies, with the emphasis on smuggling and human trafficking, organised crime, general crime and special investigation activities. All presentations generated discussion with participants at the conference.

9.2.2. PROSECUTOR'S OFFICE REFORM

After the HJPC Working Group completed its work on the Law, the HJPC carried out an analysis and adopted the Law at the meeting held on 26 August 2008 with the conclusion that the law should be forwarded to the Federation Ministry of Justice for further procedure and urgent adoption. In accordance with the conclusion, the Law together with a cover letter was sent to the Federation Ministry of Justice on 10 September 2008. The Project Team will, in cooperation with the Federation Ministry of Justice, continue to lobby adoption of the Law.

Since the adoption procedure of the Law on Prosecutor's Offices in FBiH is in progress, the HJPC believed that it was not necessary to await its adoption before starting preparation of the corresponding Book of Rules, and therefore formed a Working Group which has commenced this task. The appointed members of the Working Group were the same people who worked on the text of the Law on Prosecutor's Offices in FBiH. In the past period, the Working Group held three meetings and their work is planned to continue in 2009.

9.2.3. RELATIONSHIP WITH THE MEDIA

At the meeting of chief prosecutors held on 10 June 2008 in Sarajevo, organised by the Project Team, the agency PRISTOP gave a presentation entitled "Public Relations". At the meeting, chief prosecutors were informed about the training organised by the EUPM for spokespersons of the prosecutor's offices. Within this training held in the period from 16 to 20 June 2008 in Sarajevo, a Manual was produced with instructions on how spokespersons are supposed to communicate with the media. The training was attended by spokespersons for prosecutor's offices FBiH, RS and Brčko District BiH. Chief prosecutors have also given their suggestions for the forthcoming training and underlined problems in this area, the resolving of which is of key importance in their opinion.

9.3. RECOMMENDATIONS

- Active participation of relevant ministries of justice in the implementation of the aforementioned project activities is necessary.

CHAPTER 10

RENOVATION OF COURT BUILDINGS

10.1. INTRODUCTION

The majority of court buildings in Bosnia and Herzegovina do not meet the basic European standards in terms of safety for staff, number and workings of courtrooms, protection of witnesses, space available for lawyers and their clients, access for the disabled and access to records office and archives. The key issue for most courts is the lack of courtrooms since courts, regardless of the number of judges, have in most cases one courtroom each. For this reason, judges are forced to hold hearings in their offices which are unsuitable for security reasons, lack of technical equipment and space.

The state of court buildings and bringing them up to European standards is of core importance for the effectiveness of the judicial system. The Judicial Sector Development Strategy in BiH is therefore planned for the period from 2009 to 2013, which includes the reconstruction of court buildings as one of the strategic programs for the increase in the effectiveness of the judicial system. This is one of the strategic priorities in the HJPC Strategic Plan. Therefore, amongst other things, the HJPC will make efforts to secure the necessary funds by way of a World Bank credit, or from any other international institution that provides credits to Bosnia and Herzegovina, and advocate that funding, of improvements of the physical conditions for the operation of courts and prosecutor's offices, becomes one of the priorities of current governments and parliaments.

In the course of 2005, the USA government funded a technical and financial evaluation of the workings of 55 court buildings in BiH. It was found that, for the smooth running, about 12 million euros were needed to bring court buildings up to the minimum satisfactory standards. This assessment did not include court buildings in Sarajevo and Eastern Sarajevo. Because of the urgent need for the reconstruction of these two courts, separate evaluations were made. Reconstruction of the court building in Eastern Sarajevo was completed in 2008,⁴⁴ while the reconstruction of the building of the Municipal and Cantonal Court in Sarajevo is in progress.

The HJPC keeps prompting local authorities and international donors to invest funds in the reconstruction of the courts, which have been assessed to have a priority need for improvements in the physical conditions for working. Thanks to these efforts, the following results were achieved:

- a) The governments of the Kingdom of Norway and Republika Srpska funded the renovation of the District Court building in Eastern Sarajevo and a department outside the headquarters of the Basic Court Sokolac. The overall costs were 740.000 euros. The Project was completed in June 2008. The new court building (a former military barracks) has all the necessary space for four courtrooms, modern records office and archives.
- b) The governments of USA and Republika Srpska funded reconstruction of the court building in Srebrenica. This project, worth about 400 000 euros was completed in November 2008.
- c) Within the Judicial Sector Development Strategy Project (JSDP) worth about 800 000 euros, the USA government carried out partial reconstruction of 10 model courts including improvement in the workings of the records office and the entrance area in model courts.
- d) The Government of Canada will soon start the project for partial reconstruction of the Basic Court in Banja Luka worth 100 000 euros. The HJPC approved the Project in October 2008.
- e) Tuzla Canton built a new court building in Kalesija. The construction costs were 870 000 euros and ready for occupation in November 2008.
- f) The government of Republika Srpska is funding reconstruction of the RS Supreme Court (two extra floors will be added to the existing building) and the District Court in Banja Luka. Completion of the works is expected sometime in 2009.
- g) Reconstruction of the Municipal/Cantonal Court building in Sarajevo is underway.⁴⁵ The Project is funded by the European Commission, the government of the Kingdom of Norway and Sarajevo Canton.

⁴⁴ Reconstruction of the court building in the Eastern Sarajevo is described in detail in the HJPC Annual Report for 2007.

⁴⁵ Municipal and Cantonal Court in Sarajevo are housed in the same building.

10.2. ACTIVITIES AND RESULTS ACHIEVED IN 2008

10.2.1. RECONSTRUCTION OF THE MUNICIPAL AND CANTONAL COURT IN SARAJEVO – PROJECT UNDERWAY

For years, the Municipal and Cantonal Court in Sarajevo has been facing a number of problems such as lack of space, lack of courtrooms (two courtrooms for almost 200 judges) and non-functional records offices, lack of adequate office space, library, staff restaurant, separate space for staff and space for the public, visitors' toilet, disability access and lift, leaking roof and an electrical system which is not in good order etc. Taking all of this into account, in 2006, the HJPC sent a request to the government of Kingdom of Norway to finance architectural and technical plans for reconstruction of the entire building.

Since the funds available were not sufficient to finance a complete renovation of the building, the contractor that produced the technical specifications was asked to focus on functionality and safety, including:

- at least 12 modern courtrooms,
- mediation premises,
- one records office on the ground floor for both courts,
- functional archives in the basement with access to records office on the ground floor,
- improvements in the key technical installations (heating, electricity, IT, water, ventilation etc.),
- improvement of the fire alarms and security system in both courts,
- improvement of access for the disabled,
- library and reading room for judges and judicial associates and
- additional office space in the attic by raising the roof construction in the central part of the building.

In July 2007, after the technical paperwork had been prepared, a Memorandum of Understanding (MOU) was signed between the HJPC, Ministry of Justice BiH, Sarajevo Canton, Municipal Court in Sarajevo, Cantonal Court in Sarajevo, the European Commission and the Kingdom of Norway. In August 2008, sizeable additional funds for the extension of construction works were secured at a later date by the signing of the Annex to the Memorandum of Understanding.



Illustration 10.1.: Reconstruction of the Municipal and Cantonal Court building in Sarajevo

Table 10.1.: Funds allocated from donations (approximate gross sum)

Donors	Amount
Sarajevo Canton as per MOU	610 000 euros
EC as per MOU	1 840 000 euros
Kingdom of Norway as per MOU	550 000 euros
TOTAL so far	3 000 000 euros

10.2.2. RENOVATION OF ADDITIONAL SPACE IN THE MUNICIPAL AND CANTONAL COURT BUILDING IN SARAJEVO

One section of the attic (about 600 m²) was not included in the initial technical assessment of the building and tenders that followed.

However, since the problem of space worsened after several offices were turned to courtrooms and records space, the HJPC and both courts came to the conclusion that the reconstruction of the remaining space in the attic is inevitable. Total reconstruction costs of this space was estimated to 550 000 euros. The HJPC sent a request to governments of the Kingdom of Sweden and Kingdom of Norway for allocation of additional funds necessary for the funding of these works.

Illustrations 10.2 and 10.3: Additional space in the Municipal and Cantonal Court in Sarajevo to be included in the reconstruction



10.3. RECOMMENDATIONS

- to update current architectural and technical plan for courts and develop architectural and technical plan for prosecutor's offices with a view to assessing the financial investments necessary for the improvement of physical conditions of work for courts and prosecutor's offices,
- to develop a joint strategy for financing reconstruction of courts and prosecutor's offices from local, borrowed and donor funds in cooperation with relevant Ministries of Justice and Judicial Panel of Brčko District BiH earmarked in the Judicial Sector Development Strategy in BiH.

CHAPTER 11

PROCESSING OF WAR CRIMES CASES IN BOSNIA AND HERZEGOVINA

11.1. INTRODUCTION

Bosnia and Herzegovina as a post-conflict country and society has been going through all the challenges of economic, institutional and legal transition on the way to developing a modern and democratic state based on the rule of law and respect for the principles of human rights. One of the most difficult tasks in achieving the principles of both justice and fairness, and preventing crimes escaping from justice, is facing the consequences of recent wartime events. Primarily this means the establishment of a court of truth and the processing of a considerable number of individuals responsible for serious, systematic and mass violations of international humanitarian law. Courts and prosecutor's offices in Bosnia and Herzegovina started work on the processing of war crimes cases back during the wartime (1992-1995) and it continues until today.

The role of the international community in processing of war crimes is also very important, particularly if we take into account the establishment of the International Criminal Court for former Yugoslavia in the Hague (hereinafter: ICCY), that to date has indicted 161 (one hundred sixty one) person for crimes committed against humanity and war crimes of which 60 were convicted by the final verdict. The international community also played an important role in the establishment of the Court of Bosnia and Herzegovina and the Prosecutor's Office of Bosnia and Herzegovina, which are the key judicial institutions for criminal prosecution and conviction of perpetrators of crimes against humanity and war crimes in accordance with the highest standards of justice and a fair trial.

11.2. SUMMARY REVIEW OF WAR CRIME CASES PROGRESS SITUATION

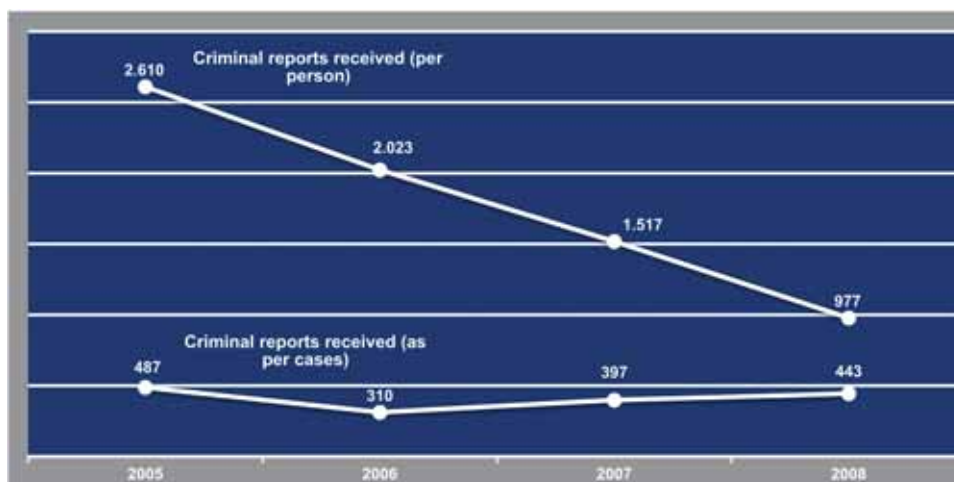
11.2.1. JURISDICTION

In accordance with the Law on Criminal Proceedings in Bosnia and Herzegovina, the Court of BiH and the Prosecutor's Office have exclusive jurisdiction for conducting criminal proceedings over war crime cases reported after 1 March 2003. Apart from this the other category of cases are: the cases under Rule 11bis for which the ICCY in the Hague did confirm earlier charges have also been processed before the Court of BiH and the Prosecutor's Office BiH, category "2" cases for which the ICCY Prosecutor's Office have not completed the investigation for cases sent to the ICCY Prosecutor's Office by Cantonal/District Prosecutor's Offices and other investigative authorities according to "the Road Map Rules". The ICCY continues to provide significant assistance and support to the Court of BiH and the Prosecutor's Office of BiH in processing war crime cases by sending material evidence, often of a confidential nature, especially testimonies of protected witness, analytical reports and in the confirmation of facts established before the ICCY court councils. Cantonal and District Courts including the Prosecutor's Offices in the Federation BiH and Republika Srpska, Prosecutor's Office and Basic Court of Brčko District of Bosnia and Herzegovina, have first instance jurisdiction for processing cases where charges were confirmed or entered into legal force before the current criminal legislation at BiH level came into force on 1 March 2003. Jurisdiction for ruling upon appeals against decision delivered by these courts in terms of the aforementioned group of war crime cases are: The Supreme Court FBiH, Supreme Court RS and the Appellate Court BDBiH.

11.2.2. WAR CRIME CASES PROCESSING DATA

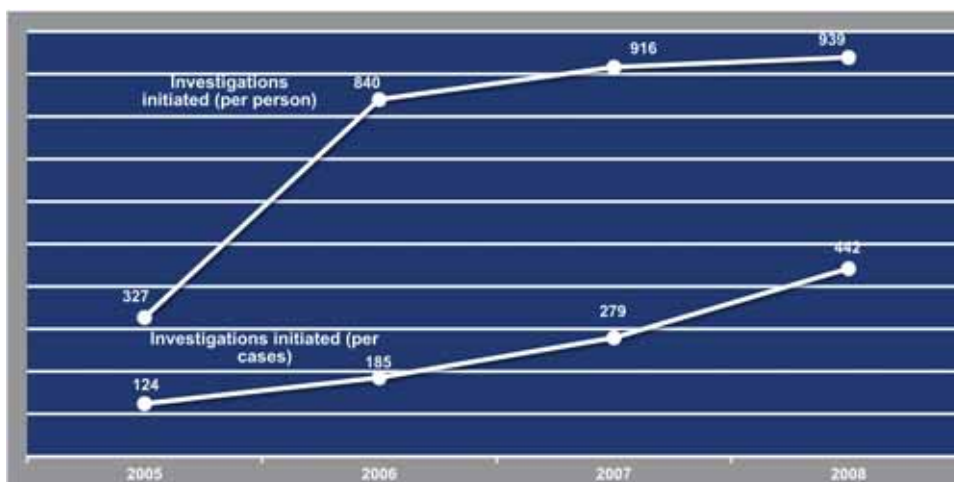
With a view to assessing the results achieved, below is the statistical data on war crime cases processing according to individual phases of criminal proceedings (criminal reports received, investigation instigated, indictments and verdicts) for the period from 2005 to 2008.

Diagram 11.1.: War crime cases in BiH criminal reports received



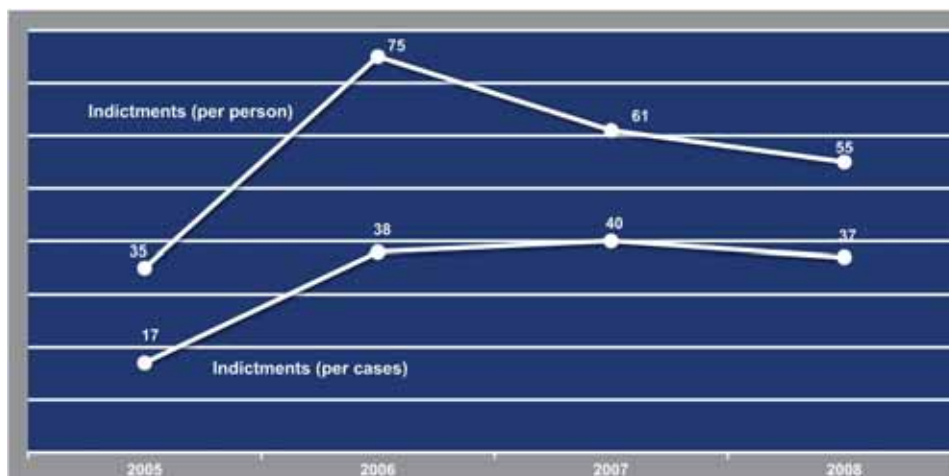
As far as the number of received war crime cases and cases of crimes against humanity reports are concerned, it is evident from the data in the graph that in the period from 2005 to 2008, the largest number of reports for war crime cases was received in the course of 2005, more precisely 487 reports against 2 610 persons. In the years that followed, the number of reports received varied so that, in 2006, this number dropped to 310 reports against 2 023 individuals, then to go up in 2007 to 397 reports against 1 517 persons, i.e. 443 reports against 977 persons in 2008.

Diagram 11.2.: Investigations instigated for war crime cases



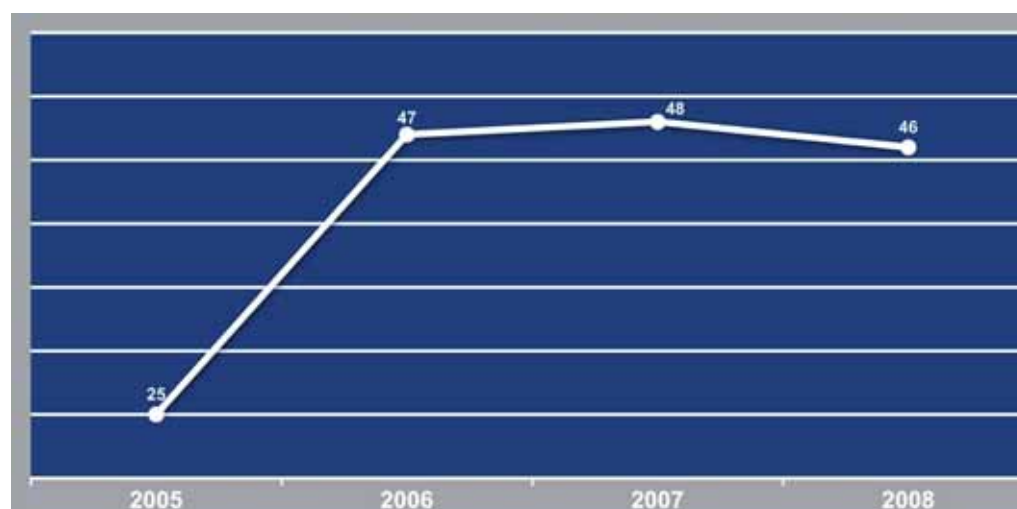
Although, looking at the period from 2005 to 2008, prosecutor's offices in Bosnia and Herzegovina were constantly increasing the number of orders for instigation of investigations based on reasonable doubt that war crimes had been committed, it can be concluded that the number of investigations initiated was still considerably lower compared to the number of reports received for these criminal acts. Therefore, in 2005, in the prosecutor's offices of BiH, 124 investigations against 327 persons were instigated and in 2006, 185 orders against 840 persons. This ascending trend continued in 2007 and 279 orders were issued against 916 individuals. Finally, in 2008, the prosecutor's offices in BiH initiated 442 investigations against 839 persons.

Diagram 11.3.: Indictments for war crime cases



Data on the number of indictments in terms of war crime cases indicates the number of cases or persons included in indictments is significantly lower compared to the number of criminal reports and instigated investigations. If we compare data for 2006, 2007 and 2008, it is apparent that the number of indictments for war crime cases evened and that numbered about 38 indictments per annum.

Diagram 11.4.: Verdicts delivered for war crime cases



In the course of 2005, courts in Bosnia and Herzegovina delivered 25 verdicts for war crime cases. This number increased in 2006 when the number of verdicts was 47. In the previous two years there were no significant changes in the frequency of verdicts for war crime cases. In the course of 2007, 48 verdicts were delivered and 46 in 2008.

11.2.3. THE STATE STRATEGY FOR WORK ON WAR CRIME CASES

In the previous period, local judicial institutions undoubtedly took significant steps on taking over full competence for processing of war crime cases, of which the establishment and running of the Court of BiH and Prosecutor's Office BiH can be singled out, including the adoption of criminal legislation that had a positive influence on the improvement of effectiveness and fairness of proceedings. However, these efforts had several important drawbacks, the most significant ones were the lack of systematic approach to the difficult issue of resolving a large number of war crime cases processed at several levels within the judicial system of BiH where there was no clear division of competence, and neither were the outline of their cooperation sufficiently defined. In addition, there was the problem of lack of mechanisms for the harmonisation of legal practice, the inconsistency being the result of implementation of different material laws. Apart from these difficulties, the following challenges were also identified:

- lack of single and exact statistical data on the number and nature of war crime cases,
- management and allocation of cases,
- regional cooperation and
- protection and support of victims.

In September 2007, with a view to identifying a systemic solution to the detected drawbacks, the Ministry of Justice BiH in cooperation with the Court of BiH, Prosecutor's Office BiH and the HJPC, formed a *Working Group for the development of the state strategy for the work on cases and solution to the issues regarding war crimes*. The Work on development of the Strategy was finalised when it was adopted by the Council of Ministers of BiH on 29 December 2008. the primary object of the Strategy was that the most complex war crime cases should be processed within 7 years while others, less complex cases, within 15 years from the date of adoption of the Strategy. In the context of achieving this objective, the Strategy provided legal and institutional solutions with a view to creating the conditions for processing of war crime cases within a reasonable period of time, increasing the effectiveness of criminal proceedings, harmonising legal practice, strengthening the capacity of the judicial system and police authorities, achieving effective cooperation with judicial institutions with countries in the region and ensuring protection and support to victims and witnesses in proceedings before all courts in BiH. The Criteria for reviewing war crime cases are an integral part of the Strategy. In terms of competence for realisation of the objectives from the Strategy, the Ministry of Justice BiH is in charge of implementation of a number of measures concerning supervision and, initiation of amendments and supplements of relevant laws. In addition, the Strategy produced certain competences for the following institutions: the High Judicial and Prosecutorial Council BiH, ministries of finance, ministries of justice at Entity level and Judicial Panel of Brčko District BiH including the Ministry of Security BiH with the Security Investigation and Protection Agency.

Although adoption of the Strategy presents undoubtedly a very important step in achieving the planned objectives it is necessary to emphasise that the current implementation is a far more challenging task that all relevant institutions must devote all their efforts to, seriously and without delay. Apart from other measures, urgent action in the adoption of amendments and supplements to the Law on Criminal Proceedings BiH, drafting a supplement to the Law on the Court of BiH and the issue of Instruction that will together, with the application of uniform criteria for assessment of the complexity of cases, contribute to the harmonisation of court practices for war crime cases. It is also necessary to start establishing centralised records on unresolved war crime cases at the Court of BiH and Prosecutor's Office of BiH levels as promptly as possible, and therefore all courts and prosecutor's offices are supposed to prepare reports and send them to the Court of BiH and Prosecutor's Office of BiH. It is reasonable to expect extraordinary challenges in the implementation of the Strategy in terms of human resources needed for effective enforcement of measures set out in this document.

The HJPC will play a significant role in terms of assessment of investments necessary for material and personnel capacities of judicial and police authorities which will serve as the basis for the revision of current organisational structures in courts, prosecutor's offices and police authorities. In addition, the HJPC will develop and put in place the program of specialised training of judges and prosecutors, and revise the quota system for assessment of performance of judges and prosecutors in order to evaluate their work on war crime cases in a more accurate manner. Besides, active participation of the HJPC is planned in the work of the Supervisory body that will monitor implementation and direct the work of institutions towards achieving the measures from the Strategy.

11.3. RECOMMENDATIONS

- The State strategy for the work on war crime cases has set strategic measures, institutions and deadlines for its implementation. The implementation of these strategic measures will meet the preconditions for more effective activities by the competent courts and prosecutor's offices in these important cases. It is therefore essential for relevant institutions to initiate these activities in order to realise the strategic measures in due course.

CHAPTER 12

INTERNATIONAL COOPERATION WITH THE KINGDOM OF SWEDEN

12.1. INTRODUCTION

Following an advertisement published in August 2007, the European Commission selected the Swedish National Court Administration (SNCA) for implementation of the so called Twinning Light project named Support to the High Judicial and Prosecutorial Council of Bosnia and Herzegovina. The project was financed from CARDS 2006 funds and completed in the period from September 2007 to July 2008.

The project included four components:

- a) strengthening of the HJPC mandate and its role in maintaining an independent judicial system,
- b) introduction of better administrative practices into courts and prosecutor's offices,
- c) development of budget setting procedures and funding of courts and prosecutor's offices and
- d) improvement in the cooperation between institutions regarding issues of significance for the judicial system of Bosnia and Herzegovina.

The specific objectives of the Project referred to the strengthening of the HJPC mandate with emphasis on:

- recognition of the HJPC role in maintaining an independent judicial system and achieving better effectiveness,
- development of judicial administration,
- financing and budget assessment processes for courts and prosecutor's offices and
- improvement of cooperation between judges, prosecutors and the police.

12.2. ACTIVITIES AND RESULTS ACHIEVED IN 2008

The cooperation between the HJPC and SNCA was effected through mutual working sessions and study trips of the judiciary. The BiH representatives, primarily from the HJPC, visited judicial institutions in Sweden and the Swedish experts, from SNCA, visited the judicial institutions in BiH.

The primary purpose of the BiH delegation's visit to Sweden was to become acquainted with the modus operandi of the Swedish judicial system, with a view to identifying the problems that the HJPC is facing in its work and discussing ways of resolving them based on the examples of developed countries. The representatives of the judiciary in BiH had an opportunity to see the work and organisation of the SNCA, which is the central administrative authority responsible for coordination of the Swedish judicial system. Representatives of BiH became familiar with the work and organisation of the Swedish prosecutor's offices in some first instance, district and appellate courts, and the Supreme Court of the Kingdom of Sweden. The HJPC delegation also visited the Swedish Ministry of Justice in order to learn about the legislative process in Sweden.

On the other hand, on several occasions, 16 Swedish experts (SNCA representatives, judges and prosecutors) visited the HJPC and some courts and prosecutor's offices in BiH. The objective of the visits by the Swedish experts included identification and analysis of the problematic issues in the judicial system of BiH, and the preparation of recommendations for finding the relevant solutions. During the preparation of recommendations for all four components of the project, the Swedish experts took into account the experience of the Swedish judicial system, examples of the best European practices in the judicial sector and the knowledge they gained in the course of meetings with representatives of the professional community in BiH.

12.2.1. COMPONENT 1 – STRENGTHENING OF THE HJPC MANDATE AND ITS ROLE IN MAINTAINING AN INDEPENDENT JUDICIAL SYSTEM

The Swedish experts and representatives of the judiciary in BiH held a number of meetings and in May 2008 also a seminar on the topic of strengthening the role of the HJPC and judicial system in general, keeping in mind the possible changes in the Constitution of Bosnia and Herzegovina. A high level consensus was achieved in terms of the conclusions for regulating the status of the HJPC in the constitutional provisions in accordance with best practices, given that constitutional reform is a process that cannot be imposed.

Within the discussions on amendments to the Constitution of Bosnia and Herzegovina, different approaches were proposed. First, was that amendments were to be planned in such a way so as to include the basic provisions on independence of the judicial system. The second included, apart from the provisions on the independence of the judicial system, that the Constitution should also contain provisions on the HJPC and its jurisdictions, such that in the extended version of the text of the Constitution, Articles 3 and 17 of the Law on the HJPC should also be included. This approach would ensure a stronger guarantee for strengthening and maintaining the independence of the HJPC and the judicial system, but at the same time it would mean a lower level of flexibility from the point of view of the need for future changes.

The second part of the recommendations within this component referred to the reform of the system of competence and covered four topics:

- transparent appointments procedure,
- role of the court in the appointments procedure,
- simplified disciplinary proceedings against judges, and
- system of disciplinary sanctioning of the Constitutional Court judges.

In this component, the recommendations given referred to the mechanisms for cooperation between the HJPC and ministries of justice, and the Judicial Panel of Brčko District BiH, as well as between the HJPC and courts and prosecutor's offices.

12.2.2. COMPONENT 2 – INTRODUCTION OF BETTER PRACTICES IN COURTS AND PROSECUTOR'S OFFICES

Apart from representatives of the HJPC and SNCA, a number court presidents and court secretaries in BiH attended numerous meetings, workshops and seminars, resulting in recommendations aimed at the development of the management courts in BiH and increasing their effectiveness. The application of the recommendations requires amendments to the current laws and regulations, and in some cases change to the existing practice in courts.

The recommendations referred to the need to make an analysis of the implementation of the Book of Rules on the internal activities of judicial business in courts from the aspect of:

- court management,
- giving more powers to court presidents in terms of court management,
- transfer of competences for ruling upon certain cases to others, mostly administrative authorities,
- transfer of "non-judicial" jobs from judges and judicial associates to administrative staff,
- amendments of the relevant regulations in terms of upgrading the legal status of administrative staff,
- strengthening the role of the secretary in courts and judicial system BiH as a whole, and
- possible production of a manual that will contribute to the standardisation of administrative and technical procedures in courts.

12.2.3. COMPONENT 3 – DEVELOPMENT OF THE BUDGET ASSESSMENT PROCEDURE AND IMPROVEMENT OF FUNDING OF COURTS AND PROSECUTOR'S OFFICES

In this component, a number of issues with negative impact on the effectiveness of the judicial system were identified, the fragmented system of budget setting and financing seemed to be the most important.

During the first quarter of 2008, SNCA experts became familiar with the funding system of judicial institutions in BiH, and passed their experiences in domain of financing of courts and prosecutor's offices to the HJPC. They organised seminars for representatives of the HJPC and judicial institutions in BiH, and prepared a list of recommendations for the development of the financing system of judicial institutions in BiH.

The recommendations, over all, refer to the need to ensure funding of the judicial system in BiH from a single source, and improvement of the budget allocation process, a program for the budgeting process and the training of managerial staff in judicial institutions and persons in charge of budgets in courts and prosecutor's offices.

12.2.4. COMPONENT 4 – DEVELOPMENT OF COOPERATION BETWEEN INSTITUTIONS ON ISSUES SIGNIFICANT TO THE JUDICIAL SYSTEM OF BOSNIA AND HERZEGOVINA

In terms of this component, the cooperation with SNCA was focussed on the identification of problems affecting the work of prosecutors and the police, and the entire criminal and legal system in Bosnia and Herzegovina including the formulation of proposals for improvements in this area.

Therefore, several meetings were held with prosecutors, police and experts from the non-governmental sector, and additionally a seminar attended by judicial expert from Bosnia and Herzegovina and Sweden, including local judges and prosecutors.

The problems identified include, a lack of joint training of prosecutors and the police, dissimilar methods of work and incompatible statistical records. A special emphasis was placed on the problem of insufficient capacity for the enforcement of sanctions. In this respect, the Swedish experts produced a number of recommendations for solving this problem.

12.3. FUTURE COOPERATION

On 3 July 2008, representatives of the HJPC and SNCA signed a Memorandum of Understanding identifying important areas for the continued cooperation between these two institutions. This also includes strengthening of the managerial roles of court presidents, presentation of activities, enforcement of court rulings, coordination of activities between judges, prosecutors and the police, induction training course for prosecutors and investigation activities, program budgeting and a module for allocation of funds to court. The continuation of this planned cooperation depends upon the possibility of securing adequate funds from external sources.

CHAPTER 13

REGIONAL COOPERATION WITH THE REPUBLIC OF MONTENEGRO

13.1. INTRODUCTION

Based on positive experiences in terms of financing of reform projects in the judicial sector in BiH, which the HJPC successfully completed in the previous period in 2007, the Government of the Kingdom of Norway sent a request to the HJPC to assess the needs of the judicial system of Montenegro.

In October 2007, the HJPC judicial reform experts completed the assessment and gave their recommendations for the possible financial assistance of the Government of the Kingdom of Norway and the development of an independent and effective judicial system in Montenegro.

In terms of the aforementioned agreement the instigation of a judicial reform project in Montenegro, was made based on cooperation between the HJPC and government of Montenegro and financially supported by the government of the Kingdom of Norway. The objective of this agreement is to apply experiences gained in the course of judicial sector reform in Bosnia and Herzegovina, also in Montenegro, to promote and ensure ongoing cooperation of these two countries in this domain. According to this agreement, the partner for the implementation of the project will be the International Management Group (IMG – International Management Group).

13.2. ACTIVITIES AND RESULTS ACHIEVED IN 2008

In January 2008, a one-year regional cooperation project started within the framework of support to the independent and effective judicial system in Montenegro. The Memorandum of Understanding, stating all the objectives of the project and the obligations of the signatories in terms of its completion, was signed by the HJPC President, the Minister of Justice of Montenegro and the IMG representative. Given that the Judicial Council of Montenegro was established in April 2008, the New Memorandum of Understanding was prepared to include the Judicial Council as one of the signatories.

In the course of implementation of this project, the government of the Kingdom of Norway accepted a new project proposal for support to the judicial system of Montenegro whereby funds for further project activities were secured to include procurement of equipment for the Judicial Council and study trips of representatives of the Ministry of Justice and the Judicial Council of Montenegro to Norway. Due to additional project activities, the deadline for completion of this project was rescheduled from 20 January 2009 to 31 July 2009.

The project includes two components:

- support to the Ministry of Justice of Montenegro in the reform of the procedures for minor offences of Montenegro and
- support to the Judicial Council of Montenegro for the development of an independent and effective judicial system in Montenegro,

and was initiated following selection of the HJPC experts who would take part in completion of individual project activities, formation of a small project team in Podgorica⁴⁶, opening of the IMG project office in Podgorica and holding several meetings with representatives of the judicial system of Montenegro with a view to planning implementation of project activities.

13.2.1. SUPPORT TO THE MINISTRY OF JUSTICE OF MONTE NEGRO

Project activities within the framework of support to the Ministry of Justice of Montenegro in developing the procedures for minor offences also covered development of a strategy for reform of the system for minor offences in Montenegro, drafting the new procedural Law on Offences and preparation of the Action Plan for implementation of the strategy for minor offences reform.

⁴⁶ Project team include one international member who is the Head of Project, a lawyer and an administrative assistant /interpreter.

In this respect, and within this Project, the draft of the Strategy for reform of minor offences in Montenegro was produced and the Working Group including experts from the Ministry of Justice of Montenegro were in charge of its completion.

The final version of the Strategy was presented by the Minister of Justice of Montenegro, the Judicial Council President, the President of the second instance offence council and the Head of IMG at a round table organised by the Project Team in Podgorica. The Strategy was sent to the government of Montenegro for adoption. Upon adoption of the Strategy, the Project Team will, together with the Ministry of Justice of Montenegro and experts from Bosnia and Herzegovina, produce an Action Plan for its implementation.

A key part of the Strategy offered a draft of the new procedural Law on Offences in Montenegro. The first version of the Law was prepared by the Working Group, consisting of experts from the Ministry of Justice of Montenegro, lawyers from the Project and two experts from Bosnia and Herzegovina involved in drafting of the new procedural Law on Offences of Bosnia and Herzegovina in the course of 2005 and 2006. Once completed, the draft will be sent to the Parliament for adoption.

13.2.2. SUPPORT TO THE JUDICIAL COUNCIL OF MONTENEGRO

The second component of the Project referring to the support to the Judicial Council envisaged drafting of the Law on the Judicial Council of Montenegro, development of the Rules of Procedures of the Judicial Council and other acts necessary for the establishment of the Judicial Council, including assistance for the institutional development of the Judicial Council Secretariat.

The first activity within this Project component was achieved prior to the official start of the Project, when the HJPC experts provided assistance to the Ministry of Justice of Montenegro in drafting the new Law on the Judicial Council which was adopted by the Parliament of Montenegro in January 2008.

In April 2008, following the establishment of the Judicial Council of Montenegro, a draft of the Council's Rules of Procedures was produced and sensitive issues concerning implementation of disciplinary proceedings and assessment of disciplinary responsibility for judges, and in accordance with the Law on the Judicial Council this was entrusted to the HJPC Chief Disciplinary Prosecutor. In terms of completion of the Rules of Procedures, the Judicial Council formed a Working Group consisting of judges from the Judicial Council, Project staff and three experts from the HJPC. The Judicial Council adopted the Rules of Procedure regulating the work of the Judicial Council, including disciplinary procedures and appointment of judges.

Thanks to additional funds from the Kingdom of Norway, the Project Team helped the Judicial Council in the procurement of furniture for the Judicial Council conference room, ICT equipment and software for the Judicial Council Secretariat.

In the course of 2008, two study trips were organised for representatives of the judiciary of Montenegro to the HJPC.

In April, at the time of first visit, the delegation from Montenegro, including the President of the Judicial Council, judges-members of the Judicial Council, the Minister of Justice of Montenegro and his two legal advisors attended the HJPC meeting in order to learn about the modus operandi of the HJPC of BiH.

The second visit for the key staff of the Judicial Council Secretariat was organised in December. Both study trips were of great importance for the commencement of direct communication and cooperation between the HJPC and the Judicial Council including their Secretariats.

13.3. FUTURE COOPERATION

Talks between the Kingdom of Norway, the government of Montenegro and the HJPC are in progress on the possibility of continuing cooperation between these two countries in the judicial area.

The funds donated by the government of the Kingdom of Norway, as one of the key partners to both institutions in Bosnia and Herzegovina and in Montenegro, improves the exchange of experiences and best practices between these countries with a similar past going through a transitional period towards a society based on the rule of law. The cooperation so far, between Bosnia and Herzegovina and Montenegro in the area of the judicial system, provides concrete and practical results and is proof that assistance should be formulated in a similar way.

In the future, the HJPC will develop forms and level of cooperation and establish cooperation with other regulatory judicial authorities in the region.

WHAT OTHERS THINK ABOUT US

REPORT OF THE EUROPEAN COMMISSION ON THE PROGRESS OF BOSNIA AND HERZEGOVINA IN 2008 JUDICIAL SYSTEM

"The HJPC, as an independent and autonomous authority continues to play an important role in improving the situation within the judicial system. It has contributed to increased professionalism, resources and effectiveness. The cooperation between the HJPC and ministries has developed and it is now common place that drafts and proposals of budgets are sent to the HJPC for opinion. However, this positive trend has to continue if there is a desire to make the HJPC's position even more secure. The international judges and prosecutors are still present within the state judicial institutions. Despite certain improvements made thanks to donor funds, the poor financial conditions keep hindering judicial reform, particularly in terms of funds needed for appropriate premises in courts and adequate funds for day-to-day work of courts and prosecutor's offices.

Consolidation of the judicial system is still in progress although in difficult regional circumstances. The major current problem is the lack of a Supreme Court that would harmonise implementation of laws between the four internal judicial competences: the state level, Federation of Bosnia and Herzegovina, Republika Srpska and Brčko District. The second ongoing problem is the lack of a single budget for the judiciary. The fact that 14 ministries of justice prepare budgets for the judiciary has a negative impact on judicial independence and on implementation of judicial reforms in general. Involvement of politics in the judicial system continues to be a reason for concern. Attempts are made in the parliamentary and executive branches of government to reverse already implemented reform and return it to the starting point in order to enable bigger political influence over the work of judges and prosecutors. Republika Srpska disputed the competence of judicial agencies at the state level to operate freely in Republika Srpska, which is of great concern.

At the state level, the system includes the Ministry of Justice with limited powers and staff, the Court of BiH and the Office of the State Prosecutor with a joint international registrar and the HJPC which although with limited resources, has been developing judicial system.

The overall view is that preparation of Bosnia and Herzegovina for the development of an effective and efficient judicial system has progressed. Adoption of the Judicial Sector Development Strategy for the period from 2008 to 2012 is a positive step forward. However, a fragmented judicial system and discrepancies in the legal frameworks further jeopardise the effectiveness of the judicial system. Sustainable efforts are needed in order to improve effectiveness and ensure independence and accountability of the judicial system" stated the Report, amongst other things.⁴⁷

HUMAN RIGHTS WATCH VICTIMS WAITING FOR JUSTICE MORE THAN A DECADE

"Cantonal and District Courts in Bosnia and Herzegovina are faced with serious challenges in terms of their endeavours to rule fairly and effectively upon war time cases, crimes against humanity and genocide. In order to rule upon a great number of old cases the continued commitment of local authorities is needed including considerable international support," Human Rights Watch stated in its new report published 10 July 2008.⁴⁸

It is estimated that there are several thousands of outstanding cases concerning very serious crimes committed during the war from 1992 to 1995 that may come before Cantonal Courts in the Federation of Bosnia and Herzegovina and District Courts in Republika Srpska. Nevertheless, these trials get only a fraction of the attention and support that was given to similar trials before the International Criminal Court for former Yugoslavia (ICCY) or the War Crime Department of the Court of BiH.

⁴⁷ http://ec.europa.eu/enlargement/pdf/press_corner/key_documents/reports_nov_2008/bosnia_herzegovina_progress_report_en.pdf
⁴⁸ <http://www.hrw.org/legacy/bosnian/docs/2008/07/10/bosher19283.htm>

FREEDOM HOUSE

JUDICIAL SYSTEM IS STRUGGLING TO KEEP ITS INDEPENDENCE

The Judicial System is struggling to keep its independence from authorities that have been trying to put pressure on judges and courts. Respect for basic political, citizens' and human rights is selective. The judicial system is slow and abuse happens. Amongst rare encouraging glimpses of hope is a continuously consistent performance of the Court of BiH, that has so far ruled upon cases in terms of terrorism, war crimes and organised crime in a highly professional manner. BiH still has no Supreme Court that could harmonise the judicial system in the whole country. Since there is no progress and political will to embark on constitutional reform in order to improve many aspects of the judicial system in BiH, an evaluation of judicial performance and independence retains a grade of 4.00⁴⁹, as stated in the Report "Nations in Transition 2008", produced by the international non-governmental organisation Freedom House⁵⁰.

	1999- 2000	2001	2002	2003	2004	2005	2006	2007	2008
BiH	6.00	5.50	5.25	5.00	4.50	4.25	4.00	4.00	4.00
Albania	5.00	4.50	4.50	4.25	4.25	4.50	4.25	4.00	4.00
Croatia	4.75	3.75	3.75	4.25	4.50	4.50	4.25	4.25	4.25
Macedonia	4.25	4.25	4.75	4.50	4.00	3.75	3.75	3.75	4.00
Yugoslavia	5.75	5.50	4.25	4.25	n/a	n/a	n/a	n/a	n/a
Serbia	n/a	n/a	n/a	n/a	4.25	4.25	4.25	4.25	4.50
Montenegro	n/a	n/a	n/a	n/a	4.25	4.25	4.25	4.25	4.00
Bulgaria	3.50	3.50	3.50	3.50	3.25	3.25	3.00	2.75	2.75
Estonia	2.00	2.00	1.75	1.75	1.75	1.50	1.50	1.50	1.50
Hungary	1.75	2.00	2.00	1.75	1.75	1.75	1.75	1.75	1.75
Romania	4.25	4.25	4.25	4.25	4.25	4.00	4.00	3.75	4.00
Slovenia	1.50	1.50	1.75	1.75	1.75	1.50	1.50	1.50	1.50

GALLUP BALKAN MONITOR ZA 2008.

CITIZENS OF BIH PUT TRUST IN COURTS AND THE ARMY

Citizens of BiH named the courts among the five authorities in BiH that they trust, the highest trust was given to the army.

⁴⁹ Evaluation ranges from 7, being the lowest rating to 1, being the top mark.

⁵⁰ http://www.freedomhouse.hu/indEx.php?option=com_content&task=view&id=196

ANNEX 1

RECOMMENDATIONS

ANNEX 1 RECOMMENDATIONS

1. RECOMMENDATIONS TO JUDICIAL AUTHORITIES

CHAPTER 3: JUDICIAL STRATEGY AND LEGISLATION

- Maintenance of an established uniform system of pay for the holders of judicial office in BiH is of the utmost importance. In coordination with representatives of the professional community, the HJPC prepared appropriate proposals for amendments to the set of laws on salaries of judges and prosecutors currently in force and thereof recommends:
 - The Parliamentary Assembly of BiH to adopt the Law on amendments and supplements to the Law on salaries and other compensations in judicial institutions at the BiH level,
 - The Parliament of the Federation of BiH to adopt the Law on amendments and supplements to the Law on salaries and other compensations of judges and prosecutors in FBiH prior to adoption of the Law on amendments and supplements to the Law on salaries and other compensations of judges and prosecutors in the Federation BiH imposed by the High Representative,
 - The National Assembly RS to adopt the Law on amendments and supplements to the Law on salaries and other compensations of judges and prosecutors in RS,
 - The Assembly of Brcko District BiH to adopt the Law on amendments and supplements to the Law on salaries and other compensations of judges and prosecutors in Brcko District BiH.

2. RECOMMENDATIONS TO EXECUTIVE AUTHORITIES

CHAPTER 1: APPOINTMENTS

- One of the recommendations of the HJPC Working Group in terms of appointments policy, which report the HJPC adopted at the end of 2007, refers to the reform of the program for sitting judicial exams in the whole territory of BiH, with a view to harmonising and modernising them so as to be able to follow dynamic changes in the national legislation, including changes in national and international legal practice. The need for this reform is recognised in the Judicial Sector Development Strategy in BiH, strategic topic 1.3 - Accountability and Professionalism - implementation of which is elaborated in detail in the Action Plan for implementation of the JSDS.
- In terms of the aforementioned and with a view to ensuring young and effective personnel, based on experiences gained in the course of recruitment for judicial associates, the HJPC came to the conclusion that there were no candidates interested in these positions. According to the information received from judicial institutions the same situation was with trainees. The HJPC, therefore, proposed to the executive authorities to ensure sufficient and adequate funds for these purposes, particularly taking into account the constant need for appointment of holders of judicial office at the basic level.

CHAPTER 3: JUDICIAL STRATEGY AND LEGISLATION

- Taking into account adoption of the Law on Prosecutor's Offices in FBiH, it is proposed that the Federation Ministry of Justice, after deliberation of the working papers, i.e. draft of the Law prepared by the Working Group put together by the HJPC, initiates the procedure for its adoption. In the course of further deliberation and proposals for the procedure of the Law, the HJPC remains open to all forms of cooperation contributing to the adoption of best quality legislation in this domain.

CHAPTER 5: COMPUTERISATION OF THE JUDICIAL SYSTEM

- To enact appropriate by-laws to ensure full implementation of the Law on Electronic Signature and the Law on Electronic Business Transactions in the judicial IT system, reflecting above all, the possibility to send reports to courts in electronic form including sending court rulings electronically.

CHAPTER 6: BUDGETS

- It is necessary to introduce instruments of harmonisation of the judicial and prosecutorial budgets at the proposal stage, between the HJPC, ministries of justice and ministries of finance as earmarked in the Action Plan for the implementation of the Judicial Sector Development Strategy in BiH.

CHAPTER 10: COOPERATION BETWEEN PROSECUTOR'S OFFICES AND THE POLICE

- More active participation of relevant ministries of justice in the implementation of project activities is needed.

3. RECOMMENDATIONS TO JUDICIAL AUTHORITIES

CHAPTER 4: JUDICIAL ADMINISTRATION

- Analysis of data on the work of particular courts and prosecutor's offices identified the problem of long delays in terms of outstanding cases. In order to resolve this problem, court presidents and chief prosecutors need to organise and implement other internal measures that would contribute to a more effective use of existing human and financial resources to ensure that these courts and prosecutor's offices are much more up-to date.
- In the previous period, in some courts and prosecutor's offices a number of cases were subject to statute of limitation for subjective reasons. Since this aspect of work which if not up-to-date can seriously damage the reputation of judicial system, it is necessary that court presidents and chief prosecutors take all measures in order to update, optimally, work on cases which have a tendency towards becoming subject to statute of limitation.

4. RECOMMENDATIONS TO LEGISLATIVE, EXECUTIVE AND COURT AUTHORITIES

CHAPTER 1: APPOINTMENTS

- With a view to resolving systematically the issue of recruitment of appropriate ethnic background in the structure of holders of judicial office and the best quality judicial personnel throughout BiH, the HJPC in its Annual Report stressed the need that competent authorities take into consideration the possible introduction of compensation for separate life, an allowance for accommodation of judges and prosecutors appointed in a place far from their place of residence and travel allowance. Namely, the problem of appropriate representation of constituent groups and others at judicial positions in Bosnia and Herzegovina is not the issue that the HJPC can resolve on its own without the necessary support from legislative and executive authorities since the solution of this problem is our joint responsibility.
- In order to ensure transparency of the procedure and recommendation of candidates by an independent regulatory body within the judicial area of competence, it is necessary to examine all possibilities of harmonisation of the procedures for appointments of judges of the Constitutional Court of BiH, with the current procedure for selection of judges to constitutional courts RS and FBiH. This solution is one of strategic objectives in the Judicial Sector Development Strategy in BiH (JSDS), strategic area 1.1 - Independence and Harmonisation - implementation of which is worked out in detail in the Action Plan for implementation of the JSDS, in whose development the HJPC also took part.

CHAPTER 2: DISCIPLINARY PROCEEDINGS AND DISCIPLINARY SANCTIONS

- In order to improve disciplinary proceedings currently in force and ensure their much simpler implementation, amendments and supplements to the provisions of the Law on the HJPC referring to the disciplinary responsibility proceedings are needed. This recommendation is also documented in the Judicial Sector Development Strategy in Bosnia and Herzegovina, strategic program 1.3.3, to develop provisions covering disciplinary responsibility of judges and prosecutors within the Law on the HJPC.
- The relevant authority to ensure necessary funds with a view to providing adequate information to the public on the mandates of the HJPC and ODC by way of financing the production of a DVD.

CHAPTER 4: JUDICIAL ADMINISTRATION

- It is certain that an analysis regarding the number of holders of judicial office in some courts and prosecutor's offices will produce results determining the need for an increase in number of judges and judicial associates. In order to put into effect the forthcoming decisions of the HJPC on an increase in the number of holders of judicial office positions, it is necessary that the relevant judicial and executive authorities provide support for this process by allocating additional budget funds.

CHAPTER 5: COMPUTERISATION OF THE JUDICIAL SYSTEM

- With the support of the relevant executive authorities we must ensure a greater contribution of capital investments for procurement of IT equipment and software lacking, ongoing maintenance of IT in the judicial system, maintenance of existing equipment and software licences and for the training of IT and other staff in the judicial system.
- Legislative, executive and court authorities to monitor the new *modus operandi* in the judicial system and to take steps for amendments of laws necessary to facilitate or improve the work of judicial institutions in the e-environment.

CHAPTER 6: BUDGETS

- To adopt a legal framework to ensure funding of all judicial institutions from a smaller number of sources. This would create conditions for financing the development of the judicial system based on single principles and clearly underlined strategic objectives, and equally ensure uniform access to justice for all citizens in accordance with international standards.
- To give the role of the HJPC more legal powers in the process of preparation, adoption and execution of the budget as laid down in the Action Plan for Implementation of the Judicial Sector Development Strategy in BiH.
- To ensure adequate budget funds at present are not lower than the necessary minimum required for the smooth running and development of judicial institutions, according to the assessment of the HJPC. This includes the increase in allocation for material expenditures and procurement of funds for capital investments to ensure the modernisation and computerisation of the judicial system. As previously stated, procurement of adequate budget funds is also a strategic priority within the HJPC Strategic Plan.

CHAPTER 11: RENOVATION OF COURT BUILDINGS

- In cooperation with the relevant Ministry of Justice and Judicial Panel Brcko District BiH, it is necessary to develop a joint strategy for financing the reconstruction of courts and prosecutor's offices out of local, borrowed and donors funds as earmarked in the Judicial Sector Development Strategy in BiH.

ANNEX 2 – REPORT ON WORK OF REGULAR COURTS FOR THE PERIOD FROM 1 JANUARY 2008 TO 31 DECEMBER 2008: UTILITY CASES

- The High Judicial and Prosecutorial Council of Bosnia and Herzegovina will, as soon as it is possible, devote special session to the utility cases issue when it will carry out an analysis of the recommendation of the Working Group for resolving utility cases issues, and the Working Group for Development of Enforcement Procedure including results of the projects implemented with a view to resolving this issue. Possible solutions to this problem will be proposed at the joint meeting with representatives of the legislative and executive authorities.

5. RECOMMENDATIONS TO THE EXECUTIVE AUTHORITIES AND DONORS

CHAPTER 7: EDUCATION

- To ensure adequate funds for the functioning of centres for education of judges and prosecutors.

CHAPTER 11: RENOVATION OF COURT BUILDINGS

- To update the current architectural and technical plan for courts and develop an architectural and technical plan for prosecutor's offices, with a view to assessing the necessary financial investments in order to improve the physical conditions of work in courts and prosecutor's offices.

6. RECOMMENDATIONS TO COURT AUTHORITIES, JUDICIAL TRAINING CENTRES, OFFICIAL GAZETTES IN BIH AND DONORS

CHAPTER 2: DISCIPLINARY PROCEEDINGS AND SANCTIONS

- All holders of judicial office to develop awareness of professional and ethical standards. To achieve this objective it is recommended:
 - Court presidents and chief prosecutors within their courts and prosecutor's offices to lead discussions in terms of ethical and professional standards that can contribute to the development of standards of professional and personal conduct of each member of the professional community,
 - In cooperation with the HJPC and the ODC, Entity centres for training of judges and prosecutors carry out training programs for judges and prosecutors on topics of ethical and professional standards, whereby each holder of judicial office is included in this training at least once every two years.

CHAPTER 7: TRAINING

- Training centres for education of judges and prosecutors to work continuously on improvement of skills in keeping with the needs of participants in the training.
- To coordinate donors' policy in terms of training with a view to planning and using resources more effectively.

CHAPTER 8: COURT DOCUMENTATION CENTRE

- Further work on current official gazettes of BiH, a legal regulation database is necessary to ensure access to legal provisions via Internet/WAN.

7. RECOMMENDATIONS TO THE CIVIL SERVICE AGENCY BIH

CHAPTER 2: DISCIPLINARY PROCEEDINGS AND DISCIPLINARY SANCTIONING

- To pay added attention to the training of employees at the Office of Disciplinary Counsel in terms of adequate complaints procedures, to include administrative work in particular and dealing with misconduct cases. It is therefore recommended to the Civil Service Agency BiH to ensure adequate training of the ODC staff in order to:
 - Improve the capability of administrative staff to provide support in terms of complaints procedures and misconduct cases effectively and in due time.
 - Improve individuals' skills necessary for the investigation of complaints,
 - Improve individuals' skills for the representation of misconduct reports,
 - Improve the internal procedures and instruments used by the ODC.

8. RECOMMENDATIONS TO ALL INSTITUTIONS IN BIH IN ACCORDANCE WITH THE STATE STRATEGY FOR PROCESSING OF WAR CRIME CASES

CHAPTER 12: PROCESSING OF WAR CRIME CASES IN BIH

- The State strategy for the processing of war crime cases sets strategic measures, institutions and deadlines for their implementation. Implementation of strategic measures will meet the preconditions for more effective performance of the competent courts and prosecutor's offices in terms of these important cases. It is therefore essential that the relevant institutions instigate activities in order to implement strategic measures in due course.

**ANNEX 2
REGULAR COURTS
PERFORMANCE REPORT
1 JANUARY, 2008 – 31 DECEMBER, 2008**

SUMMARY REPORT ON REGULAR COURTS PERFORMANCE 1 JANUARY, 2008 – 31 DECEMBER, 2008

The 2008 Court Performance Report begins with a review of the summary results of 67 regular courts (the Court of Bosnia and Herzegovina, 2 Supreme Courts, 10 cantonal courts, 5 district courts, 28 municipal courts, 19 basic courts and 2 courts in the Brcko District of BiH).

During 2008, the courts in Bosnia and Herzegovina operated with **1,418,484** cases in total. **636,876** cases* were carried over from 2007, while **781,608** were received during 2008. Considering that **846,191** cases were completed, the total of **572,293** cases would be carried over to 2009.

Furthermore, it is noteworthy that the foregoing data on the case flow at courts does not include the so-called utilities cases which are separately presented in this Annex (pages 101-114).

Table 1: Case flow at 67 regular courts in Bosnia and Herzegovina during 2008 - per court level

Court	Outstanding cases as of 1 Jan. 2008	Cases received during 2008	Ongoing cases during 2008	Cases completed during 2008	Outstanding cases as of 31 Dec. 2008
	I	II	III = I + II	IV	V = III - IV
Court of BiH Sarajevo	3,908	4,534	8,442	5,298	3,144
Supreme Court of FBiH	5,389	4,202	9,591	4,620	4,971
Supreme Court of RS	2,315	2,325	4,640	2,788	1,852
10 Cantonal Courts	23,591	37,990	61,581	35,186	26,395
5 District Courts	5,256	13,387	18,643	15,250	3,393
28 Municipal Courts	328,544	427,358	755,902	434,260	321,642
19 Basic Courts	105,003	173,823	278,826	166,710	112,116
Basic Court of Brcko District of BiH	20,529	40,996	61,525	32,946	28,579
Appellate Court of Brcko District of BiH	234	3,120	3,354	1,654	1,700
Total	494,769	707,735	1,202,504	698,712	503,792
Minor Offence Departments					
28 Municipal Courts	87,072	44,026	131,098	94,523	36,575
19 Basic Courts	51,826	27,022	78,848	48,931	29,917
Basic Court of Brcko District of BiH	3,209	2,825	6,034	4,025	2,009
Total	142,107	73,873	215,980	147,479	68,501
GRAND TOTAL	636,876	781,608	1,418,484	846,191	572,293

* The difference between outstanding cases at the end of 2007 and those at the beginning of 2008 primarily results from the various methods in which the records pertaining to minor offence cases were kept at the first instance courts, which will be elaborated in Annex 2 – Municipal and Basic Court performance.

Table 2: Ratio between received, completed and outstanding cases at courts in BiH, in percentages

Court	Changes in outstanding cases*	Flow coefficient**	Years required for completion of outstanding cases***
	I	II	III
Court of BiH Sarajevo	-19.55%	116.85%	0.6
Supreme Court of FBiH	-7.76%	109.95%	1.1
Supreme Court of RS	-20.00%	119.91%	0.7
10 Cantonal Courts	11.89%	92.62%	0.8
5 District Courts	-35.45%	113.92%	0.2
28 Municipal Courts	-2.10%	101.62%	0.7
19 Basic Courts	6.77%	95.91%	0.7
Basic Court of Brcko District of BiH	39.21%	80.36%	0.9
Appellate Court of Brcko District of BiH	626.50%	53.01%	1.0
Minor Offence Departments	-51.80%	199.64%	0.5
TOTAL	-10.14%	108.26%	0.7

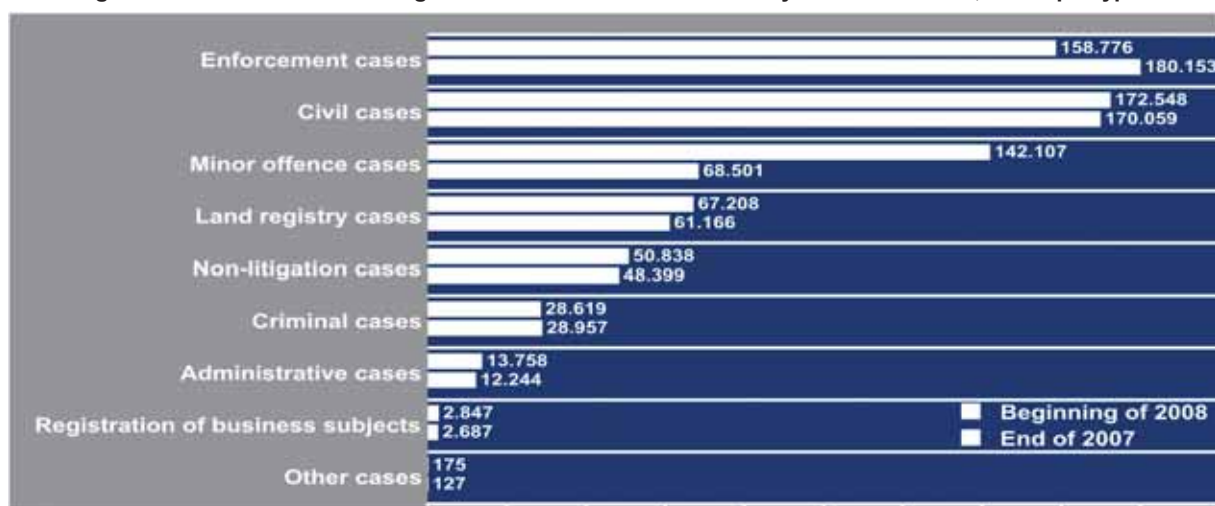
Roman numerals shown below mark columns in the Tables above.

- * I: (V/I)-1 illustrates the ratio between the relative change in the number of outstanding cases as of 31 December, 2008 and the number of those as of 1 January 2008. Percentages shown without a sign „-“ indicate the increased number of outstanding cases, whereas the percentages which include this sign indicate the decrease in outstanding cases.
- ** II: IV/II illustrates the ratio between the completed cases and those received during 2008. Therefore, a larger number of the completed cases compared with the number of the received cases is presented in percentages higher than 100% and vice versa, a smaller number of completed cases relative to the inflow of cases is presented in percentages lower than 100%.
- *** III: V/IV illustrates the ratio between the number of outstanding cases as of 31 December, 2008 relative to the number of cases completed during 2008, and indicates the time required for the completion of outstanding cases, under the theoretical assumption that the Courts will not receive new cases in 2009.

I SITUATION IN THE COURTS IN EARLY 2008

The situation at courts in early 2008 was basically characteristic of the outstanding cases structure wherein the outstanding civil, enforcement and minor offence cases were predominant. These cases made up 74% of those carried over from last year.

Diagram 1: Structure of outstanding cases at BiH Courts as of 1 January and 31 December, 2008 – per type of case



II PERFORMANCE OF BIH COURTS DURING 2008

The number of cases received by the Courts during 2008 is 62,109 lower than last year (843,717 cases were received during 2007 as compared to 781,608 in 2008). The reduced inflow is primarily caused by the lower number of minor offence cases which were to be processed. In addition, the 2008 inflow of enforcement cases was considerably reduced in comparison to 2007. The 2008 inflow of these cases amounted to 78,161, whereas 107,650 such cases were received last year. In contrast, the inflow of land-registry cases increased by 83,264 in 2008 as compared to last year. Therefore, the share of this type of cases was 40% of the total 2008 inflow. It is also recorded that there was a slight increase in criminal cases and those referred to the registration of business entities.

In the further course, the most important summary data (including minor offence cases) on the 2008 court performance will be illustrated through the use of diagrams and tables.

Diagram 2: Structure of cases received at BiH courts during 2008 – per type of case



Diagram 3: Inflow of cases to BiH courts during 2008 – territorial aspect



Diagram 4: Inflow of cases to BiH courts during 2008 – per Cantons and Districts and in Brcko District of BiH

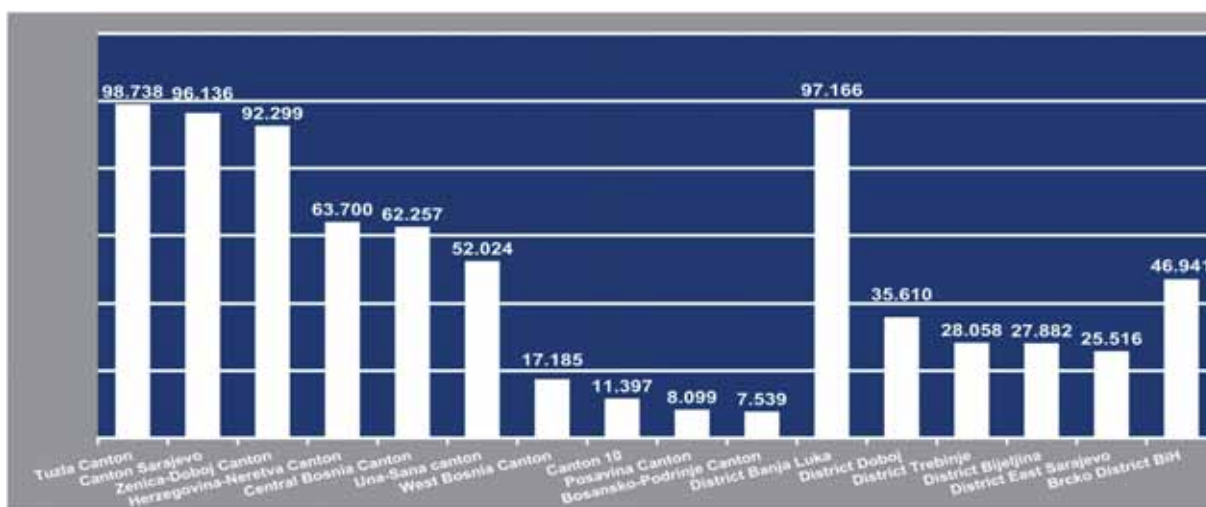


Table 3: Summary data on flow of cases in BiH courts, per Cantons, Districts and in Brcko District of BiH during 2008

Canton/District/ Brcko District	Outstanding cases as of 1 Jan. 2008	Cases received during 2008	Total number of cases pending during 2008	Cases completed during 2008	Outstanding cases as of 31 Dec.2008
	I	II	III = I + II	IV	V = III - IV
Una-Sana Canton					
1 Cantonal and 5 Municipal Courts	38,794	52,024	90,818	56,061	34,757
Posavina Canton					
1 Cantonal and 1 Municipal Court	3,402	8,099	11,501	8,304	3,197
Tuzla Canton					
1 Cantonal and 5 Municipal Courts	75,826	98,738	174,564	96,096	78,468
Zenica-Doboj Canton					
1 Cantonal and 6 Municipal Courts	64,937	92,299	157,236	99,450	57,786
Bosnia-Podrinje Canton					
1 Cantonal and 1 Municipal Court	4,199	7,539	11,738	9,806	1,932
Central-Bosnia Canton					
1 Cantonal and 3 Municipal Courts	27,530	62,257	89,787	64,072	25,715
Herzegovina-Neretva Canton					
1 Cantonal and 3 Municipal Courts	61,433	63,700	125,133	73,091	52,042
West Herzegovina Canton					
1 Cantonal and 2 Municipal Courts	9,061	17,185	26,246	17,283	8,963
Sarajevo Canton					
1 Cantonal and 1 Municipal Court	143,584	96,136	239,720	127,318	112,402
Canton 10					
1 Cantonal and 1 Municipal Court	10,441	11,397	21,838	12,488	9,350
Banja Luka District					
1 District and 7 Basic Courts	98,909	97,166	196,075	105,882	90,193
Bijeljina District					
1 District and 3 Basic Courts	27,525	27,882	55,407	36,225	19,182
Doboj District					
1 District and 4 Basic Courts	17,622	35,610	53,232	35,917	17,315
East Sarajevo District					
1 District and 3 Basic Courts	8,429	25,516	33,945	24,480	9,465
Trebinje District					
1 District and 2 Basic Courts	9,600	28,058	37,658	28,387	9,271
Brcko District of BiH					
1 Appellate and 1 Basic Court	23,972	46,941	70,913	38,625	32,288
TOTAL	625,264	770,547	1,395,811	833,485	562,326

Table 4: Ratio between received, completed and outstanding cases per Canton, District and Brcko District of BiH in percentages

Canton/District/ Brcko District	Changes in the situation of outstanding cases *	Flow coefficient**	Years required for completion of outstanding cases ***
	I	II	III
Una-Sana Canton			
1 Cantonal and 5 Municipal Courts	-10.41%	107.76%	0.6
Posavina Canton			
1 Cantonal and 1 Municipal Court	-6.03%	102.53%	0.4
Tuzla Canton			
1 Cantonal and 5 Municipal Courts	3.48%	97.32%	0.8
Zenica-Doboj Canton			
1 Cantonal and 6 Municipal Courts	-11.01%	107.75%	0.6
Bosnia-Podrinje Canton			
1 Cantonal and 1 Municipal Court	-53.99%	130.07%	0.2
Central-Bosnia Canton			
1 Cantonal and 3 Municipal Courts	-6.59%	102.92%	0.4
Herzegovina-Neretva Canton			
1 Cantonal and 3 Municipal Courts	-15.29%	114.74%	0.7
West Herzegovina Canton			
1 Cantonal and 2 Municipal Courts	-1.08%	100.57%	0.5
Sarajevo Canton			
1 Cantonal and 1 Municipal Court	-21.72%	132.44%	0.9
Canton 10			
1 Cantonal and 1 Municipal Court	-10.45%	109.57%	0.7
Banja Luka District			
1 District and 7 Basic Courts	-8.81%	108.97%	0.9
Bijeljina District			
1 District and 3 Basic Courts	-30.31%	129.92%	0.5
Doboj District			
1 District and 4 Basic Courts	-1.74%	100.86%	0.5
East Sarajevo District			
1 District and 3 Basic Courts	12.29%	95.94%	0.4
Trebinje District			
1 District and 2 Basic Courts	-3.43%	101.17%	0.3
Brcko District of BiH			
1 Appellate and 1 Basic Court	34.69%	82.28%	0.8
TOTAL	-10.07%	108.17%	0.7

Roman numerals shown below mark columns in the tables above.

- * I: (V/I)-1 illustrates the ratio between the relative change in the number of outstanding cases as of 31 December, 2008 and the number of those as of 1 January, 2008. Percentages shown without a sign „-“ indicate the increased number of outstanding cases, whereas the percentages which include this sign indicate the decrease in outstanding cases.
- ** II: IV/III illustrates the ratio between the completed cases and those received during 2008. Therefore, the larger number of the completed cases compared with the number of the received cases is presented in percentages higher than 100% and vice versa, the smaller number of completed cases relative to the inflow of cases is presented in percentages lower than 100%.
- *** III: V/IV illustrates the ratio between the number of outstanding cases as of 31 December, 2008 relative to the number of cases completed during 2008, and indicates the time required for the completion of outstanding cases.

Table 5: Flow of cases at BiH Courts during 2008, per type of case

Type of Cases	Outstanding cases as of 1 Jan. 2008	Cases received during 2008	Total number of cases pending during 2008	Cases completed during 2008	Outstanding cases as of 31 Dec.2008
	I	II	III = I + II	IV	V = III - IV
Civil cases	172,548	122,292	294,840	124,781	170,059
Criminal cases	28,619	100,056	128,675	99,718	28,957
Administrative cases	13,758	12,998	26,756	14,512	12,244
Enforcement cases	158,776	78,161	236,937	56,784	180,153
Out-of-court cases	50,838	54,039	104,877	56,478	48,399
Land-registry cases	67,208	312,168	379,376	318,210	61,166
Business entity registration	2,847	26,041	28,888	26,201	2,687
Minor offence cases	142,107	73,873	215,980	147,479	68,501
Other cases	175	1,980	2,155	2,028	127
TOTAL	636,876	781,608	1,418,484	846,191	572,293

Table 6: Case flow coefficient at BiH Courts during 2008 – per type of case

Section	Flow coefficient
Civil cases	102.04%
Criminal cases	99.66%
Administrative cases	111.65%
Enforcement cases	72.65%
Out-of-court cases	104.51%
Land-registry cases	101.94%
Business entity registration	100.61%
Minor offence cases	199.64%
Other cases	102.42%
TOTAL	108.26%

Like last year, the collective quality of court performance is presented based on the decisions of the appellate courts, whereas the collective quantity of the court performance is shown based on the collective norm (percentage in meeting the orientation quota – norm, i.e., the orientation number of cases which should be processed within a certain period of time). We refer here to two very important indicators of successfulness of courts, which illustrate expertise and work quality of the judicial position holders and their productivity and efficiency.

Therefore, the collective quality of court performance, which has been established based on the decisions of the appellate courts, may be presented in percentages as follows - 76% confirmed, 11% modified and 13% reversed decisions, while the collective quantity of court performance which was measured by applying the collective quota, – amounts to 148% of the satisfied orientation quota.

Table 7: Ratio between confirmed, modified and reversed decisions rendered by BiH courts during 2008

Court	Quality of performance			Quantity of performance
	Decisions confirmed (%)	Decisions modified (%)	Decisions reversed (%)	Average satisfied collective quota
Municipal Courts	77.91%	12.31%	9.78%	150.2%
Cantonal Courts	76.71%	11.40%	11.89%	151.3%
FBiH in total	77.80%	12.22%	9.98%	150.5%
Basic Courts	69.75%	10.62%	19.63%	138.0%
District Courts	72.91%	10.52%	16.57%	134.0%
RS in total	70.12%	10.61%	19.27%	137.2%
Basic Court of Brcko District BiH	74.85%	10.55%	14.60%	334.0%
Brcko District BiH in total	74.85%	10.55%	14.60%	334.0%
Court of BiH	90.34%	5.39%	4.27%	
TOTAL BiH	75.65%	11.47%	12.88%	148.3%

III SITUATION AT BIH COURTS AT THE END OF 2008

Analysing the case flow coefficient as the ratio between the received and the completed cases at courts in the reporting period, which coefficient is **108%**, a conclusion may be rendered that the courts at all levels managed last year to complete more cases than they received. Specifically, in that period of time, the courts resolved 846,191 cases, that is, 64,583 cases more than the total received cases.

When it comes to the completion of cases, the courts during the reporting period decided on twice as many minor offence cases than were received (the flow coefficient is 200%). Considerable number of minor offence cases resulted in procedural decisions, i.e. in decisions on the statute of limitations for initiating and conducting minor offence proceedings (33% of decisions rendered by municipal and basic courts in the course of minor offence proceedings).

With regard to the enforcement cases, a certain increase in outstanding cases was recorded. Therefore, at the end of 2007, there were 158,776 outstanding cases, while the year 2008 ended with 180,153 such cases.

As for other case types, a slight decrease in the outstanding cases was generally recorded, that is, the courts managed to handle last year's inflow and to slightly reduce their backlogs in terms of the outstanding cases.

It may be stated that the courts efficiency trend continued this year as well, and it should be intensified next year considering the decreasing trend of received cases.

Diagram 5: Outstanding cases at BiH courts as of 31 December, 2008 – per Cantons, Districts and in Brcko District of BiH

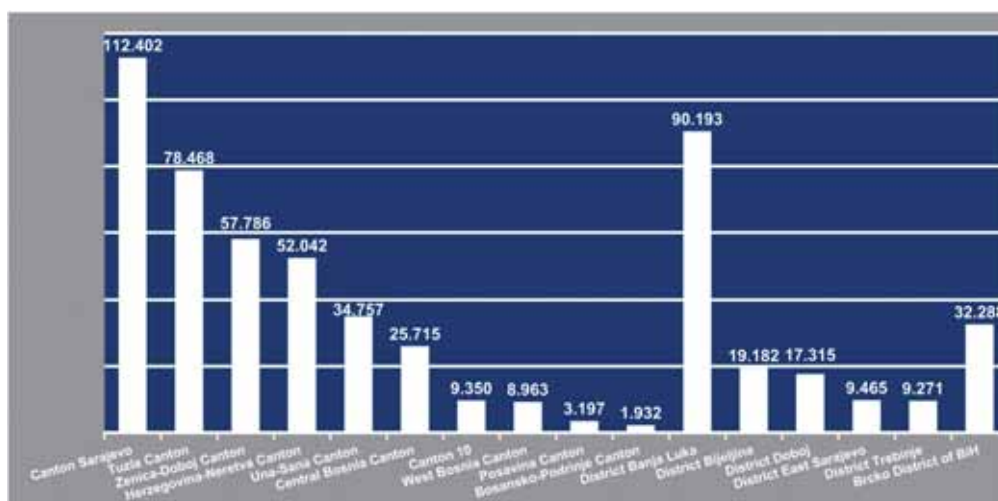
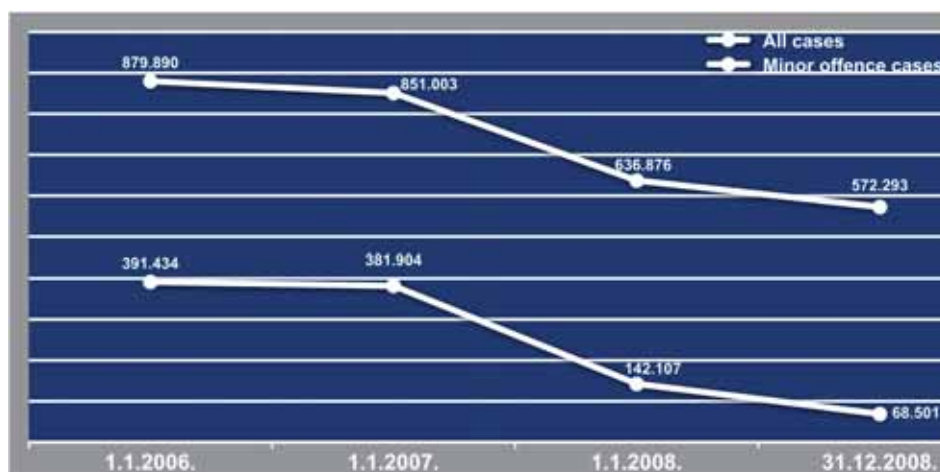


Diagram 6: Decrease in the number of outstanding cases at BiH courts in the period 1 January, 2006 to 31 December, 2008



COURT OF BOSNIA AND HERZEGOVINA

The Court of Bosnia and Herzegovina (hereinafter: Court of BiH) was established by the Law on the Court of BiH which regulates its criminal, administrative and appellate jurisdiction. The Court of BiH acts in criminal cases as specified by the BiH criminal legislation and other regulations, deciding on the charges against final administrative documents of the BiH authorities and institutions and those of the Brcko District of BiH, on the property-related disputes wherein one of the parties is a BiH institution, and on the regular and extraordinary notes on legal remedy filed from the decisions of the Court of BiH.

The Court of BiH functions through three divisions: Criminal, Administrative and Appellate. The Criminal and Appellate Divisions consist of three separate sections: Section I for War Crimes, Section II for Organised Crime, Economic Crime and Corruption, and Section III for all other criminal offences falling within the jurisdiction of the Court of BiH.

At the Court of BiH during 2008, there were 53 judges hired on a regular basis and one reserve judge. Of this number, 15 judges were internationals.

Table 8: Case flow at the Court of BiH during 2008 – per division

Division	Outstanding cases as of 1 Jan. 2008	Cases received during 2008	Total number of outstanding cases during 2008	Cases completed during 2008	Outstanding cases as of 31 Dec. 2008
	I	II	III = I + II	IV	V = III - IV
Criminal Division	328	1,291	1,619	1,319	300
Administrative Division	3,365	2,522	5,887	3,218	2,669
Appellate Division	215	721	936	761	175
TOTAL	3,908	4,534	8,442	5,298	3,144

Table 9: Ratio between received, completed and outstanding cases at the Court of BiH in percentages

Division	Changes concerning the outstanding cases*	Flow coefficient**	Number of years required for completion of the outstanding cases***
	I	II	III
Criminal Division	-8.54%	102.17%	0.2
Administrative Division	-20.68%	127.60%	0.8
Appellate Division	-18.60%	105.55%	0.2
TOTAL	-19.55%	116.85%	0.6

Roman numerals shown below mark columns in the tables above.

- * I: (V/I)-1 illustrates the ratio between the relative change in the number of outstanding cases as of 31 December, 2008 and the number of those as of 1 January, 2008. Percentages shown without a sign „-“ indicate the increased number of outstanding cases, whereas the percentages which include this sign indicate the decrease in outstanding cases.
- ** II: IV/II illustrates the ratio between the completed cases and those received during 2008. Therefore, the larger number of the completed cases compared with the number of the received cases is presented in percentages higher than 100% and vice versa, the smaller number of completed cases relative to the inflow of cases is presented in percentages lower than 100%.
- *** III: V/IV illustrates the ratio between the number of outstanding cases as of 31 December, 2008 relative to the number of cases completed during 2008, and indicates the time required for the completion of outstanding cases.

I SITUATION AT THE COURT OF BIH IN EARLY 2008

In early 2008, the Court of BiH operated with the largest number of outstanding cases in the Administrative Division, that is, 86 % of the total number of the outstanding cases. It should be noted here that the largest number of outstanding cases pertained to administrative disputes **U**, that is, **43%**, whereas the number of outstanding law-suit cases **P** was also considerable and reached 24%.

Diagram 7: Structure of outstanding cases at the Court of BiH as of 1 January, and 31 December 2008 – per divisions



II COURT OF BIH PERFORMANCE DURING 2008

During 2008, the Court of BiH worked on **8,442** cases in total. 3,908 cases were carried over from 2007 and 4,534 cases were received during 2008. Having decided on 5,298 cases, the Court will have 3,144 cases carried over to 2009.

Comparison between this year's data and that from last year indicates a **19%** decrease in the number of cases received by the Court of BiH (from 5,598 to **4,534**), whereas, the number of completed cases increased by **12%** (from 4,716 to **5,298**).

Diagram 8: Structure of cases received by the Court of BiH during 2008 – per division

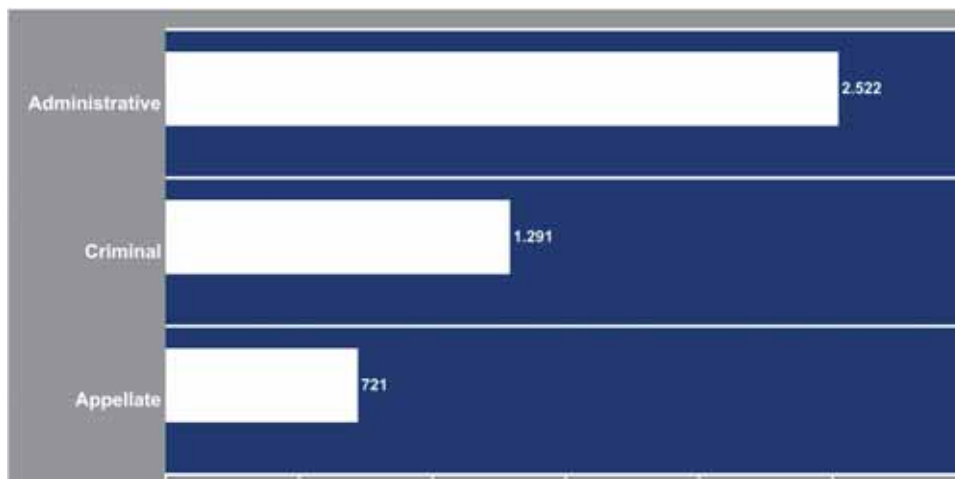
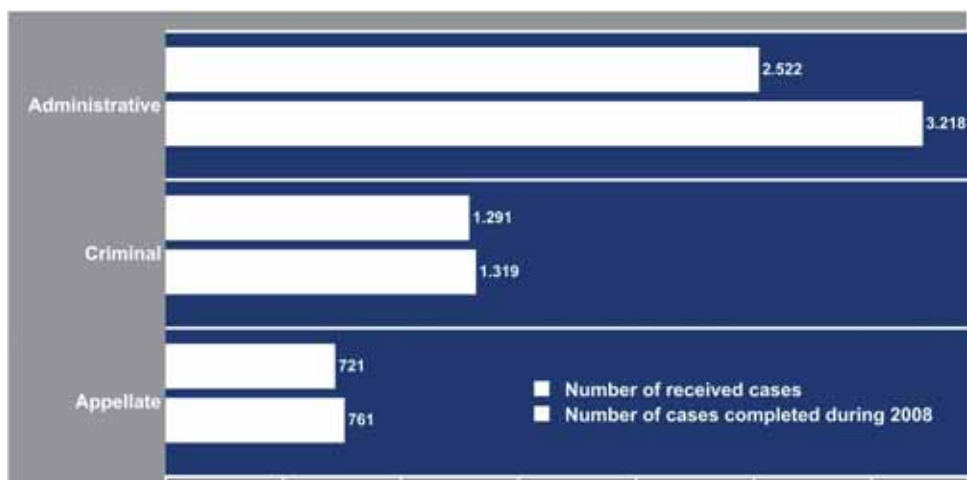


Diagram 9: Ratio between the cases received and those decided on by the Court of BiH during 2008 – per division



The flow coefficient of the Court of BiH, being the ratio between completed and received cases during the reporting period, amounts to 117 %, which means that the Court decided on 17% cases more compared to the annual inflow.

This coefficient is largest in the Administrative Division and amounts to 128%. The inflow of administrative cases is considerably lower compared to 2007, however, the judges in this Division completed 894 cases more than last year.

Table 10: Case flow at the Court of BiH during 2008 – per type of case

Type of case	Outstanding cases as of 1 Jan. 2008	Cases received during 2008	Total number of cases pending during 2008	Cases completed during 2008	Outstanding cases as of 31 Dec. 2008
	I	II	III = I + II	IV	V = III - IV
Criminal Division - Section I, II and III					
K	50	138	188	122	66
Kpp	101	322	423	370	53
Kps	65	181	246	189	57
Kv	2	375	377	374	3
Ex	4	71	75	72	3
Kr	0	31	31	31	
Iks	106	155	261	144	117
Km		7	7	6	1
ZZS					
KiP					
KrN					
Kp	0	11	11	11	0
Total	328	1,291	1,619	1,319	300
Administrative Division					
U	1,686	846	2,532	984	1,548
Ur	35	407	442	335	107
R	5	24	29	29	
I	344	242	586	548	38
P	956	572	1,528	582	946
Ži	339	431	770	740	30
Total	3,365	2,522	5,887	3,218	2,669
Appellate Division					
Iž	0	128	128	125	3
Uvl	18	57	75	44	31
Gž	161	108	269	181	88
Gvl	0	6	6	4	2
Pž	14	6	20	11	9
Rev	2	42	44	34	10
Kž	13	364	377	354	23
Kžk	7	10	17	8	9
Total	215	721	936	761	175
GRAND TOTAL	3,908	4,534	8,442	5,298	3,144

The **Administrative Division** of the Court of BiH is leading in the number of pending cases, that is, there are **5,887** or **70%** of all cases being processed. As already noted, the U and P cases are predominant in the case structure of this division.

The period of 0,8 year is required for the completion of the existing backlogs in the division. With regard to the performance quality of this division, it should be noted that this division had 96% of confirmed, 3% of modified and only 1% of reversed decisions.

The **Appellate** division is relatively prompt and, at the end of 2008, it had 175 outstanding cases most of which (88) referred to the second-instance civil proceedings (Gž). In addition, this division mostly worked on the second-instance (Kž) and the second-instance civil (Gž) cases.

Considering specific jurisdiction of the **Criminal Division**, there follows a special reference to the performance of its three Sections.

Table 11: Case flow in the Court of BiH Criminal Division during 2008 – per section

Type of case	Outstanding cases as of 1 Jan. 2008	Cases received during 2008	Total number of cases pending during 2008	Cases completed during 2008	Outstanding cases as of 31 Dec. 2008
	I	II	III = I + II	IV	V = III - IV
Section I – War Crimes					
K	17	28	45	28	17
Kpp	63	85	148	133	15
Kps	21	27	48	27	21
Kv	0	130	130	128	2
Ex					
Iks					
KrN					
Other					
Total	101	270	371	316	55
Section II – Crime and Corruption					
K	20	21	41	21	20
Kpp	29	68	97	65	32
Kps	8	25	33	19	14
Kv	0	108	108	108	0
Ex					
Iks					
Other					
Total	57	222	279	213	66
Section III – General Crime					
K	13	89	102	73	29
Kpp	9	169	178	172	6
Kps	36	129	165	143	22
Kv	2	137	139	138	1
Ex	4	71	75	72	3
Kr	0	31	31	31	
Iks	106	155	261	144	117
Km	0	7	7	6	1
ZZS					
KiP					
KrN					
Kp	0	11	11	11	0
Total	170	799	969	790	179
GRAND TOTAL	328	1,291	1,619	1,319	300

Compared to 2007, there was an increase in the number of the received war crime cases (K) by the **Special Department for War Crimes (Section I)** during 2008, considering that 15 such cases were received in 2007 and 28 in 2008. Also, 28 K - cases were completed this year, which makes for a 180% increase relative to the last year when 10 such cases were decided on.

As for the performance quality, this Department had 80% of confirmed, 13% of modified and 7% of reversed decisions. Of 18 verdicts in total which were rendered during 2008 within the first-instance criminal proceedings (K), 14 verdicts were convicting and 4 acquitting. Four convicting verdicts were pronounced based on plea bargains that were reached.

With regard to the **Special Department for Organised Crime, Economic Crime and Corruption (Section II)**, there was an evident increase in the case inflow during 2008, however, the number of the completed cases also increased. As for the performance quality, based on the decisions by the Appellate Panel, 77% of this Section decisions were confirmed, 18% were modified and 5% reversed.

Most proceedings were completed within one year (98%). It is noteworthy that the convicting verdicts resulted in the seizure of the property gain obtained through the perpetration of the criminal offence, in the amount of KM 1,200,844.09, while the total amount of the pronounced fines was KM 559,000.00.

Section III, being in charge of processing a part of the general crime, operated with most cases. Section III completed a smaller number of cases than in 2007, however, it decided on the most first-instance cases (**K**) though. The largest number pertains to the convicting verdicts (94%). As for the performance quality, 80% of decisions were confirmed, 9% modified and 11% reversed.

The total amount of fines pronounced by the Section III verdicts was KM 100,800.00.

Conclusion

During 2008, the Court of Bosnia and Herzegovina and the Administrative Division in particular made certain steps forward towards the increased promptness in its work. Specifically, all sections of this judicial institution experienced a decreased number of outstanding cases during 2008, compared to 31 December, 2007. The Administrative Division in particular recorded progress thereof, with the number of completed cases increased by 38% compared to 2007. In this manner the extent of promptness of this Division which recorded the largest number of outstanding cases in the past, increased.

The Criminal and Appellate Divisions slightly reduced the backlog of the outstanding cases from within their jurisdiction.

In general, a conclusion may be inferred that the Court of BiH increased its promptness, which is also supported by the fact that the time planned for completion of old and outstanding cases was cut from 0,8 year in 2007, to 0,6 year in 2008.

SUPREME COURTS IN BOSNIA AND HERZEGOVINA

Under the laws on courts and other legislation, the Supreme Courts in Bosnia and Herzegovina have subject matter jurisdiction to decide on regular and extraordinary legal remedies filed from the decisions of the courts at lower levels, including the decisions rendered by their panels, and to decide on the conflict of competence between the courts under their respective jurisdiction within the statutory timeframe.

During 2007, both Supreme Courts operated with **14,231** cases in total. Of that number, **7,704** cases were carried over from 2007, and **6,527** were received during 2008 to be processed. **7,408** cases were completed and **6,823** carried over to 2009.

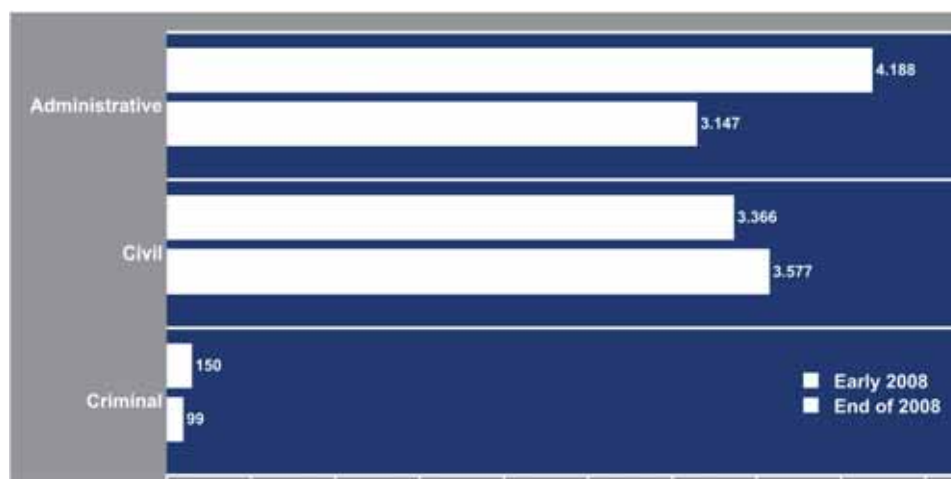
Table 12: Case flow at the Supreme Courts during 2008 – per Court

Court	Outstanding cases as of 1 Jan. 2008	Cases received during 2008	Ongoing cases during 2008	Cases completed during 2008	Outstanding cases as of 31 Dec. 2008
	I	II	III = I + II	IV	V = III - IV
Supreme Court of FBiH	5,389	4,202	9,591	4,620	4,971
Supreme Court of RS	2,315	2,325	4,640	2,788	1,852
TOTAL	7,704	6,527	14,231	7,408	6,823

I SITUATION AT THE SUPREME COURTS IN EARLY 2008

At the beginning of 2008, the Supreme Courts faced with the most extensive backlogs at the Administrative Department, which made for 54% of the total number of the outstanding cases.

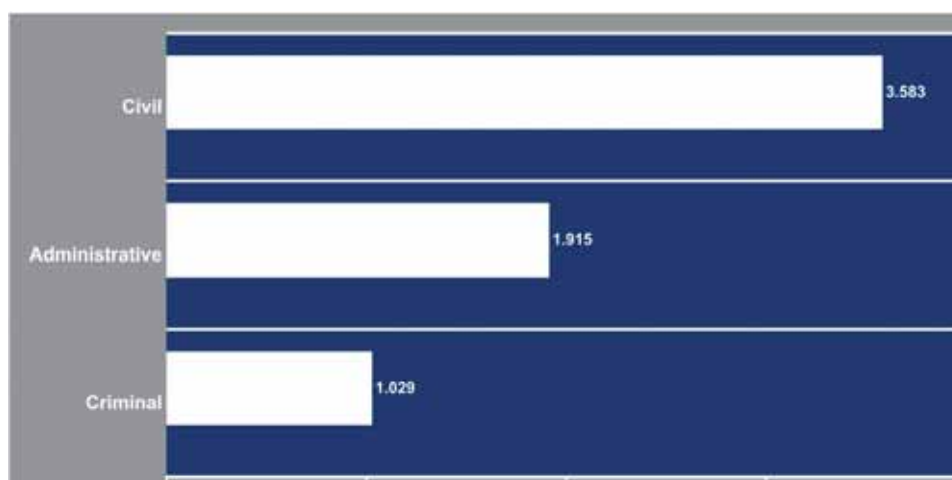
Diagram 10: Structure of outstanding cases at the Supreme Courts as of 1 January, and 31 December, 2008 – per department



II 2008 PERFORMANCE OF THE SUPREME COURTS

Like in previous years, the largest number of the received cases referred to revisions (**Rev**), thus making for 55% of the case inflow at the Supreme Courts.

Diagram 11: Structure of cases received during 2008 – per department



The total number of received cases increased from 5,333 to 6,527, that is, it increased by 22% compared to 2007.

Table 13: Case flow at the Supreme Courts during 2008 – per type of case

Type of cases	Outstanding cases as of 1 Jan. 2008	Cases received during 2008	Ongoing cases during 2008	Cases completed during 2008	Outstanding cases as of 31 Dec. 2008
	I	II	III = I + II	IV	V = III - IV
Civil Department					
Rev	3,339	3,098	6,437	2,909	3,528
GŽ	6	38	44	36	8
PŽ	0	1	1	1	0
Gvl	1	13	14	13	1
Other*	20	433	453	413	40
Total	3,366	3,583	6,949	3,372	3,577
Criminal Department					
Kž	109	825	934	866	68
Kžk	22	35	57	36	21
Kžž	15	37	52	46	6
Kvl	0	1	1	1	0
Kv	0	42	42	42	0
Kr	2	87	89	86	3
Other*	2	2	4	3	1
Total	150	1,029	1,179	1,080	99
Administrative Department					
U	1,808	13	1,821	1,770	51
Už	836	11	847	405	442
Uvl	23	10	33	16	17
Uvp	1,517	1,733	3,250	621	2,629
Uz	0	0	0	0	0
Other*	4	148	152	144	8
Total	4,188	1,915	6,103	2,956	3,147
GRAND TOTAL	7,704	6,527	14,231	7,408	6,823

Table 14: Ratio between the received, completed and outstanding cases at the Supreme Courts, in percentage

Department	Changed situation of outstanding cases*	Flow coefficient**	Years required for completion of outstanding cases***
	I	II	III
Civil Department	6.27%	94.11%	1.1
Criminal Department	-34.00%	104.96%	0.1
Administrative Department	-24.86%	154.36%	1.1
TOTAL	-11.44%	113.50%	0.9

Roman numerals shown below mark columns in the tables above.

- * I: (V/I)-1 illustrates the ratio between the relative change in the number of outstanding cases as of 31 December, 2008 and the number of those as of 1 January, 2008. Percentages shown without a sign „-“ indicate the increased number of outstanding cases, whereas the percentages which include this sign indicate the decrease in outstanding cases.
- ** II: IV/II illustrates the ratio between the completed cases and those received during 2008. Therefore, the larger number of the completed cases compared with the number of the received cases is presented in percentages higher than 100% and vice versa, the smaller number of completed cases relative to the inflow of cases is presented in percentages lower than 100%.
- *** III: V/IV illustrates the ratio between the number of outstanding cases as of 31 December, 2008 relative to the number of cases completed during 2008, and indicates the time required for the completion of outstanding cases.

During 2008, the total number of **7,408** cases were completed, and the total flow coefficient, being a ratio between the received and completed cases, is positive and amounts to 114%. This year the Supreme Courts completed **881** cases more than they received, and they thus reduced the number of the outstanding cases. According to the current completion dynamics, the outstanding cases would be completed in **0.9** year.

Civil Departments began the year 2008 with an increased backlog compared with the number of outstanding cases in early 2007. Also, the number of the received cases, the revision ones (**Rev**) in particular, was larger in 2008 than in 2007. Considering the referenced circumstances, apart from the fact that the judges of the Civil Department with the Supreme Courts completed 22% of cases more than in the past year, the backlog slightly increased at the end of the year.

The total number of cases of the **Criminal Departments** which were completed in their entirety was slightly larger than their inflow. These departments mostly worked on the appeals from the first-instance decisions of the cantonal/district courts (**Kž**), and made 79% of the total number of the criminal cases in progress. It follows from the available data that the number of outstanding criminal cases at the end of the year was quite small, therefore, these departments are very close to achieve promptness.

At the **administrative departments**, **2,956** cases were completed. With regard to the cases being processed within these departments, most refer to the U cases – administrative disputes falling within the subject matter jurisdiction of the district/cantonal courts, whereby, there is a considerable number of UŽ cases - appeals from the decisions in the administrative litigations which have not been regulated by law as a legal remedy, which means that the Supreme Courts processed the outstanding cases under the legal regulations which were applicable in the past. The Supreme Courts evidently gave these cases the priority, consequently, these cases constituted majority of the completed administrative cases during 2008, that is, 74%. Such a trend resulted in the decreased number of outstanding cases from 4,188 at the end of the 2007 to 3,147 at the end of 2008.

As for the quality of the lower-instance decisions rendered by the judges at these courts within the proceedings conducted under the legal remedy, it can be illustrated as follows: 69% confirmed, 9% modified and 22% of reversed decisions.

Diagram 12: Type of decisions rendered by the Supreme Courts within the proceedings under the regular legal remedies during 2008



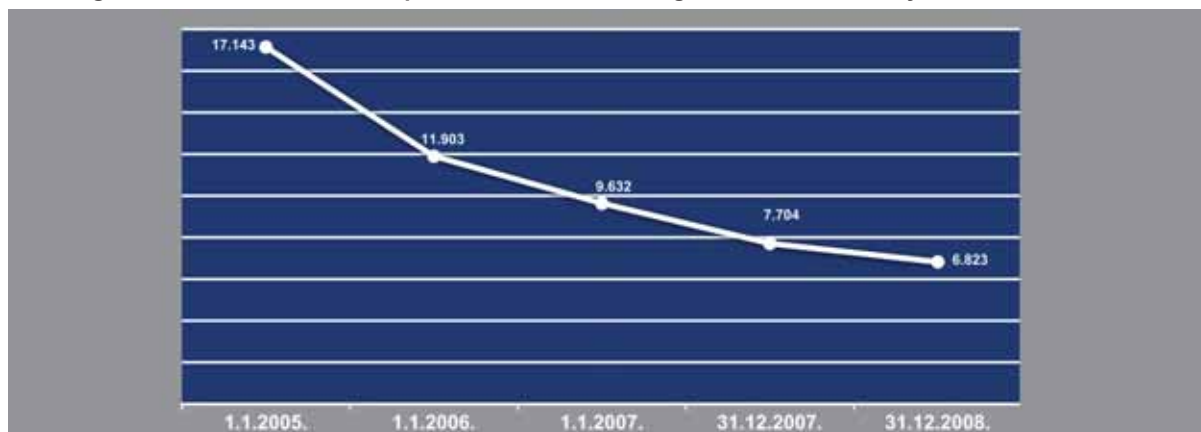
III SITUATION IN THE SUPREME COURTS AT THE END OF 2008

In early 2008, the Supreme Courts had 7,704 outstanding cases and received 6,527 new cases during the year. Therefore, their last year's workload involved 14,231 cases, compared to 2007 when they dealt with 14,965 cases in total.

During 2008, in deciding on the cases, judges at both courts managed to exceed the total number of the received cases by completing 7,408 of them, which resulted in the decreased number of the outstanding cases at the end of the year. Therefore, the total number of the outstanding cases during 2008 was reduced by **11%**.

The trend which lasted for several years has been such that the structure of the outstanding cases continued to change at the end of the year, wherein the number of administrative cases decreased while civil cases increased in number within the total outstanding case structure.

Diagram 13: Illustration of the Supreme Courts' outstanding cases from 1 January, 2005 to 31 December 2008



SUPREME COURT OF THE FEDERATION OF BOSNIA AND HERZEGOVINA

During 2008 at the **Supreme Court of the Federation of Bosnia and Herzegovina**, there were 22 judges who performed their judicial duties on a regular basis and 13 reserve judges. This court, as an appellate instance, decides on the decisions rendered by 28 Municipal and 10 Cantonal Courts which have been established by law on the territory of the Federation of BiH. The court comprises the following four departments: Criminal, Civil, Administrative and the Department for Records and Case-law Monitoring.

Table 15: Case flow at the Supreme Court of the Federation of BiH during 2008 – per type of case

Type of Cases	Outstanding cases as of 1 Jan. 2008	Cases received during 2008	Total number of cases pending during 2008	Cases completed during 2008	Outstanding cases as of 31 Dec.2008
	I	II	III = I + II	IV	V = III - IV
Civil Department					
Rev	1,830	1,861	3,691	1,715	1,976
GŽ	4	28	32	26	6
PŽ	0	1	1	1	0
Gvl	1	13	14	13	1
Other*	16	186	202	166	36
Total	1,851	2,089	3,940	1,921	2,019
Criminal Department					
Kž	64	591	655	604	51
Kžk	17	17	34	23	11
Kžž	2	7	9	8	1
Kvl	0	1	1	1	0
Kv	0	30	30	30	0
Kr	1	13	14	13	1
Other*	1	2	3	2	1
Total	85	661	746	681	65
Administrative Department					
U	1,445	0	1,445	1,395	50
Už	833	0	833	391	442
Uvl	14	5	19	4	15
Uvp	1,160	1,428	2,588	210	2,378
Uz	0	0	0	0	0
Other*	1	19	20	18	2
Total	3,453	1,452	4,905	2,018	2,887
GRAND TOTAL	5,389	4,202	9,591	4,620	4,971

Table 16: Ratio between the received, completed and outstanding cases at the Supreme Court of the Federation of BiH, in percentages

Department	Changes concerning the outstanding cases*	Flow coefficient**	Number of years required for completion of the outstanding cases***
	I	II	III
Civil Departments	9.08%	91.96%	1.1
Criminal Department	-23.53%	103.03%	0.1
Administrative Department	-16.39%	138.98%	1.4
TOTAL	-7.76%	109.95%	1.1

Roman numerals shown below mark columns in the tables above.

- * I: (V/I)-1 illustrates the ratio between the relative change in the number of outstanding cases as of 31 December, 2008 and the number of those as of 1 January 2008. Percentages shown without a sign „-“ indicate the increased number of outstanding cases, whereas the percentages which include this sign indicate the decrease in outstanding cases.
- ** II: IV/II illustrates the ratio between the completed cases and those received during 2008. Therefore, the larger number of the completed cases compared with the number of the received cases is presented in percentages higher than 100% and vice versa, the smaller number of completed cases relative to the inflow of cases is presented in percentages lower than 100%.
- *** III: V/IV illustrates the ratio between the number of outstanding cases as of 31 December, 2008 relative to the number of cases completed during 2008, and indicates the time required for the completion of outstanding cases.

The basic characteristics of performance of the Supreme Court of the Federation of BiH in the reporting 2008 year are as follows:

- Slightly increased inflow of cases compared to 2007.
- Growing trend in completed cases.
- Downward trend in outstanding cases at the end of the year, in the Administrative Department in particular
- About 120 cases per judge were received and about 132 completed.
- The largest number of cases were received by the Civil Departments (inflow of 2,089 cases).
- Performance quality of the lower-instance courts under the decisions by the Supreme Court of the Federation of BiH: 69% confirmed, 8% modified and 22% reversed decisions.

SUPREME COURT OF REPUBLIKA SRPSKA

During 2008, the **Supreme Court of Republika Srpska** had 16 judges who were performing their judicial duties on a regular basis, and 4 reserve judges. Within its jurisdiction, this court decides on legal remedies filed from the decisions by 19 Basic and 5 District Courts. The court functions through three departments: Criminal, Civil and Administrative.

Table 17: Case flow at the Supreme Court of Republika Srpska during 2008 – per type of case

Type of Cases	Outstanding cases as of 1 Jan. 2008	Cases received during 2008	Total number of cases pending during 2008	Cases completed during 2008	Outstanding cases as of 31 Dec. 2008
	I	II	III = I + II	IV	V = III - IV
Civil Department					
Rev	1,509	1,237	2,746	1,194	1,552
GŽ	2	10	12	10	2
PŽ	0	0	0	0	0
Gvl	0	0	0	0	0
Other*	4	247	251	247	4
Total	1,515	1,494	3,009	1,451	1,558
Criminal Department					
Kž	45	234	279	262	17
Kžk	5	18	23	13	10
Kžž	13	30	43	38	5
Kvl	0	0	0	0	0
Kv	0	12	12	12	0
Kr	1	74	75	73	2
Other*	1	0	1	1	0
Total	65	368	433	399	34
Administrative Department					
U	363	13	376	375	1
Už	3	11	14	14	0
Uvl	9	5	14	12	2
Uvp	357	305	662	411	251
Uz	0	0	0	0	0
Other*	3	129	132	126	6
Total	735	463	1,198	938	260
GRAND TOTAL	2,315	2,325	4,640	2,788	1,852

Table 18: Ratio between the received, completed and outstanding cases at the Supreme Court of the Republika Srpska, in percentages

Department	Changes concerning the outstanding cases*	Flow coefficient**	Number of years required for completion of the outstanding cases***
	I	II	III
Civil Departments	2.84%	97.12%	1.1
Criminal Department	-47.69%	108.42%	0.1
Administrative Department	-64.63%	202.59%	0.3
TOTAL	-20.00%	119.91%	0.7

Roman numerals shown below mark columns in the Tables above.

- * I: (V/I)-1 illustrates the ratio between the relative change in the number of outstanding cases as of 31 December, 2008 and the number of those as of 1 January 2008. Percentages shown without a sign „-“ indicate the increased number of outstanding cases, whereas the percentages which include this sign indicate the decrease in outstanding cases.
- ** II: IV/II illustrates the ratio between the completed cases and those received during 2008. Therefore, the larger number of the completed cases compared with the number of the received cases is presented in percentages higher than 100% and vice versa, the smaller number of completed cases relative to the inflow of cases is presented in percentages lower than 100%.
- *** III: V/IV illustrates the ratio between the number of outstanding cases as of 31 December, 2008 relative to the number of cases completed during 2008, and indicates the time required for the completion of outstanding cases.

The basic characteristics of performance of the Supreme Court of Republika Srpska in the reporting 2008 year are as follows:

- Increased case inflow compared to 2007.
- Increased number of completed cases.
- Downward trend in outstanding cases at the end of the year, in the Administrative Department in particular
- About 116 cases per judge were received and about 139 completed.
- The largest number of cases were received by the Civil Departments (inflow of 1,494 cases).
- Performance quality of the lower-instance Courts under the decisions by the Supreme Court of Republika Srpska: 69% confirmed, 12% modified and 19% reversed decisions.

CONCLUSION

Based on the available statistical data, a conclusion may be rendered that, the trend towards decreasing the total number of outstanding cases also continued in 2008.

The case inflow at the Supreme Courts considerably increased compared to the previous year, with most revision cases referred to the civil cases. Consequently, in the structure of the outstanding cases, there was an increased number of the revision cases, from 3,339 at the end of 2007. godine to 3,528 cases at the end of 2008.

It is noteworthy that, over the year, these courts completed more cases than in the year before. The number of outstanding cases at the end of the year decreased by **11.4%** compared to the end of 2007.

In general, it is possible to state that the Supreme Courts continued to increase their promptness during the last year.

CANTONAL AND DISTRICT COURTS IN BOSNIA AND HERZEGOVINA

Cantonal and district courts in Bosnia and Herzegovina have jurisdiction to act in first-instance proceedings for the criminal cases in relation to which 10 years or long-term imprisonment is foreseen by law, and in administrative disputes, whereby, within the proceedings under the legal remedies, they also decide on the appeals from the decisions of the municipal, that is, basic courts, and on other regular legal remedies as stipulated by law.

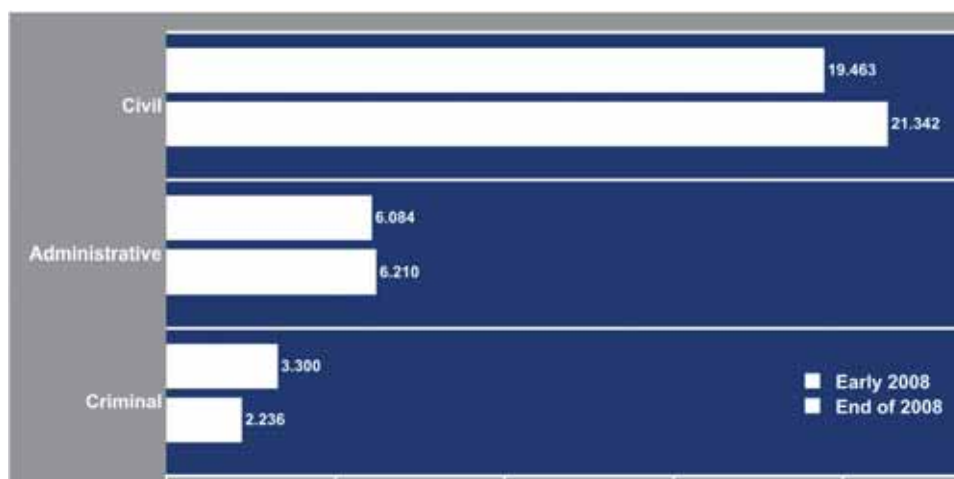
Table 19: Case flow at Cantonal and District Courts during 2008 – per entity

Entity	Outstanding cases as of 1 Jan. 2008	Cases received during 2008	Total number of cases pending during 2008	Cases completed during 2008	Outstanding cases as of 31 Dec. 2008
	I	II	III = I + II	IV	V = III - IV
Federation of BiH	23,591	37,990	61,581	35,186	26,395
Republika Srpska	5,256	13,387	18,643	15,250	3,393
TOTAL	28.847	51,377	80,224	50,436	29,788

I SITUATION AT THE CANTONAL AND DISTRICT COURTS IN EARLY 2008

Analysis of the structure of outstanding cases with which the Cantonal and District Courts began the year 2008 shows that the civil cases were predominantly carried over, that is, **19,463** or **67.5%** of the total number of outstanding cases. They are followed by the administrative (**21.1%**) and criminal (**11.4%**) section cases.

Diagram 14: Structure of outstanding cases at the Cantonal/District Courts as of 1 January and 31 December 2008 - per sections.



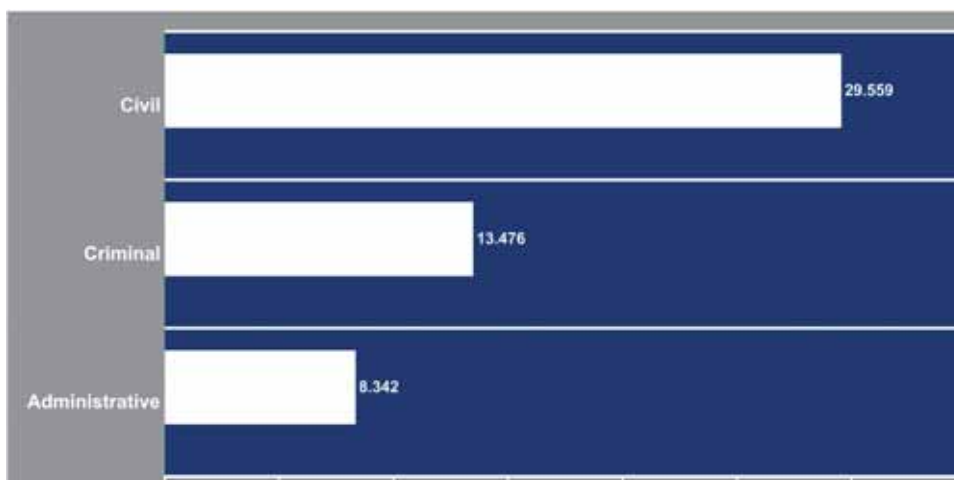
II 2008 PERFORMANCE OF CANTONAL AND DISTRICT COURTS

During 2008, the cantonal and district courts in Bosnia and Herzegovina worked on **80,224** cases in total. Of them, **28,847** cases were carried over from 2007 and **51,377** cases were received in 2008. While **50,436** cases were completed, **29,788** were carried over to 2009.

The downward trend in the last years' case inflow was discontinued in 2008 by the inflow of 51,377 cases, or increase by **10.2%**, compared to 46,635 cases in 2007.

Like the previous years, the structure of the cases received during 2008 is characteristic of the civil cases which are predominant (57,.5% of the total number of received cases).

Diagram 15: Structure of cases received by the Cantonal and District Courts during 2008 - sections



During 2008, the cantonal and district courts received **51,377** cases and completed **50,436** of them. The number of the outstanding cases increased by 3% compared to the last year.

Comparison between the structure of the cases received during 2008 and the structure of those outstanding at the end of the year clearly illustrates the largest backlog in the civil section, despite the fact that most cases (**27,680**) were completed within this section during the reporting period.

In percentage, the largest decrease in the outstanding cases was experienced by the criminal section with the number of the outstanding cases decreased by **32.2%**. Most of the completed cases referred to the second-instance minor offence cases (**Pžp**) with 6,562 of the total of 14,540 cases completed within this section.

Backlog in the administrative section insignificantly increased compared to last year.

Diagram 16: Case flow at the Cantonal and District Courts during 2008 – per entity

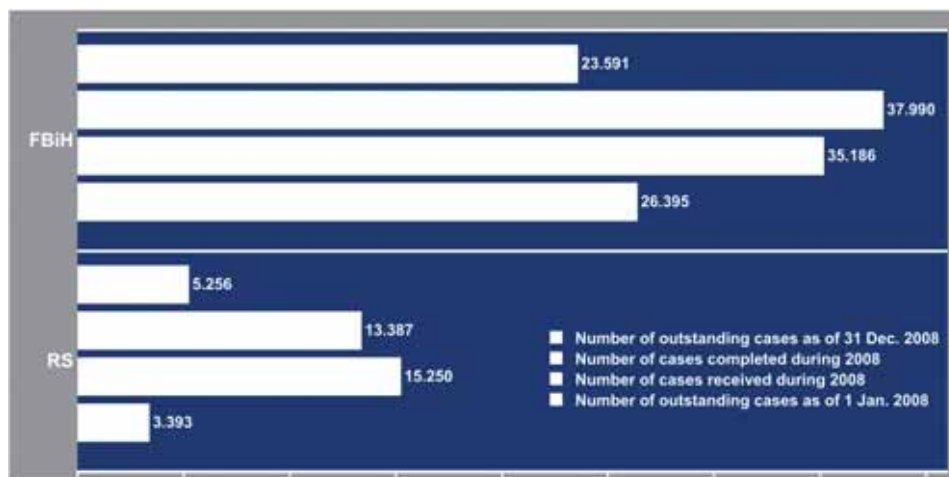


Table 20: Case flow at the Cantonal and District Courts during 2008 – per type of case

Type of Cases	Outstanding cases as of 1 Jan. 2008	Cases received during 2008	Total number of cases pending during 2008	Cases completed during 2008	Outstanding cases as of 31 Dec. 2008
	I	II	III = I + II	IV	V = III - IV
Civil Department					
GŽ	17,018	23,738	40,756	22,166	18,590
PŽ	2,125	3,664	5,789	3,235	2,554
Other*	320	2,157	2,477	2,279	198
Total	19,463	29,559	49,022	27,680	21,342
Criminal Department					
K	288	434	722	434	288
RZ	25	10	35	16	19
Kž	614	2,854	3,468	2,935	533
Kv	50	1,388	1,438	1,372	66
Kpp	46	1,382	1,428	1,338	90
Kps	58	379	437	381	56
Kr	13	545	558	545	13
Kp	11	100	111	100	11
Kmž	2	47	49	47	2
Kžk	71	223	294	202	92
Iksž	0	383	383	372	11
Pkž	0	0	0	0	0
Pžp*	2,110	5,462	7,572	6,562	1,010
Pvl	0	6	6	5	1
Other*	12	263	275	231	44
Total	3,300	13,476	16,776	14,540	2,236
Administrative Department					
U	6,008	7,984	13,92	7,841	6,151
Uvl	29	47	76	53	23
Uz	6	34	40	35	5
Uvp	12	29	41	25	16
Other*	29	248	277	262	15
Total	6,084	8,342	14,426	8,216	6,210
GRAND TOTAL	28,847	51,377	80,224	50,436	29,788

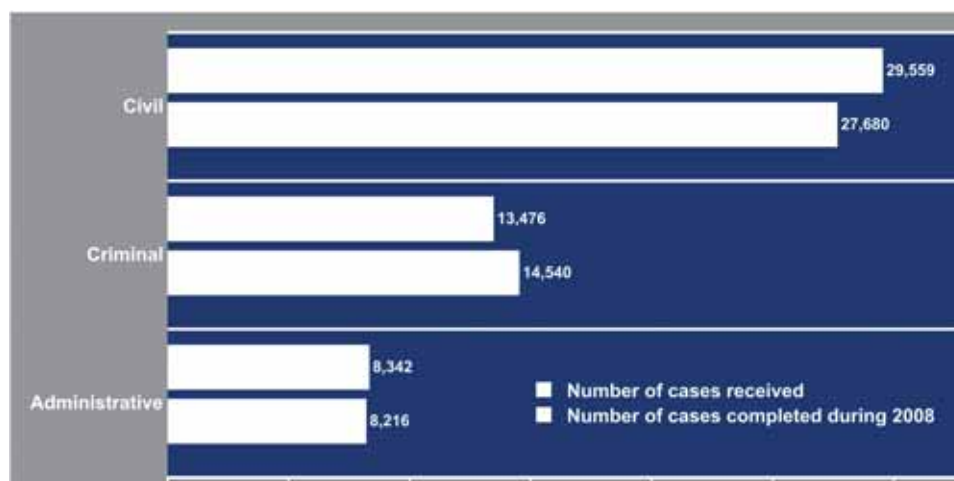
Table 21: Ratio between the received, completed and outstanding cases at the Cantonal and District Courts in percentages

Department	Changes concerning the outstanding cases*	Flow coefficient**	Number of years required for completion of the outstanding cases***
	I	II	III
Civil Departments	9.65%	93.64%	0.8
Criminal Department	-32.24%	107.90%	0.2
Administrative Dept.	2.07%	98.49%	0.8
TOTAL	3.26%	98.17%	0.6

Roman numerals shown below mark columns in the tables above.

- * I: (V/I)-1 illustrates the ratio between the relative change in the number of outstanding cases as of 31 December, 2008 and the number of those as of 1 January 2008. Percentages shown without a sign „-“ indicate the increased number of outstanding cases, whereas the percentages which include this sign indicate the decrease in outstanding cases.
- ** II: IV/II illustrates the ratio between the completed cases and those received during 2008. Therefore, the larger number of the completed cases compared with the number of the received cases is presented in percentages higher than 100% and vice versa, the smaller number of completed cases relative to the inflow of cases is presented in percentages lower than 100%.
- *** III: V/IV illustrates the ratio between the number of outstanding cases as of 31 December, 2008 relative to the number of cases completed during 2008, and indicates the time required for the completion of outstanding cases.

Diagram 17: Ratio between received and completed cases at the Cantonal and District Courts during 2008 – per department



Civil departments predominantly operated with second-instance civil cases (**Gž**) during 2008, that is, they made **83.1%** compared to last year. Also, most of these cases were completed, that is, 22,166, which indicates the **19.3%** increase compared to the last year. Based on several-year long trend, a conclusion may be reached that the **Gž** cases will have an even larger share in the future work of the civil departments. This is particularly so considering the fact that as of 1 July 2009, the Commercial Courts will become operational in Republika Srpska and the Higher Commercial Court will have jurisdiction over the second-instance civil cases pertaining to economic disputes (**Pž**), which currently fall within the jurisdiction of the district courts in Republika Srpska.

With regard to the outstanding cases which were carried over from 2007 to the **criminal departments**, most of them, that is, 63% are the second-instance minor offence cases (**Pžp**). Compared to late 2007, backlogs concerning the **Pžp** cases were reduced from 2,110 to 1,010 cases. One of the reasons for the decrease certainly relates to the decreased inflow of this type of cases in 2008, which inflow was larger in the last years due to the cases of the former minor offence courts being taken over by the regular courts.

The positive trend in completing the second-instance criminal cases (**Kž**) following the appeals filed from the decisions of the municipal/basic courts in the criminal matters also continued in 2008, to the extent higher than their inflow, so that that backlogs decreased compared to 2007. The number of the completed first-instance criminal cases (**K**) matched the number of the received cases of this kind. The courts decided on preliminary proceedings cases (**Kpp**), preliminary hearing cases (**Kps**) and the cases decided on by the Special Panel referred to in Article 24/7 (**Kv**) with a high level of promptness which is manifested in an insignificant number of outstanding cases of this type at the end of the reporting period.

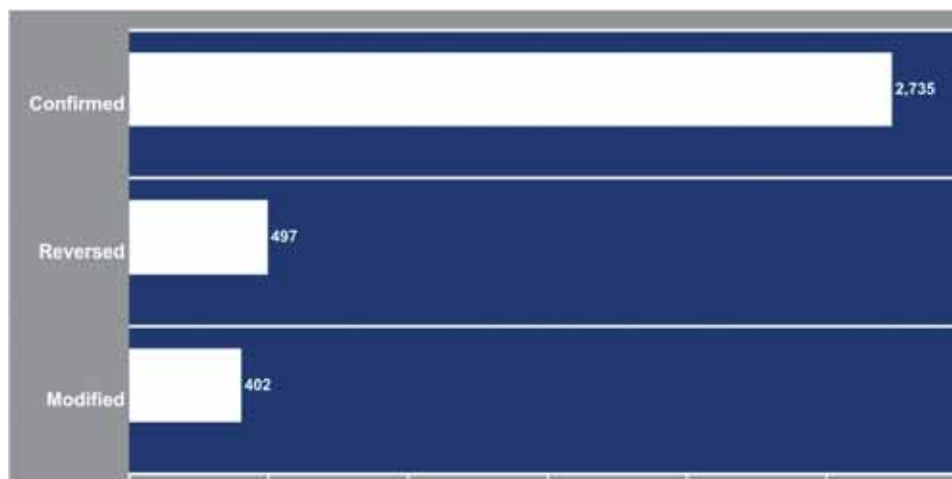
During 2008, the cantonal and district courts completed 16 war crimes (**RZ**) cases.

During 2008, of the total number of verdicts rendered by the criminal Departments, 75% were convicting.

In 10 criminal cases, illegal gain resulted from the perpetration of the criminal offence was confiscated in the amount of KM 4,497,258.00. In 20 cases, fines were pronounced in the amount of KM 70,760.00.

Administrative departments processed the administrative dispute cases (**U**) almost solely, as there was a small number of other cases they addressed. The intensified dynamics of these cases inflow caused that, regardless of the number of the completed cases compared to 2007, there was an insignificant increase in the number of the completed cases at the end of 2008. Therefore, at the end of 2007, there were 6,084 outstanding cases in the administrative departments of the district and cantonal courts, while this number reached 6,210 at the end of 2008, whereby 6,151 were the administrative dispute cases.

Diagram 18: Ratio between the confirmed, modified and reversed decisions at the cantonal and district courts



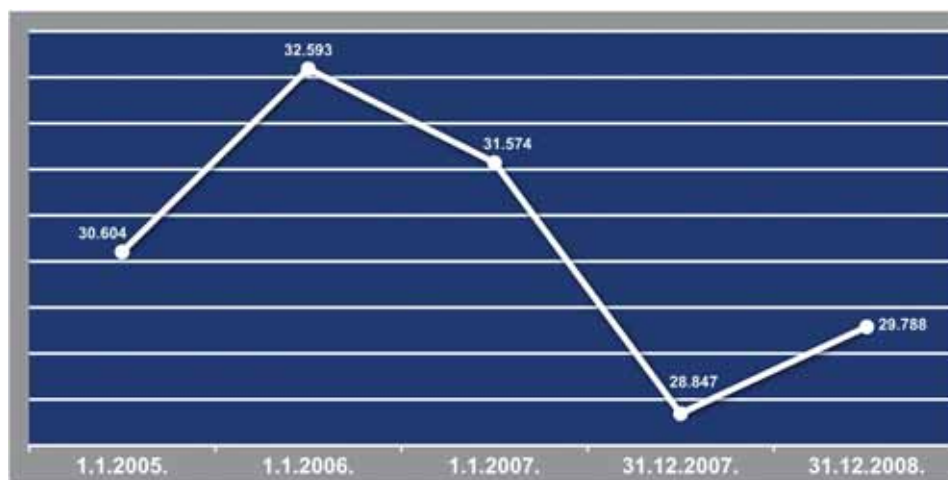
With regard to the quality of decisions rendered by the cantonal and district courts, from the aspect of the Supreme Courts' decisions, there were 75% of the confirmed decisions, 11% of those modified and 24% of the reversed decisions.

III SITUATION AT THE CANTONAL AND DISTRICT COURTS AT THE END OF 2008

Diagram 20 evidently illustrates a slight increase in the number of outstanding cases during the last year. Therefore, the downward trend in the number of outstanding cases had ended.

It is noteworthy that the judges at the second-instance courts completed larger number of cases during 2008, compared to 2007, and that the increase in the outstanding cases was caused by the considerable inflow of cases compared to the last year (10.2% increase). The largest increase of inflow was registered in relation to the second-instance civil cases, that is, the administrative dispute cases.

Diagram 19: Illustration of outstanding cases at the cantonal and district courts from 1 January, 2005 to 31 December, 2008.



During 2008, at 10 cantonal courts in the **Federation of Bosnia and Herzegovina**, there were 116 judges who performed their duties on a regular basis and 10 reserve judges (in total: 126), which makes 12.6 judges per Court.

Table 22: Case flow at 10 Cantonal Courts in the Federation of BiH during 2008 – per type of case

Type of Case	Outstanding cases as of 1 Jan. 2008	Cases received during 2008	Total number of cases pending during 2008	Cases completed during 2008	Outstanding cases as of 31 Dec. 2008
	I	II	III = I + II	IV	V = III - IV
Civil Department					
GŽ	13,629	19,064	32,693	16,074	16,619
PŽ	1,610	2,607	4,217	2,024	2,193
Other*	125	1,370	1,495	1,371	124
Total	15,364	23,041	38,405	19,469	18,936
Criminal Department					
K	245	248	493	261	232
RZ	24	6	30	12	18
Kž	561	1,984	2,545	2,071	474
Kv	42	985	1,027	975	52
Kpp	22	818	840	790	50
Kps	39	226	265	226	39
Kr	9	431	440	428	12
Kp	6	15	21	11	10
Kmž	1	36	37	35	2
Kžk	36	121	157	113	44
Iksž	0	260	260	250	10
Pkž	0	0	0	0	0
Pžp*	1,966	3,391	5,357	4,422	935
Pvl	0	6	6	5	1
Other*	8	118	126	93	33
Total	2,959	8,645	11,604	9,692	1,912
Administrative Department					
U	5,199	5,973	11,172	5,674	5,498
Uvl	22	34	56	40	16
Uz	6	20	26	24	2
Uvp	12	29	41	25	16
Other*	29	248	277	262	15
Total	5,268	6,304	11,572	6,025	5,547
GRAND TOTAL	23,591	37,990	61,581	35,186	26,395

Table 23: Ratio between the received, completed and outstanding cases at the Cantonal Courts in percentages

Department	Changes concerning the outstanding cases*	Flow coefficient**	Number of years required for completion of the outstanding cases***
	I	II	III
Civil Departments	23.25%	84.50%	1.0
Criminal Department	-35.38%	112.11%	0.2
Administrative Dept.	5.30%	95.57%	0.9
TOTAL	11.89%	92.62%	0.8

Roman numerals shown below mark columns in the tables above.

* I: (V/I)-1 illustrates the ratio between the relative change in the number of outstanding cases as of 31 December, 2008 and the number of those as of 1 January 2008. Percentages shown without a sign „-“ indicate the increased number of outstanding cases, whereas the percentages which include this sign indicate the decrease in outstanding cases.

** II: IV/II illustrates the ratio between the completed cases and those received during 2008. Therefore, the larger number of the completed cases compared with the number of the received cases is presented in percentages higher than 100% and vice versa, the smaller number of completed cases relative to the inflow of cases is presented in percentages lower than 100%.

*** III: V/IV illustrates the ratio between the number of outstanding cases as of 31 December, 2008 relative to the number of cases completed during 2008, and indicates the time required for the completion of outstanding cases.

The basic characteristics of performance of the cantonal courts in the reporting 2008 year are as follows:

- Upward trend in case inflow, particularly in terms of the second-instance litigation proceedings (GŽ)
- Upward trend in cases completed during the year
- Upward trend in outstanding cases at the end of the year
- Downward trend in outstanding cases in the second-instance minor offence proceedings
- There were 302 cases received per judge, while about 279 cases were resolved
- Most received cases were registered within the civil departments (inflow of 23.041 cases)
- Cantonal courts collective norm average: 151%
- Cantonal courts performance quality: 77 % confirmed decisions, 11% of modified and 12% of reversed decisions

During 2008 at 5 district courts in **Republika Srpska**, there were 61 judges who performed their duties on a regular basis and 6 additional judges (in total: 67 judges), which makes an average of 13.4 judges per court.

Table 24: Case flow at 5 District Courts in Republika Srpska during 2008 – per type of case

Type of Case	Outstanding cases as of 1 Jan. 2008	Cases received during 2008	Total number of pending cases during 2008	Cases completed during 2008	Outstanding cases as of 31 Dec. 2008
	I	II	III = I + II	IV	V = III - IV
Civil Department					
GŽ	3,389	4,674	8,063	6,092	1,971
PŽ	515	1,057	1,572	1,211	361
Other*	195	787	982	908	74
Total	4,099	6,518	10,617	8,211	2,406
Criminal Department					
K	43	186	229	173	56
RZ	1	4	5	4	1
Kž	53	870	923	864	59
Kv	8	403	411	397	14
Kpp	24	564	588	548	40
Kps	19	153	172	155	17
Kr	4	114	118	117	1
Kp	5	85	90	89	1
Kmž	1	11	12	12	0
Kžk	35	102	137	89	48
Iksž	0	123	123	122	1
Pkž	0	0	0	0	0
Pžp*	144	2,071	2,215	2,140	75
Pvl	0	0	0	0	0
Other*	4	145	149	138	11
Total	341	4,831	5,172	4,848	324
Administrative Department					
U	809	2,011	2,820	2,167	653
Uvl	7	13	20	13	7
Uz	0	14	14	11	3
Uvp	0	0	0	0	0
Other*	0	0	0	0	0
Total	816	2,038	2,854	2,191	663
GRAND TOTAL	5,256	13,387	18,643	15,250	3,393

Table 25: Ratio between the received, completed and outstanding cases at the District Courts in percentages

Department	Changes concerning the outstanding cases*	Flow coefficient**	Number of years required for completion of the outstanding cases***
	I	II	III
Civil Department	-41.30%	125.97%	0.3
Criminal Department	-4.99%	100.35%	0.1
Administrative Department	-18.75%	107.51%	0.3
TOTAL	-35.45%	113.92%	0.2

Roman numerals shown below mark columns in the tables above.

* I: (V/I)-1 illustrates the ratio between the relative change in the number of outstanding cases as of 31 December, 2008 and the number of those as of 1 January 2008. Percentages shown without a sign „-“ indicate the increased number of outstanding cases, whereas the percentages which include this sign indicate the decrease in outstanding cases.

** II: IV/II illustrates the ratio between the completed cases and those received during 2008. Therefore, the larger number of the completed cases compared with the number of the received cases is presented in percentages higher than 100% and vice versa, the smaller number of completed cases relative to the inflow of cases is presented in percentages lower than 100%.

*** III: V/IV illustrates the ratio between the number of outstanding cases as of 31 December, 2008 relative to the number of cases completed during 2008, and indicates the time required for the completion of outstanding cases.

The basic characteristics of performance of the district courts in the reporting 2008 year are as follows:

- Downward trend in case inflow.
- Downward trend in the number of the completed cases.
- Downward trend in the outstanding cases, particularly with regard to the second-instance litigation cases (GŽ)
- About 200 cases per judge were received and about 228 of cases were completed
- Most received cases were registered within the civil departments (inflow of 6.518 cases).
- District Courts performance quality: 134%
- Performance quality of District Courts: 73% of confirmed, 10% of modified and 17% of reversed decisions

CONCLUSION

Summing up the situation at the cantonal and district courts during 2008, we noticed an evident case flow increase, by 5,603 cases, at the cantonal courts during 2008, compared to the last year. In contrast, the district courts received 861 cases less than in 2007. Therefore, the total inflow of cases at the district and cantonal courts was larger by 4,742 cases in 2008, than in 2007.

During 2008, the district and cantonal courts completed a smaller number of cases than they received during the same period of time, that is, there were 50,436 completed cases compared to 51,377 received ones.

The foregoing trends resulted in the increased number of outstanding cases at the end of 2008 (at cantonal and district courts – in total) compared to 2007, by which the downward trend of the outstanding cases at this level courts had stopped.

As for the flow coefficient taken as the ratio between the received and the completed cases on an annual basis, it can be considered to be quite satisfactory with its 98.2%, whereas it is very good at the criminal departments with its 107.9%.

In general, it can be said that the cantonal and the district courts are relatively prompt, which is also supported by the illustration suggesting that the old and outstanding cases could be completed in 0.6 years.

INDIVIDUAL PERFORMANCE REPORTS OF THE CANTONAL AND DISTRICT COURTS

A. CANTONAL COURTS IN THE FEDERATION OF BIH

CANTONAL COURT IN BIHAĆ

Regular Judges: 13

Reserve Judges: 2

Department	Outstanding cases as of 1 Jan. 2008	Cases received during 2008	Total number of cases pending during 2008	Cases completed during 2008	Outstanding cases as of 31 Dec.2008
	I	II	III = I + II	IV	V = III - IV
Civil Department	3,369	2,283	5,652	2,144	3,508
Criminal Department	212	1,000	1,212	1,004	208
Administrative Department	562	410	972	520	452
TOTAL	4,143	3,693	7,836	3,668	4,168

Collective quota of the Court: 97,4%

Court performance quality: 73% of the decisions were confirmed, 10% - modified and 17% reversed.

CANTONAL COURT IN GORAŽDE

Regular Judges: 4

Reserve Judges: 0

Department	Outstanding cases as of 1 Jan. 2008	Cases received during 2008	Total number of cases pending during 2008	Cases completed during 2008	Outstanding cases as of 31 Dec.2008
	I	II	III = I + II	IV	V = III - IV
Civil Department	6	949	955	953	2
Criminal Department	1	71	72	72	0
Administrative Department	5	67	72	64	8
TOTAL	12	1,087	1,099	1,089	10

Collective quota of the court: 163,0%

Court performance quality: 79% of the decisions were confirmed, 9% - modified and 12% - reversed

CANTONAL COURT IN LIVNO

Regular Judges : 4

Reserve Judges: 0

Department	Outstanding cases as of 1 Jan. 2008	Cases received during 2008	Total number of cases pending during 2008	Cases completed during 2008	Outstanding cases as of 31 Dec.2008
	I	II	III = I + II	IV	V = III - IV
Civil Department	143	953	1,096	756	340
Criminal Department	22	298	320	298	22
Administrative Department	43	125	168	150	18
TOTAL	208	1,376	1,584	1,204	380

Collective quota of the court: 148,0%

Court performance quality: 85% of the decisions were confirmed, 6% - modified and 9% - reversed

CANTONAL COURT IN MOSTAR

Regular Judges : 15

Reserve Judges: 0

Department	Outstanding cases as of 1 Jan. 2008	Cases received during 2008	Total number of cases pending during 2008	Cases completed during 2008	Outstanding cases as of 31 Dec.2008
	I	II	III = I + II	IV	V = III - IV
Civil Department	282	2,425	2,707	1,916	791
Criminal Department	155	726	881	793	88
Administrative Department	298	1,995	2,293	1,721	572
TOTAL	735	5,146	5,881	4,430	1,451

Collective quota of the court: 142,0%

Court performance quality: 66% of the decisions were confirmed, 15% - modified and 19% - reversed

CANTONAL COURT IN ODŽAK

Regular Judges: 3

Reserve Judges: 0

Department	Outstanding cases as of 1 Jan. 2008	Cases received during 2008	Total number of cases pending during 2008	Cases completed during 2008	Outstanding cases as of 31 Dec.2008
	I	II	III = I + II	IV	V = III - IV
Civil Department	0	467	467	465	2
Criminal Department	8	168	176	170	6
Administrative Department	6	66	72	68	4
TOTAL	14	701	715	703	12

Collective quota of the court: 136,9%

Court performance quality: 73% of the decisions were confirmed, 7% - modified and 20% - reversed

CANTONAL COURT IN SARAJEVO

Regular Judges: 28

Reserve Judges: 4

Department	Outstanding cases as of 1 Jan. 2008	Cases received during 2008	Total number of cases pending during 2008	Cases completed during 2008	Outstanding cases as of 31 Dec.2008
	I	II	III = I + II	IV	V = III - IV
Civil Department	6,950	6,760	13,710	4,820	8.890
Criminal Department	1,191	1,792	2,983	2,291	692
Administrative Department	2,902	1,536	4,438	1,467	2.971
TOTAL	11,043	10,088	21,131	8,578	12.553

Collective quota of the court: 141,0%

Court performance quality: 80% of the decisions were confirmed, 10% - modified and 10% - reversed

CANTONAL COURT IN ŠIROKI BRIJEG

Regular Judges: 4

Reserve Judges: 0

Department	Outstanding cases as of 1 Jan. 2008	Cases received during 2008	Total number of cases pending during 2008	Cases completed during 2008	Outstanding cases as of 31 Dec.2008
	I	II	III = I + II	IV	V = III - IV
Civil Department	128	624	752	601	151
Criminal Department	17	213	230	198	32
Administrative Department	25	248	273	232	41
TOTAL	170	1,085	1,255	1,031	224

Collective quota of the court: 184,0%

Court performance quality: 64% of the decisions were confirmed, 21% - modified and 15% - reversed

CANTONAL COURT IN NOVI TRAVNIK

Regular Judges: 9

Reserve Judges: 1

Department	Outstanding cases as of 1 Jan. 2008	Cases received during 2008	Total number of cases pending during 2008	Cases completed during 2008	Outstanding cases as of 31 Dec.2008
	I	II	III = I + II	IV	V = III - IV
Civil Department	871	1.561	2.432	1.459	973
Criminal Department	513	979	1.492	1.116	376
Administrative Department	225	559	784	463	321
TOTAL	1,609	3,099	4,708	3,038	1,670

Collective quota of the Court: 160,0%

Court performance quality: 70% of the decisions were confirmed, 20% - modified and 10% - reversed

CANTONAL COURT IN TUZLA

Regular Judges: 19

Reserve Judges: 1

Department	Outstanding cases as of 1 Jan. 2008	Cases received during 2008	Total number of cases pending during 2008	Cases completed during 2008	Outstanding cases as of 31 Dec.2008
	I	II	III = I + II	IV	V = III - IV
Civil Department	1,886	3,457	5,343	2,955	2,388
Criminal Department	452	1,824	2,276	1,853	423
Administrative Department	900	629	1,529	642	887
TOTAL	3,238	5,910	9,148	5,450	3,698

Collective quota of the Court: 162,8%

Court performance quality: 73% of the decisions were confirmed, 10% - modified and 17% - reversed

CANTONAL COURT IN ZENICA

Regular Judges: 16

Reserve Judges: 2

Department	Outstanding cases as of 1 Jan. 2008	Cases received during 2008	Total number of cases pending during 2008	Cases completed during 2008	Outstanding cases as of 31 Dec.2008
	I	II	III = I + II	IV	V = III - IV
Civil Department	1,729	3,562	5,291	3,400	1,891
Criminal Department	388	1,574	1,962	1,897	65
Administrative Department	302	669	971	698	273
TOTAL	2,419	5,805	8,224	5,995	2,229

Collective quota of the Court: 178,3%

Court performance quality: 86% of the decisions were confirmed, 7% - modified and 7% - reversed

B. DISTRICT COURTS IN REPUBLIKA SRPSKA DISTRICT COURT IN BANJA LUKA

Regular Judges: 29

Reserve Judges: 4

Department	Outstanding cases as of 1 Jan. 2008	Cases received during 2008	Total number of cases pending during 2008	Cases completed during 2008	Outstanding cases as of 31 Dec.2008
	I	II	III = I + II	IV	V = III - IV
Civil Department	1,048	3,266	4,314	4,071	243
Criminal Department	155	2,270	2,425	2,284	141
Administrative Department	542	1,196	1,738	1,261	477
TOTAL	1,745	6,732	8,477	7,616	861

Collective quota of the Court: 115,8%

Court performance quality: 78% of the decisions were confirmed, 8% - modified and 14% - reversed

DISTRICT COURT IN BIJELJINA

Regular Judges: 11

Reserve Judges: 2

Department	Outstanding cases as of 1 Jan. 2008	Cases received during 2008	Total number of cases pending during 2008	Cases completed during 2008	Outstanding cases as of 31 Dec.2008
	I	II	III = I + II	IV	V = III - IV
Civil Department	1,436	1,182	2,618	1,613	1,005
Criminal Department	68	940	1,008	942	66
Administrative Department	80	355	435	373	62
TOTAL	1,584	2,477	4,061	2,928	1.133

Collective quota of the Court: 136,0%

Court performance quality: 61% of the decisions were confirmed, 17% - modified and 22% - reversed

DISTRICT COURT IN DOBOJ

Regular Judges: 9

Reserve Judges: 0

Department	Outstanding cases as of 1 Jan. 2008	Cases received during 2008	Total number of cases pending during 2008	Cases completed during 2008	Outstanding cases as of 31 Dec.2008
	I	II	III = I + II	IV	V = III - IV
Civil Department	687	809	1,496	923	573
Criminal Department	12	766	778	753	25
Administrative Department	55	190	245	213	32
TOTAL	754	1,765	2,519	1,889	630

Collective quota of the Court: 136.3%

Court performance quality: 74% of the decisions were confirmed, 11% - modified and 15% - reversed

DISTRICT COURT IN EAST SARAJEVO

Regular Judges: 7

Reserve Judges: 1

Department	Outstanding cases as of 1 Jan. 2008	Cases received during 2008	Total number of cases pending during 2008	Cases completed during 2008	Outstanding cases as of 31 Dec.2008
	I	II	III = I + II	IV	V = III - IV
Civil Department	634	682	1,316	957	359
Criminal Department	69	451	520	469	51
Administrative Department	85	181	266	205	61
TOTAL	788	1,314	2,102	1,631	471

Collective quota of the Court: 149.0%

Court performance quality: 64% of the decisions were confirmed, 17% - modified and 19% - reversed

DISTRICT COURT IN TREBINJE

Regular Judges: 5

Reserve Judges: 0

Department	Outstanding cases as of 1 Jan. 2008	Cases received during 2008	Total number of cases pending during 2008	Cases completed during 2008	Outstanding cases as of 31 Dec.2008
	I	II	III = I + II	IV	V = III - IV
Civil Department	294	579	873	647	226
Criminal Department	37	404	441	400	41
Administrative Department	54	116	170	139	31
TOTAL	385	1,099	1,484	1,186	298

Collective quota of the Court: 133,1%

Court performance quality: 65% of the decisions were confirmed, 10% - modified and 25% - reversed

MUNICIPAL AND BASIC COURTS IN BOSNIA AND HERZEGOVINA

As regulated by the court legislation, the municipal and basic courts in Bosnia and Herzegovina have jurisdiction to process criminal cases punishable by a term of up to 10 years imprisonment, over juvenile justice proceedings and all civil legal actions within the regular litigation proceedings, out-of-court, enforcement and minor offence proceedings, as well as over the proceedings pertaining to entering of the rights into the land-registries. The municipal and basic courts with the commercial departments have special jurisdiction, considering that these departments process special economic cases and register legal entities, and which are also responsible for the territory of the entire Canton in the Federation of BiH, that is, a relevant district court in Republika Srpska.

From 1 July, 2009 onwards, the cases falling within the material jurisdiction of the commercial departments with the basic courts will be processed by the commercial courts in Republika Srpska.

Table 27: Flow of Cases in the Municipal and Basic Courts during 2008 – per Entity

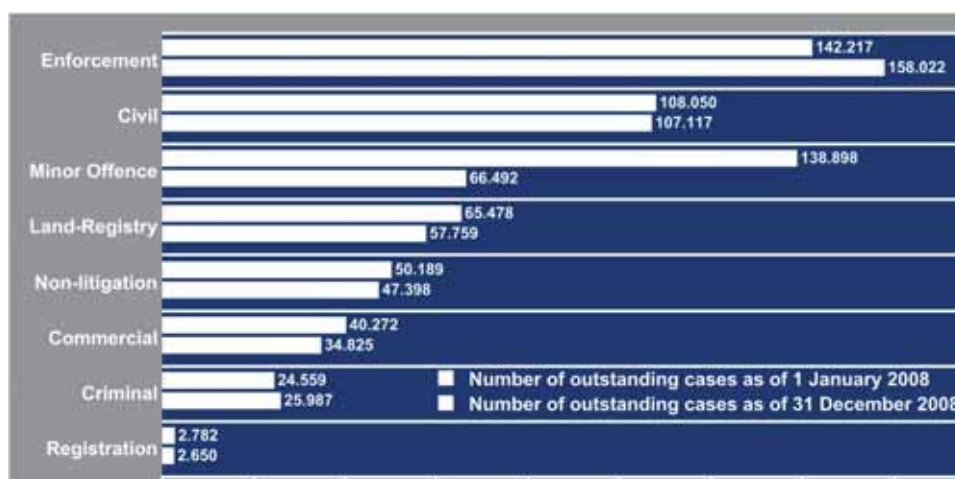
Entity	Outstanding cases as of 1 Jan. 2008	Cases received during 2008	Total number of cases pending during 2008	Cases completed during 2008	Outstanding cases as of 31 Dec. 2008
	I	II	III = I + II	IV	V = III - IV
Federation of BiH	328,544	427,358	755,902	434,260	321,642
Republika Srpska	105,003	173,823	278,826	166,710	112,116
TOTAL	433,547	601,181	1,034,728	600,970	433,758
Minor Offence Dep.					
Federation of BiH	87,072	44,026	131,098	94,523	36,575
Republika Srpska	51,826	27,022	78,848	48,931	29,917
TOTAL	138,898	71,048	209,946	143,454	66,492
Federation of BiH	415,616	471,384	887,000	528,783	358,217
Republika Srpska	156,829	200,845	357,674	215,641	142,033
TOTAL	572,445	672,229	1,244,674	744,424	500,250

As already stated on page one of the Annex to the Court Performance Report, the cases pertaining to outstanding debts for utility services (so called "utility cases") are illustrated in a separate chapter of the annual report.

I SITUATION AT THE MUNICIPAL AND BASIC COURTS IN EARLY 2008

The largest part of 572,445 cases which were, in early 2008, carried over from the previous years, included enforcement (25%), minor offence (24%) and civil (19%) cases.

Diagram 20: Structure of outstanding cases at the municipal and basic courts as of 1 January and 31 December 2008 – per type of case



II PERFORMANCE OF MUNICIPAL AND BASIC COURTS DURING 2008

During 2008, all municipal and basic courts in Bosnia and Herzegovina operated with **1,244,674** cases in total. According to the 2008 performance data provided by the courts at this level, the total number of outstanding cases was **572,445** as of 1 January, 2008. In contrast, the number of the outstanding cases at the municipal and basic courts was much higher on 31 December, 2007, that is, there were 625,894 such cases. Consequently, there are considerable discrepancies between the referenced data on the outstanding cases. Comparison between 2007 and 2008 data indicates that the stated discrepancies resulted from the fact that some of these courts erroneously presented the cases of the enforcements of the minor offence sanctions (**Ips**) in 2007 as if they were the first-instance minor offence cases (**Pr**). To wit, in the 2007 statistical forms, HJPC did not ask for the performance results of the minor offence departments pertaining to **Ips** cases. However, by the 2008 statistical forms, the HJPC asked the municipal and basic courts to, apart from performance data pertaining to the **Pr** cases, also present data on **Ips** cases. Such a change in reporting directly resulted in a reduced number of the outstanding **Pr** cases at some courts as of 1 January, 2008, compared to 31 December, 2007, because these courts, as already stated, presented the **Ips** cases as **Pr** cases in their 2007 Reports. However, the work on **Ips** cases is administrative-technical in nature and does not require the engagement of the judges, unlike the **Pr** cases being decided on by the judges. Due to such nature, the **Ips** cases have not been included in the summary performance data of the municipal and basic courts.

During 2008, **672,229** cases were received by the municipal and basic courts. Considering that **744,424** cases were completed during 2008, **500,250** outstanding cases will be carried over to 2009.

The comparison of data with that in 2007 indicates that the inflow of cases at the municipal and basic courts decreased by 10% during 2008. This is caused by the considerable decrease in the received minor offence cases, which has been elaborated in the part of this Annex pertaining to the summary performance report of the courts. The significant decrease of 20% in the received cases was registered with regard to enforcement cases.

In the structure of the received cases, the land-registry cases were predominant and so were the minor offence cases, regardless of the inflow decrease.

The municipal and basic courts had 74% of the confirmed, 11% of the modified and 15% of the reversed verdicts during 2008, with the collective quota of 144 %.

Diagram 21: Structure of the received cases at the municipal and basic courts during 2008 – per type of case

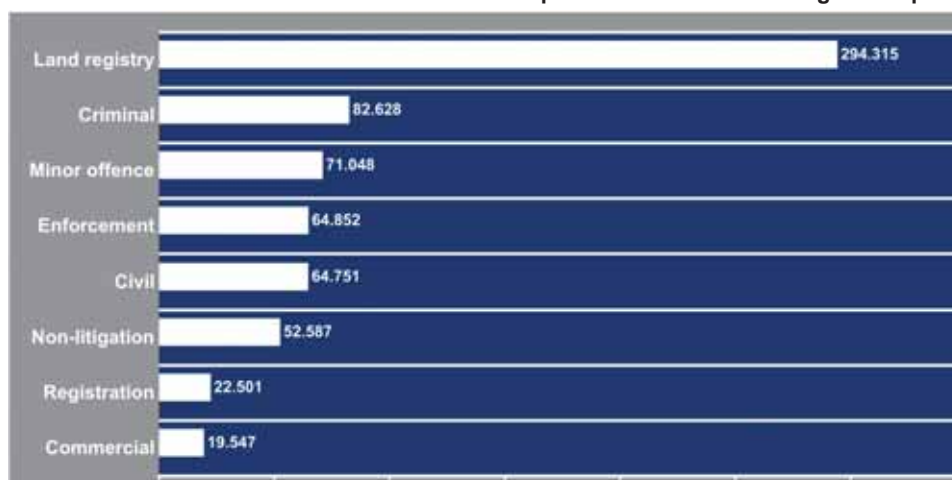


Table 28: Case flow at the municipal and basic courts during 2008 – per type

Type of case	Outstanding cases as of 1 Jan. 2008	Cases received during 2008	Total number of cases pending during 2008	Cases completed during 2008	Outstanding cases as of 31 Dec. 2008
	I	II	III = I + II	IV	V = III - IV
Civil cases					
P	58,906	35,280	94,186	33,256	60,930
Mal	28,203	16,543	44,746	17,941	26,805
Labour litigation	20,656	12,867	33,523	14,422	19,101
Other*	285	61	346	65	281
Total	108,050	64,751	172,801	65,684	107,117
Commercial cases					
Ps	18,166	7,166	25,332	11,409	13,923
Mals	20,195	10,965	31,160	12,302	18,858
L	1,316	1,117	2,433	981	1,452
St	519	299	818	254	564
Pk	56	0	56	48	8
Other*	20	0	20	0	20
Total	40,272	19,547	59,819	24,994	34,825
Criminal cases					
K	14,940	17,309	32,249	15,878	16,371
Kpp	588	8,101	8,689	8,119	570
Kps	3,697	9,432	13,129	9,717	3,412
Kr	118	34,438	34,556	33,874	682
Km	1,215	1,343	2,558	1,272	1,286
Kv	1,002	7,649	8,651	7,666	985
Kp	77	101	178	113	65
lks	2,918	4,250	7,168	4,552	2,616
Other*	4	5	9	9	0
Total	24,559	82,628	107,187	81,200	25,987
Enforcement cases					
I	121,763	54,701	176,464	38,600	137,864
Ip	20,365	9,835	30,200	10,213	19,987
Other*	89	316	405	234	171
Total	142,217	64,852	207,069	49,047	158,022
Out-of-Court cases					
V	10,710	15,278	25,988	14,857	11,131
O	38,957	35,548	74,505	38,935	35,570
Other*	522	1,761	2,283	1,586	697
Total	50,189	52,587	102,776	55,378	47,398
Reg. of business entities	2,782	22,501	25,283	22,633	2,650
Land-registry cases	65,478	294,315	359,793	302,034	57,759
Minor Offence Department	138,898	71,048	209,946	143,454	66,492
GRAND TOTAL	572,445	672,229	1,244,674	744,424	500,250

Table 29: Ratio between the received, completed and outstanding cases at the Municipal and Basic Courts- in percentages

Type of Cases	Changes concerning the outstanding cases*	Flow coefficient**	Number of years required for completion of the outstanding cases***
	I	II	III
Civil cases	-0.86%	101.44%	1.6
Economic cases	-13.53%	127.87%	1.4
Criminal cases	5.81%	98.27%	0.3
Enforcement cases	11.11%	75.63%	3.2
Out-of-court cases	-5.56%	105.31%	0.9
Registration of business entities	-4.74%	100.59%	0.1
Land-registry cases	-11.79%	102.62%	0.2
Minor Offence Department	-52.13%	201.91%	0.5
TOTAL	-12.61%	110.74%	0.7

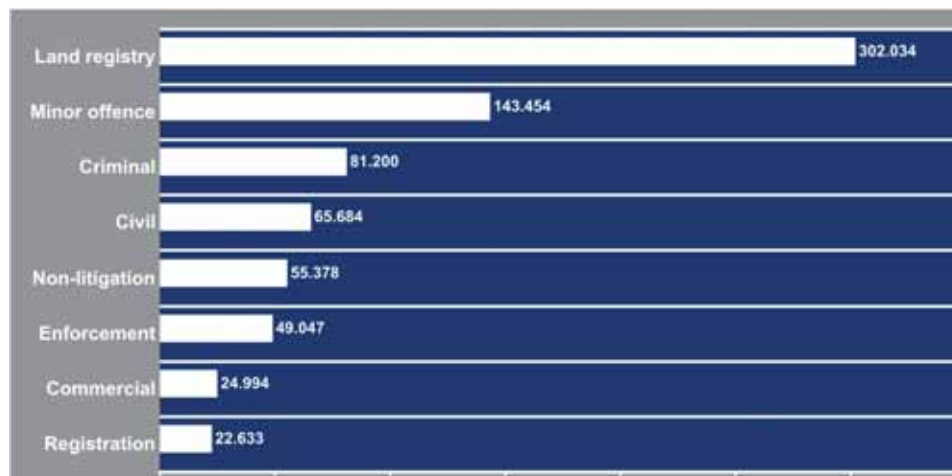
Roman numerals shown below mark columns in the tables above.

- * I: (V/I)-1 illustrates the ratio between the relative change in the number of outstanding cases as of 31 December, 2008 and the number of those as of 1 January, 2008. Percentages shown without a sign „-“ indicate the increased number of outstanding cases, whereas the percentages which include this sign indicate the decrease in outstanding cases.
- ** II: IV/III illustrates the ratio between the completed cases and those received during 2008. Therefore, the larger number of the completed cases compared with the number of the received cases is presented in percentages higher than 100% and vice versa, the smaller number of completed cases relative to the inflow of cases is presented in percentages lower than 100%.
- *** III: V/IV illustrates the ratio between the number of outstanding cases as of 31 December, 2008 relative to the number of cases completed during 2008, and indicates the time required for the completion of outstanding cases.

The statistical data shown in the tables above clearly indicates that the land-registry, enforcement and minor offence cases were predominant at the municipal and basic courts. These cases constituted 62% of the total number of pending cases last year.

The number of outstanding cases at the end of the year decreased by 13%, compared to the end of 2007, and it amounted to 500,250 cases.

Diagram 22: Structure of cases completed at the municipal and basic courts during 2008 – per type of case



The case flow coefficient at the municipal and basic courts is 111%, which means that these Courts completed more cases than they received last year, by 11%. According to the current estimates, 0.7 year is required for the outstanding cases to be completed at the end of the year.

The flow coefficient was the smallest for **enforcement cases** (76%). If this case completion dynamics continues, 3.2 years will be required for their completion. Like last year, the best flow coefficient referred to the respective minor offence (202%) and the commercial cases (128%).

With regard to the performance of the courts at this level, it should be noted that the case completion dynamics for criminal cases was satisfactory during 2008. Most criminal cases completed during 2008 refer to *Kr* cases, that is, 42% of the total number of the completed cases. The courts completed a slightly larger number of the received *Kpp*, *Kps* and *Kv* cases than received. However, the courts did not manage to complete the inflow of the first-instance criminal cases, considering that they completed 15,878 cases and received 17,309 of these cases. Of the total number of the verdicts rendered in criminal cases, 95% of them were convicting, of which, 66% were rendered based on guilty peals, plea bargains or warrants. Furthermore, 84% of criminal cases are completed within no more than a year.

In 61 cases, illegal gains resulting from the perpetration of a criminal offence were confiscated in the amount of KM 1,560,890.00. In 3,013 cases, fines were ordered in the total amount of KM 1,669,757.00.

Minor offence cases have the best flow coefficient being 202%. Most minor offence cases (56%) were completed by the decisions finding the accused responsible for the minor offence, that is, due to failure to act.

With regard to the **civil and commercial cases**, a conclusion may also be reached that these are case types which can be handled in line with their inflow. However, the enormous backlogs from the previous years are the important characteristic of these cases. It is exactly for these reasons that the proceedings for these cases last a little bit longer (36% - up to one year, 25% - from 1 to 2 years, 19% - from 2 to 3 years, 19% - more than 3 years). However, during 2008, there were 3,548 settlements of dispute, 1,032 cases were completed by virtue of mediation, while 48% of verdicts were rendered due to failure to act.

Regarding **enforcement cases**, there was a considerable decrease in the received cases compared to 2007. Notwithstanding such a trend, the number of outstanding cases increased at the end of 2008, as the courts completed no more than 76 % of the received cases.

In the further course, this chapter provides the diagrams illustrating certain parameters of the municipal and basic courts' performance.

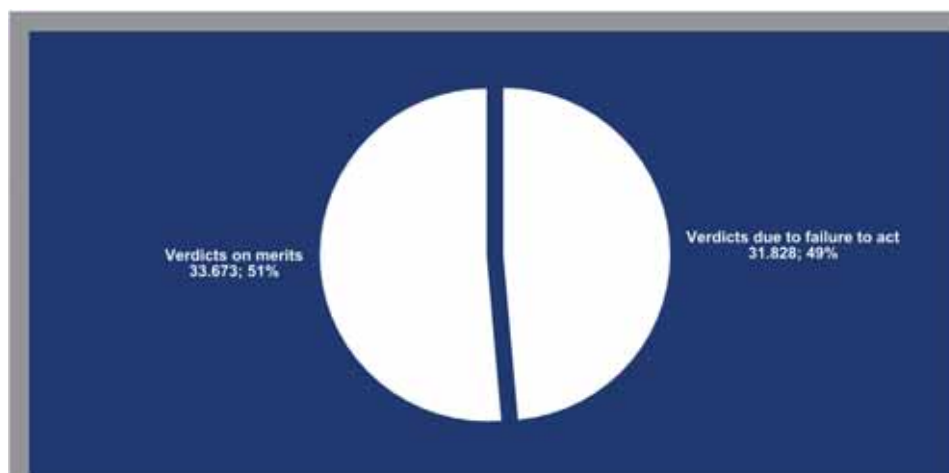
Diagram 23: Ratio between the acquittals, dismissals and convictions at the municipal and basic courts



Diagram 24: Verdicts rendered in criminal cases with the municipal and basic courts



Diagram 25: Structure of verdicts, on merits and procedural, rendered in civil and commercial cases at the municipal and basic courts



During 2008 in the **Federation of Bosnia and Herzegovina**, 384 regular judges, 28 reserve judges and 88 judicial associates worked at the 28 Municipal Courts, which makes an average of 18 judicial position holders per municipal court

Table 30: Case flow at 28 Municipal Courts in the Federation of BiH during 2008 – per type of case

Type of Case	Outstanding cases as of 1 Jan. 2008	Cases received during 2008	Total number of cases pending during 2008	Cases completed during 2008	Outstanding cases as of 31 Dec. 2008
	I	II	III = I + II	IV	V = III - IV
Civil cases					
P	37,654	22,943	60,597	22,735	37,862
Mal	20,149	11,601	31,750	13,153	18,597
Labour litigation	16,761	11,793	28,554	12,585	15,969
Other*	285	61	346	65	281
Total	74,849	46,398	121,247	48,538	72,709
Economic cases					
Ps	12,558	4,493	17,051	8,371	8,680
Mals	16,799	8,595	25,394	10,504	14,890
L	998	802	1,800	752	1,048
St	230	135	365	88	277
Pk	56	0	56	48	8
Other*	20	0	20	0	20
Total	30,661	14,025	44,686	19,763	24,923
Criminal cases					
K	9,447	11,547	20,994	10,407	10,587
Kpp	348	5,188	5,536	5,239	297
Kps	2,305	6,667	8,972	6,702	2,270
Kr	77	16,522	16,599	16,565	34
Km	908	983	1,891	846	1,045
Kv	674	5,461	6,135	5,343	792
Kp	59	23	82	25	57
Iks	2,341	2,979	5,320	3,268	2,052
Other*	0	3	3	3	0
Total	16,159	49,373	65,532	48,398	17,134
Enforcement cases					
I	106,760	39,286	146,046	32,207	113,839
Ip	17,551	7,022	24,573	8,370	16,203
Other*	52	204	256	98	158
Total	124,363	46,512	170,875	40,675	130,200
Out-of-Court cases					
V	5,550	8,743	14,293	8,252	6,041
O	22,029	21,024	43,053	22,603	20,450
Other*	395	991	1,386	867	519
Total	27,974	30,758	58,732	31,722	27,010
Registration of business entities	1,565	17,345	18,910	16,942	1,968
Land-registry cases	52,973	222,947	275,920	228,222	47,698
Minor Offence Department	87,072	44,026	131,098	94,523	36,575
GRAND TOTAL	415,616	471,384	887,000	528,783	358,217

Table 31: Ratio between the Received, Completed and Outstanding Cases at the Municipal Courts

Type of cases	Changes concerning the outstanding cases*	Flow coefficient**	Number of years required for completion of the outstanding cases***
	I	II	III
Civil cases	-2.86%	104.61%	1.5
Economic cases	-18.71%	140.91%	1.3
Criminal cases	6.03%	98.03%	0.4
Enforcement cases	4.69%	87.45%	3.2
Out-of-Court cases	-3.45%	103.13%	0.9
Registration of business entities	25.75%	97.68%	0.1
Land-registry cases	-9.96%	102.37%	0.2
Minor Offence Department	-57.99%	214.70%	0.4
TOTAL	-13.81%	112.18%	0.7

Roman numerals shown below mark columns in the tables above.

* I: (V/I)-1 illustrates the ratio between the relative change in the number of outstanding cases as of 31 December, 2008 and the number of those as of 1 January, 2008. Percentages shown without a sign „-“ indicate the increased number of outstanding cases, whereas the percentages which include this sign indicate the decrease in outstanding cases.

** II: IV/II illustrates the ratio between the completed cases and those received during 2008. Therefore, the larger number of the completed cases compared with the number of the received cases is presented in percentages

higher than 100% and vice versa, the smaller number of completed cases relative to the inflow of cases is presented in percentages lower than 100%.

*** III: V/IV illustrates the ratio between the number of outstanding cases as of 31 December, 2008 relative to the number of cases completed during 2008, and indicates the time required for the completion of outstanding cases.

The basic characteristics of performance of the municipal courts in the reporting 2008 year are as follows:

- Upward trend in the case inflow, taking into account the inflow of the land-registry cases
- Downward trend in case inflow, without taking into account the inflow of the land-registry cases
- Downward trend in the number of the completed cases
- Downward trend in the number of the outstanding cases at the end of the year
- The largest number of the cases to be processed pertained to the land-registry cases (222,947 cases) and the criminal cases (49,373 cases of which 16,522 Kr cases).
- Municipal Courts performance quality: 78% of confirmed decisions, 12% of modified and 10% of reversed decisions
- Performance quality of the Municipal Courts: 150% of the approximate norm

During 2008 in Republika Srpska, at 19 Basic Courts there were 195 regular judges, 20 reserve judges and 34 judicial associates, which makes an average of about 13 holders of judicial positions per basic court.

Table 32: Case flow at 19 Basic Courts in Republika Srpska during 2008 – per type of case

Type of Case	Outstanding cases as of 1 Jan. 2008	Cases received during 2008	Total number of cases pending during 2008	Cases completed during 2008	Outstanding cases as of 31 Dec. 2008
	I	II	III = I + II	IV	V = III - IV
Civil cases					
P	21,252	12,337	33,589	10,521	23,068
Mal	8,054	4,942	12,996	4,788	8,208
Labour litigation	3,895	1,074	4,969	1,837	3,132
Other*	0	0	0	0	0
Total	33,201	18,353	51,554	17,146	34,408
Economic cases					
Ps	5,608	2,673	8,281	3,038	5,243
Mals	3,396	2,370	5,766	1,798	3,968
L	318	315	633	229	404
St	289	164	453	166	287
Pk	0	0	0	0	0
Other*	0	0	0	0	0
Total	9,611	5,522	15,133	5,231	9,902
Criminal cases					
K	5,493	5,762	11,255	5,471	5,784
Kpp	240	2,913	3,153	2,880	273
Kps	1,392	2,765	4,157	3,015	1,142
Kr	41	17,916	17,957	17,309	648
Km	307	360	667	426	241
Kv	328	2,188	2,516	2,323	193
Kp	18	78	96	88	8
lks	577	1,271	1,848	1,284	564
Other*	4	2	6	6	0
Total	8,400	33,255	41,655	32,802	8,853
Enforcement cases					
I	15,003	15,415	30,418	6,393	24,025
Ip	2,814	2,813	5,627	1,843	3,784
Other*	37	112	149	136	13
Total	17,854	18,340	36,194	8,372	27,822
Out-of-Court cases					
V	5,160	6,535	11,695	6,605	5,090
O	16,928	14,524	31,452	16,332	15,120
Other*	127	770	897	719	178
Total	22,215	21,829	44,044	23,656	20,388
Reg. of business entities	1,217	5,156	6,373	5,691	682
Land-registry cases	12,505	71,368	83,873	73,812	10,061
Minor Offence Department	51,826	27,022	78,848	48,931	29,917
GRAND TOTAL	156,829	200,845	357,674	215,641	142,033

Table 33: Ratio between the Received, Completed and Outstanding Cases at the Basic Courts- in percentages

Type of cases	Changes concerning the outstanding cases*	Flow coefficient**	Number of years required for completion of the outstanding cases***
	I	II	III
Civil cases	3.64%	93.42%	2.0
Economic cases	3.03%	94.73%	1.9
Criminal cases	5.39%	98.64%	0.3
Enforcement cases	55.83%	45.65%	3.3
Out-of-court cases	-8.22%	108.37%	0.9
Registration of business entities	-43.96%	110.38%	0.1
Land-registry cases	-19.54%	103.42%	0.1
Minor Offence Department	-42.27%	181.08%	0.6
TOTAL	-9.43%	107.37%	0.7

Roman numerals shown below mark columns in the tables above.

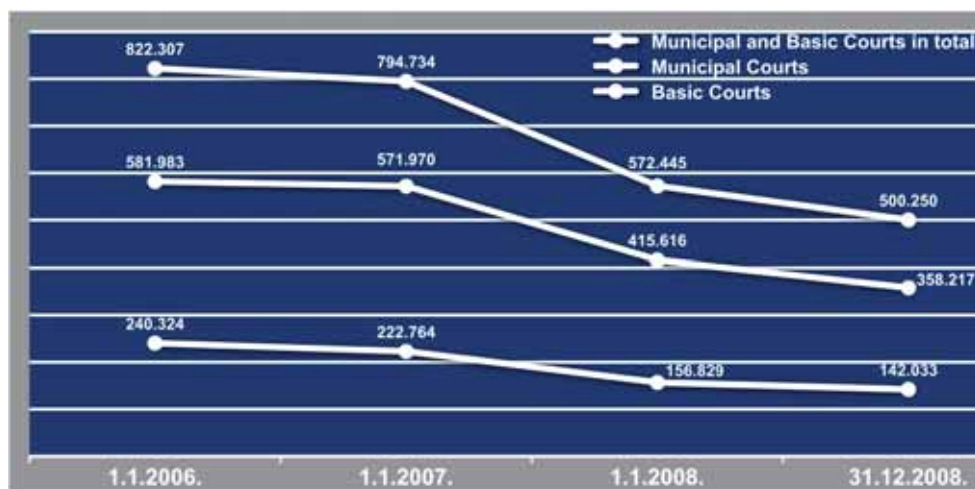
- * I: (V/I)-1 illustrates the ratio between the relative change in the number of outstanding cases as of 31 December, 2008 and the number of those as of 1 January, 2008. Percentages shown without a sign „-“ indicate the increased number of outstanding cases, whereas the percentages which include this sign indicate the decrease in outstanding cases.
- ** II: IV/III illustrates the ratio between the completed cases and those received during 2008. Therefore, the larger number of the completed cases compared with the number of the received cases is presented in percentages higher than 100% and vice versa, the smaller number of completed cases relative to the inflow of cases is presented in percentages lower than 100%.
- *** III: V/IV illustrates the ratio between the number of outstanding cases as of 31 December, 2008 relative to the number of cases completed during 2008, and indicates the time required for the completion of outstanding cases.

The basic characteristics of performance of the basic courts in the reporting 2008 year are as follows:

- Slightly downward trend in case inflow, considering the inflow of land-registry cases
- Considerably downward trend in inflow of cases, considering the inflow of land-registry cases
- Downward trend in the number of completed cases
- Downward trend in the number of outstanding cases at the end of the year.
- The largest inflow of cases was recorded at the land-registry (71,368 cases) and criminal cases (33,255 cases, of which 17,916 were Kr cases)).
- Performance quality of the Basic Courts: 70% of confirmed, 10% of modified and 20% of reversed decisions.
- Performance quality of the Basic Courts: 138% of the approximate norm

III SITUATION AT THE MUNICIPAL AND BASIC COURTS AT THE END OF 2008

Diagram 26: The situation concerning the outstanding cases at the municipal and basic courts from 1 January, 2006 to 31 December, 2008



As illustrated in the diagram above, the number of the outstanding cases is considerably decreasing every year. This is primarily caused by the decreasing number of the outstanding minor offence cases.

CONCLUSION

The analysis comparing the statistical parameters of the courts' performance during the reporting period with the previous years' parameters indicates that there are several trends thereof.

The number of cases carried over to the next year also decreased in 2008, primarily owing to the smaller inflow of cases at these Courts. Furthermore, results achieved by most basic and municipal courts considerably exceeded the collective norm being the approximate parameter concerning the number of cases which are supposed to be completed within a certain period of time.

As for the case-inflow trends, it is noteworthy that this year, the long-lasting increase in case inflow at these courts discontinued. Except for the inflow of the land-registry cases which increased in comparison with the inflow of this type of cases in 2007, the total received cases for other case types during 2008 was much smaller (by about 152,000 cases) compared to the total number in 2007. With this regard, it should be noted that the critical decrease in the number of cases was recorded for minor offence cases. To wit, during 2007, the inflow of this type of cases was 182,666, while, there were 71,048 of them during 2008.

In general, it can be stated that the first-instance courts decide on such a scope of cases under their jurisdiction which exceeds the inflow, and that there is a constant descending line of the outstanding cases on an annual basis.

With the exception of the land-registry cases, most cases were processed by the enforcement departments of these courts, being the only departments which experienced the increase in the number of outstanding cases compared to 2007.

When it comes to the decrease in the outstanding cases, the decrease in the number of minor offence cases during 2008 is particularly notable and it amounted to 52 %, therefore, at the end of 2008, there were 66,492 of Pr cases. The comparison of the number of outstanding minor offence cases with the early 2007 when there were 377,632 of such cases pending, it can be stated that the scope of operation pertaining to the minor offence cases at the regular courts has been drastically decreasing every year.

INDIVIDUAL PERFORMANCE REPORTS OF THE MUNICIPAL AND BASIC COURTS

A. MUNICIPAL COURTS IN THE FEDERATION OF BIH

MUNICIPAL COURT IN BIHAĆ

Regular Judges: 23 Judicial Associates: 3

Reserve Judges: 0

Type of Case	Outstanding cases as of 1 Jan. 2008	Cases received during 2008	Total number of cases pending during 2008	Cases completed during 2008	Outstanding cases as of 31 Dec. 2008
	I	II	III = I + II	IV	V = III - IV
Civil cases	4,768	2,964	7,732	3,038	4,694
Economic cases	1,253	1,279	2,532	1,415	1,117
Criminal cases	587	973	1,560	876	684
Enforcement cases	403	2,298	2,701	1,689	1,012
Out-of-court cases	987	974	1,961	943	1,018
Registration of business entities	35	876	911	873	38
Land-registry cases	301	10,189	10,490	10,389	101
Minor Offence Department	2,575	1,360	3,935	3,389	546
TOTAL	10,909	20,913	31,822	22,612	9,210

Collective quota of the Court: 140.0%

Court performance quality: 72% of confirmed decisions, 14% of modified and 14% of reversed decisions

MUNICIPAL COURT IN BOSANSKA KRUPA

Regular Judge : 8 Judicial Associates: 1

Reserve Judges: 0

Type of Case	Outstanding cases as of 1 Jan. 2008	Cases received during 2008	Total number of cases pending during 2008	Cases completed during 2008	Outstanding cases as of 31 Dec.2008
	I	II	III = I + II	IV	V = III - IV
Civil cases	1,513	553	2,066	743	1,323
Economic cases	0	0	0	0	0
Criminal cases	160	1,681	1,841	1,692	149
Enforcement cases	437	758	1,195	932	263
Out-of-court cases	426	362	788	481	307
Registration of business entities	0	0	0	0	0
Land-registry cases	97	2,628	2,725	2,650	75
Minor Offence Department	1,003	885	1,888	1,350	538
TOTAL	3,636	6,867	10,503	7,848	2,655

Collective quota of the Court: 132,2%

Court performance quality: 77% of confirmed decisions, 14% of modified and 9% of reversed decisions

MUNICIPAL COURT IN BUGOJNO

Regular Judges: 11 Judicial Associates: 2

Reserve Judges: 0

Type of Case	Outstanding cases as of 1 Jan. 2008	Cases received during 2008	Total number of cases pending during 2008	Cases completed during 2008	Outstanding cases as of 31 Dec.2008
	I	II	III = I + II	IV	V = III - IV
Civil cases	2,320	1,487	3,807	2,116	1,691
Economic cases	0	0	0	0	0
Criminal cases	634	2,828	3,462	2,810	652
Enforcement cases	1,386	1,683	3,069	1,162	1,907
Out-of-court cases	1,155	1,101	2,256	1,368	888
Registration of business entities	0	0	0	0	0
Land-registry cases	96	9,223	9,319	9,111	208
Minor Offence Department	1,733	2,618	4,351	2,949	1,402
TOTAL	7,324	18,940	26,264	19,516	6,748

Collective quota of the Court: 191,0%

Court performance quality: 78% of confirmed decisions, 11% of modified and 11% of reversed decisions

MUNICIPAL COURT IN ČAPLJINA

Regular Judges: 9 Judicial Associates: 2

Reserve Judges: 0

Type of Case	Outstanding cases as of 1 Jan. 2008	Cases received during 2008	Total number of cases pending during 2008	Cases completed during 2008	Outstanding cases as of 31 Dec.2008
	I	II	III = I + II	IV	V = III - IV
Civil cases	837	1,268	2,105	1,592	513
Economic cases	0	0	0	0	0
Criminal cases	137	421	558	433	125
Enforcement cases	1,384	464	1,848	272	1,576
Out-of-court cases	342	615	957	673	284
Registration of business entities	0	0	0	0	0
Land-registry cases	2,855	1,711	4,566	1,760	2,806
Minor Offence Department	645	747	1,392	1,151	241
TOTAL	6,200	5,226	11,426	5,881	5,545

Collective quota of the Court: 125,5%

Court performance quality: 55% of confirmed decisions, 35% of modified and 10% of reversed decisions

MUNICIPAL COURT IN CAZIN

Regular Judges: 7 Judicial Associates: 2

Reserve Judges: 0

Type of Case	Outstanding cases as of 1 Jan. 2008	Cases received during 2008	Total number of cases pending during 2008	Cases completed during 2008	Outstanding cases as of 31 Dec.2008
	I	II	III = I + II	IV	V = III - IV
Civil cases	2,800	789	3,589	1,074	2,515
Economic cases	4	0	4	0	4
Criminal cases	518	1,873	2,391	1,917	474
Enforcement cases	2,570	861	3,431	1,470	1,961
Out-of-court cases	809	589	1,398	441	957
Registration of business entities	0	0	0	0	0
Land-registry cases	967	1,691	2,658	1,322	1,336
Minor Offence Department	993	1,035	2,028	1,440	588
TOTAL	8,661	6,838	15,499	7,664	7,835

Collective quota of the Court: 142,6%

Court performance quality: 60% of confirmed decisions, 28% of modified and 12% of reversed decisions

MUNICIPAL COURT IN GORAŽDE

Regular Judges: 7 Judicial Associates: 1

Reserve Judges: 0

Type of Case	Outstanding cases as of 1 Jan. 2008	Cases received during 2008	Total number of cases pending during 2008	Cases completed during 2008	Outstanding cases as of 31 Dec.2008
	I	II	III = I + II	IV	V = III - IV
Civil cases	283	1,033	1,316	1,107	209
Economic cases	40	104	144	95	49
Criminal cases	67	1,487	1,554	1,503	51
Enforcement cases	3,074	1,284	4,358	3,068	1,290
Out-of-court cases	146	1,348	1,494	1,341	153
Registration of business entities	17	84	101	86	15
Land-registry cases	4	842	846	839	7
Minor Offence Department	556	270	826	678	148
TOTAL	4,187	6,452	10,639	8,717	1,922

Collective quota of the Court: 138,9%

Court performance quality: 95% of confirmed decisions, 3% of modified and 2% of reversed decisions

MUNICIPAL COURT IN GRAČANICA

Regular Judges: 5 Judicial Associates: 2

Reserve judges: 0

Type of Case	Outstanding cases as of 1 Jan. 2008	Cases received during 2008	Total number of cases pending during 2008	Cases completed during 2008	Outstanding cases as of 31 Dec.2008
	I	II	III = I + II	IV	V = III - IV
Civil cases	248	633	881	642	239
Economic cases	0	0	0	0	0
Criminal cases	274	663	937	591	346
Enforcement cases	862	365	1,227	302	925
Out-of-court cases	255	504	759	570	189
Registration of business entities	0	0	0	0	0
Land-registry cases	1,481	2,643	4,124	1,814	2,310
Minor Offence Department	771	661	1,432	1,003	429
TOTAL	3,891	5,469	9,360	4,922	4,438

Collective quota of the Court: 160,7%

Court performance quality: 59% of confirmed decisions, 15% of modified and 26% of reversed decisions

MUNICIPAL COURT IN GRADAČAC

Regular Judges: 8 Judicial Associates: 3

Reserve Judges: 2

Type of Case	Outstanding cases as of 1 Jan. 2008	Cases received during 2008	Total number of cases pending during 2008	Cases completed during 2008	Outstanding cases as of 31 Dec. 2008
	I	II	III = I + II	IV	V = III - IV
Civil cases	1,385	711	2,096	451	1,645
Economic cases	0	0	0	0	0
Criminal cases	634	990	1,624	774	850
Enforcement cases	1,437	674	2,111	219	1,892
Out-of-court cases	1,247	814	2,061	695	1,366
Registration of business entities	0	0	0	0	0
Land-registry cases	92	12,968	13,060	13,056	4
Minor Offence Department	652	1,542	2,194	1,877	317
TOTAL	5,447	17,699	23,146	17,072	6,074

Collective quota of the Court: 114,4%

Court performance quality: 70% of confirmed decisions, 13% of modified and 17% of reversed decisions

MUNICIPAL COURT IN KAKANJ

Regular Judges: 6 Judicial Associates: 1

Reserve Judges: 1

Type of Case	Outstanding cases as of 1 Jan. 2008	Cases received during 2008	Total number of cases pending during 2008	Cases completed during 2008	Outstanding cases as of 31 Dec. 2008
	I	II	III = I + II	IV	V = III - IV
Civil cases	5	0	5	5	0
Economic cases	0	0	0	0	0
Criminal cases	365	1,078	1,443	1,225	218
Enforcement cases	3,802	3,885	7,687	678	7,009
Out-of-court cases	550	488	1,038	585	453
Registration of business entities	0	0	0	0	0
Land-registry cases	827	7,290	8,117	6,943	1,174
Minor Offence Department	1,800	858	2,658	1,772	886
TOTAL	7,349	13,599	20,948	11,208	9,740

Collective quota of the Court: 160,4%

Court performance quality: 73% of confirmed decisions, 13% of modified and 14% of reversed decisions

MUNICIPAL COURT IN KALESIJA

Regular Judges: 5 Judicial Associates: 1

Reserve Judges: 0

Type of Case	Outstanding cases as of 1 Jan. 2008	Cases received during 2008	Total number of cases pending during 2008	Cases completed during 2008	Outstanding cases as of 31 Dec. 2008
	I	II	III = I + II	IV	V = III - IV
Civil cases	389	969	1,358	779	579
Economic cases	0	0	0	0	0
Criminal cases	222	590	812	521	291
Enforcement cases	333	380	713	455	258
Out-of-court cases	86	461	547	404	143
Registration of business entities	0	0	0	0	0
Land-registry cases	4	3,559	3,563	3,561	2
Minor Offence Department	1,143	473	1,616	1,164	452
TOTAL	2,177	6,432	8,609	6,884	1,725

Collective quota of the Court: 158,4%

Court performance quality: 64% of confirmed decisions, 16% of modified and 20% of reversed decisions

MUNICIPAL COURT IN KISELJAK

Regular Judges: 5 Judicial Associates: 1

Reserve Judges: 0

Type of Case	Outstanding cases as of 1 Jan. 2008	Cases received during 2008	Total number of cases pending during 2008	Cases completed during 2008	Outstanding cases as of 31 Dec.2008
	I	II	III = I + II	IV	V = III - IV
Civil cases	676	332	1,008	359	649
Economic cases	0	0	0	0	0
Criminal cases	316	1,473	1,789	1,471	318
Enforcement cases	564	1,043	1,607	79	1,528
Out-of-court cases	300	382	682	425	257
Registration of business entities	0	0	0	0	0
Land-registry cases	2	3,329	3,331	3,330	1
Minor Offence Department	1,832	765	2,597	1,353	1,244
TOTAL	3,690	7,324	11,014	7,017	3,997

Collective quota of the Court: 193.0%

Court performance quality: 87% of confirmed decisions, 5% of modified and 8% of reversed decisions

MUNICIPAL COURT IN KONJIC

Regular Judges: 7 Judicial Associates: 2

Reserve Judges: 0

Type of Case	Outstanding cases as of 1 Jan. 2008	Cases received during 2008	Total number of cases pending during 2008	Cases completed during 2008	Outstanding cases as of 31 Dec.2008
	I	II	III = I + II	IV	V = III - IV
Civil cases	525	833	1,358	702	656
Economic cases	0	0	0	0	0
Criminal cases	249	697	946	799	147
Enforcement cases	3,585	3,564	7,149	2,340	4,809
Out-of-court cases	381	691	1,072	865	207
Registration of business entities	0	0	0	0	0
Land-registry cases	77	8,035	8,112	7,809	303
Minor Offence Department	1,641	1,150	2,791	2,308	483
TOTAL	6,458	14,970	21,428	14,823	6,605

Collective quota of the Court: 134.7%

Court performance quality: 77% of confirmed decisions, 10% of modified and 13% of reversed decisions

MUNICIPAL COURT IN LIVNO

Regular Judges: 10 Judicial Associates: 3

Reserve Judges: 1

Type of Case	Outstanding cases as of 1 Jan. 2008	Cases received during 2008	Total number of cases pending during 2008	Cases completed during 2008	Outstanding cases as of 31 Dec.2008
	I	II	III = I + II	IV	V = III - IV
Civil cases	3,477	1,167	4,644	1,883	2,761
Economic cases	369	181	550	254	296
Criminal cases	946	1,101	2,047	1,173	874
Enforcement cases	1,820	613	2,433	508	1,925
Out-of-court cases	1,980	1,529	3,509	1,566	1,943
Registration of business entities	7	720	727	722	5
Land-registry cases	834	2,547	3,381	2,436	945
Minor Offence Department	800	2,163	2,963	2,742	221
TOTAL	10,233	10,021	20,254	11,284	8,970

Collective quota of the Court: 167,1%

Court performance quality: 50% of confirmed decisions, 34% of modified and 16% of reversed decisions

MUNICIPAL COURT IN LJUBUŠKI

Regular Judges: 4 Judicial Associates: 2

Reserve Judges: 0

Type of Case	Outstanding cases as of 1 Jan. 2008	Cases received during 2008	Total number of cases pending during 2008	Cases completed during 2008	Outstanding cases as of 31 Dec.2008
	I	II	III = I + II	IV	V = III - IV
Civil cases	859	474	1,333	794	539
Economic cases	0	0	0	0	0
Criminal cases	42	290	332	238	94
Enforcement cases	764	273	1,037	471	566
Out-of-court cases	214	568	782	579	203
Registration of business entities	0	0	0	0	0
Land-registry cases	42	4,553	4,595	4,527	68
Minor Offence Department	762	676	1,438	679	759
TOTAL	2,683	6,834	9,517	7,288	2,229

Collective quota of the Court: 151.6%

Court performance quality: 81% of confirmed decisions, 11% of modified and 11% of reversed decisions

MUNICIPAL COURT IN MOSTAR

Regular Judges: 22 Judicial Associates: 5

Reserve Judges: 2

Type of Case	Outstanding cases as of 1 Jan. 2008	Cases received during 2008	Total number of cases pending during 2008	Cases completed during 2008	Outstanding cases as of 31 Dec.2008
	I	II	III = I + II	IV	V = III - IV
Civil cases	15,003	5,941	20,944	5,609	15,335
Economic cases	3,188	1,006	4,194	2,157	2,037
Criminal cases	1,002	1,495	2,497	1,701	796
Enforcement cases	6,399	1,450	7,849	870	6,979
Out-of-court cases	2,764	1,534	4,298	1,824	2,474
Registration of business entities	86	1,060	1,146	1,016	130
Land-registry cases	11,728	23,289	35,017	27,719	7,298
Minor Offence Department	7,870	2,583	10,453	7,061	3,392
TOTAL	48,040	38,358	86,398	47,957	38,441

Collective quota of the Court: 148.0%

Court performance quality: 87% of confirmed decisions, 8% of modified and 5% of reversed decisions

MUNICIPAL COURT IN ORAŠJE

Regular Judges: 8 Judicial Associates: 1

Reserve Judges: 0

Type of Case	Outstanding cases as of 1 Jan. 2008	Cases received during 2008	Total number of cases pending during 2008	Cases completed during 2008	Outstanding cases as of 31 Dec.2008
	I	II	III = I + II	IV	V = III - IV
Civil cases	494	539	1,033	600	433
Economic cases	124	115	239	132	107
Criminal cases	871	692	1,563	890	673
Enforcement cases	577	499	1,076	366	710
Out-of-court cases	328	674	1,002	639	363
Registration of business entities	7	384	391	384	7
Land-registry cases	68	3,521	3,589	3,520	69
Minor Offence Department	919	974	1,893	1,070	823
TOTAL	3,388	7,398	10,786	7,601	3,185

Collective quota of the Court: 112.2%

Court performance quality: 87% of confirmed decisions, 6% of modified and 7% of reversed decisions

MUNICIPAL COURT IN SANSKI MOST

Regular Judges: 7 Judicial Associates: 1

Reserve Judges: 0

Type of Case	Outstanding cases as of 1 Jan. 2008	Cases received during 2008	Total number of cases pending during 2008	Cases completed during 2008	Outstanding cases as of 31 Dec. 2008
	I	II	III = I + II	IV	V = III - IV
Civil cases	1,644	966	2,610	1,093	1,517
Economic cases	0	0	0	0	0
Criminal cases	138	622	760	611	149
Enforcement cases	497	1,129	1,626	522	1,104
Out-of-court cases	292	493	785	493	292
Registration of business entities	0	0	0	0	0
Land-registry cases	35	7,368	7,403	7,376	27
Minor Offence Department	606	401	1,007	716	291
TOTAL	3,212	10,979	14,191	10,811	3,380

Collective quota of the Court: 134.5%

Court performance quality: 59% of confirmed decisions, 4% of modified and 37% of reversed decisions

MUNICIPAL COURT IN SARAJEVO

Regular Judges: 97 Judicial Associates: 26

Reserve Judges: 7

Type of Case	Outstanding cases as of 1 Jan. 2008	Cases received during 2008	Total number of cases pending during 2008	Cases completed during 2008	Outstanding cases as of 31 Dec. 2008
	I	II	III = I + II	IV	V = III - IV
Civil cases	12,836	9,610	22,446	10,458	11,988
Economic cases	17,790	6,460	24,250	10,977	13,273
Criminal cases	2,582	7,543	10,125	7,180	2,945
Enforcement cases	59,680	8,085	67,765	12,682	55,083
Out-of-court cases	4,409	6,757	11,166	6,698	4,468
Registration of business entities	876	4,016	4,892	3,953	939
Land-registry cases	7,893	34,646	42,539	37,949	4,590
Minor Offence Department	26,475	8,931	35,406	28,843	6,563
TOTAL	132,541	86,048	218,589	118,740	99,849

Collective quota of the Court: 149.4%

Court performance quality: 78% of confirmed decisions, 14% of modified and 8% of reversed decisions

MUNICIPAL COURT IN ŠIROKI BRIJEG

Regular Judges: 6 Judicial Associates: 2

Reserve Judges: 0

Type of Case	Outstanding cases as of 1 Jan. 2008	Cases received during 2008	Total number of cases pending during 2008	Cases completed during 2008	Outstanding cases as of 31 Dec. 2008
	I	II	III = I + II	IV	V = III - IV
Civil cases	1,260	623	1,883	881	1,002
Economic cases	391	267	658	339	319
Criminal cases	171	285	456	338	118
Enforcement cases	1,052	1,070	2,122	481	1,641
Out-of-court cases	860	533	1,393	528	865
Registration of business entities	34	1,639	1,673	1,630	43
Land-registry cases	966	3,924	4,890	3,563	1,327
Minor Offence Department	1,474	925	2,399	1,204	1,195
TOTAL	6,208	9,266	15,474	8,964	6,510

Collective quota of the Court: 159.7%

Court performance quality: 67% of confirmed decisions, 20% of modified and 13% of reversed decisions

MUNICIPAL COURT IN TEŠANJ

Regular Judges: 6 Judicial Associates: 3

Reserve judges: 1

Type of Case	Outstanding cases as of 1 Jan. 2008	Cases received during 2008	Total number of cases pending during 2008	Cases completed during 2008	Outstanding cases as of 31 Dec. 2008
	I	II	III = I + II	IV	V = III - IV
Civil cases	1,188	700	1,888	835	1,053
Economic cases	0	0	0	0	0
Criminal cases	190	1,245	1,435	1,206	229
Enforcement cases	1,795	522	2,317	604	1,713
Out-of-court cases	1,002	792	1,794	1,117	677
Registration of business entities	0	0	0	0	0
Land-registry cases	5	1,293	1,298	1,290	8
Minor Offence Department	1,667	796	2,463	1,829	634
TOTAL	5,847	5,348	11,195	6,881	4,314

Collective quota of the Court: 171.0%

Court performance quality: 81% of confirmed decisions, 9% of modified and 10% of reversed decisions

MUNICIPAL COURT IN TRAVNIK

Regular Judges: 18 Judicial Associates: 4

Reserve Judges: 4

Type of Case	Outstanding cases as of 1 Jan. 2008	Cases received during 2008	Total number of cases pending during 2008	Cases completed during 2008	Outstanding cases as of 31 Dec. 2008
	I	II	III = I + II	IV	V = III - IV
Civil cases	3,614	2,523	6,137	2,568	3,569
Economic cases	1,146	878	2,024	1,069	955
Criminal cases	1,685	1,702	3,387	1,832	1,555
Enforcement cases	2,201	3,716	5,917	3,436	2,481
Out-of-court cases	400	1,093	1,493	1,033	460
Registration of business entities	149	1,252	1,401	1,286	115
Land-registry cases	633	18,509	19,142	18,779	363
Minor Offence Department	5,079	3,221	8,300	4,498	3,802
TOTAL	14,907	32,894	47,801	34,501	13,300

Collective quota of the Court: 192.3%

Court performance quality: 85% of confirmed decisions, 1% of modified and 14% of reversed decisions

MUNICIPAL COURT IN TUZLA

Regular Judges: 34 Judicial Associates: 6

Reserve Judges: 4

Type of Case	Outstanding cases as of 1 Jan. 2008	Cases received during 2008	Total number of cases pending during 2008	Cases completed during 2008	Outstanding cases as of 31 Dec. 2008
	I	II	III = I + II	IV	V = III - IV
Civil cases	7,344	4,321	11,665	3,624	8,041
Economic cases	4,737	2,116	6,853	1,814	5,039
Criminal cases	1,694	4,588	6,282	4,123	2,159
Enforcement cases	6,890	1,786	8,676	724	7,952
Out-of-court cases	3,565	2,715	6,280	2,108	4,172
Registration of business entities	212	2,394	2,606	2,205	401
Land-registry cases	13,314	27,231	40,545	27,500	13,045
Minor Offence Department	6,977	3,031	10,008	6,484	3,524
TOTAL	44,733	48,182	92,915	48,582	44,333

Collective quota of the Court: 160.1%

Court performance quality: 77% of confirmed decisions, 11% of modified and 12% of reversed decisions

MUNICIPAL COURT IN VELIKA KLADUŠA

Regular Judges: 5 Judicial Associates: 2

Reserve judges: 0

Type of Case	Outstanding cases as of 1 Jan. 2008	Cases received during 2008	Total number of cases pending during 2008	Cases completed during 2008	Outstanding cases as of 31 Dec.2008
	I	II	III = I + II	IV	V = III - IV
Civil cases	3,003	787	3,790	1,020	2,770
Economic cases	0	0	0	0	0
Criminal cases	543	442	985	321	664
Enforcement cases	2,119	438	2,557	292	2,265
Out-of-court cases	1,017	443	1,460	583	877
Registration of business entities	0	0	0	0	0
Land-registry cases	0	0	0	0	0
Minor Offence Department	1,551	624	2,175	1,242	933
TOTAL	8,233	2,734	10,967	3,458	7,509

Collective quota of the Court: 121.0%

Court performance quality: 63% of confirmed decisions, 3% of modified and 34% of reversed decisions

MUNICIPAL COURT IN VISOKO

Regular Judges: 14 Judicial Associates: 3

Reserve Judges: 0

Type of Case	Outstanding cases as of 1 Jan. 2008	Cases received during 2008	Total number of cases pending during 2008	Cases completed during 2008	Outstanding cases as of 31 Dec.2008
	I	II	III = I + II	IV	V = III - IV
Civil cases	1,159	1,155	2,314	1,309	1,005
Economic cases	0	0	0	0	0
Criminal cases	222	2,975	3,197	2,996	201
Enforcement cases	1,533	364	1,897	693	1,204
Out-of-court cases	726	831	1,557	1,141	416
Registration of business entities	0	0	0	0	0
Land-registry cases	694	4,344	5,038	3,412	1,626
Minor Offence Department	3,476	1,505	4,981	4,187	794
TOTAL	7,810	11,174	18,984	13,738	5,246

Collective quota of the Court: 158.1%

Court performance quality: 81% of confirmed decisions, 10% of modified and 9% of reversed decisions

MUNICIPAL COURT IN ZAVIDOVIĆI

Regular Judges: 8 Judicial Associates: 3

Reserve Judges: 1

Type of Case	Outstanding cases as of 1 Jan. 2008	Cases received during 2008	Total number of cases pending during 2008	Cases completed during 2008	Outstanding cases as of 31 Dec.2008
	I	II	III = I + II	IV	V = III - IV
Civil cases	1,469	818	2,287	978	1,309
Economic cases	0	0	0	0	0
Criminal cases	320	1,707	2,027	1,688	339
Enforcement cases	2,026	665	2,691	1,271	1,420
Out-of-court cases	857	1,122	1,979	1,559	420
Registration of business entities	0	0	0	0	0
Land-registry cases	66	5,793	5,859	5,791	68
Minor Offence Department	2,176	1,384	3,560	1,611	1,949
TOTAL	6,914	11,489	18,403	12,898	5,505

Collective quota of the Court: 137.2%

Court performance quality: 81% of confirmed decisions, 9% of modified and 10% of reversed decisions

MUNICIPAL COURT IN ZENICA

Regular Judges: 25 Judicial Associates: 6

Reserve Judges: 3

Type of Case	Outstanding cases as of 1 Jan. 2008	Cases received during 2008	Total number of cases pending during 2008	Cases completed during 2008	Outstanding cases as of 31 Dec.2008
	I	II	III = I + II	IV	V = III - IV
Civil cases	4,108	2,527	6,635	2,058	4,577
Economic cases	1,619	1,619	3,238	1,511	1,727
Criminal cases	741	7,115	7,856	6,937	919
Enforcement cases	5,704	3,240	8,944	1,357	7,587
Out-of-court cases	2,196	2,093	4,289	1,908	2,381
Registration of business entities	142	4,920	5,062	4,787	275
Land-registry cases	9,661	17,715	27,376	17,977	9,399
Minor Offence Department	7,559	2,221	9,780	7,862	1,918
TOTAL	31,730	41,450	73,180	44,397	28,783

Collective quota of the Court: 199.4%

Court performance quality: 82% of confirmed decisions, 17% of modified and 1% of reversed decisions

MUNICIPAL COURT IN ŽEPČE

Regular Judges: 5 Judicial Associates: 1

Reserve Judges: 0

Type of Case	Outstanding cases as of 1 Jan. 2008	Cases received during 2008	Total number of cases pending during 2008	Cases completed during 2008	Outstanding cases as of 31 Dec.2008
	I	II	III = I + II	IV	V = III - IV
Civil cases	270	400	670	346	324
Economic cases	0	0	0	0	0
Criminal cases	112	1,108	1,220	1,137	83
Enforcement cases	990	282	1,272	578	694
Out-of-court cases	131	418	549	431	118
Registration of business entities	0	0	0	0	0
Land-registry cases	7	679	686	617	69
Minor Offence Department	1,358	547	1,905	1,224	681
TOTAL	2,868	3,434	6,302	4,333	1,969

Collective quota of the Court: 120.6%

Court performance quality: 96% of confirmed decisions, 1% of modified and 3% of reversed decisions

MUNICIPAL COURT IN ŽIVINICE

Regular Judges: 14 Judicial Associates: 2

Reserve Judges: 2

Type of Case	Outstanding cases as of 1 Jan. 2008	Cases received during 2008	Total number of cases pending during 2008	Cases completed during 2008	Outstanding cases as of 31 Dec.2008
	I	II	III = I + II	IV	V = III - IV
Civil cases	1,372	2,275	3,647	1,874	1,773
Economic cases	0	0	0	0	0
Criminal cases	737	1,709	2,446	1,415	1,031
Enforcement cases	10,479	5,121	15,600	3,154	12,446
Out-of-court cases	549	834	1,383	724	659
Registration of business entities	0	0	0	0	0
Land-registry cases	224	3,427	3,651	3,182	469
Minor Offence Department	2,979	1,680	4,659	2,837	1,822
TOTAL	16,340	15,046	31,386	13,186	18,200

Collective quota of the Court: 131.8%

Court performance quality: 78% of confirmed decisions, 11% of modified and 11% of reversed decisions

B. BASIC COURTS IN REPUBLIKA SRPSKA

BASIC COURT IN BANJA LUKA

Regular Judges: 44 Judicial Associates: 13

Reserve Judges: 12

Type of Case	Outstanding cases as of 1 Jan. 2008	Cases received during 2008	Total number of cases pending during 2008	Cases completed during 2008	Outstanding cases as of 31 Dec.2008
	I	II	III = I + II	IV	V = III - IV
Civil cases	21,673	7,588	29,261	7,311	21,950
Economic cases	7,696	3,233	10,929	3,208	7,721
Criminal cases	1,867	3,490	5,357	3,336	2,021
Enforcement cases	2,599	4,198	6,797	3,680	3,117
Out-of-court cases	7,034	4,663	11,697	5,262	6,435
Registration of business entities	1,013	2,686	3,699	3,161	538
Land-registry cases	4,811	11,786	16,597	12,489	4,108
Minor Offence Department	15,937	6,118	22,055	11,643	10,412
TOTAL	62,630	43,762	106,392	50,090	56,302

Collective quota of the Court: 166.0%

Court performance quality: 78% of confirmed decisions, 6% of modified and 16% of reversed decisions

BASIC COURT IN BIJELJINA

Regular Judges: 24 Judicial Associates: 4

Reserve Judges: 1

Type of Case	Outstanding cases as of 1 Jan. 2008	Cases received during 2008	Total number of cases pending during 2008	Cases completed during 2008	Outstanding cases as of 31 Dec.2008
	I	II	III = I + II	IV	V = III - IV
Civil cases	1,326	1,804	3,130	1,188	1,942
Economic cases	336	662	998	552	446
Criminal cases	1,111	4,373	5,484	4,390	1,094
Enforcement cases	2,561	813	3,374	877	2,497
Out-of-court cases	2,923	2,053	4,976	3,335	1,641
Registration of business entities	122	915	1,037	949	88
Land-registry cases	1,479	4,260	5,739	4,701	1,038
Minor Offence Department	10,440	2,451	12,891	8,675	4,216
TOTAL	20,298	17,331	37,629	24,667	12,962

Collective quota of the Court: 140.7%

Court performance quality: 64% of confirmed decisions, 12% of modified and 24% of reversed decisions

BASIC COURT IN BOSANSKA GRADIŠKA

Regular Judges: 9 Judicial Associates: 1

Reserve Judges: 1

Type of Case	Outstanding cases as of 1 Jan. 2008	Cases received during 2008	Total number of cases pending during 2008	Cases completed during 2008	Outstanding cases as of 31 Dec.2008
	I	II	III = I + II	IV	V = III - IV
Civil cases	665	570	1,235	429	806
Economic cases	7	80	87	76	11
Criminal cases	388	1,890	2,278	1,873	405
Enforcement cases	981	422	1,403	271	1,132
Out-of-court cases	1,007	2,033	3,040	1,913	1,127
Registration of business entities	0	0	0	0	0
Land-registry cases	623	3,828	4,451	3,612	839
Minor Offence Department	2,953	2,028	4,981	3,286	1,695
TOTAL	6,624	10,851	17,475	11,460	6,015

Collective quota of the Court: 182.1%

Court performance quality: 57% of confirmed decisions, 16% of modified and 27% of reversed decisions

BASIC COURT IN DERVENTA

Regular Judges: 7 Judicial Associates: 2

Reserve Judges: 0

Type of Case	Outstanding cases as of 1 Jan. 2008	Cases received during 2008	Total number of cases pending during 2008	Cases completed during 2008	Outstanding cases as of 31 Dec.2008
	I	II	III = I + II	IV	V = III - IV
Civil cases	336	512	848	457	391
Economic cases	0	0	0	0	0
Criminal cases	250	996	1,246	1,050	196
Enforcement cases	183	371	554	161	393
Out-of-court cases	163	742	905	783	122
Registration of business entities	0	0	0	0	0
Land-registry cases	72	1,195	1,267	1,188	79
Minor Offence Department	358	930	1,288	1,129	159
TOTAL	1,362	4,746	6,108	4,768	1,340

Collective quota of the Court: 161.3%

Court performance quality: 66% of confirmed decisions, 15% of modified and 19% of reversed decisions

BASIC COURT IN DOBOJ

Regular Judges: 12 Judicial Associates: 3

Reserve Judges: 1

Type of Case	Outstanding cases as of 1 Jan. 2008	Cases received during 2008	Total number of cases pending during 2008	Cases completed during 2008	Outstanding cases as of 31 Dec.2008
	I	II	III = I + II	IV	V = III - IV
Civil cases	1,005	838	1,843	852	991
Economic cases	675	756	1,431	599	832
Criminal cases	492	1,849	2,341	1,815	526
Enforcement cases	1,096	1,812	2,908	474	2,434
Out-of-court cases	1,174	1,293	2,467	1,594	873
Registration of business entities	39	727	766	731	35
Land-registry cases	2,173	1,396	3,569	2,257	1,312
Minor Offence Department	1,449	1,392	2,841	2,300	541
TOTAL	8,103	10,063	18,166	10,622	7,544

Collective quota of the Court: 133.8%

Court performance quality: 74% of confirmed decisions, 15% of modified and 11% of reversed decisions

BASIC COURT IN FOČA

Regular Judges: 6 Judicial Associates: 0

Reserve Judges: 0

Type of Case	Outstanding cases as of 1 Jan. 2008	Cases received during 2008	Total number of cases pending during 2008	Cases completed during 2008	Outstanding cases as of 31 Dec.2008
	I	II	III = I + II	IV	V = III - IV
Civil cases	164	640	804	406	398
Economic cases	0	0	0	0	0
Criminal cases	77	1,469	1,546	1,473	73
Enforcement cases	587	903	1,490	116	1,374
Out-of-court cases	104	456	560	458	102
Registration of business entities	0	0	0	0	0
Land-registry cases	640	1,413	2,053	1,486	567
Minor Offence Department	32	457	489	377	112
TOTAL	1,604	5,338	6,942	4,316	2,626

Collective quota of the Court: 136.0%

Court performance quality: 82% of confirmed decisions, 8% of modified and 10% of reversed decisions

BASIC COURT IN KOTOR VAROŠ

Regular Judges: 6 Judicial Associates: 0

Reserve Judges: 0

Type of Case	Outstanding cases as of 1 Jan. 2008	Cases received during 2008	Total number of cases pending during 2008	Cases completed during 2008	Outstanding cases as of 31 Dec. 2008
	I	II	III = I + II	IV	V = III - IV
Civil cases	383	263	646	276	370
Economic cases	0	15	15	14	1
Criminal cases	271	1,049	1,320	1,091	229
Enforcement cases	778	221	999	89	910
Out-of-court cases	1,084	757	1,841	680	1,161
Registration of business entities	0	0	0	0	0
Land-registry cases	127	1,040	1,167	1,055	112
Minor Offence Department	1,256	1,081	2,337	1,482	855
TOTAL	3,899	4,426	8,325	4,687	3,638

Collective quota of the Court: 132.4%

Court performance quality: 64% of confirmed decisions, 9% of modified and 27% of reversed decisions

BASIC COURT IN MODRIČA

Regular Judges: 8 Judicial Associates: 1

Reserve Judges: 0

Type of Case	Outstanding cases as of 1 Jan. 2008	Cases received during 2008	Total number of cases pending during 2008	Cases completed during 2008	Outstanding cases as of 31 Dec. 2008
	I	II	III = I + II	IV	V = III - IV
Civil cases	772	618	1,390	553	837
Economic cases	0	0	0	0	0
Criminal cases	466	635	1,101	579	522
Enforcement cases	108	396	504	23	481
Out-of-court cases	857	1,119	1,976	1,070	906
Registration of business entities	0	0	0	0	0
Land-registry cases	0	6,577	6,577	6,577	0
Minor Offence Department	1,885	1,318	3,203	1,752	1,451
TOTAL	4,088	10,663	14,751	10,554	4,197

Collective quota of the Court: 154.0%

Court performance quality: 60% of confirmed decisions, 20% of modified and 20% of reversed decisions

BASIC COURT IN MRKONJIĆ GRAD

Regular Judges: 7 Judicial Associates: 0

Reserve Judges: 0

Type of Case	Outstanding cases as of 1 Jan. 2008	Cases received during 2008	Total number of cases pending during 2008	Cases completed during 2008	Outstanding cases as of 31 Dec. 2008
	I	II	III = I + II	IV	V = III - IV
Civil cases	316	413	729	386	343
Economic cases	0	0	0	0	0
Criminal cases	196	897	1,093	927	166
Enforcement cases	805	130	935	159	776
Out-of-court cases	789	667	1,456	622	834
Registration of business entities	0	0	0	0	0
Land-registry cases	43	651	694	655	39
Minor Offence Department	1,013	958	1,971	1,426	545
TOTAL	3,162	3,716	6,878	4,175	2,703

Collective quota of the Court: 129.0%

Court performance quality: 58% of confirmed decisions, 16% of modified and 26% of reversed decisions

BASIC COURT IN NOVI GRAD

Regular Judges: 4 Judicial Associates: 1

Reserve Judges: 0

Type of Case	Outstanding cases as of 1 Jan. 2008	Cases received during 2008	Total number of cases pending during 2008	Cases completed during 2008	Outstanding cases as of 31 Dec. 2008
	I	II	III = I + II	IV	V = III - IV
Civil cases	174	222	396	174	222
Economic cases	0	0	0	0	0
Criminal cases	176	897	1,073	301	772
Enforcement cases	74	131	205	21	184
Out-of-court cases	389	744	1,133	598	535
Registration of business entities	0	0	0	0	0
Land-registry cases	372	1,155	1,527	1,261	266
Minor Offence Department	1,458	680	2,138	1,369	769
TOTAL	2,643	3,829	6,472	3,724	2,748

Collective quota of the Court: 152.2%

Court performance quality: 60% of confirmed decisions, 15% of modified and 25% of reversed decisions

BASIC COURT IN PRIJEDOR

Regular Judges: 12 Judicial Associates: 2

Reserve Judges: 1

Type of Case	Outstanding cases as of 1 Jan. 2008	Cases received during 2008	Total number of cases pending during 2008	Cases completed during 2008	Outstanding cases as of 31 Dec. 2008
	I	II	III = I + II	IV	V = III - IV
Civil cases	2,282	988	3,270	1,132	2,138
Economic cases	0	0	0	0	0
Criminal cases	460	2,787	3,247	2,850	397
Enforcement cases	3,687	4,104	7,791	248	7,543
Out-of-court cases	1,861	2,091	3,952	1,838	2,114
Registration of business entities	0	0	0	0	0
Land-registry cases	220	3,096	3,316	3,014	302
Minor Offence Department	4,415	1,663	6,078	4,410	1,668
TOTAL	12,925	14,729	27,654	13,492	14,162

Collective quota of the Court: 138.0%

Court performance quality: 68% of confirmed decisions, 15% of modified and 17% of reversed decisions

BASIC COURT IN PRNJAVOR

Regular Judges: 5 Judicial Associates: 1

Reserve Judges: 1

Type of Case	Outstanding cases as of 1 Jan. 2008	Cases received during 2008	Total number of cases pending during 2008	Cases completed during 2008	Outstanding cases as of 31 Dec. 2008
	I	II	III = I + II	IV	V = III - IV
Civil cases	740	457	1,197	323	874
Economic cases	1	18	19	15	4
Criminal cases	161	851	1,012	896	116
Enforcement cases	201	326	527	339	188
Out-of-court cases	1,499	689	2,188	825	1,363
Registration of business entities	0	0	0	0	0
Land-registry cases	873	5,760	6,633	6,466	167
Minor Offence Department	1,806	1,020	2,826	1,774	1,052
TOTAL	5,281	9,121	14,402	10,638	3,764

Collective quota of the Court: 138.0%

Court performance quality: 69% of confirmed decisions, 11% of modified and 20% of reversed decisions

BASIC COURT IN SOKOLAC

Regular Judges: 14 Judicial Associates: 2

Reserve Judges: 1

Type of Case	Outstanding cases as of 1 Jan. 2008	Cases received during 2008	Total number of cases pending during 2008	Cases completed during 2008	Outstanding cases as of 31 Dec. 2008
	I	II	III = I + II	IV	V = III - IV
Civil cases	883	905	1,788	1,117	671
Economic cases	437	457	894	508	386
Criminal cases	621	4,293	4,914	4,361	553
Enforcement cases	1,139	644	1,783	383	1,400
Out-of-court cases	513	969	1,482	1,033	449
Registration of business entities	5	496	501	481	20
Land-registry cases	83	5,706	5,789	5,644	145
Minor Offence Department	2,659	2,010	4,669	3,121	1,548
TOTAL	6,340	15,480	21,820	16,648	5,172

Collective quota of the Court: 142.0%

Court performance quality: 75% of confirmed decisions, 3% of modified and 22% of reversed decisions

BASIC COURT IN SREBRENICA

Regular Judges: 5 Judicial Associates: 1

Reserve Judges: 0

Type of Case	Outstanding cases as of 1 Jan. 2008	Cases received during 2008	Total number of cases pending during 2008	Cases completed during 2008	Outstanding cases as of 31 Dec. 2008
	I	II	III = I + II	IV	V = III - IV
Civil cases	255	307	562	246	316
Economic cases	0	0	0	0	0
Criminal cases	235	774	1,009	846	163
Enforcement cases	154	229	383	120	263
Out-of-court cases	527	424	951	400	551
Registration of business entities	0	0	0	0	0
Land-registry cases	0	2,098	2,098	1,960	138
Minor Offence Department	1,010	484	1,494	1,045	449
TOTAL	2,181	4,316	6,497	4,617	1,880

Collective quota of the Court: 47.0%

Court performance quality: 59% of confirmed decisions, 12% of modified and 29% of reversed decisions

BASIC COURT IN TESLIĆ

Regular Judges: 5 Judicial Associates: 1

Reserve Judges: 1

Type of Case	Outstanding cases as of 1 Jan. 2008	Cases received during 2008	Total number of cases pending during 2008	Cases completed during 2008	Outstanding cases as of 31 Dec. 2008
	I	II	III = I + II	IV	V = III - IV
Civil cases	710	533	1,243	486	757
Economic cases	0	0	0	0	0
Criminal cases	328	451	779	431	348
Enforcement cases	397	564	961	318	643
Out-of-court cases	1,005	643	1,648	644	1,004
Registration of business entities	0	0	0	0	0
Land-registry cases	131	5,503	5,634	5,507	127
Minor Offence Department	744	679	1,423	698	725
TOTAL	3,315	8,373	11,688	8,084	3,604

Collective quota of the Court: 148.1%

Court performance quality: 74% of confirmed decisions, 18% of modified and 18% of reversed decisions

BASIC COURT IN TREBINJE

Regular Judges: 9 Judicial Associates: 2

Reserve Judges: 0

Type of Case	Outstanding cases as of 1 Jan. 2008	Cases received during 2008	Total number of cases pending during 2008	Cases completed during 2008	Outstanding cases as of 31 Dec. 2008
	I	II	III = I + II	IV	V = III - IV
Civil cases	468	644	1,112	587	525
Economic cases	459	301	760	259	501
Criminal cases	438	3,779	4,217	3,840	377
Enforcement cases	1,490	868	2,358	230	2,128
Out-of-court cases	771	956	1,727	1,161	566
Registration of business entities	38	332	370	369	1
Land-registry cases	660	10,372	11,032	10,517	515
Minor Offence Department	1,713	1,612	3,325	1,570	1,755
TOTAL	6,037	18,864	24,901	18,533	6,368

Collective quota of the Court: 146.9%

Court performance quality: 73% of confirmed decisions, 11% of modified and 16% of reversed decisions

BASIC COURT IN VIŠEGRAD

Regular Judges: 6 Judicial Associates: 1

Reserve Judges: 0

Type of Case	Outstanding cases as of 1 Jan. 2008	Cases received during 2008	Total number of cases pending during 2008	Cases completed during 2008	Outstanding cases as of 31 Dec. 2008
	I	II	III = I + II	IV	V = III - IV
Civil cases	128	350	478	371	107
Economic cases	0	0	0	0	0
Criminal cases	91	965	1,056	970	86
Enforcement cases	183	704	887	266	621
Out-of-court cases	147	605	752	598	154
Registration of business entities	0	0	0	0	0
Land-registry cases	95	3,764	3,859	3,780	79
Minor Offence Department	284	504	788	635	153
TOTAL	928	6,892	7,820	6,620	1,200

Collective quota of the Court: 103.1%

Court performance quality: 72% of confirmed decisions, 8% of modified and 20% of reversed decisions

BASIC COURT IN VLAŠENICA

Regular Judges: 6 Judicial Associates: 0

Reserve Judges: 0

Type of Case	Outstanding cases as of 1 Jan. 2008	Cases received during 2008	Total number of cases pending during 2008	Cases completed during 2008	Outstanding cases as of 31 Dec. 2008
	I	II	III = I + II	IV	V = III - IV
Civil cases	353	350	703	489	214
Economic cases	0	0	0	0	0
Criminal cases	299	1,110	1,409	1,145	264
Enforcement cases	65	1,091	1,156	279	877
Out-of-court cases	123	502	625	482	143
Registration of business entities	0	0	0	0	0
Land-registry cases	3	1,008	1,011	848	163
Minor Offence Department	1,104	526	1,630	690	940
TOTAL	1,947	4,587	6,534	3,933	2,601

Collective quota of the Court: 143.0%

Court performance quality: 81% of confirmed decisions, 3% of modified and 16% of reversed decisions

BASIC COURT IN ZVORNIK

Regular Judges: 6 Judicial Associates: 1

Reserve Judges: 0

Type of Case	Outstanding cases as of 1 Jan. 2008	Cases received during 2008	Total number of cases pending during 2008	Cases completed during 2008	Outstanding cases as of 31 Dec. 2008
	I	II	III = I + II	IV	V = III - IV
Civil cases	568	351	919	363	556
Economic cases	0	0	0	0	0
Criminal cases	473	700	1,173	628	545
Enforcement cases	766	413	1,179	318	861
Out-of-court cases	245	423	668	360	308
Registration of business entities	0	0	0	0	0
Land-registry cases	100	760	860	795	65
Minor Offence Department	1,310	1,111	2,421	1,549	872
TOTAL	3,462	3,758	7,220	4,013	3,207

Collective quota of the Court: 127.8%

Court performance quality: 70% of confirmed decisions, 8% of modified and 22% of reversed decisions

COURTS OF BRČKO DISTRICT OF BOSNIA AND HERZEGOVINA

BASIC COURT OF BRČKO DISTRICT OF BOSNIA AND HERZEGOVINA

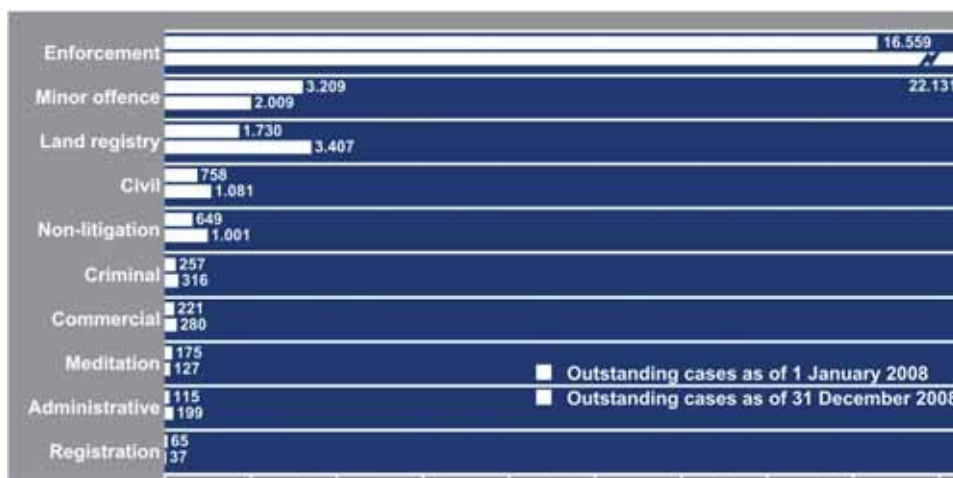
The Basic Court of the Brcko District of Bosnia and Herzegovina (hereinafter: Basic Court) has jurisdiction over the criminal, minor offence, economic, civil and administrative first instance cases.

During 2008, 15 judges performed their duties at the Basic Court.

I SITUATION AT THE BASIC COURT OF BRČKO DISTRICT OF BIH IN EARLY 2008

In early 2008, most outstanding cases at the Basic Court, that is, 16,559 of them referred to the enforcement cases. They made 70% of the total number of the outstanding cases.

Diagram 27: Structure of outstanding cases at the Basic Court as of 1 January and 31 December 2008 – per type of case



II PERFORMANCE OF THE BASIC COURT OF BRČKO DISTRICT OF BIH DURING 2008

Considerably increased case inflow during the year (the inflow by 13,169 cases larger than during 2007) along with the previous years' backlogs resulted in the increased number of the outstanding cases at the end of 2008. The court completed 36,971 cases, that is, twice as many as during 2007 when it completed 18,438 cases.

Diagram 28: Structure of cases received at the Basic Court during 2008 – per type of case

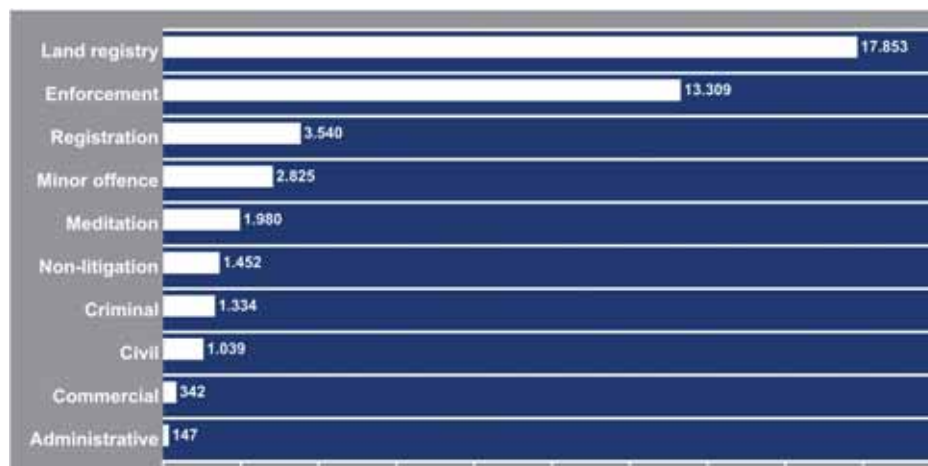


Table 35: Case-flow at the Basic Court during 2008 – per type of case

Type of Case	Outstanding cases as of 1 Jan. 2008	Cases received during 2008	Total number of cases pending during 2008	Cases completed during 2008	Outstanding cases as of 31 Dec.2008
	I	II	III = I + II	IV	V = III - IV
Civil cases					
P	613	724	1,337	521	816
Mal	140	306	446	190	256
Labour litigation	5	9	14	5	9
Other*	0	0	0	0	0
Total	758	1,039	1,797	716	1,081
Economic cases					
Ps	111	136	247	108	139
Mals	96	198	294	165	129
L	6	4	10	6	4
St	8	4	12	4	8
Pk	0	0	0	0	0
Other*	0	0	0	0	0
Total	221	342	563	283	280
Criminal cases					
K	132	443	575	405	170
RZ	0	1	1	0	1
Kpp	2	207	209	206	3
Kps	21	425	446	409	37
Kr	0	0	0	0	0
Km	17	36	53	31	22
Kv	29	26	55	20	35
Kp	1	12	13	8	5
Iks	55	184	239	196	43
Other*	0	0	0	0	0
Total	257	1,334	1,591	1,275	316
Enforcement cases					
I	16,071	12,336	28,407	7,442	20,965
Ip	488	973	1,461	295	1,166
Other*	0	0	0	0	0
Total	16,559	13,309	29,868	7,737	22,131
Administrative cases					
U	112	144	256	57	199
Uz	3	3	6	6	0
Uvp	0	0	0	0	0
Uvl	0	0	0	0	0
Other*	0	0	0	0	0
Total	115	147	262	63	199
Out-of-Court cases					
V	120	278	398	268	130
O	527	1,139	1,666	797	869
Other*	2	35	37	35	2
Total	649	1,452	2,101	1,100	1,001
Reg. of business entities	65	3,540	3,605	3,568	37
Land-registry cases	1,730	17,853	19,583	16,176	3,407
Mediation	175	1,980	2,155	2,028	127
Minor Offence Department	3,209	2,825	6,034	4,025	2,009
GRAND TOTAL	23,738	43,821	67,559	36,971	30,588

Table 36: Ratio between the received, completed and outstanding cases at the Basic Court- in percentages

Type of cases	Changes concerning the outstanding cases*	Flow coefficient**	Number of years required for completion of the outstanding cases***
	I	II	III
Civil cases	42.61%	68.91%	1.5
Economic cases	26.70%	82.75%	1.0
Criminal cases	22.96%	95.58%	0.2
Enforcement cases	33.65%	58.13%	2.9
Administrative sub-sec.	73.04%	42.86%	3.2
Out-of-court cases	54.24%	75.76%	0.9
Registration of business entities	-43.08%	100.79%	0.0
Land-registry cases	96.94%	90.61%	0.2
Mediation	-27.43%	102.42%	0.1
Minor Offence Department	-37.39%	142.48%	0.5
TOTAL	28.86%	84.37%	0.8

Roman numerals shown below mark columns in the Tables above.

- * I: (V/I)-1 illustrates the ratio between the relative change in the number of outstanding cases as of 31 December, 2008 and the number of those as of 1 January, 2008. Percentages shown without a sign „-“ indicate the increased number of outstanding cases, whereas the percentages which include this sign indicate the decrease in outstanding cases.
- ** II: IV/II illustrates the ratio between the completed cases and those received during 2008. Therefore, the larger number of the completed cases compared with the number of the received cases is presented in percentages higher than 100% and vice versa, the smaller number of completed cases relative to the inflow of cases is presented in percentages lower than 100%.
- *** III: V/IV illustrates the ratio between the number of outstanding cases as of 31 December, 2008 relative to the number of cases completed during 2008, and indicates the time required for the completion of outstanding cases.

During 2008, the Basic Court operated with **67,559** cases in total, which constitutes a 60% increase compared to the past year. **23,738** cases were carried over from 2007, while **43,821** cases were received during 2008. Considering that **36,971** cases were resolved, **30,588** cases will be carried over to 2009, which is 29% of cases more than last year. The increased number of outstanding cases primarily results from the large number of the received cases to be processed through enforcement and the land-registry.

During 2008, the Basic Court achieved the collective performance quality of **334%**.

With regard to the court performance quality, it is noteworthy that the Basic Court rendered 75% of confirmed, 10% of modified and 15% of reversed decisions during 2008.

The convicting verdicts (being 96.9%) are predominant in the criminal verdict structure. Most convicting verdicts were rendered with regard to the sentencing warrants (160 verdicts), then upon the plea bargain (96) and the guilty pleas (35). The fines in the total amount of KM 75,600.00 were pronounced in 91 cases.

With regard to the civil cases, the largest number of cases were decided on merits (89%). Also, 224 cases were completed by virtue of mediation and the court settlement. Most civil cases were completed within a period of one year (67%).

III SITUATION AT THE BASIC COURT OF BRČKO DISTRICT OF BIH AT THE END OF 2008.

Compared to 2007, it can be stated that there was an increased inflow of cases in general, however, the dynamics in their completion was considerably accelerated as well.

The largest problem the Court's judges faced pertained to deciding on a large number of enforcement, land-registry and minor offence cases with the lowest registered case-flow coefficient. Therefore, the largest backlogs of these cases processing were recorded at the end of the year.

Most outstanding cases at the end of the year were those instigated before this Basic Court in the period between 2006 and 2008, while the number of outstanding cases from the previous years is insignificant (4.3%).

CONCLUSION

As stated above, the number of cases completed at the Basic Court considerably increased. However, the outstanding cases from the previous years and the increased case-inflow, inevitably resulted in the increase in total number of the outstanding cases relative to the previous reporting period.

Based on the estimated number of years required for completion of the outstanding cases, it is possible to conclude which cases represented the largest backlogs (3,2 years for administrative, 2,9 years for enforcement, 1,5 years for civil and 1 year for economic cases).

APPELLATE COURT OF BRČKO DISTRICT OF BOSNIA AND HERZEGOVINA

The Appellate Court of Brčko District of Bosnia and Herzegovina (hereinafter: Appellate Court) has jurisdiction to decide on regular and exceptional legal remedies filed from the decisions of the Basic Court of Brčko District of Bosnia and Herzegovina.

In 2008, there were 7 judges performing their duties at the Appellate Court.

I SITUATION AT THE APPELLATE COURT IN EARLY 2008

In early 2008, there were 234 outstanding cases from the previous years, of which 86% referred to civil cases.

Diagram 29: Structure of outstanding cases at the Appellate Court as of 1 January and 31 December 2008 – per department



II 2008 PERFORMANCE OF THE APPELLATE COURT

Compared to the last year, there was a considerable inflow of cases during 2008, that is, **196%**. The bulk of the inflow deals with second instance civil cases Gž, with 2,354 such cases being filed. The increased inflow of this case type basically resulted from a change in legal position regarding subject matter jurisdiction for processing objections filed against decisions on enforcement rendered by the BD Basic Court and pertained to unpaid RTV charges. Evidently, there is a huge number of such cases.

Regardless of the increased number of the completed cases (**45%** more than the previous year), such a drastic case-inflow increase lead to an increase in the number of outstanding cases at the end of the year.

Diagram 30: Structure of cases received by the Appellate Court during 2008 – per departments



Table 37: Case-flow at the Appellate Court during 2008 – per type of case

Type of Case	Outstanding cases as of 1 Jan. 2008	Cases received during 2008	Total number of cases pending during 2008	Cases completed during 2008	Outstanding cases as of 31 Dec. 2008
	I	II	III = I + II	IV	V = III - IV
Civil Department					
Rev	17	32	49	33	16
GŽ	133	2,354	2,487	1,031	1,456
PŽ	18	314	332	172	160
Gvl	1	10	11	7	4
Other*	34	40	74	48	26
Total	203	2,750	2,953	1,291	1,662
Criminal Department					
Kž	21	116	137	130	7
Kmž	0	7	7	7	0
Kžk	4	8	12	8	4
Iksž	0	13	13	13	0
Pkž	0	0	0	0	0
Pžp*	0	149	149	141	8
Pvl	0	3	3	3	0
Other*	0	2	2	2	0
Total	25	298	323	304	19
Administrative Department					
Už	4	21	25	13	12
Uvl	0	1	1	1	0
Uvp	0	0	0	0	0
Uz	0	1	1	0	1
Other*	2	49	51	45	6
Total	6	72	78	59	19
GRAND TOTAL	234	3,120	3,354	1,654	1,700

Table 38: Ration between the received, completed and outstanding cases at the Appellate Court - in percentages

Type of department	Changes concerning the outstanding cases*	Flow coefficient**	Number of years required for completion of the outstanding cases***
	I	II	III
Civil Department	718,72%	46,95%	1,3
Criminal Departments	-24,00%	102,01%	0,1
Administrative Department	216,67%	81,94%	0,3
TOTAL	626,50%	53,01%	1,0

Roman numerals shown below mark columns in the tables above.

- * I: (V/I)-1 illustrates the ratio between the relative change in the number of outstanding cases as of 31 December, 2008 and the number of those as of 1 January, 2008. Percentages shown without a sign „-“ indicate the increased number of outstanding cases, whereas the percentages which include this sign indicate the decrease in outstanding cases.
- ** II: IV/II illustrates the ratio between the completed cases and those received during 2008. Therefore, the larger number of the completed cases compared with the number of the received cases is presented in percentages higher than 100% and vice versa, the smaller number of completed cases relative to the inflow of cases is presented in percentages lower than 100%.
- *** III: V/IV illustrates the ratio between the number of outstanding cases as of 31 December, 2008 relative to the number of cases completed during 2008, and indicates the time required for the completion of outstanding cases.

III SITUATION AT THE APPELLATE COURT AT THE END OF 2008

According to the structure of the outstanding cases at the end of 2008, the civil cases were predominant. As stated above, it is exactly this cases which experienced the largest and dramatic case inflow increase. Therefore, the number of outstanding civil cases increased by **718%** at the end of the reporting period. Also, the number of outstanding cases at Administrative Department increased by **217%**.

There is an insignificant number of cases at the Court being pending for more than two years (0.7%).

CONCLUSION

Regardless of the intensified efforts of judges, the considerable increase in the number of cases at the Appellate Court resulted in the increased number of outstanding cases at the end of 2008. The current situation is such that it will take one year to complete the case backlogs at this Court. In the forthcoming period, measures will have to be taken for the Court to reach the approximate level of promptness from the previous years.

UTILITY CASES

I BACKLOG – STRATEGIC ISSUE

The existence of a large number of outstanding cases may put at risk the results achieved so far in the promotion of the judicial administration functioning. The excessive backlog means the longer court proceedings and it may hinder the right to trial, result in legal uncertainty and affect the economic development. According to jurisprudence of the European Court of Human Rights in Strasbourg, the time-consuming proceedings¹ cannot serve as an excuse for the continue increase of cases and, regardless of whether the debtor is an individual person or a public institution, every country is obliged take all required measures to have the final court verdicts² enforced.

The major backlogs pertain to the so-called utility cases, that is, the cases requiring the payment of the outstanding debts for municipal services and RTV subscription fees.

As a consequence, this issue was specifically tackled by the BiH Justice Reform Strategy 2009 – 2013, and particularly within its pillar 1 (judicial system). The Strategic Programme 1.2.1. under the strategic field Effectiveness and Efficiency, requires the “analysis of the necessary amendments to the law in order to reduce the number of the outstanding cases within the enforcement proceedings which were filed based on the authentic documents (such as unpaid bills for utility services), and proposes the adequate measures”.

The promotion of judicial efficiency, including the reduction of outstanding cases at courts, is one of the short-term priorities identified within the European partnership with BiH.

The measure to *considerably reduce the existing number of outstanding cases, and to promote the collection system for the outstanding debts for the utility services* is foreseen by the HJPC Strategic Plan 2007-2012, with the aim at satisfying one of the key principles and priorities – efficiency.

In February 2008, in order to secure support for the implementation of these strategic aims, the HJPC, supported by the Kingdom of Norway, launched the project to reduce the number of the outstanding cases (the *Backlog Reduction Project – BRP*), which is foreseen to last until mid-2011. Directly or indirectly, the Canadian Judicial Reform Project (JRP) and the USAID Justice Sector Development Project (JSDP) participated in the efforts to reduce the backlogs at the Courts.

II UTILITY CASES – THE NATURE OF THE PROBLEM

At the request of the HJPC, the courts have maintained special statistics for the utility cases from 2006 onwards. The large number of these cases (90%) are enforcement cases initiated based on a authentic document. The last year's Report outlines the main reasons for the incurrence of this problem, such as a lack of cost-efficiency, viewed from the systemic aspect.

The statistics for the utility cases includes those for collection of outstanding debts by the municipal services, and the payment of RTV subscription fees. The reasons for which these cases are piling up and their geographic location differ considerably for the two case types, therefore, the future analysis of the cause of the problem will have to be treated separately. The backlog of the utility cases is mainly related to the collection of RTV subscription fees, while at some courts, including the biggest Municipal Court in Sarajevo, the backlogs refer to the utility company cases and, to a certain degree, the building maintenance cases.

The reasons for this situation are many. The following may be emphasised:

- changed social-economic situation and poor financial status of the majority of population, as a consequence of war,
- non-existence of the adequate sanctions for those who do not make payments on a regular basis, because the garbage collection services or the heating or water supply services in our country are such that the providers or suppliers cannot cut them, as is the case of the electricity supply or telephone connection services,
- non-existence of the quality legal regulations to provide for the more efficient manner and system for collection of the outstanding utility services debts,
- the companies which provide the utility services are not sufficiently active in applying all legal mechanisms for the collection of the outstanding debts prior to instigating the legal proceedings,
- the databases of users of the utility services are not properly organised and updated, and there is no mechanism to update them continuously,
- filing of a huge number of motions for enforcement at one time and on several occasions during a year, in order to avoid the statute of limitations,
- a shortage of staff and other resources at the courts to efficiently and promptly complete a large number of the utility cases,
- the manner of processing of this type of cases which does not apply the achievements of modern technology and which is not adjusted to the very nature of the standard case processing,
- failure to serve a large number of the court writs, thus making the court proceedings more difficult and extended,

¹ *Probstmeier versus Germany*, Judgement, 1 July 1997, *Reports* 1997.-IV., pgs. 1138, § 64.

² *ZIT Company versus Serbia*, Judgement, 27 November 2007, § 56.

- the problems in the application of the enforcement procedure which are mirrored in the increased backlogs at the enforcement cases (see Diagram 1, page 4 of the Annex to the Report),
- almost all motions for enforcement based on authentic documents pertain to the enforcement which is to be applied to movables, which creates an insuperable inflow for any enforcement procedure,
- Bailiffs operate in a very difficult financial situation and are frequently insufficiently trained to perform their job.

The situation keeps reoccurring, year in year out.

Table 39: Flow of the Utility Cases at the Municipal and Basic Courts during 2008, and the Flow Coefficient

Court	Outstanding cases as of 1 Jan. 2008	Number of cases received during 2008	Number of cases completed during 2008	Outstanding cases as of 31 Dec. 2008	Flow coefficient
MUNICIPAL COURTS IN FBiH					
Bihac	2,805	5,926	5,882	2,849	1.0
Bosanska Krupa	2,186	1,678	2,936	928	1.7
Bugojno	428	4,228	3,634	1,022	0.9
Čapljina	659	2,455	2,319	795	0.9
Cazin	4,585	2,162	2,480	4,267	1.1
Goražde	357	1,556	1,345	568	0.9
Gračanica	6,459	1,213	922	6,750	0.8
Gradačac	8,255	4,504	3,038	9,721	0.7
Kakanj	811	1,186	1,166	831	1.0
Kalesija	870	2,341	1,715	1,496	0.7
Kiseljak	5,110	12,458	1,847	15,721	0.1
Konjic	1,030	779	913	896	1.2
Livno	13,747	2,231	3,398	12,580	1.5
Ljubuški	16,001	1,576	1,219	16,358	0.8
Mostar	2,503	2,696	3,168	2,031	1.2
Orašje	4,572	3,169	1,087	6,654	0.3
Sanski Most	2,683	1,432	328	3,787	0.2
Sarajevo	798,740	203,979	67,317	935,402	0.3
Široki Brijeg	8,369	9,717	1,948	16,138	0.2
Tešanj	6,885	2,248	529	8,604	0.2
Travnik	1,085	2,373	2,351	1,107	1.0
Tuzla	55,296	23,594	16,316	62,574	0.7
Velika Kladuša	4,092	2,727	105	6,714	0.0
Visoko	16,001	6,812	3,507	19,306	0.5
Zavidovići	13,550	7,123	3,048	17,625	0.4
Zenica	64,699	24,875	12,632	76,942	0.5
Žepče	11,001	984	4,543	7,442	4.6
Živinice	1,977	2,187	1,398	2,766	0.6
MUNICIPAL COURTS IN TOTAL	1,054,756	338,209	151,091	1,241,874	0.4
BASIC COURTS IN RS					
Banja Luka	11,786	25,007	7,903	28,890	0.3
Bijeljina	26,708	28,362	2,342	52,728	0.1
Bosanska Gradiška	7,315	2,010	785	8,540	0.4
Derventa	2,240	3,010	4,412	838	1.5
Doboj	5,426	5,789	3,255	7,960	0.6
Foča	1,938	3,060	2,512	2,486	0.8
Kotor Varoš	4,246	5,327	609	8,964	0.1
Modriča	4,560	7,703	1,308	10,955	0.2
Mrkonjić Grad	4,737	4,975	2,828	6,884	0.6
Novi Grad	1,567	1,977	971	2,573	0.5
Prijedor	1,211	15,809	1,230	15,790	0.1
Prnjavor	2,812	2,468	986	4,294	0.4
Sokolac	1,369	10,024	1,438	9,955	0.1
Srebrenica	1,840	2,961	499	4,302	0.2
Teslić	3,218	2,653	676	5,195	0.3
Trebinje	8,513	2,866	1,842	9,537	0.6
Višegrad	3,346	4,327	2,788	4,885	0.6
Vlasenica	5,444	3,808	2,047	7,205	0.5
Zvornik	12,405	12,743	804	24,344	0.1
RS BASIC COURTS IN TOTAL	110,681	144,879	39,235	216,325	0.3
Basic Court Brčko – BD of BiH	6,789	1,935	2,459	6,265	1.3
BiH TOTAL	1,172,226	485,023	192,785	1,464,464	0.4

III TRENDS IN STATISTICS FOR UTILITY CASES

The inflow of utility cases is still increasing and it is easy to predict that the trend will continue pending the introduction of the relevant systemic changes in deciding on and in overcoming this extremely important and probably key problem of the BiH judicial system.

During 2008, 485,023 utility cases were received, which makes the increase of 50% compared to the last year's increase. At least half of these utility cases pertain to unpaid RTV subscription fees. The Municipal Court in Sarajevo still has the largest inflow of the utility cases, the number of which was 203,979 or 42% of the total number of the received utility cases at all Courts during 2008.

The inflow of the utility cases at the Municipal Court in Sarajevo regained the 2006 level, which may be explained by the existence of a large number of the last year's non-registered utility cases. It is noted that there is an increased number of the utility cases at the basic courts in RS and the Banja Luka Basic Court in particular, which received 25,007 utility cases during 2008, that is, twice as much as the annual inflow of the utility cases in 2007 (10,658 cases). This increasing trend resulted in almost doubled number of the outstanding utility cases in RS during 2008, relative to the previous year. Unlike the trend in the Basic Court in Banja Luka and with the exception of the Municipal Court in Sarajevo, the municipal courts in FBiH recorded the decreasing trend in the received utility cases.

During 2008, the first-instance Courts completed no more than 192,785 utility cases, that is, about 40% of the case inflow and, as a consequence, the outstanding utility cases increased in number and reached the figure of 1,464,464 in the first half of 2008.

Diagram 31: Received and completed utility cases at the first-instance courts in BiH –per year

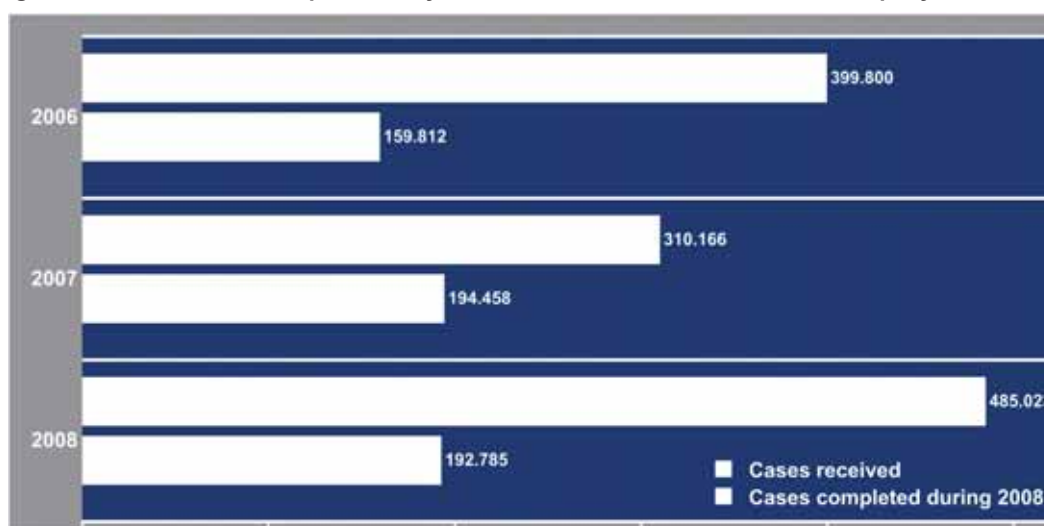


Table 40: Received and completed utility cases at the first-instance courts in BiH –per year

Year		Sarajevo	FBiH without Sarajevo*	RS	Brcko District BiH	Total
2006.	Received	205 442	167 571	21 883	4 904	399 800
	Completed	83 034	63 469	11 070	2 239	159 812
2007.	Received	83 326	113 307	108 547	4 986	310 166
	Completed	73 518	94 207	24 101	2 632	194 458
2008.	Received	203 979	134 230	144 879	1 935	485 023
	Completed	67 317	83 774	39 235	2 459	192 785

Relative participation of the Sarajevo Municipal Court in the total backlog of the outstanding cases has the downward trend, however, its share is still largest in the statistics, as illustrated in Diagram 32. The establishment of the separate departments to decide on the authentic documents and the departments to deal with the small value disputes within the Sarajevo Municipal Court proved to be a very good solution since, for the first time, the judges were disburdened from the utility cases which have been decided on by the Court judicial associates. However, the inflow of the utility cases is still enormous and, regardless of the fact that the established departments meet the quota exceeding 130%, they cannot manage such a huge inflow without the essential changes in the performance and computerised procedures in deciding on the utility cases, which system was introduced in late 2008 and the results of which will be illustrated in the 2009 statistics.

Diagram 32: Outstanding utility cases at the BiH first-instance courts at the end of the year



Table 41: Outstanding utility cases at the first-instance courts in BiH, at the end of the year (from 2005 to 2008)

	Outstanding	Sarajevo	FBiH without Sarajevo*	RS	Brčko District	Total
2005		664 609	162 751	14 452	1 571	843 383
2006		787 017	266 853	25 265	4 236	1 083 371
2007		787 309	316 691	122 742	6 983	1 233 725
2008		923 971	367 147	228 236	6 459	1 525 813

FBiH without Sarajevo is entered as FBiH* for easier reference

IV 2008 ACTIVITIES AND RESULTS

The analysis of the utility cases nature clearly indicates that the administration of justice cannot resolve the problem on its own. Therefore, in cooperation with the BiH Ministry of Justice, the HJPC established the mechanisms to include several actors in order to jointly act towards the required systemic changes, which predominantly refers to the amendments to the regulations.

ACTION PLAN AND WORKING GROUPS

In early 2008, the Ministry of Justice of BiH, together with the HJPC representatives and supported by the Canadian JRP, developed an Action Plan to reduce the number of outstanding cases. The HJPC adopted the Plan on its session held on 8 February, 2008, with the possibility for the Ministry to subsequently provide its suggestions thereof. This Plan, however, was not supported by the Ministry of Justice of RS, and, consequently, the Council of Ministers of BiH could neither consider nor adopt it. Considering that, for that reason, the Coordination Board could not be established and in order to prevent the delay in achieving the Action Plan objectives, another mechanism to address that problem was established in agreement with the Ministry of Justice of BiH. With this regard, on 19 June, 2008, the HJPC rendered a decision to establish two working groups.

The working group addressing the utility cases issue has been tasked with finding an adequate solution for overcoming the current situation with regard to the utility cases backlogs at courts, and, apart from judges, the representatives of the respective Ministries of Justice of BiH, FBiH and RS and the Judicial Committee of the Brčko District of BiH, it also comprised the representatives of the utility services, RTV FBiH and RTV RS, and the BiH Association of Consumers.

The working group for the improvement of the enforcement proceedings has been tasked with the analysis of the alternative models for the implementation of the enforcement procedure based on the final document, and to propose measures to better the court enforcement proceedings. Apart from judges, the representatives of the respective Ministries of Justice of BiH, FBiH and RS and the Judicial Committee of the Brčko District of BiH, this working group also comprised the representatives of the Notary and Bar Association and the BiH Association of Banks.

Until the end of 2008, the working groups held three sessions each (in June, September and December). They discussed the specific proposals for the amendments and supplements to certain laws, and the adoption of certain recommendations to be forwarded to the relevant institutions.

During 2008, two study visits were organised (in October to Zagreb and in November to Belgrade). On that occasion, the BiH delegations attended the meetings at the relevant Ministries of Justice, Courts, selected companies providing utility services and the Associations of Notaries and consumers.

Within the two-year timeline, both working groups are expected to perform their tasks which include the analysis of the applicable laws and regulations, and the relevant proposals for their amendments and supplements. It is planned that, in mid-2009, the initial groups of recommendations for the amendments to the regulations should be forwarded to the HJPC for adoption and further referral to the relevant authorities.

BETTER COLLECTION ON THEIR OWN

The companies providing the utility services and the public RTV broadcast should be capable of achieving better results in collection of payments for their services by using their own resources, while the Court interventions should only be the last resort. Finding of such a solution is the main task of the working group addressing the utility cases issue, and it began to consider the required amendments and supplements to the regulations and good practice for resolving the issues described in the paragraphs below.

Access to accurate information on the service users is the basic starting point. Signing of the individual contracts and the installation of instruments to measure individual consumption are the steps which could contribute to that and which would, at the same time, enable the establishment of a better relationship with the consumers.

Updated database on the service users may be established by networking information from the existing databases and by establishing the mechanisms for providing the utility companies with the information about important changes in the user-related data (exp. about the owner's death or moving to another location or changes in the ownership of property). The bill collectors may play here an important role by visiting all disputable addresses and by establishing the actual situation about their users or owners.

Rationalisation and the highest possible extent of unification of the departments in charge of collecting the utility services outstanding debts is also a possible solution. Thereof, the experiences of the neighbouring countries should also be considered, since the system of the joint payment slips including several types of the utility services proved to be very useful.

The systems developed in the neighbouring countries are not identical, but their goal is, as they want to centralise the calculation and invoicing activities and the distribution of bills for as many utility services in the town as possible. The implementation of such solutions resulted in considerable funds being saved and in better collection of the outstanding debts.

The stimulation system (for instance, to reduce to a certain percentage the bills issued to regular payers) and de-stimulation (to deprive the non-payers of certain possibilities) may influence the behaviour of the debtors. Naturally, there should be a system in place to enable those who cannot pay the debt due to their low income, to be in part or entirely relieved of that liability.

The best de-stimulation must be an efficient and fast enforcement procedure. Notices forwarded to the users who do not meet their liabilities on a regular basis, with the information on all additional costs to be paid unless the basic debt is met, may be efficient, particularly in case that the additional costs are much higher. A notice which is properly forwarded prior to filing the case with the Court may also serve for checking the accuracy of the information about the debtor and his/her address which would enable the guarantor to correct the information himself rather than to have it corrected during the court proceedings thus making the proceedings more difficult and extended.

THE COURT SUMMONS ISSUE

The court summons issue is one of the key factors of any court proceedings. At the Round Table with the enforcement proceedings judges which was held in Sarajevo in October 2008 within the scope of the working group activities, it was confirmed that the problem in summons serving is the largest obstacle to the fast and efficient enforcement procedure. The problems arise for multiple reasons and include several segments:

- 1) Name and addresses provided by the creditors are often incorrect, outdated or incomplete. The duration of the proceedings, as a consequence of the backlogs, leads to the outdated information on debtors.
- 2) There is an insufficient number of the summons servers who are often inadequately trained as well. Trainings in good practice intended for the summons servers commenced this year, in the Banja Luka Basic Court and the Sarajevo Municipal Court for instance. It could be beneficial to also consider the possibility for the implementation of this practice at other courts as well, within the regular time intervals. They should also be expanded and systematised. By the adequate engagement of the summons servers, the court may save considerable funds and achieve better results. The management of the Basic Court in Banja Luka calculated that every individual summons server may save about KM 1,000 in postal charges on a monthly basis. Considering that an additional summons server does not constitute an additional expense for the public budget, but ensures savings instead, it is logical that the servers should be exempt from the calculation of the ratio between the administrative staff and the judges.
- 3) Regardless of the development of internal departments for the summons servers, there should always be a need for postal delivery. Postmen are often insufficiently educated in the specific issues concerning the summons serving, and the internal PTT rules are not always compatible with the procedural laws and regulations. The HJPC and the Ministry of Justice should consider this issue together with the PTT operators and agree upon the modalities for these problems to be overcome.
- 4) Currently, there is no alternative for the three PTT operators which de facto act as monopolists, due to which situation the advantages of the competition system are being lost. For this to be achieved, the private agencies should be allowed to serve the summons, and the applicable laws on postal services should be harmonised accordingly with the Civil Procedure Code under which the summons could also be served by an authorised legal entity registered for the serving activities.

MORE EFFICIENT ENFORCEMENT RESOURCES

The excessive backlogs could be reduced by applying the more efficient enforcement methods.

The enforcement procedure pertaining to the movable property of the debtor is a demanding procedure which often cannot be implemented in cases where the debtor is a natural person and the outstanding debts are lower in value.

However, all motions for the enforcement based on an authentic document are related to the inventory, confiscation and sale of movables. This practice excessively burden bailiffs, therefore, the problem cannot be resolved by merely increasing them in number and by providing them with training, although this also should be done. To illustrate the good practice we shall hereby give an example of the Croatian radio-television broadcast, the collection service of which has never requested the enforcement to be applied on movables, but on the salary or pension solely, which is the means of the enforcement which requires the minimum efforts and, if available, it is successfully applied. It is possible to apply this method because the public authorities and bodies, according to the Enforcement Law, are obliged to provide the relevant information at the request of the party requesting the enforcement. This clearly indicates that it is of critical importance to enable the parties requesting the enforcement to have access to information about the debtors, under the Law on Protection of Personal Information.

Furthermore, stimulations through the enforcement tariffs could also be considered, with the smaller amount of expenses planned for the means of enforcement which requires minor efforts by the court and smaller resources as well. In any case, harmonisation of the enforcement expenses is required. The average advance payment requested by different courts to cover the enforcement costs related to movables ranges from zero (seven first-instance BiH courts do not ask for that) to KM 100.

In order to make the enforcement funds more efficient, the introduction of the special procedure for the enforcement applied to the motor vehicles (as introduced in Croatia) could be taken into consideration, as well as the establishment of the mechanisms to secure the price which is closest to the market value at the time of sale, when selling movables and real estate.

The working group for improvement of the enforcement procedure has been considering all options with the aim at reaching the specific proposals for the amendments to the law. The activities of the German Economic Law Reform Project in the West Balkan countries, which is implemented by the GTZ (round tables on the enforcement procedure attended by judges, academics and experts from the region), gave considerable contribution to these discussions.

BAILIFFS

The role of the court bailiff services in the enforcement procedures pertaining to cash outstanding debts, let alone the non-cash outstanding debts, is of critical importance. Their job is often delicate, there is not sufficient number of them they are not adequately equipped, and they do not have enough vehicles to perform the field work. Regardless of their specific duties foreseen by the law, there are not specific qualifications required for performance of that job. Their net salaries range from KM 500 to KM 1,000, depending on the court.

The number of the judicial staff performing the duties of bailiffs or service officers on a temporary basis is very small, and this solution proved to be very efficient at a number of Courts, such as, the Municipal Civil Court in Zagreb. Regardless of the fact that the criteria for the establishment of their optimal number have not been developed, based on the excessive backlogs at the enforcement cases, it is possible to conclude that the number of bailiffs at the BiH courts is generally insufficient.

Apart from better material conditions for work (mainly the donations in motor vehicles and uniforms) and the provision of adequate training in a form of seminars, attention should also be paid to the organisation of their work and coordination with judges. Consequently, it would be the best solution to include this training into the programmes of the Judicial and Prosecutorial Training Centres.

The introduction of the Book of Rules on the court bailiffs service, as introduced by the Municipal Court in Sarajevo, and their exclusion from the calculation of the ratio between the administrative staff and judges, may contribute to the increased efficiency of their work.

ELECTRONIC PROCESSING OF THE UTILITY CASES

The procedure for the completion of the utility cases is suitable for automatic processing for several reasons.

First and foremost, for the purpose of invoicing, every creditor has a complete electronic database of all cases filed with the court. These electronic pieces of information have hitherto been used for the production of (several tons) paper forwarded to the court, registered and processed individually, which process requires an unnecessary involvement of considerable human and material resources. Enabling the electronic forwarding of these cases would make the whole procedure more efficient and save money on both sides.

Furthermore, the electronic method enables the group processing, that is, the selection of a range of cases and the identical actions to be taken with regard to all of them.

Several countries, such as Austria, Great Britain and Slovenia, have already had a well developed computerisation system in place to deal with this specific type of cases. Since 1 January, 2008, Slovenia introduced the possibility for the companies providing the utility services to electronically file their cases with the court (not later than June, more than 70% of all utility cases were filed electronically, and all cases were received by the Central Department for Authentic Documents - COVL, which operates within the District Court (orig. *Okrajni sud*) of the Republic of Slovenia).

In late 2008, the HJPC announces the tender procedure for the implementation of the pilot project for the establishment of a so-called system for processing of the utility cases (SOKOP), which is to enable testing and usage of the referenced possibilities.

In November, at the Municipal Court in Sarajevo, the Canadian Judicial Reform Project commenced the implementation of the KODIFEL project aimed at digitalisation of the existing outstanding utility cases (more than 900 000 of them). This will enable physical detection of the cases withdrawn due to the paid debts, which has not been possible so far because of the enormous number of unregistered old cases, as well as the joinder of cases conducted against one and the same debtor, in order to achieve greater efficiency of process.

V RECOMMENDATION

As soon as possible, the HJPC will schedule a special session on this issue so as to analyse the working groups' recommendations and the results of the projects being implemented with the aim of resolving the problem. At a joint meeting with the representatives of the legislative and executive authorities, it will propose the possible solutions.

ANNEX 3
BOSNIA AND HERZEGOVINA
PROSECUTOR'S OFFICES
PERFORMANCE REPORT 1 JANUARY
2008 TO 31 DECEMBER 2008

BOSNIA AND HERZEGOVINA PROSECUTOR'S OFFICES PERFORMANCE REPORT 1 JANUARY 2008 TO 31 DECEMBER 2008

The HJPC Annual Report 2008 includes data *per case* on performance of all Prosecutor's Offices in Bosnia and Herzegovina, which mainly refers to tackling criminal charges, investigation, age of ongoing investigations and the charge-related procedures, indictments filed, prosecutor's abandonment of a prosecution, juvenile proceedings, and the structure of the crime data.

Data pertains to all 20 of the Prosecutor's Offices (10 Cantonal and 5 District Prosecutor's Offices, Prosecutor's Office of Brčko District of BiH, Prosecutor's Office of Bosnia and Herzegovina, Federation Prosecutor's Office of the Federation of Bosnia and Herzegovina, Republic Prosecutor's Office of Republika Srpska and the Special Department for combating organised and most severe forms of economic crime of the District Prosecutor's Office Banja Luka – Special Prosecutor's Office). Considering specific jurisdiction of the Federation Prosecutor's Office of the Federation of BiH and the Republic Prosecutor's Office of Republika Srpska, summary data presented in this Report does not include performance information about these Prosecutor's Offices. Therefore, performance data pertaining to the Federation Prosecutor's Office of the Federation of BiH and the Republic Prosecutor's Office of Republika Srpska is separately presented on pages 20 and 21 of the Report.

PERFORMANCE SUMMARY REPORT ABOUT CANTONAL AND DISTRICT PROSECUTOR'S OFFICES, PROSECUTOR'S OFFICE OF BOSNIA AND HERZEGOVINA AND THE PROSECUTOR'S OFFICE OF BRČKO DISTRICT OF BIH FOR THE PERIOD 1 JANUARY 2008 TO 31 DECEMBER 2008

I CRIMINAL CHARGES

In 2008, the Prosecutor's Offices of Bosnia and Herzegovina operated with **43.296** criminal charges in total, whereof **18.991** of these charges were carried over from 2007 and **24.305** were received during 2008. While **25.777** charges were fully completed, **17.519** of them have been carried over to 2009.

Table 1. Flow of criminal charges in the Prosecutor's Offices in BiH during 2008

Prosecutor's Offices	Past years' outstanding charges	Charges received during the reporting period	Total number of charges pending during the reporting period	Charges completed ¹ during the reporting period	Charges completed in part ² during the reporting period	Charges outstanding ³ at the end of 2008
BIH	698	644	1.342	468	18	874
FBIH	14.253	14.823	29.076	15.942	13	13.134
RS	4.040	8.315	12.355	8.844	0	3.511
Brčko District	0	523	523	523	0	0
TOTAL	18.991	24.305	43.296	25.777	31	17.519

During 2008, 60 % of criminal charges which were processed by the Prosecutor's Office of BiH, Cantonal, District and the Prosecutor's Office of Brčko District of Bosnia and Herzegovina were completed.

II INVESTIGATIONS

As defined by the applicable Criminal Procedure Codes, it is the basic right and the basic duty of the prosecutor to detect and prosecute perpetrators of criminal offences. Therefore, as soon as he becomes aware that there are grounds for suspicion that a criminal offence has been committed, the prosecutor shall take necessary steps to discover the criminal offences and perpetrators, and to conduct, guide and supervise the investigation.

Table 2. 2008 investigations by the Prosecutor's Offices in BiH, per level of authority

Prosecutor's Offices	Past years ongoing investigations	Investigations ordered during the reporting period	Total number of investigations during the reporting period	Investigations completed during the reporting period	Investigations completed in part during the reporting period ⁴	Number of ongoing investigations as of 31 December 2008
BIH	510	285	795	257	16	538
FBIH	5.284	12.889	18.173	13.192	23	4.981
RS	3.037	7.351	10.388	7.291	1	3.097
Brčko District	277	523	800	524	1	276
TOTAL	9.108	21.048	30.156	21.264	41	8.892

During 2008, the Prosecutor's Office of BiH, Prosecutor's Office of Brčko District of BiH, Special Prosecutor's Office of Republika Srpska, ten Cantonal and five District Prosecutor's Offices conducted 30.156 investigations⁵ in total. Of that number, 9.108 investigations were carried over from 2007, while 21.048 investigations were ordered to be conducted during 2008. The number of fully completed⁶ investigations is 21.264, while 8.892 pending investigations⁷ were carried over to 2009.

¹ The **charges completed** during the reporting period include those completed by the orders to either conduct or not to conduct the investigation, or otherwise (transfer, and similar). A completed charge is hereby presented as a closed case, regardless of the number and the type of the procedural decisions rendered with regard to the charged persons. For example, if one charge includes three persons whereby the respective orders to investigate one person and not the other two charged persons were issued, such a charge will be presented.

² It is deemed that a **charge is completed in part** during the reporting period if it is only completed with regard to a certain number of the charged persons while, with regard to other charged persons, certain verifications have been conducted to establish the grounds for suspicion that they committed the criminal offence. For example, one charge includes five persons whereby the investigation has been conducted against two persons and, with regard to other three persons, no procedural decision has been rendered yet, that is, the verifications are underway with a view to of establishing the grounds for suspicion that they committed the criminal offence. Such a charge is presented as a partially closed case, regardless of the number of persons in relation to whom it has been completed in part, or the possible different procedural decisions.

³ **Outstanding charge** is the one which is not completed in full therefore, no adequate procedural decision pertaining to any of the charged persons has been rendered.

⁴ **Investigation which is completed in part** is the one instituted against several persons, whereby, it has been ceased with regard to some of them, while the indictment has been filed against some others and, the investigation of some is pending within the same criminal case. Furthermore, partially completed investigations are those which established that the investigated persons had committed the offences within the territory under the jurisdiction of some other Prosecutor's Office.

⁵ One investigation is presented as one case, regardless of the number of investigated persons.

⁶ The **investigations completed** during the reporting period include those which have been completed by an order to cease the investigation, by filing indictment or in some other manner (transfer, and similar), and the investigations that have been completed in one of the foregoing manners with regard to **all persons subjected to investigation**. A completed investigation is presented as one closed case, regardless of the number and the type of the procedural decisions rendered with regard to the investigated persons. For example, if five persons were investigated and an order to cease the investigation was issued with regard to one person, while the indictment was filed against other four persons, such investigation will be presented as one completed investigation, regardless of a large number of the procedural decisions.

⁷ **Ongoing investigation** is the one that is not completed in its entirety, therefore, the investigation is still underway with regard to all persons against whom it has been instigated.

Table 3. 2008 investigations by the Prosecutor's Offices in BiH, per type of case

Type of Case	Past years ongoing investigations	Investigations ordered in 2008	Total number of investigations in 2008	Investigations completed in 2008	2008 investigations completed in part	Ongoing investigations as of 31 December 2008
General crime	7.384	19.582	26.966	20.076	24	6.890
Economic crime	913	1.024	1.937	1.098	2	839
War crimes	811	442	1.253	90	15	1.163
TOTAL	9.108	21.048	30.156	21.264	41	8.892

Based on data shown in Table 3, a conclusion may be rendered that most investigations (26.966 or 89%) were conducted in relation to the criminal offences falling within the general crime category, while the smallest number pertained to criminal offenses of war crimes (1.253 or 4%). The following Diagram illustrates the structure of investigations, per type of criminal offences, which the Prosecutor's Offices in BiH conducted in 2008.

Diagram 1. Structure of 2008 investigations conducted by the Prosecutor's Offices in BiH, per type of criminal offences



Diagram 2. Structure of investigations instigated and completed in 2008 by the Prosecutor's Offices in BiH, per type of criminal offences



Diagram above illustrates the ratio between the instigated and completed investigations per type of criminal offences. The Prosecutor's Offices completed 20.076 conducted investigations, which is by 3% more than the number of investigations instigated with regard to the general crime. During the reporting period, the Prosecutor's Offices also managed to complete more (by 7%) investigations pertaining to the general crime than they instigated. By contrast, the number of the investigations instigated in the war crime cases was considerably higher than the number of those completed.

Table 4. Age of investigations not completed by the Prosecutor's Offices in BiH

Prosecutor's Offices	Time-structure of ongoing investigations					
	Ongoing investigations instigated before 31 Dec. 2003	Investigations ordered during 2004	Investigations ordered during 2005	Investigations ordered during 2006	Investigations ordered during 2007	Investigations ordered during 2008
BIH	14	17	48	112	202	145
FBIH	1.016	336	368	400	699	2162
RS	361	136	139	243	495	1723
Brčko District	14	18	25	17	21	181
TOTAL	1.405	507	580	772	1.417	4.211

As of 31 December 2008, the total number of the ongoing investigations by the Prosecutor's Offices was 8.892. Most ongoing investigations (4.211 or 47%) were ordered during 2008. There is also a considerable number of uncompleted investigations (1.405 or 16%) ordered before 31 December 2003. .

III INDICTMENT PROCEDURE

If, in the course of an investigation, the prosecutor finds that there is enough evidence for grounded suspicion that the suspect has committed a criminal offence, the prosecutor shall prepare and refer the indictment to the preliminary hearing judge which he may confirm or discharge all or some of the counts in the indictment. Upon confirmation of the indictment, the suspect shall have the status of an accused and the criminal proceedings shall be opened against him before the court.

Table 5. 2008 indictments before the BiH courts

Prosecutor's Offices	Total number of indictments filed during 2008	Total number of indictments confirmed during 2008	Indictments the confirmation of which was refused during 2008	Indictments withdrawn prior to rendering decisions on confirmation during 2008	Total number of indictments filed but not confirmed at courts as of 31 Dec. 2008.
BiH	170	167	1	0	2
FBIH	10.743	9.996	42	9	696
RS	5.310	4.912	14	5	379
Brčko District	425	405	0	0	20
TOTAL	16.648	15.480	57	14	1.097

Considering that 21.048 investigations were ordered during 2008 (Table 2) and that 16.648 indictments were filed in the same period (Table 5), a conclusion may be rendered that the percentage of investigations which resulted in the indictments filed in 2008 was 79%. The remaining 21% of investigations were completed by the orders to cease the investigations or otherwise.

When compared with 2007 data, there was no considerable fluctuation in percentage of investigations that resulted in the indictments, because 17.107 indictments were filed in 2007 and, considering that 20.744 investigations were ordered during the same year, it follows that the percentage of investigations that resulted in the indictments was 82%.

Of the total number of indictments that were confirmed during 2008 (15.480), 7.900 or 51% of them were accompanied by related fines upon summary convictions. Percentage of indictments accompanied by summary fines did not considerably change in comparison with 2007.

It is also noteworthy that, during 2008, the Courts in BiH refused to confirm 57 of 16.648 indictments, that is, no more than 0,34%, and that the prosecutors withdrew the indictments in 14 cases before the Courts rendered decisions on their confirmation. The number of the indictments the confirmation of which was refused by the Courts is considerably smaller than the number of those refused in 2007 (111).

IV PLEA BARGAIN

The plea bargain is an instrument which enables the accused and the prosecutor to reach an agreement on the conditions of the accused plea guilty of the committed criminal offence. The Court shall render a final decision on the agreement reached. The plea bargain is one of the procedural instruments which enables the proceedings to be shorter, thus increasing efficiency of both Prosecutor's Offices and Courts.

With this regard, it is interesting to note that during 2007, for example, no plea bargain was reached for the criminal offence of war crimes, whilst, during 2008, the Prosecutor's Office of BiH proposed 6 plea bargains for the war crime criminal offences and the Court of BiH accepted all 6 of them and pronounced 6 convicting verdicts thereof.

Table 6. 2008 plea bargains

Prosecutor's Offices	Plea bargains proposed during 2008	Rejected plea bargains	Convicting verdicts under the plea bargains	Plea bargains proposed and still without the Court decision
BiH	72	0	67	5
FBIH	946	9	791	146
RS	998	6	908	84
Brčko District	102	0	97	5
TOTAL	2.118	15	1.863	240

As illustrated in Table 6, during 2008 the Prosecutor's Offices proposed 2.118 plea bargains in total, while the Courts accepted 1.863 of them. The plea bargain as the procedural instrument which has been recently introduced into the criminal legislation of Bosnia and Herzegovina was applied to 12,7% filed indictments. It follows from this data that this instrument which considerably speeds up the completion of the criminal proceedings is being extensively used. However, it should be noted that in the criminal-legal systems of other countries in which this system is a matter of tradition, the instrument is used to a much higher extent thus increasing efficiency of the criminal proceedings. It is therefore realistic to expect that the

Prosecutor's Offices in Bosnia and Herzegovina will in the forthcoming period increase the number of cases in which they will propose entering into the plea bargain.

It is noteworthy that, of the total number of the indictments filed during 2008, plea bargains were proposed in relation to 12,7% while in terms of percentages, 88% of the proposed plea bargains were accepted, which is slightly higher than in 2007 when the percentage was 86%.

V "OTHER" CASES

The Performance Report on the Prosecutor's Offices so far illustrated only the work under *Kt* cases, being the label for the criminal cases conducted by the Prosecutor's Offices against identified perpetrators of criminal offences, those of age. However, apart from these cases, the Prosecutor's Offices in Bosnia and Herzegovina annually receive a huge number of "other" cases as well, that is, *Ktn* (cases against unidentified perpetrators on which the Police work and which also require the Prosecutors' involvement), *Kta* (various types of information which may include, but not necessarily, the elements of the criminal offence, and which require the Prosecutor's involvement). The completion of these cases predominantly depends on the Police), and *Ktm* cases (criminal cases for a specific criminal offence against juveniles). The referenced Table provides in more detail information on *Kta* i *Ktn* cases which are predominant in the structure of other cases of the Prosecutor's Offices (of the total number of other cases, there are 2.818 or 1% of the *Ktm* outstanding cases).

Table 7. Flow of *Kta* cases in the BiH Prosecutor's Offices during 2008

Prosecutor's Offices	Outstanding from previous years	Received during the year	Outstanding in total	Completed during the year			Completed at the end of the year in total	Outstanding at the end of the year
				Due to statute of limitations	By being transferred into KT record	Otherwise		
BIH	907	572	1.479	0	90	428	518	961
FBIH	16.177	13.208	29.385	23	3.561	7.456	11.040	18.345
RS	6.755	4.807	11.562	255	952	4.737	5.944	5.618
Brčko District	153	332	485	0	81	200	281	204
Total BiH	23.992	18.919	42.911	278	4.684	12.821	17.783	25.128

Table 7a. Flow of *Ktn* cases in the BiH Prosecutor's Offices during 2008

Prosecutor's Offices	Outstanding from previous years	Received during the year	Outstanding in total	Completed during the year			Completed at the end of the year in total	Outstanding at the end of the year
				Due to statute of limitations	By being transferred into KT record	Otherwise		
BIH	169	159	328	0	23	248	271	57
FBIH	98.958	19.329	118.287	4.660	3.412	3.725	11.797	106.490
RS	48.724	6.808	55.532	1.683	1.143	215	3.041	52.491
Brčko District	6.550	1.555	8.105	4	159	93	256	7.849
Total BiH	154.401	27.851	182.252	6.347	4.737	4.281	15.365	166.887

THE BIH FEDERATION OF BIH, REPUBLIKA SRPSKA AND BRČKO DISTRICT PROSECUTOR'S OFFICES PERFORMANCE REPORT 1 JANUARY 2008 TO 31 DECEMBER 2008

PROSECUTOR'S OFFICE OF BOSNIA AND HERZEGOVINA

The Prosecutor's Office of BiH is competent for the prosecution of the perpetrators of war crimes, economic and financial crimes and corruption, as well as for the prosecution of those suspected of terrorism, human trafficking, money laundering and international smuggling. During 2008, 26 local and 10 international Prosecutors were involved in the case processing.

I CRIMINAL CHARGES

During 2008, the Prosecutor's Office operated with **1.342** criminal charges in total. Of that number, **698** charges were transferred from 2007, while **644** new charges were received during 2008. **468** charges were completed, while **874** were transferred to 2009 for processing. Thus in 2008 as well, the increasing trend of 2007 outstanding charges continued, as their number increased from **553** to **672**.

Type of cases	Outstanding charges from previous years	Charges received during 2008	Total number of charges to be processed during 2008	Charges completely processed during 2008	Charges processed in part during 2008	Outstanding charges as of 31 Dec. 2008
General crime	162	216	378	178	12	200
Economic crime	292	343	635	232	4	403
War crime	244	85	329	58	2	271
TOTAL	698	644	1.342	468	18	874

Table 8. Flow of the Prosecutor's Office of BiH criminal charges in 2008, per type of case

It is noted that the criminal charges for the general crime offences were processed in the fastest manner (82% relative to the current inflow), while the dynamics of tackling the charges for both economic and war crimes was somewhat slower (68% relative to the current inflow).

II INVESTIGATIONS

As presented in Table 9, the Prosecutor's Office of BiH ordered 285 investigations, and dealt with the total of 795 ongoing investigations in 2008. During 2008, 257 investigations or 90% of the current inflow were completely processed.

Type of cases	Ongoing investigations from previous years	Investigations ordered during 2008	Total number of ongoing investigations during 2008	Investigations completed during 2008	Investigations completed in part during 2008	Ongoing investigations as of 31 Dec. 2008
General crime	93	119	212	104	2	108
Economic crime	118	116	234	103	1	131
War crime	299	50	349	50	13	299
TOTAL	510	285	795	257	16	538

Table 9. 2008 investigations by the Prosecutor's Office of BiH, per type of case

According to the structure of the total number of investigations, those conducted in the war crime cases are predominant with 44%. They are followed by the economic crime investigations with 29%, and the general crime investigations with 27%.

During the reporting period, more investigations were commenced than completed with regard to the economic crimes. As a consequence, the number of ongoing investigations at the end of the year increased. With regard to the war crime offences, the number of investigations commenced and completed during 2008 was identical.

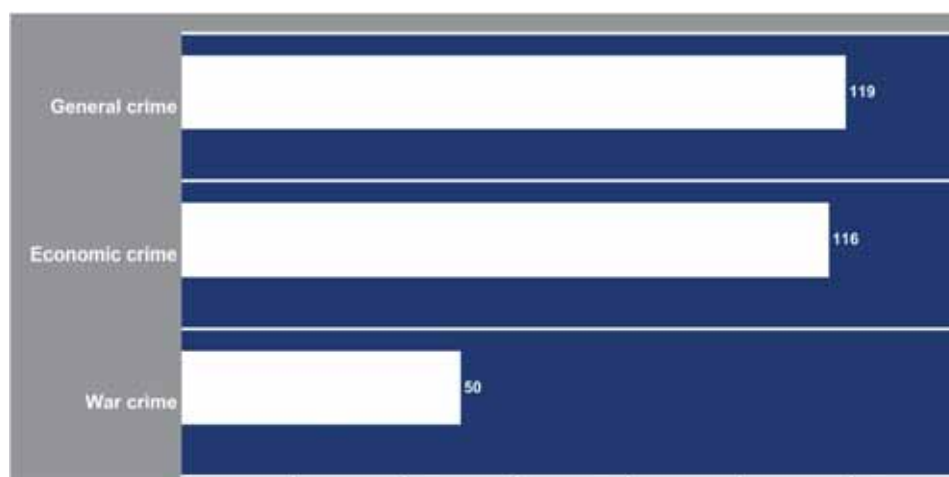


Diagram 4. Structure of 2008 investigations initiated by the Prosecutor's Office, per type of criminal offence

The illustration of the initiated investigations structure presented in Diagram 4 indicates that the largest number of investigations was initiated with regard to the general crime offences. The number of investigations that were initiated for the economic crime offences was slightly smaller, while the smallest number of commenced investigations referred to the war crime offences. This structure considerably differs from the one pertaining to the investigations initiated in 2007 when most of them referred to the war crimes and the least to the general crimes.

III INDICTMENTS

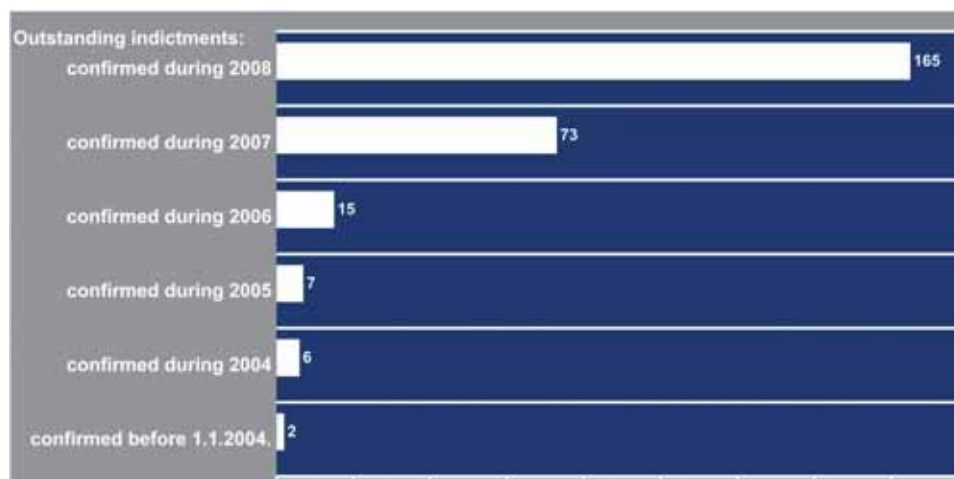
The total number of the filed indictments (176) includes those filed in 2008 (170) and the indictments filed before 2008, of which the Court of BiH did not render a decision until 31 December 2007 (6).

Table 10. 2008 indictments filed by the Prosecutor's Office of BiH, per type of case

Type of case	Total number of indictments filed during 2008	Total number of indictments confirmed during 2008	The number of indictments the confirmation of which was refused during 2008	The number of indictments withdrawn prior to the decision on confirmation	Total number of filed but not confirmed indictments at the Court of BiH as of 31 Dec. 2008
General crime	79	79	0	0	0
Economic crime	68	66	0	0	2
War crime	23	22	1	0	0
TOTAL	170	167	1	0	2

During 2008, the Court of BiH refused to confirm only one indictment of the Prosecutor's Office of BiH. The stated Diagram illustrates the age of confirmed but outstanding indictments.

Diagram 5. Age of confirmed but outstanding indictments before the Court of BiH during 2008.



The largest number of confirmed but outstanding indictments (89%) date from 2008 and 2007. The total number of outstanding indictments confirmed in 2006 and earlier is 30, or 11% of the total number of all outstanding indictments.

IV PLEA BARGAIN

During 2008, 72 plea bargains were proposed and the Court of BiH accepted 67 of them, or 93%.

Table 11. 2008 plea bargains, per type of case

Type of case	Proposed plea bargains	Refused plea bargains	Convicting verdicts under the plea bargains	Plea bargains without the Court decision
General crime	28	0	25	3
Economic crime	38	0	36	2
War crime	6	0	6	0
TOTAL	72	0	67	5

Most plea bargains were proposed with regard to the offences of economic crime (38) and general crime (28), whilst the smallest number (6) referred to the war crime offences.

V "OTHER" TYPES OF CASES

Unlike other Prosecutor's Offices in BiH wherein **Ktn**⁸ cases are predominant in the case structure, it is the **Kta**⁹ cases which prevail in the Prosecutor's Office of BiH with 46% of the total number of cases.

Table 12. Flow of «other» cases in the Prosecutor's Office of BiH during 2008

Type of cases	Outstanding from previous years	Received during the year	Pending in total	Completed during the year			Total completed	Outstanding at the end of the year
				Due to the statute of limitations	Transfer into the KT Record	Otherwise		
Kta	907	572	1.479	0	90	428	518	961
Ktn	169	159	328	0	23	248	271	57

⁸ **Ktn** cases – cases against unidentified perpetrators, which should be considered by the prosecutor

⁹ **Kta** cases – various types of information which may have, but not necessarily, the elements of the criminal offence which require the engagement of the police and prosecutors.

The structure of the received cases per Records, including Ktm cases, is illustrated in the following Diagram.

Diagram 6. Structure of cases received by the Prosecutor's Office during 2008, per Records



VI CRIME STRUCTURE

Based on data presented in Table 9, a conclusion may be rendered that the Prosecutor's Office of BiH conducted most 2008 investigations with regard to the criminal offences against humanity and the values protected by international law, that is, war crimes. Of 795 investigations conducted by the Prosecutor's Office of BiH, 349 investigations (44%) pertained to the war crime cases, 234 investigations (29%) referred to the economic crime and 212 (27%) investigations were related to the general crime cases.

Considering that, in terms of the war crime cases, there were 334 investigations in total during 2007, whilst, during 2008 there were 349 investigations pertaining to the same cases, it may be concluded that, in terms of these criminal offences, the Prosecutors with the Prosecutor's Office of BiH conducted 15 investigations more (for about 4%) during 2008 compared to 2007.

FEDERATION PROSECUTOR'S OFFICE OF THE FEDERATION OF BOSNIA AND HERZEGOVINA

The Federation Prosecutor's Office functions in compliance with the Constitution of Bosnia and Herzegovina and the Constitution of the Federation of BiH, under the laws of Bosnia and Herzegovina and the Federation of Bosnia and Herzegovina.

The Federation Prosecutor's Office supervises the performance of the Cantonal Prosecutor's Offices in order to secure legality and efficiency of the procedure, issues the mandatory instructions to the Cantonal Prosecutor's Office for both their activities and taking certain actions, takes positions on certain cases, reports on its activities to the President of the Federation of BiH, Deputy President of the Federation of BiH, Parliament of the Federation of BiH and the Government of the Federation of BiH.

Within its competence foreseen under the law with regard to acting in criminal cases, the Federation Prosecutor's Office of FBiH, with 9 judges appointed, processed 222 cases during 2008, upon a regular note on legal remedy (Ktž), whereby 221 cases were completed in their entirety. Insofar as to deciding on the Ktž cases, the competence of the Federation Prosecutor's Office of FBiH refers to its consideration and responding to the appeals filed from the first instance verdicts of the Cantonal Courts. After the Supreme Court of the Federation of BiH has granted an appeal and revoked the first instance verdict of the Cantonal Court, the main trial is scheduled to be held before the Supreme Court of the Federation of BiH, whereby, at the trial, the Federation Prosecutor's Office represents the indictment of the relevant Cantonal Prosecutor's Office. In that phase of the proceedings, the referenced cases are labelled as Ktž-K. During 2008, 17 such cases were received and all of them were completed by the verdicts of the Supreme Court of the Federation of BiH. Considering that the accused is entitled to appeal such a verdict of the Supreme Court of the Federation of BiH, the case will get a new label Ktž-KŽ in the appeal proceedings, while the Federation Prosecutor's Office of FBiH provides its opinion and files a motion concerning the appeal. There were 6 such cases during 2008, and they all were completed by the decisions of the Supreme Court of the Federation of BiH. Also, during 2008, decisions were rendered on the cases trialled under the extraordinary legal remedies in the criminal (2 Ktž cases), administrative and misdemeanour fields (5 Ut cases).

Kta cases which constitute an enormous burden to other Prosecutor's Offices in Bosnia and Herzegovina, are almost fully updated with regard to the proceedings within the Federation Prosecutor's Office. Therefore, of 305 Kta cases to be processed during 2008, only 3 of them were outstanding at the end of the year.

REPUBLIC PROSECUTOR'S OFFICE OF REPUBLIKA SRPSKA

The Republic Prosecutor's Office of Republika Srpska functions in accordance with the Constitution of Bosnia and Herzegovina and the Constitution of Republika Srpska, under the laws of Bosnia and Herzegovina and Republika Srpska. Its establishment, organisation and competence have been regulated by the Law on Prosecutor's Offices of Republika Srpska. The Republic Prosecutor's Office of Republika Srpska was established for the territory of Republika Srpska.

The Republic Prosecutor's Office of Republika Srpska supervises the performance of the District Prosecutor's Offices in order to secure legality and efficiency of the procedure, issues the mandatory instructions to the District Prosecutor's Offices for both their activities and taking certain actions, takes positions on certain cases, reports to the National Assembly of Republika Srpska and the Government of Republika Srpska on performance of the Prosecutor's Offices and the crime-related situation.

Under the Law on Prosecutor's Offices of Republika Srpska, the Republic Prosecutor's Office acts before the Supreme Court of Republika Srpska in the appeal proceedings instigated by the District Prosecutor's Offices. During 2008, with 4 judges appointed, in considering and responding to the appeals, the Republic Prosecutor's Office operated with 131 Ktž cases. Of this number, 129 cases were completed, whereby decisions on 119 of them were rendered at the Panel sessions and 10 were completed after a trial. At the end of the year, there were 2 outstanding Ktž cases.

During 2008, the Republic Prosecutor's Office of Republika Srpska operated with 108 Kta cases and completed 102 of them, while 6 cases are still pending.

CANTONAL AND DISTRICT PROSECUTOR'S OFFICES AND THE BRČKO DISTRICT OF BIH PROSECUTOR'S OFFICE

The Cantonal Prosecutor's Offices in the Federation of BiH, the District Prosecutor's Offices in Republika Srpska and the Prosecutor's Office of the Brčko District of BiH have competence to take legally foreseen actions which include the investigative actions and prosecution of those suspected of having committed the criminal or economic offenses, and to perform other activities as regulated by special laws.

During 2008, 165 Prosecutors operated in 10 Cantonal Prosecutor's Offices, 81 Prosecutors worked in five District Prosecutor's Offices, including the Special Prosecutor's Office for combating organised and most severe forms of economic crime, with the District Prosecutor's Office in Banja Luka – Special Prosecutor's Office, whilst 8 Prosecutors operated in the Prosecutor's Office of the Brčko District of BiH during 2008.

I CRIMINAL CHARGES

During 2008 in the Cantonal and District Prosecutor's Offices and in the Prosecutor's Office of Brčko District, there were 41.954 criminal charges to work on. Of that number, 18.293 charges were transferred from 2007, while 23.661 were received during 2008. Having completed 25.309 of them, they transferred 16.645 outstanding charges to 2009.

Table 13. Criminal charges in the Cantonal and District Prosecutor's Offices¹⁰ and the Prosecutor's Office of Brčko District of BiH during 2008

Prosecutor's Offices	Types of cases	Outstanding charges from previous years	Charges received during 2008	Pending in total	Charges completed in 2008	Charges completed in part	Outstanding charges at the end of the year
Cantonal	General crime	13.119	13.789	26.908	15.061	9	11.847
	Economic crime	1007	1015	2022	849	4	1173
	War crime	127	19	146	32	0	114
	TOTAL	14.253	14.823	29.076	15.942	13	13.134
District	General crime	3.417	7.259	10.676	7698	0	2.978
	Economic crime	516	717	1.233	744	0	489
	War crime	107	339	446	402	0	44
	TOTAL	4.040	8.315	12.355	8.844	0	3.511
Brčko District	General crime	0	516	516	516	0	0
	Economic crime	0	7	7	7	0	0
	War crime	0	0	0	0	0	0
	TOTAL	0	523	523	523	0	0
TOTAL	General crime	16.536	21.564	38.100	23.275	9	14.825
	Economic crime	1.523	1.739	3.262	1.600	4	1.662
	War crime	234	358	592	434	0	158
	TOTAL	18.293	23.661	41.954	25.309	13	16.645

Based on comparable analysis of data obtained from the Prosecutor's Offices at this level, the following is noteworthy¹¹:

- A Prosecutor with the Cantonal Prosecutor's Office in the Federation of BiH received 90 charges in average and fully completed 97 charges during 2008.
- A Prosecutor with the District Prosecutor's Office in Republika Srpska received 103 charges in average, and fully completed 109 charges (data includes the RS Special Prosecutor's Office) during 2008.
- A Prosecutor with the Prosecutor's Office of Brčko District of BiH received and fully completed 65 charges during 2008.

II INVESTIGATIONS

During 2008, 20.763 investigations were ordered in total. 21.007 of them were completed in their entirety. The number of ongoing investigations at the end of 2008 (8.354) is slightly smaller than the number of such investigations at the end of 2007 (8.598).

Table 14. Investigations during 2008

Prosecutor's Offices	Types of cases	Outstanding investigations from previous years	Investigations ordered during 2008	Total ongoing investigations	Investigations completed in 2008	Investigations completed in part	Outstanding investigations at the end of the year
Cantonal	General crime	4.552	12.403	16.955	12.678	21	4.277
	Economic crime	457	469	926	499	1	427
	War crime	275	17	292	15	1	277
	TOTAL	5.284	12.889	18.173	13.192	23	4.981
District	General crime	2.525	6.544	9.069	6.786	0	2.283
	Economic crime	290	432	722	481	0	241
	War crime	222	375	597	24	1	573
	TOTAL	3.037	7.351	10.388	7.291	1	3.097
Brčko District	General crime	214	516	730	508	1	222
	Economic crime	48	7	55	15	0	40
	War crime	15	0	15	1	0	14
	TOTAL	277	523	800	524	1	276
TOTAL	General crime	7.291	19.463	26.754	19.972	22	6.782
	Economic crime	795	908	1.703	995	1	708
	War crime	512	392	904	40	2	864
	TOTAL	8.598	20.763	29.361	21.007	25	8.354

Based on comparable analysis of data obtained from the Prosecutor's Offices at this level, the following is noteworthy:

- A Prosecutor with the Cantonal Prosecutor's Office in the Federation of BiH instigated 78 investigations in average and fully completed 80 of them during 2008;
- A Prosecutor with the District Prosecutor's Office in Republika Srpska instigated 91 investigations in average and fully completed 90 of them during 2008
- A Prosecutor with the Prosecutor's Office of Brčko District of BiH instigated about 65 investigations and fully completed 66 of them during 2008

Diagram 7. Ratio between instigated and completed investigations during 2008, per type of criminal offence



¹¹ All average values are calculated based on the number of Prosecutors working in the Cantonal, District, and the Brčko District of BiH Prosecutor's Offices during 2008

Most investigations were instigated (19.463) and completed (19.972) in the criminal cases of general crime. It is noteworthy that the number of the completed investigations exceeds the number of those instigated, therefore, the 2007 positive trend continued. With regard to the investigations of the criminal offences of economic crime, the number of investigations completed in 2008 also exceeded the number of those instigated. In contrast, far more investigations were instigated than completed in the war crime cases during 2008.

III INDICTMENTS

During 2008, Cantonal, District and the Brčko District of BiH Prosecutor's Offices and the Prosecutor's Office of BiH filed 16.478 indictments in total, whereby, after the indictments were filed for confirmation, the Courts refused to confirm 56 indictments or no more than 0,3% of the total number of indictments filed during 2008.

The number of indictments withdrawn by the Prosecutors prior to the decisions on confirmation is insignificant (9 in the Cantonal and 5 in the District Prosecutor's Offices).

Comparison between data on the filed indictments and the number of the Prosecutors working on them results in the following average:

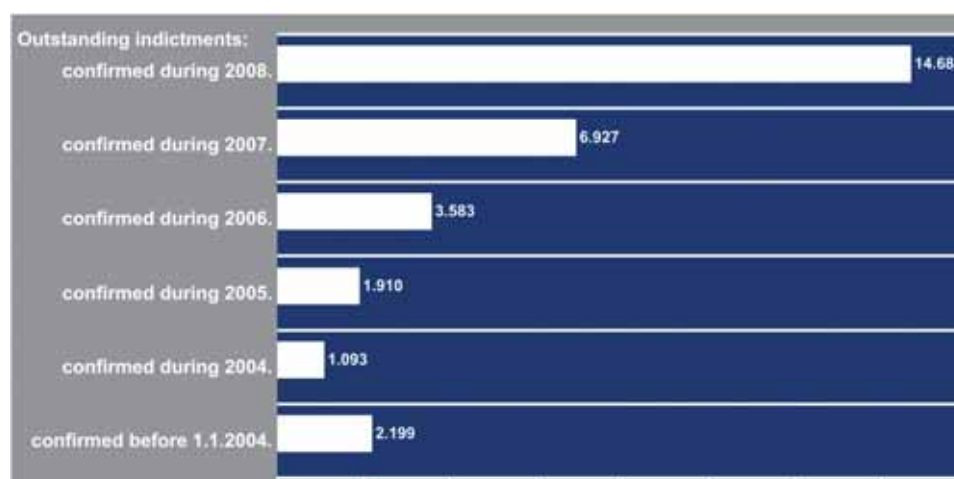
- A Prosecutor with the Cantonal Prosecutor's Office in the Federation of BiH filed 65 indictments in average during 2008;
- A Prosecutor with the District Prosecutor's Office in Republika Srpska filed 66 indictments in average during 2008;
- A Prosecutor with the Prosecutor's Office of Brčko District of BiH filed 53 indictments in average during 2008.

Table 15. Indictments before the Courts in BiH during 2008

Prosecutor's Offices	Type of cases	Total number of indictments filed during 2008	Total number of indictments confirmed during 2008	Indictments the confirmation of which was refused	Indictments withdrawn prior to the decisions on confirmation	Total number of filed but not confirmed indictments at the Courts as of 31 Dec. 2008
Cantonal	General crime	10.474	9.748	40	8	678
	Economic crime	266	246	2	1	17
	War crime	3	2	0	0	1
	TOTAL	10.743	9.996	42	9	696
District	General crime	4.987	4.640	13	4	330
	Economic crime	313	267	1	1	44
	War crime	10	5	0	0	5
	TOTAL	5.310	4.912	14	5	379
Brčko District	General crime	414	395	0	0	19
	Economic crime	10	9	0	0	1
	War crime	1	1	0	0	0
	TOTAL	425	405	0	0	20
TOTAL	General crime	15.875	14.783	53	12	1.027
	Economic crime	589	522	3	2	62
	War crime	14	8	0	0	6
	TOTAL	16.478	15.313	56	14	1.095

When the foregoing is compared with 2007 data, it follows that, during 2008, the Prosecutor's Offices filed 405 indictments less than during 2007, whilst in the same period the Courts confirmed 79 indictments less than during 2007.

Diagram 8. Age structure of confirmed outstanding indictments before the Courts, per age



The largest number of confirmed but outstanding indictments (71%) date from 2008 and 2007. The total number of outstanding indictments which were confirmed in 2006 amounts to 12%, while the remaining 17% pertain to the outstanding indictments confirmed before 2006.

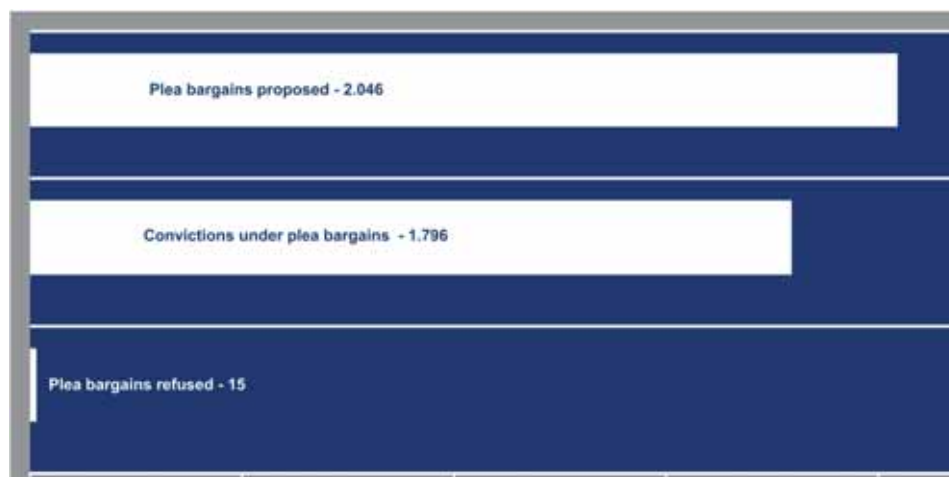
IV PLEA BARGAINS

Table 16. Plea bargains during 2008

Prosecutor's Offices	Type of cases	Plea bargains			
		Proposed agreements	Refused agreements plea bargains	Convicting verdicts under the by the Court	Proposed agreements undecided on
Cantonal	General crime	896	9	745	142
	Economic crime	50	0	46	4
	War crime	0	0	0	0
	TOTAL	946	9	791	146
District	General crime	934	6	857	71
	Economic crime	64	0	51	13
	War crime	0	0	0	0
	TOTAL	998	6	908	84
Brčko District	General crime	99	0	94	5
	Economic crime	3	0	3	0
	War crime	0	0	0	0
	TOTAL	102	0	97	5
TOTAL	General crime	1.929	15	1.696	218
	Economic crime	117	0	100	17
	War crime	0	0	0	0
	TOTAL	2.046	15	1.796	235

During 2008, the Courts accepted 88% of the plea bargains proposed by the Prosecutor's Offices and pronounced 1.796 convicting verdicts based on them. The number of the refused plea bargains is insignificant, no more than 15. The following Diagram illustrates the structure of the Court decisions under the proposed plea bargains.

Diagram 9. Acceptance of proposed plea bargains



V JUVENILE PROCEDURE

Criminal procedure special rules shall apply in cases where the perpetrators of the criminal offences are juveniles who, at the time of instigation of the proceedings have not reached the age of twenty one. Thus, during 2008, **1 971** criminal charges against juveniles were received which, together with the outstanding charges from the previous years, makes **2 780** criminal charges in total. At the same time, **1 345** preparatory proceedings were conducted before the Courts.

Table 17. Criminal charges and preparatory proceedings in juvenile procedure in BiH during 2008

Prosecutor's Offices	Outstanding charges from previous years	Charges received over the year	To be processed in total	Number of decisions not to instigate the proceedings	Developmental recommend. of the Prosecutor	Preparatory proceedings		
						Outstanding from previous years	Conducted during the year	Total
Cantonal	591	1 314	1 905	458	53	722	993	1 715
District	210	610	820	301	13	233	316	549
Brčko District	8	47	55	13	25	12	36	48
TOTAL	809	1 971	2 780	772	91	967	1 345	2 312

Comparison between data on the charges received during 2007 (2.187) and data on those received during 2008 (1.971), indicates that there was a slightly downward trend in charges received against juveniles during 2008 in BiH.

Table 18. Structure of proposals for ordering developmental measure/juvenile imprisonment during 2008

Prosecutor's Offices	Proposals for ordering developmental measures / imprisonment			
	Institutional	Non-institutional	Total	Number of proposals for ordering juvenile imprisonment
Cantonal	23	387	410	16
District	8	193	201	1
Brčko District	4	26	30	0
TOTAL	35	606	641	17

In the structure of the proposed and ordered developmental measures, those to be applied outside institutions are considerably predominant (95%).¹²

Table 19. Court decisions in the juvenile procedures during 2008

Prosecutor's Offices	Completed before the Court			Juvenile imprisonment ordered	Outstanding preparatory proceedings at the end of the reporting period
	Institutional	Non-institutional	Total		
Cantonal	23	387	410	12	887
District	8	193	201	4	225
Brčko District	4	26	30	0	16
TOTAL	35	606	641	16	1 128

During 2008, juvenile imprisonment was ordered in 16 cases in total (12 in the Federation of BiH and 4 in Republika Srpska).

Comparison between 2007 data according to which there were 986 outstanding preparatory proceedings at the end of the year and that referring to the end of 2008 (1.128 outstanding preparatory proceedings) indicates that the number of outstanding preparatory proceedings in the juvenile procedures increased by 14% during 2008.

VI "OTHER" TYPES OF CASES

The flow of Kta and Ktn cases is presented in the Table below. Apart from the referenced cases, the Prosecutor's Offices were supposed to also work on 2.780 Ktm cases.

Table 20. Flow of Kta cases

Prosecutor's Offices	Outstanding from previous years	Received over the year	Total ongoing	Completed at the end of the year	Outstanding at the end of the year
Cantonal	16 177	13 208	29 385	11 040	18 345
District	6 755	4 807	11 562	5 944	5 618
Brčko District	153	332	485	281	204
TOTAL	23 085	18 347	41 432	17 265	24 167

The inflow of Kta cases increased by 5% during 2008, compared with 2007. The inflow increased in the Cantonal Prosecutor's Offices and the Brčko District Prosecutor's Office, whilst the inflow of Kta cases decreased in the District Prosecutor's Offices. As a consequence, the outstanding cases in the Cantonal Prosecutor's Offices and the Brčko District Prosecutor's Office increased in number, while the number of outstanding cases of this kind decreased in the District Prosecutor's Offices at the end of 2008.

¹² Under the applicable Criminal Procedure Codes, the non-institutional developmental measures are as follows: Juvenile Disciplinary Centre, intensified surveillance of parents, adopting parents or guardian, intensified surveillance in another family, intensified surveillance of the juvenile welfare authority.

Table 20a. Flow of Ktn cases

Prosecutor's Offices	Outstanding from previous years	Received over the year	Total ongoing	Completed at the end of the year	Outstanding at the end of the year
Cantonal	98 958	19 329	118 287	11 797	106 490
District	48 724	6 808	55 532	3 041	52 491
Brčko District	6 550	1 555	8 105	256	7 849
TOTAL	154 232	27 692	181 924	15 094	166 830

The total inflow of Ktn cases decreased from 31.595 cases which were received during 2007, to 27.692 cases received during 2008. The Cantonal Prosecutor's Offices recorded the significant 18% decrease in inflow of these cases. The increasing trend in the number of the outstanding Ktn cases continued in 2008 as well.

The following Diagram illustrates the structure of the received cases per Records.

Diagram 10. Charges received during 2008, per Records



VII STRUCTURE OF CRIMINAL OFFENCES PROCESSED WITHIN THE CANTONAL AND DISTRICT PROSECUTOR'S OFFICES AND THE PROSECUTOR'S OFFICE OF THE BRČKO DISTRICT OF BIH

Federation of BiH

During 2008, Prosecutors with the Cantonal Prosecutor's Offices were predominantly engaged in the investigations of the criminal offences against property (9.040 investigations), against public order and legal transactions (3.315 investigations), against life and body (2.418 investigations), against environment, agriculture and natural resources (2.197 investigations), against public traffic security (1.519 investigations) and against human health (1.398 investigations).

Republika Srpska

During 2008, Prosecutors with the District Prosecutor's Offices were predominantly engaged in the investigations of the criminal offences against property (4.171 investigations), against life and body (1.729 investigations), against public order and peace (1.145 investigations), against public traffic security (1.023 investigations), against legal transactions (1.002 investigations) and against living environment (941 investigations).

Brčko District of BiH

During 2008, Prosecutors with the Brčko District of BiH Prosecutor's Office conducted most investigations in the area of the criminal offences against property (428 investigations), against life and body (137 investigations), against liberty and human and civil rights (125 investigations), against public order and legal transactions (118 investigations), against public traffic security (70 investigations) and against environment, agriculture and natural resources (61 investigations).

INDIVIDUAL PERFORMANCE REPORTS ON CANTONAL AND DISTRICT PROSECUTOR'S OFFICES SPECIAL PROSECUTOR'S OFFICE FOR COMBATING ORGANISED AND THE MOST SEVERE FORMS OF ECONOMIC CRIME – OF THE SPECIAL PROSECUTOR'S OFFICE AND THE PROSECUTOR'S OFFICE OF BRČKO DISTRICT OF BIH DURING 2008

A. CANTONAL PROSECUTOR'S OFFICES

CANTONAL PROSECUTOR'S OFFICE OF UNA-SANA CANTON

Number of Prosecutors: 20

Type of cases	CHARGES		INVESTIGATIONS				INDICTMENTS	
	To be processed in total	Completed	To be processed in total	Completed in part	Completed in part	Outstanding at the end of the year	Total number of indictments filed during 2008	Total number of indictments confirmed during 2008
General crime	3.703	1.893	1.931	1.704	0	227	1.496	1.496
Economic crime	432	180	147	109	0	38	54	54
War crime	30	10	67	3	0	64	1	1
TOTAL	4.165	2.083	2.145	1.816	0	329	1.551	1.551

CANTONAL PROSECUTOR'S OFFICE OF POSAVINA CANTON

Number of Prosecutors: 3

Type of cases	CHARGES		INVESTIGATIONS				INDICTMENTS	
	To be processed in total	Completed	To be processed in total	Completed in part	Completed in part	Outstanding at the end of the year	Total number of indictments filed during 2008	Total number of indictments confirmed during 2008
General crime	378	224	353	240	1	113	214	180
Economic crime	34	17	22	8	0	14	6	6
War crime	0	0	0	0	0	0	0	0
TOTAL	412	241	375	248	1	127	220	186

CANTONAL PROSECUTOR'S OFFICE OF TUZLA CANTON

Number of Prosecutors: 34

Type of cases	CHARGES		INVESTIGATIONS				INDICTMENTS	
	To be processed in total	Completed	To be processed in total	Completed in part	Completed in part	Outstanding at the end of the year	Total number of indictments filed during 2008	Total number of indictments confirmed during 2008
General crime	3.605	2.928	3.711	2.707	13	1.004	2.343	2.069
Economic crime	231	150	158	72	0	86	56	44
War crime	10	3	39	1	0	38	1	0
TOTAL	3.846	3.081	3.908	2.780	13	1.128	2.400	2.113

CANTONAL PROSECUTOR'S OFFICE OF ZENICA-DOBOJ CANTON

Number of Prosecutors: 23

Type of cases	CHARGES		INVESTIGATIONS				INDICTMENTS	
	To be processed in total	Completed	To be processed in total	Completed	Completed in part	Outstanding at the end of the year	Total number of indictments filed during 2008	Total number of indictments confirmed during 2008
General crime	3.296	2.406	2.338	2.116	3	222	1.767	1.725
Economic crime	206	95	79	40	0	39	18	17
War crime	9	9	21	2	0	19	0	0
TOTAL	3.511	2.510	2.438	2.158	3	280	1.785	1.742

CANTONAL PROSECUTOR'S OFFICE OF BOSNIA-PODRINJE CANTON

Number of Prosecutors: 2

Type of cases	CHARGES		INVESTIGATIONS				INDICTMENTS	
	To be processed in total	Completed	To be processed in total	Completed	Completed in part	Outstanding at the end of the year	Total number of indictments filed during 2008	Total number of indictments confirmed during 2008
General crime	99	98	84	84	0	0	76	76
Economic crime	8	8	2	2	0	0	1	1
War crime	0	0	1	1	0	0	0	0
TOTAL	107	106	87	87	0	0	77	77

CANTONAL PROSECUTOR'S OFFICE OF CENTRAL BOSNIA CANTON

Number of Prosecutors: 15

Type of cases	CHARGES		INVESTIGATIONS				INDICTMENTS	
	To be processed in total	Completed	To be processed in total	Completed	Completed in part	Outstanding at the end of the year	Total number of indictments filed during 2008	Total number of indictments confirmed during 2008
General crime	1.898	1.683	1.985	1.457	4	528	1.252	1.005
Economic crime	171	107	142	56	1	86	27	24
War crime	21	1	26	4	0	22	0	0
TOTAL	2.090	1.791	2.153	1.517	5	636	1.279	1.029

CANTONAL PROSECUTOR'S OFFICE OF HERZEGOVINA-NERETVA CANTON

Number of Prosecutors: 19

Type of cases	CHARGES		INVESTIGATIONS				INDICTMENTS	
	To be processed in total	Completed	To be processed in total	Completed	Completed in part	Outstanding at the end of the year	Total number of indictments filed during 2008	Total number of indictments confirmed during 2008
General crime	1.180	1.102	1.100	965	0	135	810	774
Economic crime	78	56	108	60	0	48	18	18
War crime	41	7	54	2	0	52	0	0
TOTAL	1.299	1.165	1.262	1.027	0	235	828	792

CANTONAL PROSECUTOR'S OFFICE OF WEST HERZEGOVINA CANTON

Number of Prosecutors: 4

Type of cases	CHARGES		INVESTIGATIONS				INDICTMENTS	
	To be processed in total	Completed	To be processed in total	Completed	Completed in part	Outstanding at the end of the year	Total number of indictments filed during 2008	Total number of indictments confirmed during 2008
General crime	319	316	304	266	0	38	250	247
Economic crime	35	33	72	33	0	39	16	15
War crime	0	0	0	0	0	0	0	0
TOTAL	354	349	376	299	0	77	266	262

CANTONAL PROSECUTOR'S OFFICE OF SARAJEVO CANTON

Number of Prosecutors: 39

Type of cases	CHARGES		INVESTIGATIONS				INDICTMENTS	
	To be processed in total	Completed	To be processed in total	Completed	Completed in part	Outstanding at the end of the year	Total number of indictments filed during 2008	Total number of indictments confirmed during 2008
General crime	12.005	4.015	4.697	2.745	0	1.952	1.929	1.839
Economic crime	767	174	144	93	0	51	55	52
War crime	30	2	69	2	1	67	1	1
TOTAL	12.802	4.191	4.910	2.840	1	2.070	1.985	1.892

CANTONAL PROSECUTOR'S OFFICE OF CANTON 10

Number of Prosecutors: 5

Type of cases	CHARGES		INVESTIGATIONS				INDICTMENTS	
	To be processed in total	Completed	To be processed in total	Completed	Completed in part	Outstanding at the end of the year	Total number of indictments filed during 2008	Total number of indictments confirmed during 2008
General crime	425	396	452	394	0	58	337	337
Economic crime	60	29	52	26	0	26	15	15
War crime	5	0	15	0	0	15	0	0
TOTAL	490	425	519	420	0	99	352	352

B. DISTRICT PROSECUTOR'S OFFICES**DISTRICT PROSECUTOR'S OFFICE IN BANJA LUKA**

Number of Prosecutors: 34

Type of cases	CHARGES		INVESTIGATIONS				INDICTMENTS	
	To be processed in total	Completed	To be processed in total	Completed	Completed in part	Outstanding at the end of the year	Total number of indictments filed during 2008	Total number of indictments confirmed during 2008
General crime	5.386	3.617	4.484	3.300	0	1.184	2.025	1.986
Economic crime	629	339	264	202	0	62	118	116
War crime	20	18	18	5	1	13	3	3
TOTAL	6.035	3.974	4.766	3.507	1	1.259	2.146	2.105

DISTRICT PROSECUTOR'S OFFICE IN BIJELJINA

Number of Prosecutors: 11

Type of cases	CHARGES		INVESTIGATIONS				INDICTMENTS	
	To be processed in total	Completed	To be processed in total	Completed	Completed in part	Outstanding at the end of the year	Total number of indictments filed during 2008	Total number of indictments confirmed during 2008
General crime	1.213	1.174	1.406	1.051	0	355	853	681
Economic crime	73	73	127	72	0	55	52	25
War crime	3	3	32	5	0	27	0	0
TOTAL	1.289	1.250	1.565	1.128	0	437	905	706

DISTRICT PROSECUTOR'S OFFICE IN DOBOJ

Number of Prosecutors: 14

Type of cases	CHARGES		INVESTIGATIONS				INDICTMENTS	
	To be processed in total	Completed	To be processed in total	Completed	Completed in part	Outstanding at the end of the year	Total number of indictments filed during 2008	Total number of indictments confirmed during 2008
General crime	2.280	1.485	1.856	1.382	0	474	1.129	1.009
Economic crime	268	148	174	101	0	73	94	79
War crime	354	354	455	10	0	445	5	0
TOTAL	2.902	1.987	2.485	1.493	0	992	1.228	1.088

DISTRICT PROSECUTOR'S OFFICE IN ISTOČNO SARAJEVO

Number of Prosecutors: 11

Type of cases	CHARGES		INVESTIGATIONS				INDICTMENTS	
	To be processed in total	Completed	To be processed in total	Completed	Completed in part	Outstanding at the end of the year	Total number of indictments filed during 2008	Total number of indictments confirmed during 2008
General crime	1.129	942	849	683	0	166	563	547
Economic crime	121	83	71	57	0	14	33	31
War crime	52	27	51	2	0	49	1	1
TOTAL	1.302	1.052	971	742	0	229	597	579

DISTRICT PROSECUTOR'S OFFICE IN TREBINJE

Number of Prosecutors: 5

Type of cases	CHARGES		INVESTIGATIONS				INDICTMENTS	
	To be processed in total	Completed	To be processed in total	Completed	Completed in part	Outstanding at the end of the year	Total number of indictments filed during 2008	Total number of indictments confirmed during 2008
General crime	664	476	470	367	0	103	414	414
Economic crime	97	56	41	22	0	19	9	9
War crime	17	0	41	2	0	39	1	1
TOTAL	778	532	552	391	0	161	424	424

SPECIAL PROSECUTOR'S OFFICE FOR COMBATING ORGANISED AND MOST SEVERE FORMS OF ECONOMIC CRIME – SPECIAL PROSECUTOR'S OFFICE

Number of Prosecutors: 7

Type of cases	CHARGES		INVESTIGATIONS				INDICTMENTS	
	To be processed in total	Completed	To be processed in total	Completed	Completed in part	Outstanding at the end of the year	Total number of indictments filed during 2008	Total number of indictments confirmed during 2008
General crime	4	4	4	3	0	1	3	3
Economic crime	45	45	45	27	0	18	7	7
War crime	0	0	0	0	0	0	0	0
TOTAL	49	49	49	30	0	19	10	10

C. PROSECUTOR'S OFFICE OF BRČKO DISTRICT OF BIH PUBLIC PROSECUTOR'S OFFICE OF BRČKO DISTRICT OF BIH

Number of Prosecutors: 8

Type of cases	CHARGES		INVESTIGATIONS				INDICTMENTS	
	To be processed in total	Completed	To be processed in total	Completed	Completed in part	Outstanding at the end of the year	Total number of indictments filed during 2008	Total number of indictments confirmed during 2008
General crime	516	516	730	508	1	222	414	395
Economic crime	7	7	55	15	0	40	10	9
War crime	0	0	15	1	0	14	1	1
TOTAL	523	523	800	524	1	276	425	405

GLOSSARY OF CONCEPTS

Kt cases	Criminal cases for specific criminal offenses conducted against identified perpetrators of criminal offences who are of age
Ktn cases	Cases against unidentified perpetrators, to be considered by the Prosecutor
Ktm cases	Criminal cases against juveniles, for a specific criminal offence
Kta cases	Various pieces of information which may have, but not necessarily, the elements of the criminal offence which requires the Police and Prosecutors' engagement
Ktž cases	Criminal cases under appeal proceedings
KTŽ-K cases	Criminal cases wherein the Entity Prosecutor's Office represents the indictment of the competent Cantonal/District Prosecutor's Office
KTŽ-KŽ cases	Criminal cases in which the accused filed an appeal from the Decision of the Entity Supreme Court
Ktz cases	Criminal cases conducted upon the extraordinary legal remedies
Gt cases	Cases conducted upon the extraordinary legal remedies in the civil actions
Ut cases	Cases conducted upon the extraordinary legal remedies in the administrative and misdemeanour domain
Completed charge	It shall be deemed that a charge is completed during the reporting period if it has been completed by the order to either conduct or not to conduct the investigation, or otherwise (transfer, and similar). A completed charge is hereby presented as a closed case, regardless of the number and the type of the procedural decisions rendered with regard to the charged persons. For instance, if one charge includes three persons whereby the respective orders to investigate one person and not the other two charged persons were issued, such a charge will be presented as one completed charge, regardless of a larger number of the procedural decisions rendered.
Charge completed in part	It shall be deemed that a charge is completed in part during the reporting period if it is only completed with regard to a certain number of the charged persons while, with regard to other charged persons, certain verifications have been conducted to establish the grounds for suspicion that they committed the criminal offence. For instance, one charge includes five persons whereby the investigation has been conducted against two persons and, with regard to other three persons, no procedural decision has been rendered yet, that is, the verifications are underway with the aim of establishing the grounds for suspicion that they committed the criminal offence. Such a charge is presented as a partially closed case, regardless of the number of persons in relation to whom it has been completed in part, or the possible different procedural decisions.
Outstanding charge	An outstanding charge shall be the one which is not completed in its entirety, therefore, no adequate procedural decision pertaining to any of the charged persons has been rendered.
Completed investigation	The investigations completed during the reporting period include those which have been completed by an order to cease the investigation, by filing indictment or in some other manner (transfer, and similar), and the investigations that have been completed in one of the foregoing manners with regard to all persons subjected to investigation. A completed investigation is presented as one closed case, regardless of the number and the type of the procedural decisions rendered with regard to the investigated persons. For instance, if five persons were investigated and an order to cease the investigation was issued with regard to one person, while the indictment was filed against other four persons, such investigation will be presented as one completed investigation, regardless of a large number of the procedural decisions.

Ongoing investigation	An ongoing investigation is the one that is not completed in its entirety, therefore, the investigation is still underway with regard to all persons against whom it has been instigated
Investigation completed in part	Investigation which is completed in part is the one instituted against several persons, whereby, it has been ceased with regard to some of them, while the indictment has been filed against some others and, the investigation of some is underway within the same criminal case. Furthermore, partially completed investigations are those which established that the investigated persons had committed the offences within the territory under the jurisdiction of some other Prosecutor's Office.