

**HIGH JUDICIAL AND PROSECUTORIAL COUNCIL
OF BOSNIA AND HERZEGOVINA
ANNUAL REPORT FOR 2009**

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FOREWORD FROM THE PRESIDENT



In its work throughout 2009, the High Judicial and Prosecutorial Council of Bosnia and Herzegovina (HJPC) was, as its primary challenge, faced with issues concerning speed of process of the courts and accordingly, devoted a major part of its efforts toward the matter.

Throughout 2009, the Council had determined the situation of every court with reference to the number of unresolved cases, their structure as well as identifying the cases that dated back to past years. The data and analyses will allow for the preparation of quality-based recommendations aimed at getting courts in line with their case loads in 2010. Particular attention was devoted to the matter of statute of limitations in criminal and minor offence cases, and we can say that significant success has been achieved when compared to past years.

When viewed as a whole, we can state that the courts and prosecutors offices have achieved good, if not exceptional results during 2009, when compared to past years.

Our analyses have also focused on the quality of performance of the courts and prosecutors offices as well as the judges and prosecutors, and a determination was reached in that their quality of performance was satisfactory.

In the efforts to be current with work loads, we had to ensure better financial support for the courts through comprehensive advocating with the executive powers. This is why numerous meeting were held last year with the relevant ministries and other representatives of the executive branch.

The topic of these meetings was, among other things, the material and financial needs of the courts and prosecutors offices, a topic that is fully familiar to HJPC. Specifically, enhancing the working conditions of the courts and prosecutors offices in Bosnia and Herzegovina will directly influence that courts are promptly brought in line with their caseload or close to it.

In 2009, a new expanded systematisation of posts was adopted in the courts which was fully accepted by the executive and legislative powers and which will be realised in accordance with budgeting capacities. Also, an analysis was initiated to establish the needs of the prosecutors offices in order to set up an appropriate systematisation of posts for the prosecutors offices in BiH. The Council also gave its attention to the option of expanding the systematisation of posts to cover trainees and judicial associates with the objective of building a quality judicial staffing base especially on grass roots level, which will, in turn, facilitate that vacancies on higher levels also be filled with experienced personnel.

Enhancement of the appointments procedure was one of the fundamental activities of the HJPC Presidency during 2009. This initiated the rendering of two documents with the objective of further developing the appointments process. The documents in question are the Book of Rules on the Procedure for the Selection and Appointment of Candidates to Judicial

Positions in Bosnia and Herzegovina and the Book of Rules on Filling Judicial Positions in Accordance with the Principle of Equality and Rights and Representation of the Constituent Peoples and Others.

Tied in closely to the said documents was a problem we would frequently come across in 2009. The issue being how to ensure proper ethnic balance in the judicial institutions. Specifically, in our efforts to ensure the appointment of appropriate candidates, on a number of occasions we had to announce competitions for certain positions up to three times. We can all assume the consequences this had for judicial institutions that had vacant positions over protracted periods. I must also express my concern that such a trend will continue in the future and that the issue regarding the possible loss of ethnic balance within judicial institutions will increase.

As we were unable to advance the material status of judicial position holders due to unfavourable circumstances that were affecting the economy (even though we had made an effort to do so), the Council decided to put forward an initiative with the competent authorities of the legislative and executive branches for the introduction of compensation for separated living and for travel expenses for all judicial position holders who would be willing to give up the comfort of their family homes and work (and live) outside their place of residence. We hope that the relevant authorities will show an understanding for this issue and support us in realizing the initiative.

When mentioning the financial situation, let me underline how effective our cooperation was with the representatives of the executive branch. During 2009, a delegation of HJPC held a whole range of meetings with prime ministers, ministers of justice and ministers of finance from all levels of government in BiH. The discussions and contacts resulted in a better understanding of the staffing and financial needs of the judicial institutions by the government representatives and ensured an appropriate budget so that courts and prosecutors offices may operate properly throughout 2010. The Council will continue its cooperation with the representatives of the executive branch in the future.

During 2009, the HJPC has successfully responded to numerous challenges through a range of activities, which have been incorporated in the Annual Report. This has been achieved due to the utmost effort of its members and that of the HJPC employees. Numerous projects were realised with the financial backing and advisory support of international donors, such as the renovation of judicial institutions, informatisation of the judiciary as well as various other efforts.

I would like to convey my gratitude to our partners from the international community who have expressed an interest in the development of the judiciary in Bosnia and Herzegovina: the European Union, the Governments of USA, Norway, Sweden, Turkey, Spain, Italy, Canada, the Netherlands and other countries without whom we would not have been able to realise our projects.

I would like to thank all judges and prosecutors, past and present members of the HJPC, the employees of the HJPC, the ministers of justice, the ministers of finance, the governments and the representatives of the parliaments for their support and contributions to the reform of the judiciary and the establishment of an independent, accountable and efficient judicial system in BiH, as well as for the development and strengthening of the HJPC.

Milorad Novkovic

President of the High Judicial and Prosecutorial Council of Bosnia and Herzegovina

OVERVIEW OF THE PRIORITIES AND MAJOR ACTIVITIES OF THE HJPC PRESIDENT AND THE PRESIDENCY THROUGHOUT 2009

Brief Overview of the Competencies of the President and the Vice-Presidents of HJPC

In accordance with the law, the HJPC President prepares the agenda for HJPC sessions, convenes session and presides over the sessions of the HJPC, as well as overseeing the overall operations of HJPC and the Secretariat. The President legally and generally represents the HJPC towards third persons and performs other duties in accordance with the Rules of Procedure on the Work of HJPC. The Vice-Presidents assist the President in the performance of duties for purposes of efficiency of HJPC operations. One of the Vice-Presidents, in accordance with the Rules of Procedure on the Work of HJPC, stands in for the President during his absence. Other duties that Vice-Presidents have are regulated with the Rules of Procedure on the Work of HJPC.

The Rules of Procedure of the HJPC define that the President legally and generally represents the HJPC before third parties as determined in Article 11, paragraph 5 of the Law and Article 14 of the Rules of Procedure. The HJPC President has the following duties and authorities: to oversee the overall operations of HJPC, including that of Standing Committees and the Secretariat, convene HJPC sessions, determine session agendas and preside over HJPC sessions, convene sessions of the Presidency and the Collegium, prepare agendas for the said meetings and preside over them, maintain and lead active dialogue with the representatives of the judiciary and with other HJPC partners within and outside of the judiciary, ensure that the work of the HJPC, its members and its staff is carried out in accordance with the Law and the Rules of Procedure, authorise attorneys to represent the HJPC in proceedings before courts or other bodies, unless stipulated by law that public defender representation is mandatory, sign requests for leave of absence and keep records on leave of absence concerning the Director, deputy Director, Chief Disciplinary Counsel and members of the HJPC who work at the HJPC premises full-time, as well as to on behalf of the HJPC perform other duties or functions as determined with the Law, other regulations, the Rules of Procedure or other internal HJPC regulations.

In accordance with the Rules of Procedure of HJPC and the defined tasks and competences, the President is the Chairperson of the HJPC Presidency, which was established with the objective of instituting a comprehensive system to overview all Secretariat activities, the implementation of HJPC decisions, implementation of the HJPC Strategic Plan, efficient monitoring of working conditions and working environment at the Secretariat and ODC, the establishment of a system for the analysis of HJPC budget proposals, budget execution and the execution of donor funds. Furthermore, the Presidency has competences for the consideration of the HJPC Annual Report.

Priorities of the HJPC Presidency in 2009

Since taking up office as President of the HJPC and upon constituting a new Presidency composition, the defined work priorities have served as the determining guide for activities throughout 2009. Looking back, the defined priorities referred to the advancement of

performance and efficiency of the courts and prosecutors offices, enhancement of HJPC cooperation with the other branches of power, working towards full constitutional protections for the judiciary and for HJPC during dialogue on constitutional changes in BiH, the adoption of the 2009 Council Work Plan and ensuring its efficient implementation. In the mean time, the Presidency has expanded on the aforementioned priorities with the focus of Presidency operations, as well as that of the HJPC President being directed at the preparation of the Proposal Law on Amendments to the Law on HJPC, in the event that a legal initiative does come forth, preparation of the Book of Rules on Ethnic Balance in the Courts and Prosecutors Offices, preparation of documents to advance the appointment process for judges and prosecutors, as well as the implementation of relevant strategies, programs and the HJPC Work Plan for 2009.

However, the effects and consequences of the economic recession, which have also had an impact on the financial situation in Bosnia and Herzegovina and the execution of the budgets of the State, the entities and the cantons, have imposed the need to initiate, as a matter of urgency, the systematic advocating for judicial budgets in 2010, which would allow for the standard functioning of the judicial system of Bosnia and Herzegovina. Accordingly, the President of HJPC held numerous discussions with Entity and cantonal Prime Ministers, as well as with ministers of justice and finance, on State, Entity and cantonal levels. Throughout these efforts, the planned systematisation of the courts in Bosnia and Herzegovina, which the Council subsequently adopted, represented an additional challenge.

It must be said that the HJPC President was involved in the implementation of the Justice Sector Reform Strategy in BiH as well as the Strategy for Processing War Crimes, where he held the position of Chairperson of the Steering Board for the Implementation of the Strategy.

Overview of Activities Undertaken by the President and the Presidency in 2009

Summary

One of the general activities of the HJPC President is supervision of the overall operations of HJPC, the Presidency Cabinet, the Secretariat and projects that are being carried out within the HJPC framework.

Considering that the competencies of the Presidency are taken from the legal competencies of the HJPC President and Vice-Presidents, the general activities of the HJPC President are based on the aforesaid supervision of operations via the Presidency.

Execution of Court Budgets and Prosecutors Office Budgets and Savings Measures

In recognising the effects of the current financial recession in the country, and keeping in mind that the judiciary of Bosnia and Herzegovina has to respond appropriately to any challenges and contribute to overcoming the problems and alleviating any negative effects the crisis has had on the budgeting and financing system, Mr. Milorad Novkovic, the HJPC President, held two meetings, in Banja Luka and Mostar, with all relevant representatives of the BiH judiciary and with the representatives of the executive branch of government.

Accordingly, a meeting was held in Banja Luka on March 17, 2009, with the representatives of the RS judiciary on the topic of financing the courts and prosecutors offices, as well as on the realisation of the 2009 budget of judicial institutions in RS. A meeting on the same topic was held in Mostar on March 31, 2009, with the representatives of the judicial

institutions in the Federation of BiH. Both meetings were attended by representatives of the Entity governments and by the Entity Ministers of Justice, cantonal ministers of justice, representatives of the Entity Supreme Courts, presidents of the cantonal and district courts, as well as by chief prosecutors on Entity, Cantonal and District levels.

In general, conclusions were rendered at the meetings, whereby savings programs were agreed upon, along with a statement of understanding regarding the current economic situation in the country. However, everyone was of the opinion that savings need to be carried out in a way so as not to impede the efficacy of courts and prosecutors office operations in BiH. It was concluded that it was vital for funds that were provided for in the approved 2009 budget to be transferred to the courts and prosecutors offices on a regular basis. In connection with this, a conclusion was reached that funds need to be secured so that their amounts and their promptness of transfer allow each court and prosecutors office to operate independently, impartially and efficiently and that every judicial institution meets with its financial obligations as they mature. Furthermore, the representatives of the judiciary are of the opinion that a 10% reduction in budget funds would bring into doubt the regular functioning of the judiciaries of RS and FBiH. At the meetings, working groups were established and tasked with proposing amendments to current legislation which would reduce expenses regarding budget realisation. The proposal should be delivered to the Entity ministries of justice and the High Judicial and Prosecutorial Council of Bosnia and Herzegovina. In accordance with the conclusions, the presidents of the district and cantonal courts are required to discuss the matter with the presidents of the basic and municipal courts and subsequently inform the HJPC and the relevant ministries of justice on the discussions. The Entity prime ministers were informed of the conclusions from the meetings, as were the Entity and cantonal ministers of justice and ministers of finance on the said levels.

After HJPC had acquired information in July, 2009, that certain cantons were planning a budget rebalance for 2009 in accordance with the Intervention Law on Salaries and Compensation that do not have the Features of Salaries of Employees in Institutions of the Federation of Bosnia and Herzegovina, the Cantons, Municipalities, Non-Budgetary Social Welfare Funds and Road Directorates and Current Grants, the HJPC President promptly sent a letter to all cantonal prime ministers, ministers of justice and ministers of finance in which he expressed his concern regarding possible implications the intervention law may have to the material/legal status of judicial office holders in the Federation BiH. Furthermore, the letter underlined that the application of the intervention law would further affect the already unfavourable material/legal status of judges and prosecutors in the Federation BiH, which would ultimately result in the departure of quality personnel from the judiciary, courts becoming more backdated, an increase in the number of unresolved cases and a greater loss of confidence in the judiciary of the Federation BiH, as well as jeopardising the level of reform that has been achieved in the judicial sector of Bosnia and Herzegovina.

Advocating for the Adoption of Appropriate Budgets for Judicial Institutions in BiH and the Introduction of Certain Allowances for Judicial Position Holders

According to the Law on HJPC, the HJPC has competences to, based on its own assessment, participate in the budget preparation process for the courts and prosecutors offices in BiH. In accordance with this provision, the HJPC sends out budget guidelines which help the courts and prosecutors offices in their process for the preparation of their annual budget proposals, while at the same time represent an estimate of required funds for the subsequent year. In line with this, the HJPC President was in continued contact with the Budget Department and oversaw the budget guidelines development process before they were forwarded to the Council.

At its session held in May, 2009, the HJPC adopted the preconditions for the evaluation of required funds for the courts and prosecutors offices in BiH. In line with the said preconditions, the Budget Department prepared, then forwarded budgetary guidelines to 81 courts and prosecutors offices in Bosnia and Herzegovina. The HJPC Standing Committee for Budgets submitted a proposal with the HJPC Presidency, during the budget proposal consideration period of the relevant ministries, to intensify HJPC activities such as the holding of meetings with the executive branches on Entity and cantonal levels in reference to the budget proposals of the courts and prosecutors offices for 2010. Accordingly, in 2010, the HJPC President held meetings with the Entity and cantonal prime ministers and the Entity and cantonal ministers of justice and finance. At the meetings, discussion was primarily focused on the execution of the 2009 budget, budget proposals for 2010, expansion of the systematisations of the courts, as well as the initiative for legislative amendments with the objective of introducing a number of benefits for judges and prosecutors.

As a general conclusion of the meetings, we can say that the representatives of the executive branch supported the expansion of the systematisation of the courts, as well as the initiative for legislative amendments in order to secure certain benefits for judges and prosecutors. The 2010 approved budgets on State level and for the Republika Srpska show a trend of growth in judicial budgets. Accordingly, the Court of BiH and the Prosecutors Office of BiH, the courts and the prosecutors offices of the Republika Srpska had greater total funds approved than for 2008 and 2009.

The following states the general data on adopted budgets that were advocated by the HJPC President with the prime ministers, ministers of justice and ministers of finance:

- All budgets, drafts and proposal budgets which have been adopted for the courts and prosecutors offices in their full amounts up to the preparation of the Annual Report, are higher compared to the last budget rebalance in 2009.
- Based on the budget amounts as adopted up to the preparation of the Annual Report, the total sum of funds for the courts and prosecutors offices is 6% higher compared to 2009, and 3% higher compared to 2008, while being 14.9% lower than the proposal submitted by the courts and prosecutors offices.
- A positive trend can be seen in the budgets for the courts and prosecutors offices on State level (Court of BiH and Prosecutors Office of BiH) and for FBiH (Supreme Court of BiH and Federal Prosecutors Office of FBiH), where the budgets that were adopted for 2010 are higher compared to 2009 even though the aggregate budgets of BiH institutions and the budget of the Federation BiH were reduced.

Enhancement of the Appointment Process and Ethnic Representation

Advancement of the appointment process was one of the fundamental activities of the HJPC Presidency. In line with this, Mr. Milorad Novkovic, HJPC President, participated in the preparation of and subsequently initiated the rendering of two documents aimed at advancing the appointment process.

The Book of Rules on the Procedure for the Selection and Appointment of Candidates to Judicial Positions in Bosnia and Herzegovina, which the HJPC adopted on May 13, 2009, regulates the method of operations of the relevant Sub-Councils and the selection of interview panels, the principle of proportionate representation of the constituent Peoples and Others, the criteria for the selection of candidates for interviews, as well as scoring and the proposal of candidates for appointment. Considering that the issue of establishing proper ethnic representation is a very important one, the said Book of Rules defines that ethnic representation in the courts and prosecutors offices will be established on all levels of the

judiciary, as well as for management level positions. The issue is set out in detail in the Rules on Filling Judicial Positions in accordance with the Principle of Equality and Representation of the Constituent Peoples and Others, which the Council adopted in April, 2009. The aforesaid Book of Rules also regulates the procedure for the selection of candidates to be interviewed, scoring and proposals for appointment and is in effect since September 1, 2009.

Overseeing Projects within the HJPC Framework

The Project for Cooperation between the Police and the Prosecutors Offices in BiH

With the implementation of the Project in mind, the HJPC President held a meeting with H.E. Michael Tatham, Ambassador of the United Kingdom to Bosnia and Herzegovina. On the occasion, President Novkovic and Ambassador Tatham discussed the Project on Cooperation between the Police and the Prosecution, which was realized by HJPC and supported financially by the Government of the United Kingdom, and other issues of importance for the continued reform of the judicial system in BiH. Ambassador Tatham reiterated the strong support the United Kingdom has for the High Judicial and Prosecutorial Council of BiH and the satisfaction with the partnership regarding the realisation of common objectives in the reform of the judiciary.



Picture 1. *British Ambassador Michael Tatham & HJPC President Milorad Novkovic*

The said Project also lead to the President and Vice-President of HJPC holding a meeting with Mr. Stefan Feller, Head of the EU Police Mission in Bosnia and Herzegovina on February 3, 2009. During the meeting, President Novkovic, Vice-President Mujkanovic and Commissioner Feller spoke of continued cooperation between the High Judicial and Prosecutorial Council of BiH and the Police Mission of the European Union with the aim of advancing cooperation between the prosecution and the police in Bosnia and Herzegovina.



Picture 2. Mr. Stefan Feller, Head of the EU Police Mission in Bosnia and Herzegovina, visiting HJPC

Participation in Working Groups, presence at Meetings and Conferences

Participation in the Work of the Steering Board for Overseeing the Implementation of the National Strategy for Processing War Crimes Cases

The National Strategy for Processing War Crimes was adopted on December 29, 2008, at the 71st session of the Council of Ministers of Bosnia and Herzegovina. At its 80th session held on March 19, 2009, the Council of Ministers of BiH rendered a Decision on the Establishment of a Steering Board for Overseeing the Implementation of the National Strategy for Processing War Crimes, with the duties of chairperson being performed by Mr. Milorad Novkovic, President of HJPC. The Steering Board was formed with the objective of monitoring the efficiency and quality of the execution of measures from the Strategy as well as the evaluation of results achieved compared to those anticipated.

The Steering Board has held seven meetings thus far, where they discussed activities within their competences, which were aimed at the implementation of the objectives of the National Strategy for Processing War Crimes.

At the first meeting of the Steering Board, which was held on April 7, 2009, a conclusion was reached whereby the Ministry of Justice of BiH would compile Rules of Procedure on the Work of the Steering Board for Overseeing the Implementation of the National Strategy for Processing War Crimes.

At the second meeting of the Steering Board, which was held on May 12, 2009, apart from the members of the Steering Board, the meeting was also attended by Mr. Milorad Barasin, Chief Prosecutor of the Prosecutors Office of BiH and Mrs. Meddzida Kreso, President of the Court of BiH. Discussion was held on problems that arise before the Court of BiH and the Prosecutors Office of BiH regarding the implementation of the Strategy for Processing War Crimes. At the meeting of the Steering Board, the Rules of Procedure on the Work of the Steering Board were adopted, and a conclusion was reached that all courts and prosecutors offices in BiH with war crimes cases need to submit precise and comprehensive information to the Steering Board regarding the number of unresolved war crimes cases so that a common database may be established with the total number of war crimes cases as well as the names and surnames of the individuals reported in them.

At the third meeting of the Steering Board which was held on June 9, 2009, apart from the members of the Steering Board, the meeting was also attended by all chief prosecutors of BiH

(State, Entity, cantonal and district levels), Mr. David Schwendiman, the Deputy Chief Prosecutor of the Prosecutors Office of BiH as well as representatives of the Office of the High Representative in BiH, Mr. Julien Berthoud and Lucio Valerio Sarandrea. At the meeting, issues were discussed dealing with problems that come up in the prosecutors offices during the implementation of the Strategy for Processing War Crimes.

At the fourth meeting of the Steering Board which was held in June 30, 2009 and which was also attended by the representatives of the Office of the High Representative in BiH, everyone was reacquainted with the topic of discussion of the last meeting of the Steering Board. Ultimate conclusions of the Steering Board were:

- The Steering Board for Overseeing the Implementation of the National Strategy for Processing War Crimes has found that the issue of processing war crimes is not receiving due attention, meaning that deadlines as determined with the National Strategy for Processing War Crimes are not being followed.
- At the third meeting of the Steering Board for Overseeing the Implementation of the National Strategy for Processing War Crimes, which was attended by all chief prosecutors in BiH, a determination was reached in that there is still no common database covering the number of cases and persons reported regarding the commission of war crimes.
- In order to determine the true number of cases and the names of persons reported for war crimes, the Chief Prosecutor of the Prosecutors Office of BiH has been tasked to, at latest by September 1, 2009, determine precise information as per each prosecutors office and combined for all prosecutors offices (number of cases, case designations, names and surnames of reported persons) and submit the information to the Steering Board.
- The Steering Board recommends that the Chief Disciplinary Prosecutor of the Prosecutors Office of BiH establishes better cooperation with all chief prosecutors in BiH regarding matters on the realisation of the National Strategy for Processing War Crimes.
- In order to realise the National Strategy for Processing War Crimes, everyone working on the execution of measures from the Strategy, especially the Chief Prosecutor of the Prosecutors Office of BiH, the President of the Court of BiH, the Chief Federation Prosecutor of FBiH, the Chief Republic Prosecutor of the Prosecutors Office of Republika Srpska, the Chief Prosecutor of the Prosecutors Office of the Brcko District BiH, the presidents of the Supreme Courts of FBiH and RS and the President of the Appellate Court of the Brcko District BiH shall regularly report to the Steering Board on their activities, and do so at least once a month.
- Once again alert the competent courts and prosecutors offices that, without a common database containing the number of cases and the names and surnames of reported persons from all prosecutors offices, the Steering Board for Overseeing the Implementation of the National Strategy for Processing War Crimes is unable to review and undertake further measures towards implementing and supervising the Strategy, especially regarding case management, harmonisation of case law, regional cooperation and witness/victim protection and support.

The fifth meeting of the Steering Board was held on July 16, 2009. Apart from the members of the Steering Board, the meeting was also attended by Mr. Raffi Gregorian, Deputy High Representative in BiH, Ms. Margriet Prins and Mr. Lucio Valerio Sarandrea from the Office of the High Representative in BiH and Ms. Stephanie Barbour from the OSCE Mission in BiH. The main conclusions from the meeting can be set forth as follows: The

Steering Board for Overseeing the Implementation of the National Strategy for Processing War Crimes and the Office of the High Representative in BiH will address the prosecutors offices through a joint letter, while all competent authorities that are working on the implementation of the National Strategy for Processing War Crimes will be asked to provide reports on achievements thus far regarding the realisation of the activities as stipulated with the Strategy.

On September 8, 2009, the HJPC President chaired the sixth meeting of the Steering Board for Overseeing the Implementation of the National Strategy for Processing War Crimes and informed those present on the results of the collation of data from the prosecutors offices and the courts, as well as on the reports that were delivered on activities undertaken by courts and prosecutors offices on the implementation of the National Strategy for Processing War Crimes. Furthermore, at the meeting, the President asked those prosecutors who were present to briefly inform everyone of what they have done with reference to activities aimed at the implementation of the National Strategy for Processing War Crimes, as well as activities regarding the regular delivery of reports to the Steering Board covering what has been done on Strategy implementation. After brief presentations by Mr. Milorad Barasin, Chief Prosecutor of the Prosecutors Office of BiH, Mr. Zdravko Knezevic, Chief Federation Prosecutor, Mr. Amor Bukic, Chief Republic Prosecutor and Mr. Zekerija Mujkanovic, Chief Prosecutor of the Prosecutors Office of the Brcko District BiH, discussion continued on what had been done so far and what needed to be harmonised regarding the monthly reports on activities undertaken by the prosecutors offices towards meeting with the strategic objectives and their delivery to the Steering Board, with the aim of implementing the National Strategy for Processing War Crimes. Mr. Amir Jaganjac, President of the Supreme Court of FBiH, Mr. Zelimir Barac, President of the Supreme Court of RS and Mr. Damjan Kaurinovic, President of the Appellate Court of the Brcko District BiH gave brief presentations, informing everyone on the courts activities towards the implementation of the National Strategy for Processing War Crimes. Everyone agreed that it was necessary to establish a common methodology for the monthly reports to the Steering Board regarding activities that have been undertaken towards the implementation of the Strategy by the courts and prosecutors offices.

At the seventh meeting of the Steering Board, held on November 6, 2009, discussion focused on the reports on war crimes cases and those present were informed of the conclusions from the working meeting of all chief prosecutors and prosecutors who work on war crimes cases.

Chairing and Participating in the Work of the Working Group for the Preparation of Proposals for Amendments to the Law on HJPC

The first meeting of the Working Group was held on July 2, 2009 at the HJPC premises. Apart from the Council members who participated in the efforts of the Working Group, the meeting was also attended by: Mr. Miroslav D. Markovic, Prosecutor Association of BiH, Mr. Milutin Koprivica, Prosecutor Association of FBiH, Ms. Zivana Bajic, Prosecutor Association of BiH, Mr. Izo Tankic, Judge Association of BiH, Ms. Vildana Helic, Judge Association of FBiH, Mr. Mladen Ruzojicic, Judge Association of RS, Mr. Luciano V. Sarandrea, EUSR, and the representatives of the Secretariat and the HJPC Cabinet. The meeting was held in order to exchange opinions and information on the matter. All of the representatives of the judge associations and prosecutor associations expressed appreciation for their invitations and for the possibility to actively participate and give recommendations, opinions and proposals and pledged to undertake steps and actions so as to encompass the whole of the judicial/prosecutorial community and give everyone the opportunity to give proposals regarding this major issue. Considering that some of the associations still haven't had the opportunity to discuss the topic, their representatives were unable to present official views,

though they did participate in discussions, seeing as they have, at various meetings and deliberations received information from members of the professional community based on which they were able to present a certain conviction. Everyone agreed that a common view is required from the professional community on the matter and that it is a prerequisite for the success of this tasking process. Every judicial institution needs to contribute to the process of rendering a proposal for amendments to the Law on HJPC as well as needing to be strong and united in their views.

The second meeting of the Working Group for the Preparation of the Draft Law on HJPC was held on September 25, 2009 in Novi Grad. The meeting was attended by: Mr. Milorad Novkovic, HJPC President, Council members Mr. Sven Marius Urke, Mr. Zijad Kadric, Mrs. Slavica Curic, Mr. Zlatko Knezevic, Mr. Barisa Colak, Minister of Justice BiH Mr. Jusuf Halilagic, Secretary to the Ministry of Justice BiH, Mr. Nikola Kovacevic Assistant to the Minister of the Ministry of Justice RS and Mr. Hidajet Halilovic, Assistant to the Minister of the Ministry of Justice FBiH. The meeting was held in order to exchange opinions and information, thus no conclusions were adopted.

Ministerial Conference in BiH

The HJPC President participated in the Second Conference of Ministers of Justice in BiH, the President of HJPC and the President of the Judicial Commission of the Brcko District.

The Conference, which had the objective of monitoring the implementation of key reform processes in the BiH justice sector, was attended by the ministers and 13 representatives of the ministries of justice from State, Entity and cantonal level, the President of the High Judicial and Prosecutorial Council of Bosnia and Herzegovina and the President of the Judicial Commission of the Brcko District BiH. The participants efforts were focused at the implementation of the Justice Sector Reform Strategy in BiH, as the all-encompassing plan for the future development of the justice sector, which was adopted by the Council of Ministers of BiH, the Entity Governments and the Judicial Commission of the Brcko District BiH. Consideration was given to the reports on the performance results of the functional working groups for the implementation of the Strategy, and recommendations were made towards overcoming flaws that were identified regarding the implementation of reform targeted measures that were planned.

During the first five months of implementation of the Justice Sector Reform Strategy in BiH, 32 activities were realised either in full or in part and work had started on approximately 100 other reform activities. Informatisation of the courts and prosecutors offices had started, a proposal had been defined for the resolution of utilities cases and an analysis had been made covering the issue of promptness of process in the prosecutors offices. Amendments to the Law on the Enforcement of Criminal Sanctions, Detention and Other Measures on BiH Level had come into effect, which further improved control over the correctional facilities, as well as introducing European standards to the prison system. Laws were adopted on free legal aid on the level of Republika Srpska and the cantons, a Law on Free Legal Aid was prepared on BiH level as well as a Law on International Legal Aid for Criminal Matters. The said laws, will, among other things, create the conditions for the establishment of common criminal records for the citizens of Bosnia and Herzegovina who have been convicted abroad. Measures have been taken towards improving economic development through the promotion and advancement of a system for alternative resolution to commercial disputes and land administration.

The conference participants expressed their full support to the establishment of a common donor fund which would serve to finance activities as defined with the Justice Sector Reform Strategy of BiH. A firm commitment was also given for the continuation of reform activities that

are underway and for increased participation of the institutions of the BiH Justice Sector in the realisation of harmonised objectives.

The third conference of Ministers of Justice in BiH, the President of HJPC and the President of the Judicial Commission of the Brcko District BiH was held on December 22, 2009. The conference was attended by Vice-President Danijela Mikic on behalf of HJPC.

The following conclusions were adopted at the Conference:

1. The Report on the Implementation of the Justice Sector Reform Strategy for BiH (BiH JSRS) for 2009 is adopted and shall be delivered to the justice sector institutions in BiH for additional feedback, information, comments and proposals, within 15 days of the day of delivery, which will subsequently be incorporated in the Report and sent to the Council of Ministers of BiH for adoption;
2. All institutions of the BiH justice sector that are members of the Ministerial Conference will, by the time of the next Ministerial Conference, aside from their adopted work programs, also adopt institutional mid-term strategic plans, which will be fully harmonised with the priorities and activities as determined in the BiH JSRS and its action plan (AP);
3. The Heads of the institutions must send out a clear message to their staff that the implementation of the BiH JSRS is a priority in order to ensure consistency and quality of participation of the representatives of the institutions in the work of the functional working groups (FWG);
4. The ministries of justice of BiH and the entities, the High Judicial and Prosecutorial Council of BiH and the Judicial Commission of the Brcko District of BiH (JCBD BiH) will increase efforts so that the Technical Secretariat (TS) starts operating at full capacity, which is very important seeing as TS not only ensures the unhindered quality-set work of the FWG and the MC rather also establishes better coordination between and within the institutions themselves;
5. Ensure the regular delivery of progress reports regarding the implementation of JSRS in BiH and its AP;
6. The managers of the institutions shall, to the best of their capacity and within existing boundaries, undertake to advance institutional and inter-institutional cooperation, planning, coordination, as well as coordination with donors;
7. In reference to Strategic Program 1.1.4 – Examine the possibility for the harmonisation of the selection procedure for judges of the Constitutional Court of BiH with current procedures for the selection of judges for the constitutional courts of RS and FBiH, a conclusion was reached in that, after an analysis on the issue was developed and presented at the MC by HJPC, additional consultations would be carried out between HJPC and the Ministry of Justice of BiH in order to harmonise positions on the matter and that the results would then be presented at the next MC;
8. The Analysis and Information on the Issue of Court Enforcement Officers and the Automation of Enforcement Procedures based on Authentic Documents was accepted, while further activities would be developed within the framework of the revised AP JSRS in BiH;
9. At the Third MC, the Federal Ministry of Justice presented information on activities that have been undertaken towards the adoption of the Law on Prosecutors Offices in FBiH and a conclusion was reached to extend the deadline for the adoption of the said Law in 2010,
10. The Analysis on the Application and Effect of the Suspended Sentence Concept in the Criminal Sanction Enforcement System is accepted. Further activities would be

developed within the framework of the revised AP of the JSRS in BiH, which was developed by the Consulting House Lucid Linux in Sarajevo;

11. Information on the Project of the European Commission and the Council of Europe on Efficient Management of Jails in BiH is accepted, while further activities would be developed within the framework of the revised AP of the JSRS in BiH;
12. The Ministry of Justice of BiH and that of the entities shall update the previously developed analysis by DFID on Prison Commerce Units and its Sections by the time of the next MC, so that recommendations can be given regarding their legal status and functionality and for the previously developed Plan for the Systematic Renovation and Construction of Institutions in BiH through the Twinning Light Project of the European Commission and the Ministry of Justice of Austria;
13. The Cantonal and Entity ministries of justice and the JCBD BiH are tasked with developing an overview regarding the situation for free legal aid and deliver it to the Ministry of Justice of BiH which will draft a combined report before the next session of FWG 3;
14. The TS I tasked with revising the AP and FP of the JSRS in BiH, including the drafting of an AP for the resolution of commercial disputes and to revise the AP of the Report on Monitoring and Evaluating the Efficacy of Aid, while their deadlines for the implementation of all activities shall be extended for all activities that haven't been completed by the time of the drafting of the revised AP;
15. Continue activities towards defining and establishing management mechanisms of a donor fund for the implementation of activities from the AP of the JSRS in BiH (JSRS fund) and the signing of a Memorandum of Understanding (MoU) on the establishment of the fund, which needs to be harmonized among the justice sector institutions in BiH, as well as ensuring ongoing and professional training for TS of the JSRS fund;
16. The List on Proposed Priorities for Funding from the JSRS Fund and from Other Donor Funds for 2010 was adopted, and as an additional priority, the securing of donor funds for strengthening staffing potential of the JPTS FBiH and the JPTS RS is added to the list in order to ensure the continuation of positive movement in the performance of activities from the AP of the JSRS in BiH;
17. In accordance with the decision of the Council of Ministers on the implementation of the Road Map for a decentralised management system (DIS), the institutions of the BiH Justice Sector are tasked with establishing a framework for the management and control system, carrying out an evaluation of the situation and preparation for decentralised management by carrying out required changes and enhancing procedures through the implementation of recommendations from the Report on the Evaluation of the Situation regarding the Directorate for European Integrations of BiH, while the TS of the JSRS in BiH is tasked with the consistent implementation of the DIS Strategy, and the recommendations of the Association of Alumni Centres for Inter-Disciplinary Post-Graduate Studies covering institutional and capacity development of the institution from 2008 for the establishment of DIS structures is adopted;
18. The USAID JSDP 2 Project will assist in the establishment of a Documentation/Information System for monitoring the implementation of the AP of the JSRS in BiH;
19. In order to formalise cooperation with civil society organizations (CSO), the MC accepts the draft Memorandum on the Establishment of Mechanisms for Overseeing and Evaluating the Implementation of the JSRS in BiH by CSO-s (MoU) and gives

authority to the Minister of Justice of BiH, as Chairperson of the MC, to sign the MoU together with five registered CSO-s;

20. The MC has adopted the Decision on the Roles and Responsibilities of TS and FWG for the implementation of JSRS in BiH, the Calendar of Activities for Overseeing the implementation of JSRS in BiH up to year-end 2010 and the MC public statement as proposed.

5th Conference of Court Presidents of BiH

The 5th Conference of Court Presidents of BiH under the organisation of HJPC was held on May 26-27, 2009 in Tuzla. The President of HJPC actively oversaw the organisation of the conference and, in his opening address, presented his analysis on the performance and efficiency of the courts of BiH. Apart from the court presidents, the conference was attended by the members of HJPC, representatives of the legislative and executive branches of government, including, Mr. Barisa Colak, the Minister of Justice of BiH, representatives of professional associations, the representatives of the judicial and prosecutorial training centres, the Judicial Commission of the Brcko District, ombudsmen, representatives of Bar associations, and representatives of the international community in BiH.

This year's conference was thematically designed towards the presentation of the HJPC BiH 2008 Annual Report, the analysis of the performance of the courts and prosecutors' offices throughout the year, further development of the appointment process for judicial office holders, while a presentation was also given of the results of the Justice Sector Development Project. Mention was made regarding the constitutional positioning of HJPC and that of judicial institutions on BiH level in light of upcoming constitutional change, amendments to the Law on HJPC, the execution of judicial budgets, savings measures, and advancement of cooperation between HJPC and the institutions of the legislative and executive branches of government.

The conference participants considered it necessary to improve the status and the financial situation of the judges, primarily by increasing judge salaries and reintroducing various allowances, particularly compensation for separated living, which employees of institutions of the other two branches of government enjoy. Special attention needs to be given to undertaking measures aimed at the continued enhancement of efficiency and quality of performance of the courts in BiH. Regarding the constitutional reform process, it is vital that HJPC, being the institution with competences for ensuring and safeguarding the independence of the judiciary, becomes a constitutional category. In line with the solutions offered in the Entity constitutions, the Constitution of BiH should incorporate mechanisms to ensure the independence of judges and the judiciary, primarily keeping in mind the duration of office and the financial position of judges. It was concluded that it would be necessary to amend the Law on HJPC, meaning that it would require an initiative to be forwarded regarding the rendering of a Law on Amendments to the Law on HJPC. Ultimately, a determination was made that public confidence in the judiciary should be built independently, responsibly, through excellent and efficient performance of the courts and through a common approach to the resolution of key system issues of the BiH judiciary through the coordinated efforts of HJPC and the judicial community for the public.

5th Conference of Chief Prosecutors of BiH

At the conference, Milorad Novkovic, President of HJPC, addressed the issue regarding the realisation of conclusions from last year's conference, the performance of HJPC for the year and project activities regarding the performance of prosecutors' offices in Bosnia and Herzegovina. Vice-President Gorana Zlatkovic presented an analysis of the performance results of the prosecutors' offices of BiH for 2008.

At the conference, topics were covered dealing with the implementation of the Strategy for Processing War Crimes, the performance of the Steering Board for the Implementation of the Strategy and experiences in the processing of war crimes. The topic was discussed by, among others, the President of HJPC. Furthermore, during the conference discussion was held on current experiences regarding the subordination system and the profession-level

relations of the entity prosecutors offices with their subordinate prosecutors offices, taking charge of investigations and the evidentiary process including current practices and issues with focus on proposal measures for overcoming them, and project activities regarding the functioning of the prosecutors offices and the introduction of CMS in the prosecutors offices.

At the end of the conference, the Chief Prosecutors of BiH rendered the following conclusions:

Topic 1 – Activities regarding the Implementation of the Strategy for Processing War Crimes

1. Upon finalising the common war crimes database, an extraordinary conference of chief prosecutors shall be called, including prosecutors who process war crimes and representatives of the ministries of justice, on which occasion all issues of relevance to the implementation of the Strategy for Processing War Crimes would be addressed.
2. Chief Prosecutors shall submit written comments to the prosecutorial guidelines no: 5 – determining priorities, that was prepared by Mr. D. Schwendiman, Deputy Chief Prosecutor of BiH.

Topic 2 – Current Experiences regarding Subordination and Profession-Level Relations between the Entity Prosecutors Offices and their Subordinate Prosecutors Offices

1. HJPC will establish a working group tasked with giving consideration to the issue of harmonisation of the laws covering the organisation of the prosecutors offices with the procedural laws on all levels, and to subsequently propose appropriate solutions.
2. Analyse legislative solutions regarding subject-matter jurisdiction of the courts and prosecutors offices for war crimes, organised crime, commercial crime and the transfer of jurisdiction for specific cases. Initiate possible changes and activities aimed at removing any problems that have been identified.

Topic 5 – Experiences in the Discovery and Processing of Crimes dealing with Corruption in BiH

1. Consideration should be given to the possibility of establishing special departments within the prosecutors offices and the police agencies to fight corruption and organised crime.
2. The JPTC-s and the police training centres are recommended to introduce training covering new legal concepts, evidentiary procedures, the application of new scientific achievements in criminology and similar. Within the training framework experiences should be exchanged regarding specific cases and case law.
3. The HJPC is tasked with offering any and all required support to the prosecutors offices regarding financing and work towards the introduction of allowances for separated living, travel expenses to and from work, duty shifts and other compensation that is realised by employees in other BiH institutions.
4. Continue activities on projects for the enhancement and improvement of cooperation between the prosecution and all law enforcement agencies.

Vice-President Zlatkovic informed the Presidency on the Prosecutor Conference and the conclusion of the conference. She proposed that the conclusions, together with the relevant minutes and conference presentations, be sent out to all chief prosecutors, which the Presidency agreed. Furthermore, a proposal was defined for the composition of the Working Group along with its tasks: consideration of issues dealing with the harmonisation of laws regulating the organisation of the prosecutors offices with procedural laws on all levels and to propose appropriate solutions; analyse legislative solutions regarding subject-matter jurisdiction of courts and prosecutors offices for war crimes, organised crime and commercial crime, as well as the transfer of jurisdiction for specific cases, and to initiate possible changes and activities aimed at removing any problems that have been identified.

Working Meeting of Chief Prosecutors on Processing War Crimes

One of the conclusions of the 5th Conference of Chief Prosecutors was to promptly set up and hold a working meeting regarding the issue of processing war crimes. The meeting was held in Teslic on November 23-24, 2009. In accordance with the decision of the Presidency, all chief prosecutors were invited to attend the meeting, as were heads of war crimes departments (for prosecutors offices that have them), members of the Steering Board for Implementation of the Strategy for Processing War Crimes, all of the members of the Council, and the representatives of OHR, OSCE and EUPM.

Monitoring the Performance and Efficiency of the Courts and Prosecutors Offices in Bosnia and Herzegovina

Drafting a Performance Analysis and Preparation of the Performance Reports for All Courts and Prosecutors Offices

The performance results of the courts and prosecutors offices in BiH were continuously monitored throughout 2009. Milorad Novkovic, the President of HJPC, directly oversaw the drafting of the three-year performance analysis as well as the quarterly and semi-annual performance reports of the courts and prosecutors offices. All analyses and reports were prepared by the Judicial Administration Department under the direct supervision of the HJPC President and according to his instructions. This required extensive preparation considering that this Department had no previous experience in the preparation of such analyses or reports.

For the first time, as tasked by the HJPC President, quarterly reports were being prepared¹, which contained data regarding case flow, age breakdown for unresolved cases and figures regarding cases in which statute of limitations had taken effect. The report for the first quarter of 2009 was presented at the Council session held on June 2009, while the semi-annual report was presented at the September session. The Judicial Administration Department also prepared a three-year analysis (2006 – 2008) with data on case flows, quality of performance (percentages for upheld, modified, reversed decisions) and the collective quota achieved by each court. The three-year analysis, which covered all 67 regular courts in Bosnia and Herzegovina, contains information on case flows per case type/department, utilities cases figures (municipal/basic courts) which were not included in the total case numbers, data on statute of limitations for 2008, collective quotas achieved for each year, percentages for upheld, modified and reversed decisions rendered by courts, actual figures on number of judges and judicial associates, and comments regarding promptness of

¹ Only annual reports were prepared in the past.

process (general evaluation), and figures regarding unresolved cases, old cases, case influx and resolved cases.

The general evaluation on promptness of process was carried out based on the total number of unresolved cases and the number of old cases. The total number of cases in municipal and basic courts is generally going down due to a major decrease in case influx and the number of unresolved cases. Therefore, the practice was to comment on the total case figures minus the minor offence cases or case figures per case type.

Furthermore, under the direct supervision of the HJPC President, amended forms were prepared for the collection of statistical data regarding court and prosecutors office performance for the Annual HJPC Report for 2009, which the Council adopted at its session held in December, 2009. Reports on the performance of the courts for the period January 1 – June 1, 2009 can be found on the Council website.

Visits made to Courts and Prosecutors Offices

The President of HJPC, in accordance with the preset priorities and the Council Work Plan for 2009, visited many courts and prosecutors offices. During the period in question, President Novkovic and members of the Presidency, the Cabinet and the HJPC Secretariat, visited judicial institutions in East Sarajevo, Doboј, Tuzla, Teslic, Zenica, Bijeljina, Odzak, Orasje, Velika Kladusa, Brcko District BiH, Gracanica, Mostar, Kotor Varos, Trebinje, Bugojno, Travnik and Novi Travnik, as well as the Court of BiH and the Prosecutors Office of BiH.

Cooperation with Partners - Stakeholders

In accordance with future work priorities, the Presidency elevated its activities from day one, with the focus being increased communication with judge and prosecutor associations, the relevant ministries of justice and finance, as well as international organisations and embassies.

Cooperation with Judge and Prosecutor Associations in BiH

Mr. Milorad Novkovic, the HJPC President, held meetings with the representatives of the judge and prosecutor associations in BiH on February 5, and June 23, 2009, in Doboј and Sarajevo respectively. At the meetings, issues were discussed regarding an initiative for advocating better material conditions for judges and prosecutors in Bosnia and Herzegovina, amendments to the Law on HJPC and the relations between the judiciary and the media.

Among other things, a conclusion was reached that a meeting should be held with the relevant ministers of justice, representatives of the relevant governments and OHR regarding the initiative for amendments to the relevant laws covering salaries and compensation for judges and prosecutors in BiH, and to begin with preparation on a Draft Law on Amendments to the Law on HJPC. Furthermore, there is a need to advocate for the introduction of spokespersons and public relations officers in all courts and prosecutors offices and give consideration to the idea of holding a conference for the representatives of the judiciary, the HJPC and the media. As was agreed upon at the meetings, HJPC and the judge and prosecutor associations will act jointly throughout BiH and react as required in order to safeguard the judiciary. Also, it was concluded that a recommendation is given to the court presidents and chief prosecutors to regularly report to the associations and to the HJPC on the status of their institutions.

The associations and the HJPC should act in coordination and approach the public with the objective of strengthening the standing of the judiciary and that of judicial office holders. A

joint proposal was also adopted for the HJPC to give greater attention to matters when judges and prosecutors do not adhere with the Codes of Judicial and Prosecutorial Ethics.

Cooperation with the Relevant Parliaments in Bosnia and Herzegovina

Presentation of the HJPC 2008 Annual Report before the Relevant Parliaments in BiH

In accordance with the requirement of the Council to present the Annual HJPC Report, President Novkovic presented the said report before the Justice and General Administration Board of the House of Representatives of the Parliament FBiH on June 29, 2009, before the House of Representatives of the Parliament FBiH on June 30, 2009, at the session of the Constitutional/Legal Commission of the House of Representatives of the Assembly of BiH on July 6, 2009 and on June 3, 2009, and before the House of Peoples of the Parliamentary Assembly of BiH which did not acknowledge the Report.

Mrs. Danijela Mikic, Vice-President of HJPC, presented the Annual HJPC Report for 2008 before the National Assembly of RS, while Vice-President Gorana Zlatkovic presented the Report at the 27th session of the House of Peoples of the Parliament FBiH.

Meeting with the Speaker of the House of Peoples of the Parliament of the Federation BiH and the Speaker of the House of Representatives of the Parliament FBiH

Based on the information that the House of Representatives of the Parliament of the Federation BiH could consider the Draft Intervention Law on Salaries and Compensation that do not have the Feature of Salaries of Employees in Institutions of the Federation BiH, Canton, Municipality, Non-Budget Funds of the Social Welfare and Directorates for Roads and Current Grants (Intervention Law), and in accordance with the meetings plan of President Novkovic with the relevant persons of the legislative and executive branches of government, on July 9, 2009, a meeting was held with Mr. Safet Softic, Speaker of the House of Representatives and Mr. Stjepan Kresic, Speaker of the House of Peoples of the Parliament of the Federation BiH. President Novkovic and international Council member, Sven Marius Urke informed the Speakers of the Houses of Parliament FBiH of the opinion of the Council regarding the proposed wording of the law and expressed their concern regarding negative implications of the law to the current harmonised salary system for judges and prosecutors in BiH and regarding the material/legal status of judges and prosecutors in general. Furthermore, the Speakers of the Houses of Parliament FBiH were informed of the fact that the salaries of judicial office holders have been frozen as of 2006 and that since then they have not had any rights to allowances that employees of other institutions in BiH have been receiving. Thus it was pointed out, the current salary system has already effected savings for the relevant budgets from which the judiciary is financed. Once again, the significance of maintaining an ethnic balance in the courts and prosecutors offices was stressed, which the Council achieves though with difficulty, and mention was made of the constitutional provisions that ban judge salaries from being reduced.

The Speakers of the House of Parliament of FBiH expressed their full understanding for the arguments that were put forward by the President and the international Council member during the meeting, stressing also that the Parliament FBiH was not involved in negotiations with IMF. They also expressed their opinion that it was necessary to maintain the current harmonised system for the BiH judiciary and that they would point out the possible

implications the application the said law would have on the BiH judiciary in discussions they will have with the representatives of the Government of FBiH.

Cooperation with the Executive Branch of BiH

Activities undertaken in FBiH in connection with the Intervention Law in the Federation BiH

At the session held on June 15, 2009, the Government of the Federation BiH determined and sent to the Parliament of the Federation BiH, under urgent procedure, the Proposal Intervention Law which temporarily, for the duration of the “standby” arrangement with the International Monetary Fund (IMF), regulates the levels for salaries and compensation that do not possess the features of salaries of employees in administrative authorities, courts, prosecutors offices, elected officials, executive office holders and their advisors and any other institutions that are financed from the budget of the Federation BiH, the cantons, cities and municipalities, and salaries and compensation for non-budget funds, the Directorate for Roads and the level of current grants. The Proposal Law, representing the need to reduce public spending, covers all government levels in the Federation BiH and represents the result of multiple discussions with the IMF representatives, cantonal governments and unions of the cities and municipalities of the Federation BiH. Limiting the level of the said items should ensure that all budgets are balanced, which is a requirement of the “stand-by” arrangement and for receiving potential loans from the World Bank and other financiers. The Proposal Intervention Law has affected salaries and other allowances for judges and prosecutors.

Accordingly, the President of the Council asked for an urgent meeting to be held within HJPC, and it was decided to send a letter of declaration to the Prime Minister, the ministers of justice and finance in the Government of the Federation BiH. Accordingly, letters were sent to the Prime Minister of the Government of FBiH, the Minister of Justice FBiH, the Collegium of the House of Representatives and the House of Peoples of the Parliament FBiH and to the legislative/legal commissions for the said Parliament. The aforesaid correspondence incorporated all judge and prosecutor associations in FBiH and the Office of the High Representative. In the declaration, the HJPC President reminded that ever since the rendering of the law that regulates the salaries and compensation for judges and prosecutors in FBiH to this day the salaries of judges and prosecutors have not been increased not even when the average salary in the Federation BiH grew significantly and when salaries rose in the very authorities and institutions in the Federation BiH for which the Intervention Law is applied. A fear was also expressed that the rendering of the Intervention Law would also jeopardise the material position of other employees in the judiciary, which would quite definitely allow for the possibility of blocking the work of the judicial institutions, which would without doubt slow down and further complicate the implementation of the strategic objectives as provided for with the Justice Sector Reform Strategy in BiH, thus jeopardising the achieved levels of reform.

On the initiative of the President of the Council, at the session held on September 3, 2009, deliberation was held on the application of the Law on the Method for the Realisation of Savings in the Federation of Bosnia and Herzegovina, which was published in the Official Gazette FBiH on July 31, 2009 and subsequently gave a public statement and held numerous meetings on the matter. A position was taken in that the adopted Law in the Federation BiH represented a serious threat to the independence of the judiciary and to future judicial reform in the Entity. Particular mention was made in that a reduction of salaries and compensation for judges and prosecutors would jeopardise the principle of equal valuation for judges and prosecutors in Bosnia and Herzegovina, and have a negative influence on the efficiency of the judiciary in the Entity, in that it would be difficult to retain existing judges and prosecutors while at the same time hiring new ones. It was stressed that these measures would lead to a break

up regarding the ethnic balance of the judiciary. Accordingly, the HJPC expressed serious concern due to the impairment of the social and material standing of judges and prosecutors, which in turn severely threatens the achieved level of judicial reform. The HJPC also informed the High Representative in BiH of the consequences to the laws application.

Office of the High Representative in BiH

H.E. Valentin Inzko, the High Representative and the Special Representative of the European Union, held a meeting with the President of HJPC, the President of the Court of BiH and the Chief Prosecutor of the Prosecutors Office of BiH on May 14, 2009. The topics of the meeting were the rule of law, reform in the judicial sector and the presence of international judges and prosecutors in state institutions.



Picture 3. Meeting with High Representative Valentin Inzko

During the meeting H.E. Valentin Inzko underlined that the most important thing was to ensure the rule of law, stressing that the reform of the judicial system in Bosnia and Herzegovina was one of the most successful in the region. In expressing his concern over possible pressures on the judiciary, the financing of the Court of BiH and the Prosecutors Office of BiH, H.E. Inzko conveyed his utmost confidence and support for the judicial institutions as well as a commitment to ensuring the unhindered continuation of the reform of the judicial sector.

Milorad Novkovic, President of HJPC, spoke of past and present results of the reform of the judicial system, where the High Judicial and Prosecutorial Council of BiH had the lead role, highlighting certain efforts such as the reappointment process, legislative processes and securing adequate budget and material/technical conditions for the judicial institutions in their operations.

Delegation of the European Commission in Bosnia and Herzegovina

On January 19, 2009, the President of HJPC held a meeting with the Head of the Delegation of the European Commission in Bosnia and Herzegovina, H.E. Ambassador Dimitris Kourkoulas. During the meeting President Novkovic and Ambassador Kourkoulas discussed the results of the reform of the judicial system in BiH and steps that need to be taken within the judiciary in order to draw BiH closer to the European Union. President Novkovic expressed his gratitude on behalf of HJPC for the financial support of the European Union for the reform of the BiH judiciary, highlighting various project achievements that were realised through the assistance of the European Commission such as the reorganisation of minor offence courts, The Information and Communication Technology Project and the Project on Enhancement of Cooperation between the Police and the Prosecutors Offices.

Ambassador Kourkoulas reiterated the European Union's commitment to the BiH judicial reform process, underlining the significance of rule of law and an independent judiciary to serve as an instrument in the fight against organised crime, to expedite economic growth and the establishment of a functional society. Ambassador Kourkoulas and President Novkovic agreed that great effort was required so that one day, when BiH enters the European Union, its judicial office holders would be capable of applying ERU legislation, which is why consideration must now be given to training judges and prosecutors on its application.

By the end of the meeting, President Novkovic and Ambassador Kourkoulas expressed their willingness regarding the continuation of cooperation between HJPC and the European Commission through projects that will contribute to the ongoing development of the judicial system in BiH.

International Activities of the HJPC President and Regional Cooperation

Regional Cooperation with the Ministry of Justice of Montenegro and the Judicial Council of Montenegro²

On January 21, 2009, the HJPC President signed a Memorandum of Understanding between HJPC, the Ministry of Justice of Montenegro and the Judicial Council of Montenegro regarding the implementation of the regional cooperation project within the support effort for an independent and efficient judiciary in Montenegro. This Memorandum replaces the earlier Memorandum of Understanding between HJPC, the Ministry of Justice of Montenegro and the International Management Group (IMG), which was signed on April 11, 2008 in Sarajevo. The new Memorandum regulates the duties and obligations of the Judicial Council of Montenegro. It provides for a second phase of the Regional Cooperation Project.

Also, in Podgorica, on October 30, 2009, President Novkovic signed a Memorandum of Understanding for the Implementation of the Project "Strengthening the Efficiency of the Judiciary in Montenegro", which was signed on behalf of the Government by the Minister of Justice of Montenegro, Miras Radovic and on behalf of the Judicial Council of Montenegro by President Vesna Medenica, with General Director Dino Bicciato signing on behalf of IMG.

The Project consisted of two components: reform of the Montenegrin minor offence system and the introduction of information/communication technology in the courts of Montenegro, and is financed by the Government of the Kingdom of Norway with 1.5 million Euros. The Project will be implemented between 2009 – 2012.

A delegation of the Judicial Council of Montenegro visited the HJPC between 3 – 5 December, 2009, headed by President Vesna Medenica. A round table was organised as part of the visit on the topic "Criteria for the Appointment and Removal of Judges". Experiences from both Bosnia and Herzegovina and Montenegro were presented at the round table, together with analyses of current criteria and transparency of disciplinary procedures. At the round table, the representatives of the Judicial Council of Montenegro were presented with a copy of the book "Excerpts from HJPC Disciplinary Case Law". The visit was made with the IMG's support, as they assist in the process for the establishment of an efficient and independent judiciary in both countries, together with the financial support of the Government of the Kingdom of Norway.

² See Chapter 12 for additional information.



Picture 4. Delegation of the Judicial Council of Montenegro

Conference “Regional Cooperation: Strengthening the Independence and Efficiency of the Judiciary”

A delegation of HJPC, headed by President Milorad Novkovic, attended a conference titled “Regional Cooperation: Strengthening Independence and Efficiency of the Judiciary”, which was held in Montenegro between 10 – 13, June, 2009 and organised by IMG with the financial support of the Government of the Kingdom of Norway. Aside from HJPC representatives, the conference was also attended by representatives of the Ministry of Justice of Montenegro, the Judicial Council of Montenegro, Mr. Branimir Jukic, the BiH Ambassador to Montenegro, Officials from the Government of the Kingdom of Norway and IMG representatives. During the conference, discussion was held on the project for cooperation between BiH and Montenegro, its results, challenges and lessons, as well as issues regarding the selection and appointment of judges for both countries, disciplinary procedures and corruption in the courts, coordination between the ministries of justice and the judicial institutions, as well as the continuation of support with the objective of establishing an independent and efficient judiciary.

International Conference of Regulatory Judicial Institutions

The Judicial Council of Montenegro organised the IV International Conference of Judicial Councils, with the support of the Government of the Kingdom of Norway. The Conference was attended by delegations from Hungary, Albania, Slovenia, Croatia, Kosovo, Serbia, Romania, Macedonia, Bosnia and Herzegovina, Turkey, Italy and the host Montenegro and was held in Becici on 29-30 September, 2009. Apart from the aforesaid, participants included Mr. Ranko Krivokapic Speaker of the Assembly of Montenegro and Mr. Flemming Kulesz, representative of the European Network of Councils of the Judiciary (ENCJ).

At this occasion, President Novkovic presented the organisation and the competences of the HJPC and proposed that subsequent conferences be organised thematically, which was adopted as a conference conclusion. Numerous issues were discussed at the conference, including the matter of election of Council members, the method used for election and appointment of judicial office holders. There was also discussion on the establishment of a Regional Office for Coordination among Judicial Councils and subsequently a conclusion was passed where it was decided that an office would be established in the forthcoming period with the support of the National Judicial Council of Hungary, and that Councils with representatives at the conference were required to appoint persons within six months who would establish contact with the Office. The Office would, among other things, be tasked with

providing organisational support for countries that would host subsequent conferences. Discussion was also held on the importance of establishing an independent, accountable and efficient judiciary, after which a conclusion was reached that the conference greatly contributes to the realisation of the said objectives through the exchange of opinions and experiences. A conclusion was also reached that the representatives of Moldova and Greece would be invited to attend the next conference, while the High Judicial Council of Serbia was unanimously voted to host the V Conference.

EVENTS AND GATHERINGS THAT MARKED 2009

MUHAMED TULUMOVIC TOOK UP THE OFFICE OF DIRECTOR OF THE SECRETARIAT OF HJPC (January 1, 2009)



Muhamed Tulumovic took up the office of Director of the Secretariat of the High Judicial and Prosecutorial Council of Bosnia and Herzegovina (HJPC).

Worked as judicial associate during 1995, while in 1996 took over as Court Secretary of the Municipal Court in Zivinice. In 1997 he was appointed to the position of judge of the Municipal Court in Zivinice, while since March 8, 2004 he has held the position of Court President of the said court.

He is a trainer of the Judicial and Prosecutorial Training Centre of Bosnia and Herzegovina in the fields of managing first and second instance courts, as well as relations between the media and the judiciary.

He was appointed to the position of Secretariat Director, with a mandate of four years, at the HJPC session held in August 2008.

NEW MEMBERS APPOINTED TO HJPC (January – March)



Two new members were appointed to HJPC in 2009: Mr. Asim Crnalic and Mr. Zijad Kadric.

Mr. Asim Crnalic, an attorney from Sarajevo, was appointed in January, 2009 to a mandate of four years by the Bar Association of FBiH. Mr. Asim Crnalic replaced Ms. Angela Puljic, an attorney from Capljina, whose mandate as Council member ended on January 7, 2009.

The Judicial Commission of the Brcko District BiH selected Mr. Zijad Kadric, judge of the Appellate Court of the Brcko District BiH, as a member of HJPC with a four year mandate. Mr.

Zijad Kadric replaced Zekerija Mujkanovic, Chief Prosecutor of the Prosecutors Office of the Brcko District BiH, whose mandate as Council member and Vice-President of HJPC ceased on March 31, 2009.

MEETING WITH HEAD OF THE DELEGATION OF THE EUROPEAN COMMISSION IN BIH MR. DIMITRIS KOURKOULAS (JANUARY 19, 2009)

The President of the High Judicial and Prosecutorial Council of Bosnia and Herzegovina, Mr. Milorad Novkovic held a meeting with the Head of the Delegation of the European Commission in Bosnia and Herzegovina, Mr. Dimitris Kourkoulas. At the meeting, President Novkovic and Ambassador Kourkoulas discussed the results of the reform of the judicial system in BiH and steps that were still required for BiH to draw closer to the European Union.



Picture 5. HJPC President with the Head of the Delegation of the European Union in Bosnia and Herzegovina

HJPC AND EUPM CONTINUE WITH THE ENHANCEMENT OF COOPERATION BETWEEN THE PROSECUTORS OFFICES AND THE POLICE IN BiH (FEBRUARY 5, 2009)

On February 5, 2009, Mr. Milorad Novkovic and Mr. Zekerija Mujkanovic, the President and the Vice-President of the High Judicial and Prosecutorial Council of Bosnia and Herzegovina held a meeting with Mr. Stefan Feller, Head of the Police Mission of the European Union in Bosnia and Herzegovina. During the meeting, President Novkovic, Vice-President Mujkanovic and Commissioner Feller spoke of the continued cooperation between the High Judicial and Prosecutorial Council of BiH and the Police Mission of the European Union regarding the enhancement of cooperation between the prosecution and the police in Bosnia and Herzegovina.

HJPC COOPERATION WITH THE REPRESENTATIVES OF THE JUDGE AND PROSECUTOR ASSOCIATIONS IN BiH (FEBRUARY 5, 2009)

Mr. Milorad Novkovic, HJPC President, held a meeting with the representatives of the judge and prosecutor associations of BiH in Doboij on February 5, 2009. During the meeting they discussed an initiative for advocating the improvement of the material status of judges and prosecutors in Bosnia and Herzegovina, amendments to the Law on HJPC and relations between the media and the judiciary.

HJPC OPINION ON THE PRESENCE OF INTERNATIONAL JUDGES AND PROSECUTORS AFTER DECEMBER 31, 2009 (FEBRUARY 25, 2009)

In February, 2009, the HJPC provided an Opinion on the Presence of International Judges and Prosecutors after December 31, 2009, in which it expressed its support for the continuation of presence for international judges and prosecutors in the Court of BiH and the Prosecutors Office of BiH, in a reduced capacity. This opinion was, to a large extent, upheld when the High Representative rendered the Decision on the continuation and termination of the mandates of international judges and prosecutors in Bosnia and Herzegovina, in December, 2009.

ELECTRONIC PROCESSING OF UTILITIES CASES IN THE MUNICIPAL COURT SARAJEVO (MARCH 13, 2009)

The Project for the Conversion to Digital Format and the Electronic Processing of Utilities Cases (KODIFEL) was presented on March 13, 2009 in the Municipal Court Sarajevo. The Project was designed by Canada – BiH Justice Reform Project (JRP) and realised in cooperation with the Municipal Court Sarajevo and HJPC.

This is a Project valued at 250,000 KM which was financed by the Canadian International Development Agency (CIDA), with the aim of resolving backlogged utilities cases in the largest municipal court in BiH. The digitalisation and conversion process began in November 2008 and by March 13, 2009 close to one half of the cases (over 400,000) were processed and placed in the archive in bar-coded boxes.

HJPC AS A PRODUCTIVE PARTNER TO THE EMBASSY OF THE UNITED KINGDOM IN PROJECTS (MARCH 17, 2009)

President Novkovic held a meeting with H. E. Michael Tatham, Ambassador of the United Kingdom to Bosnia and Herzegovina. At the meeting, President Novkovic and Ambassador Tatham discussed the project on cooperation between the police and the prosecution which the HJPC was realising with the financial support of the Government of the United Kingdom. Other issues and areas of significance to the continued reform of the BiH judiciary were also discussed.

INAUGURAL MEETING OF SPOKESPERSONS OF JUDICIAL INSTITUTIONS (MARCH 25, 2009)

In cooperation with the USAID Justice Sector Development Project, HJPC organised the first meeting of spokespersons and public relations officers of judicial institutions. The gathering, which had over 60 participants from courts and prosecutors offices in BiH, was held on March 25, 2009, in Sarajevo. The meeting was of an informative nature, and the objective was for spokespersons and public relations officers of judicial institutions in BiH, to communicate directly and exchange experiences that they acquire in their everyday operations.



Picture 6. Judicial Institution Spokespersons

GORANA ZLATKOVIC ELECTED AS VICE-PRESIDENT OF HJPC (APRIL 1, 2009)



At the Council session held on April 1 & 2, 2009 in Capljina, HJPC member Ms. Gorana Zlatkovic was elected as Vice-President of the HJPC. Ms. Zlatkovic is a prosecutor of the District Prosecutors Office in Dobo.

Vice-President Gorana Zlatkovic was appointed a member of HJPC on May 14, 2008 by the prosecutors of the district prosecutors offices of Republika Srpska.

WORKING VISIT OF THE DELEGATION OF THE MINISTRY OF JUSTICE OF THE REPUBLIC OF TURKEY (APRIL 17, 2009)

A delegation of the Ministry of Justice of the Republic of Turkey paid a working visit to the HJPC. The delegation was headed by Mr. Muhammed Polat, judge in the Information & Communication Technology Department of the Ministry of Justice of the Republic of Turkey.

The objective of the five-day visit was to exchange experiences and practical solutions regarding the introduction of ICT in the judicial system, in order to develop and implement an information system that would increase efficiency and transparency in the operations of the courts and prosecutors offices.

MEETING WITH DORIS PACK, REPRESENTATIVE OF THE EUROPEAN PARLIAMENT (APRIL 27, 2009)

Ms. Doris Pack, representative of the European Parliament and Chairperson of the Delegation for Relations with South-East Europe, met with Milorad Novlovic, President of the High Judicial and Prosecutorial Council of Bosnia and Herzegovina and Mrs. Meddzida Kreso, President of the Court of BiH, on April 27, 2009. At the meeting they discussed issues of significance for the continued reform of the BiH judiciary and for the functioning of the Court of Bosnia and Herzegovina.

CONFERENCE OF THE RESOLUTION OF BACKLOGGED CASES IN BiH (MAY 7, 2009)

In cooperation with the USAID Justice Sector Development Project in BiH, the High Judicial and Prosecutorial Council of BiH organised a conference in Sarajevo on May 7, 2009 on the topic "How to Advance Enforcement Procedure in BiH?".

The conference was held through two panels with comparative presentations of the experiences of Croatia and Slovenia regarding the resolution of backlogged cases and steps that need to be undertaken so as to identify the optimal solution to the issue.

MEETING WITH MR. VALENTIN INZKO, HIGH REPRESENTATIVE IN BiH (MAY 14, 2009)

The High Representative in BiH and the Special Representative of the European Union, Valentin Inzko, met with Milorad Novkovic, President of the High Judicial and Prosecutorial Council of Bosnia and Herzegovina, Mrs. Meddzida Kreso, President of the Court of BiH and Mr. Milorad Barasin, Chief Prosecutor of the Prosecutors Office of BiH on May 14, 2009.

The topics that were discussed included the rule of law, implementation of the justice sector reform and the presence of international judges and prosecutors in BiH institutions.

5th CONFERENCE OF COURT PRESIDENTS IN BiH (MAY 28, 2009)

The 5th conference of court presidents in BiH as organised by the High Judicial and Prosecutorial Council was held in Tuzla on May 26-27, 2009.

Apart from court presidents, the conference was attended by HJPC members, representatives of the legislative and executive branches of government, association representatives, representatives of the judicial and prosecutorial training centres, the Judicial Commission of the Brcko District BiH, ombudspersons, representatives of the Bar associations and representatives of the international community in BiH.



Picture 7. *Court President Conference*

Topics at this years conference were the presentation of the HJPC 2008 Annual Report, the analysis of the performance of the courts and prosecutors offices for the past year, advancement of the appointment process for judicial position holders, while a presentation was provided on the results achieved by the Justice Sector Reform Project. At the conference mention was also made of the constitutional positioning of HJPC and other judicial institutions on BiH level in light of upcoming constitutional changes, amendments to the Law on HJPC, the realisation of court budgets, savings measures and the advancement of cooperation between HJPC and the legislative and executive branches of government.

HJPC DELEGATION VISIT TO THE REPUBLIC OF TURKEY (JUNE 13, 2009)



Picture 8. *HJPC Delegation visiting the Ministry of Justice of the Republic of Turkey*



Picture 9. HJPC Delegation visiting the Constitutional Court of the Republic of Turkey

A delegation of the High Judicial and Prosecutorial Council of Bosnia and Herzegovina had an official visit to the Ministry of Justice of the Republic of Turkey. The objective of the visit was the exchange of experiences and practical solutions in the field of judicial informatisation, which is ongoing within the framework of the Project for cooperation between the HJPC and the Ministry of Justice of the Republic of Turkey.

While in Ankara, the HJPC delegation had separate meetings and visits to the Palace of Justice, the Constitutional Court, the Supreme Court, the Judicial Academy, the High Judicial and Prosecutorial Council of the Republic of Turkey and other judicial institutions.

“REGIONAL COOPERATION: STRENGTHENING THE INDEPENDENCE AND THE EFFICIENCY OF THE JUDICIARY” CONFERENCE (JUNE 16, 2009)



Picture 10. HJPC President at the Conference in Montenegro

Between June 10 – 13, a delegation of the High Judicial and Prosecutorial Council participated at the Conference titled “Regional Cooperation: Strengthening the Independence and Efficiency of the Judiciary” in Montenegro, which was organised by the International Management Group (IMG) with the financial support of the Government of Norway. Along with the representatives of HJPC, the conference was also attended by representatives of the

Ministry of Justice of Montenegro, the Judicial Council of Montenegro, Mr. Branimir Jukic, the Ambassador of Bosnia and Herzegovina in Montenegro, officials of the Government of the Kingdom of Norway and representatives of IMG.

AMBASSADOR OF THE KINGDOM OF SPAIN VISITS HJPC (JULY 21, 2009)



Picture 11. Ambassador of the Kingdom of Norway visits HJPC

H. E. Alejandro Alvargonzalez San Martino, Ambassador of the Kingdom of Spain, visited the High Judicial and Prosecutorial Council of BiH. Ambassador Alvargonzalez San Martino met with HJPC President Milorad Novkovic and discussed the support from the Kingdom of Spain for the reform of the judiciary of Bosnia and Herzegovina for the past period.

The Government of the Kingdom Spain, through its Agency for International Development and Cooperation (AECID), provided financial support amounting to 175,000 Euros for the establishment of the Judicial Documentation Centre, and an additional 28,000 Euros for the continuation of specific activities through the FIAPP grant. One of the objectives in setting up the Centre was to contribute to the resolution of problems regarding inconsistent case law.

REPRESENTATIVES OF THE SWISS OFFICE FOR COOPERATION VISITING THE HJPC (AUGUST 10, 2009)



Picture 12. Representatives of the Swiss Office for Cooperation visiting HJPC

The representatives of the Swiss Office for Cooperation Dr. Erika Schlappi, Chief of Mission, and consultants for the field of the judiciary, Mr. Ueli Arbenz, Chief Prosecutor of the Zurich Canton, Mr. Armin Frauenfelder, representative of the Zurich Cantonal Police and Ms. Emina Pasic, consultant, visited the High Judicial and Prosecutorial Council of Bosnia and Herzegovina. The aim of the visit was the drafting of a final proposal for project activities that would contribute to the establishment and maintenance of an independent, efficient and harmonised judiciary in BiH, one that would be easily accessible for all citizens.

During their visit, the representatives of the Swiss Office for Cooperation met with Muhamed Tulumovic, Director of the HJPC Secretariat, Ms. Gorana Zlatkovic, Vice-President of HJPC and with HJPC experts in the field of judicial administration.

HJPC EXPRESSES ITS CONCERN OVER THE LAW ON THE METHOD FOR REALISING SAVINGS IN FBiH (SEPTEMBER 3, 2009)

At its session on September 3, 2009, the High Judicial and Prosecutorial Council of BiH deliberated the issue regarding the application of the Law on the method for realising savings in the Federation of Bosnia and Herzegovina, and accordingly forwarded a press release and held numerous meetings on the matter.

The HJPC took the stand that the law which was adopted in the Federation of BiH represented a serious threat to the independence of the judiciary and to future judicial reform efforts in the Entity. The Council especially stressed that a reduction in the salaries and the compensation for judges and prosecutors would jeopardise the principle of equal valuation for judges and prosecutors in Bosnia and Herzegovina and have a negative influence on the efficiency of the judiciary in the Entity, and do so in a way whereby it would make it difficult to retain current staff and to employ new judges and prosecutors of the appropriate quality. It was stressed that the measures would lead to a disproportion regarding the ethnic balance in the judiciary.

Accordingly, the HJPC expressed serious concern for the impairment of the social and material standing of judges and prosecutors, which would in turn jeopardise the achieved levels of judicial reform.

The HJPC also initiated the evaluation of the constitutionality of the adopted laws and informed the High Representative in BiH of the consequences to its application.

HJPC DELEGATION IN A VISIT TO THE JUDICIAL INSTITUTIONS OF THE KINGDOM OF NORWAY (SEPTEMBER 18, 2009)



Pictures 13 & 14. HJPC Delegation in Study Visit to the Kingdom of Norway

A delegation of the High Judicial and Prosecutorial Council of BiH, headed by President Milorad Novkovic, together with a delegation of the Judicial Council of Montenegro, paid a study visit to the Kingdom of Norway between September 10 – 14, 2009 as organised by IMG as part of the Project for “Regional Cooperation within the Framework of Support for an Independent and Efficient Judiciary in Montenegro”.

During the visit, the delegations visited the Supreme Court of the Kingdom of Norway with its head office in Oslo, the Appellate Court – Borgarting, the Appellate Court in Oslo, and the Institute for Legal Information, Court Decisions and Case Search – Lovdata and the National Court Administration in Trondheim.

AGREEMENT ON THE ESTABLISHMENT OF A SYSTEM FOR THE ELECTRONIC EXCHANGE OF DATA (SEPTEMBER 30, 2009)

At the premises of the Council of Ministers of BiH, on September 30, 2009, an Agreement was signed on the establishment of a system for the electronic exchange of data from the records of the police and the prosecutors offices. The signatories of the Agreement were – HJPC, representatives of the Ministry of Security of BiH, the State Border Police of BiH, the State Investigation and Protection Agency, the Federation Police Administration, the Ministry of Internal Affairs of Republika Srpska, the Police of the Brcko District BiH and the ministries of internal affairs of the cantons.

The goal of the Agreement is to ensure greater efficiency in the operations of the police and the prosecution and the realisation of a more effective level of cooperation between the police authorities, other law enforcement agencies and the prosecutors offices, which represents one of the requirements of the of the Road Map for the liberalisation of visa issuance procedures. The Agreement will contribute towards the speedier and more efficient case processing in criminal procedure and allow for direct access to data as well as ensuring its protection.

5th CONFERENCE OF CHIEF PROSECUTORS IN BIH (OCTOBER 1-2, 2009)



Pictures 15 & 16. Chief Prosecutor Conference

The 5th conference of chief prosecutors in Bosnia and Herzegovina was held on October 1-2, 2009 in Trebinje as organised by the High Judicial and Prosecutorial Council of BiH.

Along with chief prosecutors and their deputies, the conference was also attended by members of HJPC, representatives of the executive branch of government, representatives of professional associations, representatives of the judicial and prosecutorial training centres, ombudspersons, representatives of the Embassy of the USA, as well as representatives of OSCE and USAID.

Among other things, this year's conference covered activities linked to the implementation of the Strategy for Processing War Crimes and to experiences in the processing of war crimes, experiences pertaining to subordination and professionalism of relations between the entity prosecutors' offices and their subordinate offices, human rights in light of prosecutor actions, managing investigations and evidence, experiences in the discovery and processing of crimes dealing with corruption.

CONFERENCE – “RECOMMENDATIONS FOR THE RESOLUTION OF ISSUES REGARDING UTILITIES CASES” (OCTOBER 21, 2009)

Under the organisation of the High Judicial and Prosecutorial Council of BiH and the Ministry of Justice of BiH, on October 21, 2009, a conference was held in Sarajevo on the topic “Recommendations for the Resolution of Issues Regarding Utilities Cases”.

During the conference the recommendations of the Working Group for the Resolution of Issues regarding Utilities were presented. The working group was established by HJPC in June 2008, in order to identify solutions to overcome the problems due to the build up of “utilities cases” in the courts.

The members of the working group presented their recommendations which referred to the following areas: Seeking and issuing data on enforcers; electronic processing of utilities cases; single register of utilities service users; excerpts from the business books of the public RTV service providers to serve as authentic documents.

COMMEMORATION OF THE EUROPEAN DAY OF CIVIL JUSTICE IN BiH (OCTOBER 23-24, 2009)

In order to mark the celebration of the European Day of Civil Justice, on October 23-24, 2009, the Cantonal Court in Novi Travnik organised an event under the heading “Court Open Doors Day” with the support of the High Judicial and Prosecutorial Council of BiH.

During the two-day event, citizens who visited the Cantonal Court were able to discuss their rights in greater detail through direct contacts with judicial office holders. As part of the event, an agreement was signed on cooperation between the Cantonal Court in Novi Travnik and the universities of law in BiH.

The central event was the 1st Conference titled “The Current Situation of the BiH Judiciary in European Judicial Systems”, where legal experts presented numerous topics: the position and the role of the High Judicial and Prosecutorial Council of BiH in the development of an independent and efficient judicial system in BiH; the importance of the European Commission for the efficiency of the judiciary for the development of a judicial network in BiH and its activities; European days of civil justice – Cantonal Court Novi Travnik and the European Network of Pilot Courts; the right to a trial within a reasonable period of time; human trafficking, especially with children; harmonisation of domestic legislation with reference to international standards; training judicial authorities to successfully combat organised crime; Bosnia and Herzegovina before the European Court of Human Rights; and achievements of the informatisation process of the BiH judiciary.

CONFERENCE TITLED “DELEGATION TASKS IN THE COURTS” (OCTOBER 28-29, 2009)

As organised by the European Commission, through TAIEX (Technical Assistance Information Exchange) and in cooperation with the Swedish National Courts Administration, a conference was held in Sarajevo on 28-29 October, 2009, titled “Delegation of Tasks in the Courts”.

The need to advance the process for the delegation of tasks in the courts was identified by the Twinning Light Project that was as part of the CARDS program of the European Commission implemented by the Swedish National Court Administration and the High Judicial and Prosecutorial Council of BiH.

During the two-day conference, the participants were introduced to the organisation of the courts in Sweden, basic principles for the delegation of tasks and the possibilities for the application of the Swedish model for the delegation of tasks in BiH courts.

WORKING MEETING OF CHIEF PROSECUTORS IN BiH (NOVEMBER 24, 2009)

Under the organisation of the HJPC, a working meeting was held on 23-24 November, 2009, in Teslic with the chief prosecutors in BiH on the topic of processing war crimes. At the meeting, consideration was given to the reports of each prosecutors office that, as part of its jurisdiction, includes the processing of war crimes, issues and obstacles prosecutors offices face when processing the cases, and specific conclusions were ultimately passed for overcoming and advancing efforts for the processing of war crimes.

Along with chief prosecutors, the meeting was attended by prosecutors who process these cases, members of the Steering Board for the Implementation of the National Strategy for Processing War Crimes, the President of the Court of BiH and representatives of international organisations.

VISIT OF THE DELEGATION OF THE JUDICIAL COUNCIL OF MONTENEGRO (DECEMBER 5, 2009)

A Delegation of the Judicial Council of Montenegro visited the High Judicial and Prosecutorial Council of BiH between December 3 – 5, 2009, lead by President Vesna Medenica. As part of the visit, a roundtable was organised under the tile “Criteria for the Appointment and Removal of Judges”. At the roundtable, various experiences were presented from Bosnia and Herzegovina and Montenegro, analyses were made of current criteria and regarding the transparency of disciplinary procedures.

During the roundtable the representatives of the Judicial Council of Montenegro were presented with a publication titled “Excerpts from HJPC BiH Disciplinary Case Law”.

The visit was made with the support of the International Management Group which, together with the financial support of the Government of the Kingdom of Norway, assists in the process for the establishment of an efficient and independent judiciary for both countries.

THE SIGNING OF A MEMORANDUM OF UNDERSTANDING BETWEEN HJPC AND USAID (DECEMBER 8, 2009)



Picture 17. The Director of the USAID Mission and the President of HJPC

The President of the High Judicial and Prosecutorial Council of BiH, Mr. Milorad Novkovic and Mr. Allan Reed, Director of the Mission of the United States Agency for International Development (USAID) signed a Memorandum of Understanding on December 8, 2009.

The purpose of the Memorandum was the establishment of formal ties between HJPC and USAID regarding the strengthening of independence, accountability and efficiency of the justice sector, which represents one of the objectives of the Justice Sector Reform Project II (JSDP II) which is financed by USAID.

AMBASSADOR ENGLISH VISITS THE HJPC (DECEMBER 16, 2009)

Ambassador Charles L. English of the United States of America in Bosnia and Herzegovina, visited the High Judicial and Prosecutorial Council of BiH on December 16, 2009 on which occasion he met with President Milorad Novkovic.

The main topic of the meeting was the decision of the High Representative in BiH on the extension of the mandates of international judges and prosecutors in the War Crimes Departments of the Court of BiH and the Prosecutors Office of BiH as well as the presence of international prosecutors in the capacity of advisors in the Special Department for Organised Crime, Commercial Crime and Corruption of the Prosecutors Office of BiH.

During the meeting, Ambassador English underlined the support of the Government of the United States of America for all judicial institutions in BiH and especially the High Judicial and Prosecutorial Council of BiH.

MEMBERS OF THE COUNCIL

Milorad Novkovic, President of HJPC

Mandate: July 2006 - July 2010

The judges of the district and basic courts in Republika Srpska selected judge Milorad Novkovic to be a member of HJPC in July 2006. He was elected President of HJPC in June 2008 at the inaugural session of HJPC. In the judiciary, he holds the office of President of the District Court in Banja Luka.

Danijela Mikic, HJPC Vice-President

Mandate: June 2008 – June 2012

The judges of the cantonal and municipal courts in the Federation BiH selected judge Danijela Mikic to be a member of HJPC in June 2008. In the judiciary, she holds the office of judge in the Municipal Court Sarajevo.

Gorana Zlatkovic, HJPC Vice-President

Mandate: June 2008 – June 2012

The prosecutors of the district prosecutors offices in Republika Srpska selected prosecutor Gorana Zlatkovic to be a member of HJPC in June 2008. In the judiciary, she holds the office of prosecutor in the District Prosecutors Office in Doboj.

Zdravko Knezevic

Mandate: July 2006 – July 2010

The prosecutors of the Prosecutors Office of the Federation BiH selected prosecutor Zdravko Knezevic to be a member of HJPC in July 2008. In the judiciary, he holds the office of Chief Prosecutor of the Prosecutors Office of the Federation BiH.

Zlatko Knezevic

Mandate: August 2006 – August 2010

The Bar Association of Republika Srpska selected attorney Zlatko Knezevic to be a member of HJPC in August 2006. He is the President of the Executive Board of the Bar Association of the Republika Srpska.

Obren Buzanin

Mandate: September 2007 – September 2011

Judges of the Supreme Court of Republika Srpska selected judge Obren Buzanin to be a member of HJPC in September 2007. In the judiciary, he holds the office of judge of the Supreme Court of Republika Srpska

Enisa Adrovic

Mandate: June 2008 – June 2012

The prosecutors of the cantonal prosecutors offices of the Federation BiH selected prosecutor Enisa Adrovic to be a member of HJPC in June 2008. In the judiciary, she holds the office of prosecutor of the Cantonal Prosecutors Office of the Zenica-Doboj Canton.

Nedžad Popovac

Mandate: June 2008 – June 2012

The judges of the Court of BiH selected judge Nedžad Popovac to be a member of HJPC in June 2008. In the judiciary, he holds the office of judge of the Court of BiH.

Slavica Curic

Mandate: June 2008 – June 2012

The judges of the Supreme Court of the Federation BiH selected judge Slavica Curic to be a member of HJPC in June 2008. In the judiciary, she holds the office of judge of the Supreme Court of the Federation BiH.

Svetlana Brkovic

Mandate: June 2008 – June 2012

The prosecutors of the Republic Prosecutors Office of Republika Srpska selected prosecutor Svetlana Brkovic to be a member of HJPC in June 2008. In the judiciary, she holds the office of prosecutor of the Republic Prosecutors Office of Republika Srpska.

Zahid Kovac

Mandate: July 2008 – July 2012

The House of Representatives of the Parliamentary Assembly of BiH selected attorney Zahid Kovac to be a member of HJPC in September 2008. He is an attorney of the Bar Association of Zenica.

Zdravko Rajic

Mandate: July 2008 – July 2012

The Council of Ministers of BiH selected attorney Zdravko Rajic to be a member of HJPC in September 2008. He is an attorney of the Bar Association of Mostar.

Biljana Simeunovic

Mandate: November 2008 – November 2012

The Prosecutors of the Prosecutors Office of BiH selected prosecutor Biljana Simeunovic to be a member of HJPC in November 2008. In the judiciary, she holds the office of prosecutor of the Prosecutors Office of BiH.

Asim Crnalic

Mandate: January 2009 – January 2013

The Steering Board of the Bar Association of the Federation BiH selected attorney Asim Crnalic to be a member of HJPC in December 2008.

Zijad Kadric

Mandate: April 2009 – April 2013

The Judicial Commission of the Brcko District BiH selected judge Zijad Kadric to be member of HJPC on March 31, 2009. In the judiciary, he holds the office of judge of the Appellate Court of the Brcko District BiH.

Sven Marius Urke

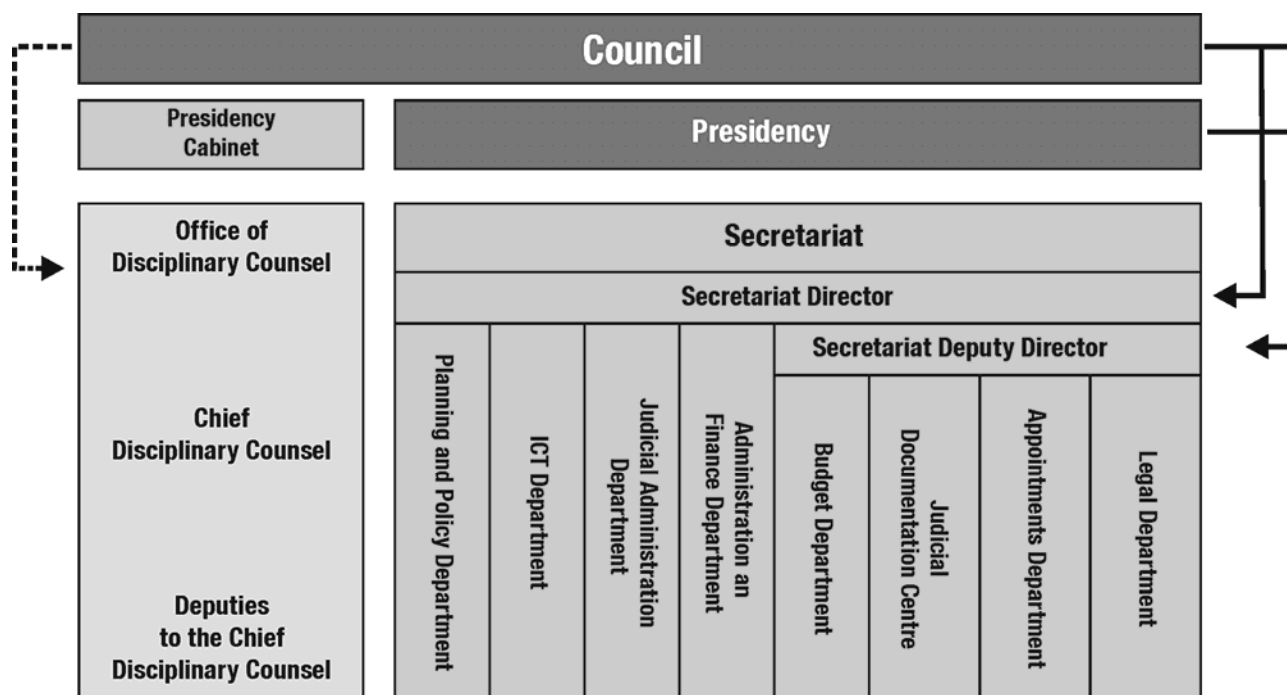
Mandate: December 2009 – December 2012

The mandate of Mr. Sven Marius Urke, international member of HJPC and attorney from Norway, was extended to December 31, 2012 through a decision of High Representative Valentin Inzko.

Ethnic Breakdown for Council Members

Bosniacs	Croats	Serbs	Others	International Member
Gorana Zlatkovic	Danijela Mikic	Milorad Novkovic	Nedžad Popovac	Sven Marius Urke
Enisa Adrovic	Svetlana Brkovic	Zdravko Knezevic		
Slavica Curic	Zdravko Rajic	Zlatko Knezevic		
Zahid Kovac		Obren Buzanin		
Asim Crnalic		Biljana Simeunovic		
Zijad Kadric				
6	3	5	1	1

HJPC Organisational Structure



On December 31, 2009, the HJPC had 125 employees of which 80³ are financed out of the HJPC budget, while 45 are employed for the realisation of HJPC project activities and are financed out of donor funds.

³ The Book of Rules on Internal Organisation and Systematisation of Posts in HJPC provides for 90 posts. As at December 31, 2009, there were 80 posts that were occupied based on employment contracts.

HJPC BUDGET

The HJPC finances a part of its activities from funds approved in the budget of BiH institutions and part from donor funds.

Funding HJPC Activities from the Budget of BiH institutions

In accordance with the Law on the Budget of Institutions of BiH and International Obligations of BiH, in 2009, the HJPC was approved a budget amounting to 7,245 million KM. In accordance with the method for determining savings in budget funds as underlined in the letter of intent to IMF, the HJPC budget was adjusted by 115,185 KM. The total approved budget for 2009 subsequent to the adjustment was 7,129,815 KM, of which 91% has been effected. The following table shows the execution of the budget as per item:

Budget Item	Approved Budget after Adjustment	Approved Budget after Rebalance	Budget Execution	Index
Gross Employee Salaries	2,896,625	2,896,625	2,630,992	91%
Compensation for Employee Expenditures	337,640	412,640	358,266	87%
Travel Expenses	199,000	199,000	197,329	99%
Telephone and Postal Services	113,550	113,550	105,496	93%
Electricity and Utilities	92,000	97,000	89,364	92%
Procurement of Supplies	54,000	54,000	25,053	46%
Transportation and Fuel	48,000	58,000	50,357	87%
Leasing	0	0	0	0
Ongoing Maintenance Expenses	463,000	333,000	322,046	97%
Insurance and Domestic Payment Transactions	8,000	8,000	7,070	88%
Contractual Services	304,000	344,000	334,112	97%
Procurement of Equipment	2,614,000	2,614,000	2,350,612	90%
TOTAL:	7,129,815	7,129,815	6,470,697	91%

Audit

Regarding the fiscal year 2008, the Office for the Audit of BiH Institutions has determined that the financial statements of HJPC for 2008 show the actual and true financial status as at December 31 2008, in accordance with the Book of Rules on Financial Statements and the Book of Rules on Accounting for the Institutions of BiH, while certain flaws have been identified regarding public procurement procedures.

In December 2009 a preliminary audit was carried out regarding the execution of the budget for the fiscal year 2009. A final audit of the 2009 fiscal year will be carried out in 2010 and will include donor funds.

Financing HJPC Activities from Donor Funds

Throughout 2009, HJPC realised 9 donor projects.

The implementation of Projects is regulated with Article 15, paragraph 11 of the Law on HJPC which states that “The Council may receive donations from international donors to its operational budget and for special judicial reform projects outside the operational budget of the Council. Such funds shall be transferred to a special purpose account with the Central Bank of Bosnia and Herzegovina. The funds shall be spent upon the order of the Director of the Secretariat in accordance with regulations for the execution of donor funds issued by the Council and in accordance with the conditions of the grant agreement with the donor.”

The most significant partner in financing various projects for judicial reform was the Kingdom of Norway with 49% participation in the total amount of donor funds. The Kingdom of the Netherlands and the Kingdom of Sweden were, within the framework of joint project funding, with 20% participation in the total amount of donor funds the most significant partners of the project for the informatisation of the judiciary. Regarding the realisation of various informatisation projects for the judiciary, significant funds have been set aside by the European Commission and the US Government, the Kingdom of Spain and the United Kingdom.

All donor funds go through the financial management information system (ISFU) of the Ministry of Finance and the Treasury of BiH with donor sub-accounts opened with the Central Bank of BiH.

The following table shows donors and separate projects that have been realised throughout 2009.

Source of Funds and Project Description	Total Funds Approved (KM)	Project Implementation Period
1. US Grant		
Renovation of FBIH Training Centre	301,654	January 2005 – September 2009
2. Spanish Agency for Cooperation Grant (FIIAPP)		
Support for the Judicial Documentation Centre	54,736	October 2006 – ongoing
3. Norwegian Grant		
War Crimes Database Project	153,922	November 2007 – July 2009
4. British Grant		
Project for the Establishment of Advanced Mechanisms for Cooperation between the Police and the Prosecutors Offices	554,478	April 2008 – March 2010
5. Norwegian Grant		
Evaluation of the Situation of the Judiciary of Kosovo	76,729	May 2008 – May 2009
6. Norwegian Grant		
Support for Judicial reform	4,340,863	July 2008 – June 2010
7. The Netherlands and Sweden Grant		
ICT/CMS Project	1,889,128	January 2009 – December 2009
8. European Commission Grant		
ICT/CMS Project	1,472,260	January 2009 – January 2010
9. Swedish Agency for International Development Grant		
Renovation of Municipal/Cantonal Court in Sarajevo	631,904	August 2009 – March 2010

Audit

The majority of donors seek the opinion of an independent auditor which is attached to the final report on the realisation of the project and the financial statement on the execution of funds. In 2009, an independent auditor audited the following grants:

- Norwegian grant for the War Crimes Database Project,
- Norwegian Grant for the Evaluation of the Situation of the Judiciary of Kosovo Project,
- Norwegian grant for the Judiciary Reform Project June 2007 – June 2009,
- US grant for the renovation of the Judicial and Prosecutorial Training Centre of the Federation of Bosnia and Herzegovina,
- European Commission Grant for ICT/CMS Project for 2008,
- The Netherlands and Swedish Grant for ICT/CMS Project for 2008.

The opinion of the independent auditor with reference to the aforesaid grants is positive and reads as follows: “The report of the Project Budget represents a true and authentic image of the revenue and expenditures of the Project for each material standpoint and is prepared in accordance with the regulations of the International Accounting Standards. We conclude that there are no deviations or failures with reference to the said report.”

The reports of the independent auditors for 2009 are, just as for the past years, delivered to the Office for the Audit of BiH Institutions and to the Ministry of Finance and the Treasury of BiH.

In August 2009, the Office for the Audit of Institutions of Bosnia and Herzegovina conducted an audit of HJPC donations and of the level of harmonisation of operations with the law and other regulations for the period 2006 – 2008. The Audit Office concluded the following:

“In our opinion, the revised financial statements of executed Council donations, regarding all major issues, present true and objective results regarding performance and the execution of donor funds for the period that ends on December 31, 2008 and is in accordance with the accepted financial statement framework.

Funds that were donated to the Council for the period 2006 – 2008 have been executed in all major material aspects, in accordance with the approved contracts and current legal regulations.”

The Audit Office stated that the internal control system is not developed sufficiently and that flaws have been identified with reference to the application of the Law on Public Procurements.

The HJPC has performed a detailed analysis of all recommendations and based on the analysis drafted a Program for the Realisation of the Recommendations of the Audit Office.

1. CHAPTER

APPOINTMENTS

1.1. Introduction

One of the basic tasks HJPC has is to ensure adherence to the standards for an independent, impartial and professional judiciary, one in which the public will have confidence. Since the standards are implemented by the judges and prosecutors themselves, the HJPC has the major responsibility of ensuring that the most skilled and most qualified judges and prosecutors of the highest moral standing are appointed, who will be able to render impartial and prompt decisions in accordance with the Law.

In attempting to advance the appointment procedure, regarding the selection of skilled staff and shortening the procedure for appointment, HJPC adopted a Book of Rules on the Procedure for the Selection and Appointment of Candidates to Judicial Positions in Bosnia and Herzegovina, which prescribes the criteria for selection and appointment, and which came into effect on September 1, 2009.

In the field of appointment and the rendering of other decisions that regulate the status of judicial office holders, HJPC provides support to the Appointments Department of the HJPC Secretariat. Activities that the Appointments Department undertakes range from the announcement of competitions, receiving competition applications, reviewing applications to see whether they are complete and on time, whether the candidate meets with general and special requirements as stipulated with the Law on HJPC, all the way through to organising interviews, preparing ranking lists for appointments, drafting appointment decisions and sending them out for announcement.

The Appointments Department maintains the complete records on the status of each judge/prosecutor, reserve judge, lay judge and judicial associate who currently hold office. At the same time, the Department keeps records of all candidates who have applied to competitions that have been announced by the Council.

Regarding the appointment of judicial office holders, in accordance with its powers bestowed with the Law, HJPC has competences for the appointment of:

- Judges, including court presidents, lay judges and reserve judges for all courts on State, Entity, cantonal, district, basic and municipal level in Bosnia and Herzegovina, including the Brcko District of Bosnia and Herzegovina, with the exception of the constitutional courts of the entities of Bosnia and Herzegovina,
- Chief prosecutors, deputy chief prosecutors and prosecutors for all prosecutors offices on State, Entity, cantonal and district level in Bosnia and Herzegovina, including the Brcko District of Bosnia and Herzegovina,
- Judicial associates in the courts on basic/municipal level, in the district courts of the Republika Srpska and senior judicial associates in the Supreme Court of Republika Srpska,
- International judges and prosecutors in the Court of BiH and the Prosecutors Office of BiH,
- Gives recommendations to the competent authorities regarding their proposals and selection of judges to the Constitutional Court of Republika Srpska and the appointment of judges to the Constitutional Court of the Federation of Bosnia and Herzegovina.

1.2. Activities and Achievements in 2009

In 2009, HJPC announced 9 competitions for a total of 263 vacancies in the judiciary. Of that number, one competition was announced for judge positions with the Constitutional Court of FBiH.

A total of 965 candidates applied to the competitions. HJPC members, as members of the interview panels interviewed 711 applicants throughout 2009.

HJPC rendered 159 decisions on appointment with which 96 judges, prosecutors, court presidents, chief prosecutors and deputy chief prosecutors were appointed, together with 28 reserve judges and 35 judicial associates.

In 2009, HJPC extended the mandates of 3 cantonal court presidents, 7 chief prosecutors, 9 deputy chief prosecutors and 2 international judges. Another 48 decisions were passed on mandate extensions for reserve judges.

It is evident that appointment processes are too protracted and that HJPC has still to resolve the issue in a satisfactory way. Regarding the procedure for selection and appointment as prescribed with the Law on HJPC, the Council is making a major effort to expedite all phases of the procedure to the extent objectively possible. When filling judicial positions, the HJPC is faced with difficulties regarding the constitutional provision that regulates equal rights and representation of the constituent peoples and Others when filling the said positions. This way, the Council is faced with a situation where it had to re-announce certain positions a number of times, which definitely influenced the efficiency of the judiciary as a whole, considering that such positions remained vacant for longer periods of time.

1.2.1. State of the Judiciary as on January 1, 2009

Of a total of 1,352 positions for judges, prosecutors and judicial associates in Bosnia and Herzegovina, as of January 1, 2009 a total of 1,272 (94.8%) positions have been filled.

Table 1.1. : Judges, Prosecutors and Judicial Associates as on January 1, 2009

	Number of Positions	Number of Positions Filled	Number of Vacancies	% Filled
Judges	892	861	31	96.52%
Prosecutors	309	290	19	93.85%
Judicial Associates	151	121	30	80.13%
TOTAL	1,352	1,272	80	94.08%

1.2.2. Judges and Prosecutors

1.2.2.1. Appointment of Judges and Prosecutors

During 2009, a total of 115 judges, prosecutors, court presidents, chief prosecutors and deputy chief prosecutors were appointed.

Table 1.2.: The Appointment of Judges and Prosecutors who, at the Time of Appointment, did not Hold a Judicial Office (alphabetically)

No.	Surname & Name	Appointed to	Start of Mandate
1.	Azapovic Mirela	Municipal Court Brcko District BiH	1.8.2009
2.	Begovic Elvira	Municipal Court Sarajevo	1.7.2009
3.	Blagojevic Milan	Municipal Court Travnik	1.5.2009

4.	Boskovic Sanja	District Prosecutors Office Bijeljina	1.8.2009
5.	Cvijanovic Ognjenka	District Court Doboj	1.5.2009
6.	Calic Karolina	District Prosecutors Office Doboj	16.3.2009
7.	Fabic Zeljka	District Prosecutors Office Banja Luka	16.3.2009
8.	Fusko Semsudin	Cantonal Prosecutors Office Travnik	1.12.2009
9.	Grahovac Predrag	Basic Court Bosanska Gradiska	1.11.2009
10.	Hasanspahic Cazim	Cantonal Prosecutors Office Sarajevo	1.5.2009
11.	Hrkic-Sovilj Jovanka	Cantonal Prosecutors Office Bihac	1.5.2009
12.	Kalabic Uzeir	Municipal Court Zepce	1.11.2009
13.	Kozo Sejad	Cantonal Prosecutors Office Zenica	1.5.2009
14.	Mijovic Vedrana	Cantonal Prosecutors Office Sarajevo	1.5.2009
15.	Mujagic Nina	Municipal Court Visoko	1.11.2009
16.	Pizovic Safet	Basic Court Brcko District BiH	1.5.2009
17.	Prccovic Tatjana	Cantonal Prosecutors Office Mostar	1.5.2009
18.	Prljaca Fuad	Municipal Court Velika Kladusa	1.7.2009
19.	Ramic Edina	Municipal Court Bihac	1.11.2009
20.	Ramic Samil	Municipal Court Bugojno	1.11.2009
21.	Solomun Darko	Municipal Court Bugojno	16.3.2009
22.	Sabic Muris	District Prosecutors Office Bijeljina	1.8.2009
23.	Saric Nizam	Cantonal Prosecutors Office Orasje	1.5.2009
24.	Tepavcevic Vladimir	Prosecutors Office of the Brcko District BiH	1.5.2009
25.	Vujica Vesna	Municipal Court Zenica	1.5.2009

Table 1.3.: Appointment of Judges and Prosecutors who, at the Time of Appointment, held Other Positions in the Judiciary (alphabetically)

No.	Surname & Name	Position and Institution Pre-Appointment	Position and Institution of New Appointment	Start of Mandate
1.	Abdagic Nives	judicial associate, Municipal Court Sarajevo	reserve judge, Municipal Court Sarajevo	28.12.2009
2.	Alic Fahira	judicial associate, Municipal Court Gracanica	reserve judge, Municipal Court Tuzla	1.8.2009
3.	Amidzic Fadila	prosecutor, Cantonal Prosecutors Office Bihac	Deputy chief pros., Cantonal Prosecutors Office Bihac	1.7.2009
4.	Artukovic Katica	judicial associate, Municipal Court Ljubuski	judge, Municipal Court Ljubuski	1.5.2009
5.	Barasin Milorad	prosecutor, Prosecutors Office of BiH	Chief Prosecutor of the Prosecutors Office of BiH	2.2.2009
6.	Bubic Ibrahim	judge, Municipal Court Zivinice	president, Municipal Court Zivinice	1.12.2009
7.	Budimir Vesna	Prosecutor, Prosecutors Office of BiH	Deputy chief pros., Prosecutors Office of BiH	1.8.2009
8.	Cimirotic Muhamed	judge, Municipal Court Bihac	judge, Cantonal Court Bihac	1.5.2009
9.	Cvijanovic-Dlakic Gordana	judge, Municipal Court Zavidovici	judge, Basic Court Derventa	1.12.2009

10.	Campara Dubravko	prosecutor, Cantonal Prosecutors Office Sarajevo	Prosecutor, Prosecutors Office of BiH	1.3.2009
11.	Delic Delista	judge, Municipal Court Bihac	reserve judge, Cantonal Court Bihac	1.5.2009
12.	Duradbegovic Seno	prosecutor, Cantonal Prosecutors Office Sarajevo	Judge, Court of BiH	1.12.2009
13.	Dzafic Senja	judge, Municipal Court Cazin	Judge, Municipal Court Bihac	1.12.2009
14.	Dzihanovic Husein	judge, Basic Court Foca	judge, Municipal Court Zivinice	1.12.2009
15.	Dzindo Mirsada	judge, District Court East Sarajevo	Judge, Court of BiH	1.12.2009
16.	Fusko Semsudin	reserve judge, Municipal Court Zenica	Prosecutor, Cantonal Prosecutors Office Travnik	1.12.2009
17.	Hadzic Asja	judge, District Court East Sarajevo	reserve judge, Supreme Court FBiH	1.12.2009
18.	Halilovic Zina	judicial associate, Basic Court Modrica	reserve judge, Basic Court Modrica	1.8.2009
19.	Halilovic Vahida	judge, Basic Court Doboj	judge, Municipal Court Tuzla	1.5.2009
20.	Hasic-Ibrahimovic Senka	judicial associate, Municipal Court Zivinice	reserve judge, Municipal Court Zivinice	1.5.2009
21.	Huseinbasic Mehmedalija	prosecutor, Cantonal Prosecutors Office Bihac	reserve judge, Cantonal Court Novi Travnik	1.5.2009
22.	Husic Zinaida	judge, Basic Court Sokolac	judge, District Court East Sarajevo	15.1.2010
23.	Iveljic Igor	judicial associate, Municipal Court Tuzla	reserve judge, Municipal Court Tuzla	1.8.2009
24.	Jelusic-Brckalo Aleksandra	judicial associate, Basic Court Srebrenica	reserve judge, Basic Court Zvornik	04.1.2010
25.	Jurko Tihomir	Chief prosecutor, Cantonal Prosecutors Office Siroki Brijeg	Deputy Chief Prosecutor, Prosecutors Office of FBiH	1.7.2009
26.	Jusufobasic Haris	judicial associate, Municipal Court Sarajevo	judge, Municipal Court Bugojno	16.3.2009
27.	Kanevcev Nives	prosecutor, Cantonal Prosecutors Office Sarajevo	Chief Prosecutor, Cantonal Prosecutors Office Sarajevo	1.8.2009
28.	Kapetanovic Amir	judicial associate, Municipal Court Tuzla	judge, Basic Court Banja Luka	1.5.2009
29.	Kokor Srecko	judicial associate, Municipal Court Visoko	judge, Municipal Court Zenica	1.5.2009
30.	Krejic Veljko	judge, Municipal Court Livno	judge, Cantonal Court Livno	1.2.2010
31.	Kresic Ruzica	judge, Municipal Court Zivinice	judge, Municipal Court Tuzla	1.5.2009
32.	Kurtovic Denis	judicial associate, Municipal Court Sarajevo	reserve judge, Municipal Court Sarajevo	29.12.2009
33.	Lojo Nizama	judge, Basic Court Sokolac	judge, District Court East Sarajevo	15.1.2010
34.	Mamic Jozo	judge, Municipal Court Bihac	reserve judge, Municipal	1.5.2009

			Court Siroki Brijeg	
35.	Milisic-Velickovski Svjetlana	judge, Municipal Court Sarajevo	reserve judge, Cantonal Court Sarajevo	1.3.2009
36.	Milosavljevic-Jancic Nevenka	judge, Cantonal Court Sarajevo	judge, Court of BiH	1.12.2009
37.	Mujkic Nermina	judge, Basic Court Banja Luka	judge, Basic Court Doboj	1.5.2009
38.	Muratagic Amila	judicial associate, Municipal Court Gradacac	reserve judge, Municipal Court Tuzla	1.8.2009
39.	Nuic Stanko	prosecutor, District Prosecutors Office East Sarajevo	Deputy chief pros., District Prosecutors Office East Sarajevo	1.5.2009
40.	Nurikic Lejla	judicial associate, Municipal Court Bugojno	judge, Municipal Court Bugojno	16.3.2009
41.	Omercausevic Marijana	judge, Cantonal Court Sarajevo	judge, Supreme Court FBiH	15.10.2010
42.	Omerspahic Sedad	reserve judge, Basic Court Sokolac	judge, Basic Court Sokolac	1.8.2009
43.	Popovic Zdravko	judge, Municipal Court Tesanj	President, Municipal Court Tesanj	2.2.2009
44.	Puskar Emir	judicial associate, Municipal Court Cazin	reserve judge, Municipal Court Cazin	1.5.2009
45.	Radevic Goran	judge, Municipal Court Sarajevo	judge, Court of BiH	15.1.2010
46.	Rados Đurđica-Zora	judge, Municipal Court Kakanj	judge, Cantonal Court Zenica	1.5.2009
47.	Radulj Tatjana	judicial associate, B.Novi/ Novi Grad	Judge, Basic Court B. Novi/ Novi Grad	1.12.2009
48.	Sandic Sinisa	judicial associate, Basic Court Banja Luka	reserve judge, Basic Court Banja Luka	1.5.2009
49.	Seferovic Ilza	judge, Municipal Court Velika Kladusa	prosecutor, Cantonal Prosecutors Office Bihac	1.5.2009
50.	Sekulic Cvijeta	judicial associate, Basic Court Bijeljina	reserve judge, Basic Court Bijeljina	1.5.2009
51.	Semiz Samira	reserve judge, Municipal Court Travnik	judge, Municipal Court Travnik	1.5.2009
52.	Simic Radmila	reserve judge, Municipal Court Tuzla	judge, Municipal Court Tuzla	1.5.2009
53.	Spahic-Drino Samra	judicial associate, Municipal Court Zenica	reserve judge, Municipal Court Zenica	1.12.2009
54.	Stanojevic Dragomirka	judicial associate, Basic Court Banja Luka	reserve judge, Basic Court Banja Luka	1.5.2009
55.	Stojanovic Suzana	judge, Municipal Court Visoko	judge, Municipal Court Kiseljak	1.5.2009
56.	Strika Mirsad	prosecutor, Prosecutors Office of BiH	judge, Court of BiH	15.1.2010
57.	Sultanovic Elis	judicial associate, Municipal Court Konjic	judge, Municipal Court Konjic	1.12.2009

58.	Sahinovic Gara	judge, Municipal Court Bihac	judge, Cantonal Court Bihac	1.12.2009
59.	Sibonjic Nadira	judge, Basic Court Banja Luka	judge, District Court Banja Luka	1.8.2009
60.	Sukalic Alija	prosecutor, District Prosecutors Office Bijeljina	prosecutor, Cantonal Prosecutors Office Tuzla	1.5.2009
61.	Tahirovic Jasmina	judicial associate, Municipal Court Travnik	reserve judge, Municipal Court Travnik	1.12.2009
62.	Trifkovic Denis	judicial associate, Municipal Court Zenica	reserve judge, Municipal Court Zenica	1.12.2009
63.	Vrhovac Nebojsa	judicial associate, Basic Court Derventa	reserve judge, Basic Court Prnjavor	1.12.2009
64.	Zivkovic Miralem	judicial associate, Municipal Court Travnik	judge, Municipal Court Travnik	1.5.2009

Table 1.4.: Court Presidents, Chief Prosecutors and Deputy Chief Prosecutors (alphabetically)

No.	Surname & Name	Position and Institution	Start of Mandate	Reappointed/1 st mandate
1.	Amidzic Fadila	Deputy Chief Prosecutor, Cantonal Prosecutors Office Bihac	1.7.2009	1 st mandate
2.	Begic Nedim	President, Cantonal Court Livno	16.10.2009	reappointed
3.	Bubic Ibrahim	President, Municipal Court Zivinice	1.11.2009	1 st mandate
4.	Colic Marija	President, Cantonal Court Odzak	16.10.2009	reappointed
5.	Coric Nevenka	Deputy Chief Prosecutor, Cantonal Prosecutors Office Livno	1.4.2009	reappointed
6.	Cavar Vesna	Deputy Chief Prosecutor, Cantonal Prosecutors Office Sarajevo	2.6.2009	reappointed
7.	Dautovic Senad	Chief Prosecutor, Cantonal Prosecutors Office Travnik	2.6.2009	reappointed
8.	Debeljevic Milorad	Deputy Chief Prosecutor, District Prosecutors Office Bijeljina	2.6.2009	reappointed
9.	Dzafic Asim	Chief Prosecutor, Cantonal Prosecutors Office Bihac	2.6.2009	reappointed
10.	Đeric Mirjana	Deputy Chief Prosecutor, Cantonal Prosecutors Office Mostar	1.4.2009	reappointed
11.	Gacinovic Slobodanka	Chief Prosecutor, District Prosecutors Office Trebinje	2.6.2009	reappointed
12.	Jurko Tihomir	Deputy Chief Prosecutor, Prosecutors Office of FBiH	1.7.2009	1 st mandate
13.	Kanevcev Nives	Chief Prosecutor, Cantonal Prosecutors Office Sarajevo	1.8.2009	1 st mandate
14.	Knezevic Zdravko	Chief Prosecutor, Prosecutors Office FBiH	2.6.2009	reappointed
15.	Kovac Zdenko	Deputy Chief Prosecutor, Cantonal Prosecutors Office Mostar	1.4.2009	reappointed
16.	Kovacevic Novak	Chief Prosecutor, District Prosecutors Office Bijeljina	2.6.2009	reappointed
17.	Kuljuh Semija	President, Cantonal Court Gorazde	16.10.2009	reappointed
18.	Mehmedbasic Nijaz	Chief Prosecutor, Cantonal	1.4.2009	reappointed

		Prosecutors Office Mostar		
19.	Memic Salih	Chief Prosecutor, District Prosecutors Office Doboj	1.4.2009	reappointed
20.	Nuic Stanko	Deputy Chief Prosecutor, District Prosecutors Office East Sarajevo	1.5.2009	1 st mandate
21.	Popovic Dragan	Deputy Chief Prosecutor, Cantonal Prosecutors Office Travnik	2.6.2009	reappointed
22.	Pusac Vojislav	Deputy Chief Prosecutor, Cantonal Prosecutors Office Bihac	2.6.2009	reappointed
23.	Stancic Radmila	Deputy Chief Prosecutor, District Prosecutors Office Doboj	1.4.2009	reappointed
24.	Tiric Alma	Deputy Chief Prosecutor, Prosecutors Office of FBiH	2.6.2009	reappointed

1.2.2.2. Increase in the Determined Number of Judges and Prosecutors

In 2009, HJPC rendered decisions on an increase in the required number of judges and prosecutors in the courts and prosecutors offices, as follows:

Table 1.5: Increase in the Determined Number of Judges and Prosecutors

Court/Prosecutors Office	Previously Determined no. of Judges/Prosecutors	Increase in 2009	Total Posts
Cantonal Court Livno	4	1	5
Court of BiH	42	2	44
Cantonal Prosecutors Office Posavina Canton	3	1	4
Supreme Court RS	17	2	19
Supreme Court FBiH	22	6	28
District Court East Sarajevo	7	1	8
Basic Court Zvornik	6	1	7
Appellate Court of the Brcko District BiH	7	1	8
Basic Court Brcko Distrikta BiH	16	2	18
Cantonal Court Zenica	17	1	18
Municipal Court Zenica	26	3	29
Municipal Court Zavidovici	8	1	9
Cantonal Court Siroki Brijeg	4	1	5
Municipal Court Siroki Brijeg	6	2	8
Municipal Court Ljubuski	5	1	6
Cantonal Court Tuzla	20	3	23
Municipal Court Tuzla	35	3	38
Municipal Court Gradacac	8	1	9
Cantonal Court Bihac	13	4	17
Municipal Court Velika	7	1	8

Kladusa			
Cantonal Court Novi Travnik	10	2	12
Municipal Court Travnik	19	2	21

1.2.2.3. Resignations and Removals of Judges and Prosecutors

During 2009, 13 judges and prosecutors handed in their resignations.

Table 1.6.: Judge and Prosecutor Resignations (alphabetically)

No.	Surname & Name	Court/Prosecutors Office	End of Mandate
1.	Blagojevic Jasminka	Municipal Court Sarajevo	31.12.2009
2.	Bubalovic Tadija	Supreme Court FBiH	30.9.2009
3.	Dilber Elza	Municipal Court Zenica	30.9.2009
4.	Dzafic Husein	Municipal Court Orasje	21.6.2009
5.	Juriscic Drazenka	Municipal Court Mostar	31.12.2009
6.	Lukic Jadranko	Municipal Court Visoko	1.9.2009
7.	Marijanovic Anđelko	Municipal Court Zenica	15.7.2009
8.	Medarevic Elvira	Municipal Court Tesanj	30.9.2009
9.	Milicevic Mirko	Cantonal Prosecutors Office Mostar	31.10.2009
10.	Nalic Gordana	Municipal Court Zavidovici	12.10.2009
11.	Popovic Zoran	Cantonal Prosecutors Office Sarajevo	22.7.2009
12.	Sabic Nuvejra	Municipal Court Zepce	13.10.2009
13.	Tosic Dusan	Basic Court Bijeljina	31.10.2009

1.2.2.4. Temporary Reassignment of Judges to Other Courts

In accordance with its competences, HJPC may temporarily assign a judge, or a reserve judge, to perform duties as a judge in another court of the same of lower level⁴. During 2009, HJPC passed 7 such decisions due to needs identified for assistance in the resolution of large numbers of unresolved cases in the Cantonal Court in Sarajevo, the Cantonal Court in Tuzla and the Basic Court in Teslic.

Table 1.7.: Decisions on the Temporary Reassignment of Judges to other Courts

No	Surname & Name	Original Court	Temporary Reassignment
1.	Andjic Jozo	Cantonal Court Odzak	Cantonal Court Tuzla
2.	Bjelovic Milijana	Cantonal Court Gorazde	Cantonal Court Sarajevo
3.	Jenko Spomenka	Cantonal Court Odzak	Cantonal Court Tuzla
4.	Lagumdžija Halil	Cantonal Court Gorazde	Cantonal Court Sarajevo
5.	Porobic Huso	Cantonal Court Odzak	Cantonal Court Tuzla
6.	Rahmanovic Osman	Basic Court Visegrad	Basic Court Teslic
7.	Spahic Amer	Cantonal Court Gorazde	Cantonal Court Sarajevo

⁴ Article 50 of the Law on HJPC.

1.2.2.5. Old Age Retirement for Judges and Prosecutors

During 2009, 4 decisions were passed on mandate terminations due to judges reaching mandatory retirement age as well as 2 decisions on mandate terminations due to early age retirements.

There were no age-related retirements for prosecutors for the same period.

Table 1.8.: Mandatory Retirement

No.	Surname & Name	Court	Mandate Termination Date
1.	Vukic Milica	Municipal Court Travnik	10.1.2009
2.	Kovacevic Radomir	Basic Court Sokolac	2.4.2009
3.	Radovanovic Zarko	Court of BiH	31.5.2009
4.	Orucevic Jasminka	Court of BiH	6.9.2009
5.	Mladina Nevenka	Municipal Court Livno	20.11.2009
6.	Corluca Dragutin	Municipal Court Siroki Brijeg	20.9.2009

1.2.2.6. Ethnic Breakdown of Judges and Prosecutors

During 2009, just as in the past, HJPC was faced with problems regarding the appointment of judicial office holders in accordance with the constitutional provisions that regulate equal rights and representation of the constituent peoples and Others.

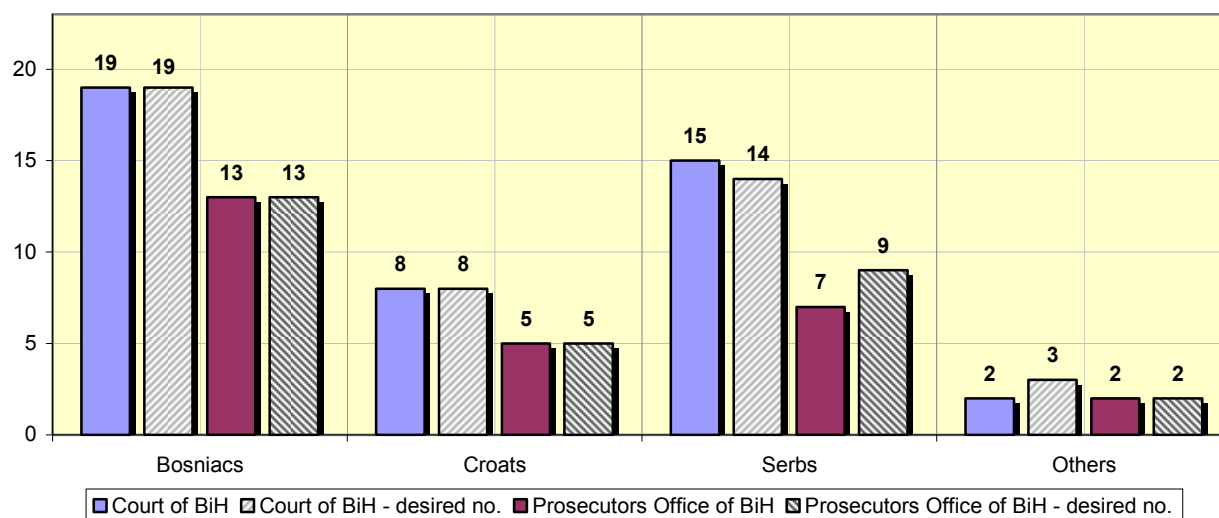
The trend continued whereby candidates would generally apply for positions that were vacant in their places of residence or close to it, while judges and prosecutors who have for some time now (over three years) held office in a place that was a greater distance from their place of residence, had applied for positions in their places of residence or close by, which as a consequence made it more and more difficult to fulfill the principle of ethnic representation of the constituent peoples and Others according to the 1991 census.

During 2009, HJPC continued with its practice of attempting to fully comply with the legal duty with reference to first time competitions, while lesser deviations were made only in exceptional circumstances such as when even after many repeated competitions it was not possible to appoint a candidate from the relevant constituent peoples or Others based on the 1991 census.

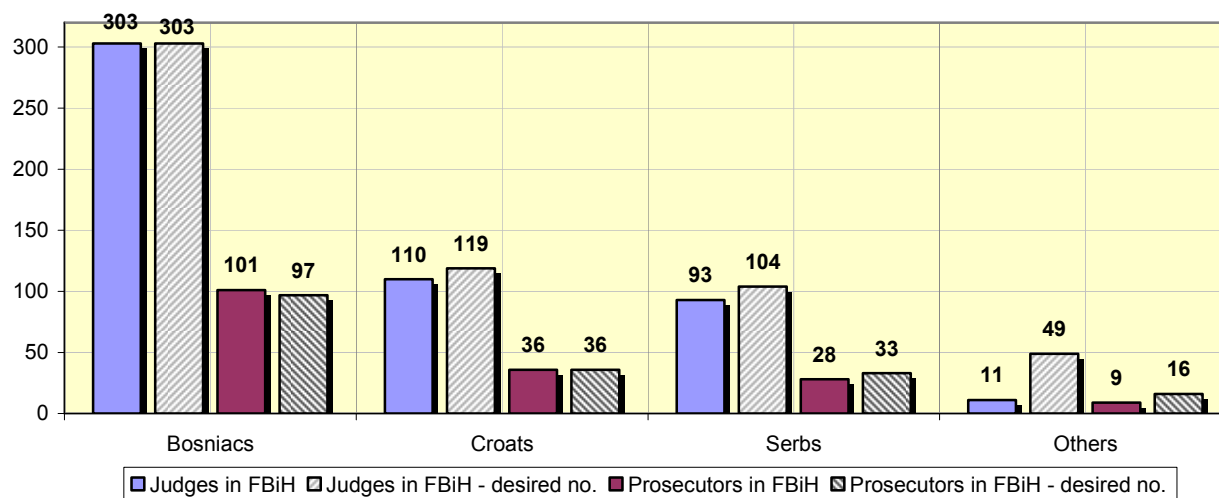
The issue of adherence to the constitutional and legal provisions on equality and the representation of constituent peoples and Others on one hand and the fulfillment of legal obligations regarding the establishment of an efficient, independent, professional and impartial judiciary on the other hand, represent a challenge which HJPC constantly faces. Thus, HJPC continues to work towards identifying a model based on which the two said principles would be best fulfilled, and we have further elaboration on the matter in Chapter 3 of the Report.

Table 1.9.: Ethnic breakdown of judges and prosecutors according to level of judicial power and institution

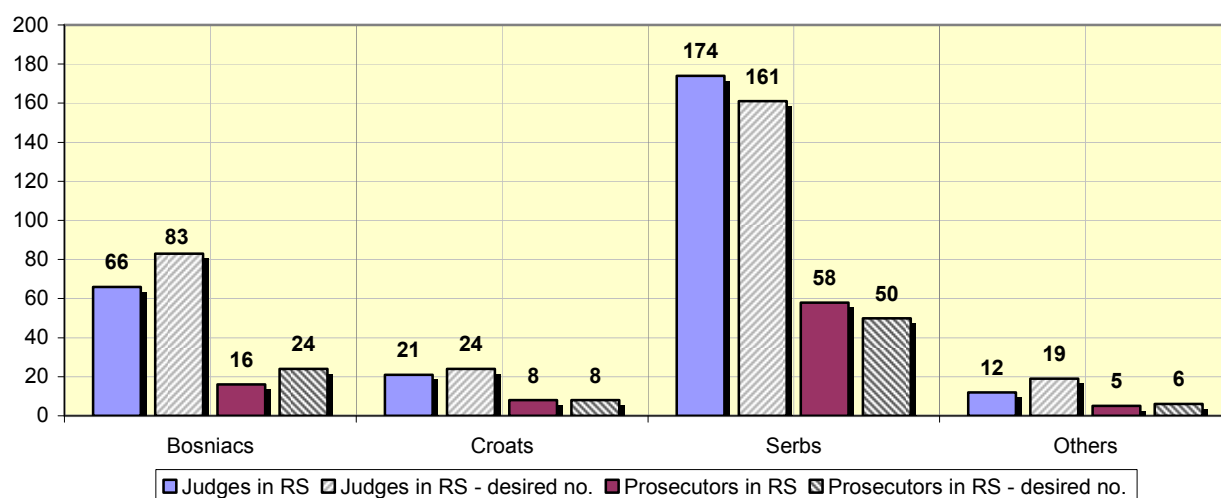
Level	Institution	Bosniac	Croat	Serb	Undeclared	Other	Total
BiH		32 (45.07%)	13 (18.31%)	22 (30.99%)	1 (1.41%)	3 (4.23%)	71
	Court	19 (43.18%)	8 (18.18%)	15 (34.09%)	1 (2.27%)	1 (2.27%)	44
	Prosecutors Office	13 (48.15%)	5 (18.52%)	7 (25.93%)	00%	2 (7.41%)	27
Brcko District		13 (39.39%)	7 (21.21%)	13 (39.39%)	00%	0 (0%)	33
	Appellate Court	2 (28.57%)	3 (42.86%)	2 (28.57%)	0 (0%)	0 (0%)	7
	Prosecutors Office	4 (44.44%)	1 (11.11%)	4 (44.44%)	00.00	0 (0%)	9
	Basic Court	7 (41.18%)	3 (17.65%)	7 (41.18%)	0 (0%)	0 (0%)	17
FBiH		18 (60.00%)	6 (20.00%)	5 (16.67%)	0 (0%)	1 (3.33%)	30
	Court	14 (66.67%)	3 (14.29%)	4 (19.05%)	0 (0%)	0 (0%)	21
	Prosecutors Office	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
	Prosecutors Office	0 (0%)	1 (25.00%)	2 (50.00%)	0 (0%)	1 (25.00%)	4
Cantonal		162 (57.45%)	61 (21.63%)	48 (17.02%)	2 (0.71%)	9 (3.19%)	282
	Court	65 (55.56%)	28 (23.93%)	21 (17.95%)	0 (0%)	3 (2.56%)	117
	Prosecutors Office	97 (58.79%)	33 (20.00%)	27 (16.36%)	2 (1.21%)	6 (3.64%)	165
District		31 (21.23%)	13 (8.90%)	95 (65.07%)	3 (2.05%)	4 (2.74%)	146
	Court	15 (23.81%)	6 (9.52%)	39 (61.90%)	1 (1.59%)	2 (3.17%)	63
	Prosecutors Office	16 (19.28%)	7 (8.43%)	56 (67.47%)	2 (2.41%)	2 (2.41%)	83
Municipal	Court	224 (59.10%)	79 (20.84%)	68 (17.94%)	2 (0.53%)	6 (1.58%)	379
Basic	Court	47 (24.35%)	13 (6.74%)	125 (64.77%)	2 (1.04%)	6 (3.11%)	193

Diagram 1.1. Ethnic Breakdown in the Court of BiH and the Prosecutors Office of BiH

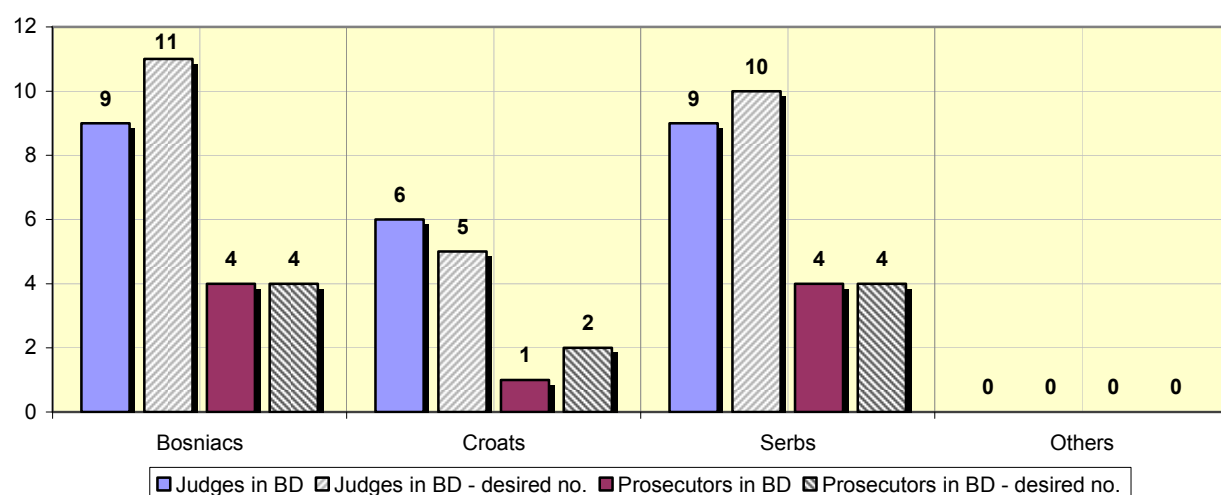
Note: Desired figure expressed based on 1991 census

Diagram 1.2. Ethnic Breakdown in the Courts and Prosecutors Offices of the Federation BiH

Note: Desired figure expressed based on 1991 census

Diagram 1.3. Ethnic Breakdown in the Courts and Prosecutors Offices of Republika Srpska

Note: Desired figure expressed based on 1991 census

Diagram 1.4. Ethnic Breakdown of the Judicial Institutions of the Brcko District BiH

Note: Desired figure expressed in accordance with the Statute of the Brcko District BiH

Table 1.10.: Ethnic Breakdown of Court Presidents and Chief Prosecutors based on the Level of the Judicial Institution

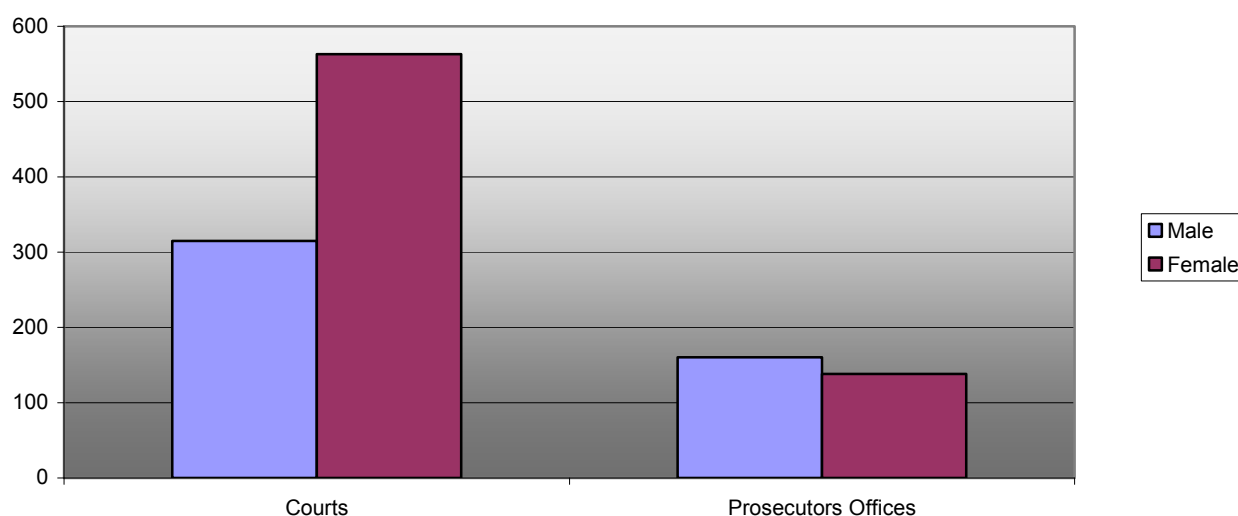
Institution	Position	Bosniac	Croat	Serb	Other
Court of BiH and Supreme Courts	Court President	2	1		
Cantonal Courts	Court President	6	4		
District Courts	Court President			5	
Municipal Courts	Court President	13	10	4	1
Basic Courts	Court President	6	1	11	
Appellate Court and the Basic Court of the Brcko District BiH	Court President		1	1	
Prosecutors Office of BiH	Chief Prosecutor			1	
Prosecutors Office of FBiH & RS	Chief Prosecutor			1	1

Cantonal Prosecutors Offices	Chief Prosecutor	6	2	1	
District Prosecutors Offices and the Special Prosecutors Office Banja Luka	Chief Prosecutor	1		5	
Prosecutors Office of the Brcko District BiH	Chief Prosecutor	1			
TOTAL		35	19	29	2

1.2.2.7. Gender Balance of Judges and Prosecutors

Table 1.11.: Gender Breakdown of Judges and Prosecutors according to Level and Type of Judicial Institution

Level	Type of Institution	Male	Female	Total
BiH		38 (55.07%)	31 (44.93%)	69
	Court	24 (58.54%)	17 (41.46%)	41
	Prosecutors Office	14 (50%)	14 (50%)	27
Brcko District		16 (46.6%)	17 (53.3%)	33
	Appellate Court	3 (42.86%)	4 (57.14%)	7
	Prosecutors Office	4 (44.44%)	5 (55.56%)	9
	Basic Court	9 (52.94%)	8 (47.06%)	17
Entity FBiH		15 (51.72%)	14 (48.128)	29
	Court	10 (50%)	10 (50%)	20
	Prosecutors 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
	Prosecutors Office	2 (50%)	2 (50%)	4
Cantonal		128 (45.23%)	155 (54.77%)	283
	Court	37 (31.36%)	81 (68.64%)	118
	Prosecutors Office	91 (55.15%)	74 (44.85%)	165
District		73 (51.41%)	69 (48.59%)	142
	Court	29 (49.15%)	30 (50.85%)	59
	Prosecutors Office	44 (53.01%)	39 (46.99%)	83
Municipal	Court	122 (31.77%)	262 (68.23%)	384
Basic	Court	72 (36.55%)	125 (63.45%)	197
Total	Courts	315	563	1176
	Prosecutors Offices	160	138	

Diagram 1.5. Gender Balance of Judges and Prosecutors in Bosnia and Herzegovina**Table 1.12.: Gender Balance for Court Presidents and Chief Prosecutors according to Level of Judicial Institution**

Institution	Position	Male	Female	Total
Court of BiH	Court President	0	1	1
Supreme Court	Court President	2	0	2
Cantonal Courts	Court President	2	8	10
District Courts	Court President	4	1	5
Appellate Court of the Brcko District BiH	Court President	1	0	1
Municipal Courts	Court President	15	13	28
Basic Courts	Court President	13	5	18
Basic Court of the Brcko District BiH	Court President	1	0	1
Prosecutors Office of BiH	Chief Prosecutor	1	0	1
Prosecutors Office of FBiH	Chief Prosecutor	1	0	1
Prosecutors Office of RS	Chief Prosecutor	1	0	1
Cantonal Prosecutors Offices	Chief Prosecutor	8	1	9
District Prosecutors Offices and the Special Prosecutors Office Banja Luka	Chief Prosecutor	5	1	6
Prosecutors Office of the Brcko District BiH	Chief Prosecutor	1	0	1
TOTAL		55	30	85

1.2.3. Reserve Judges

1.2.3.1. Appointment of Reserve Judges

In accordance with the Law on HJPC, the Council appoints reserve judges in order to provide support for the reduction of unresolved cases or if due to the protracted leave of a judge in a certain court there is a need for judges. Even though the Law does not stipulate the duration of the mandate for reserve judges, based on current HJPC practices, reserve judges are usually appointed for a period of at most two years, in that their mandate may be

extended if the prescribed terms have been met with (elaborated proposal of the court president and proof of secured funding).

Up to December 31, 2009, (including past years) HJPC has rendered decisions on the appointment of a total of 76 reserve judges in the courts of BiH.

In 2009, HJPC appointed 28 reserve judges based on elaborated proposals submitted by court presidents along with confirmation of secured funding.

Table 1.13.: Reserve Judges Appointed in 2009 (alphabetically)

No.	Surname & Name	Court	Start of Mandate	End of Mandate
1.	Abdagic Nives	Municipal Court Sarajevo	28.12.2009	28.12.2011
2.	Alic Fahira	Municipal Court Tuzla	1.8.2009	1.8.2011
3.	Aleksic Vesna	Municipal Court Tuzla	1.8.2009	1.8.2011
4.	Delic Delista	Cantonal Court Bihac	1.5.2009	1.5.2011
5.	Fadilpasic-Konjhodzic Lejla	Municipal Court Sarajevo	28.12.2009	28.12.2011
6.	Gogala Zorica	Supreme Court FBiH	1.11.2009	1.11.2011
7.	Hajdarbegovic Safet	Municipal Court Tuzla	1.8.2009	1.8.2011
8.	Halilovic Zina	Basic Court Modrica	15.7.2009	15.7.2011
9.	Hasic-Ibrahimovic Senka	Municipal Court Zivinice	1.5.2009	1.5.2011
10.	Huseinovic Mehmedalija	Cantonal Court Novi Travnik	1.5.2009	1.5.2011
11.	Iveljic Igor	Municipal Court Tuzla	1.8.2009	1.8.2011
12.	Konjevic Sead	Municipal Court Zivinice	1.5.2009	1.5.2011
13.	Kurtovic Denis	Municipal Court Sarajevo	28.12.2009	28.12.2011
14.	Milisc-Velickovski Svjetlana	Cantonal Court Sarajevo	1.3.2009	1.3.2011
15.	Mujkanovic Aladin	Basic Court Teslic	1.3.2009	1.3.2011
16.	Muratagic Amila	Municipal Court Tuzla	1.8.2009	1.8.2011
17.	Musanovic Tefida	Municipal Court Tuzla	1.8.2009	1.8.2011
18.	Ninic Jako	Supreme Court RS	2.2.2009	2.2.2011
19.	Popovic Gordan	Basic Court Modrica	15.1.2010	15.1.2012
20.	Puskar Emir	Municipal Court Cazin	1.5.2009	1.5.2011
21.	Sandic Sinisa	Basic Court Banja Luka	1.5.2009	1.5.2011
22.	Sekulic Cvijeta	Basic Court Bijeljina	1.5.2009	1.5.2011
23.	Spahic-Drino Samra	Municipal Court Zenica	1.12.2009	1.12.2011
24.	Stanojevic Dragomirka	Basic Court Banja Luka	1.5.2009	1.5.2011
25.	Suljic Alma	Municipal Court Tuzla	1.8.2009	1.8.2011
26.	Tahirovic Jasmina	Municipal Court Travnik	1.12.2009	1.12.2011
27.	Trifkovic Denis	Municipal Court Zenica	1.12.2009	1.12.2011
28.	Vrhovac Nebojsa	Basic Court Prnjavor	1.12.2009	1.12.2011

1.2.3.2. Mandate Extensions for Reserve Judges

In 2009, HJPC passed decisions on the extension of mandates for 48 reserve judges.

Table 1.14.: Reserve Judges with Mandate Extensions (alphabetically)

No.	Surname & Name	Court	End of Mandate
1.	Ajanovic Besima	Municipal Court Tesanj	3.1.2012.
2.	Barucija Adnan	Municipal Court Zenica	3.1.2012.
3.	Bazdalic Rasma	Municipal Court Zavidovici	2.2.2012.
4.	Blagic Stanko	Basic Court Banja Luka	3.1.2012.
5.	Bradaric Seka	Municipal Court Zenica	3.10.2011.
6.	Dabic Igor	Basic Court Banja Luka	3.1.2012.
7.	Durakovic Mehudin	Municipal Court Sarajevo	1.8.2011.
8.	Duric-Hrvacic Aida	Municipal Court Sarajevo	1.8.2011.
9.	Dzerahovic Emira	Cantonal Court Zenica	3.1.2012.
10.	Dzinic Adisa	Basic Court Bosanska Gradiska	1.9.2011.
11.	Đukanovic Jovo	Basic Court Prijedor	3.1.2012.
12.	Fazlagic Lejla	Municipal Court Sarajevo	1.8.2011.
13.	Filipovic Erna	District Court East Sarajevo	3.1.2012.
14.	Frenjo Jasna	Municipal Court Sarajevo	1.8.2011.
15.	Halilovic Nusret	Cantonal Court Zenica	1.6.2011.
16.	Hasic Halida	Supreme Court FBiH	17.12.2011.
17.	Hergic Ernesa	Cantonal Court Bihac	3.1.2012.
18.	Hodzic Ema	Cantonal Court Sarajevo	1.6.2011.
19.	Hrelja Nadira	Supreme Court FBiH	17.12.2011.
20.	Huskic Semira	Municipal Court Tuzla	1.8.2011.
21.	Idrizovic Sedin	Municipal Court Sarajevo	1.8.2011.
22.	Kovacevic Monika	Basic Court Banja Luka	3.1.2012.
23.	Lovric Vjekoslav	Supreme Court FBiH	17.12.2011.
24.	Medakovic Radmila	Basic Court Banja Luka	3.1.2012.
25.	Milasinovic Slobodan	Supreme Court RS	1.2.2011.
26.	Niksic Muhidin	Supreme Court FBiH	1.8.2011.
27.	Ninkovic Velimir	District Court Banja Luka	1.10.2011.
28.	Pejovic Nebojsa	Basic Court Banja Luka	3.1.2012.
29.	Petricic Dejan	Basic Court Banja Luka	3.1.2012.
30.	Ploskic Mevsuda	Supreme Court FBiH	1.8.2011.
31.	Radoja Radana	Basic Court Banja Luka	3.1.2012.
32.	Radovanovic Petar	District Court Bijeljina	1.9.2011.
33.	Sadikovic Hitka	Municipal Court Travnik	1.3.2011.
34.	Sarajlic Edina	Municipal Court Gradacac	29.9.2011.
35.	Savic Snjezana	Basic Court Banja Luka	3.1.2012.
36.	Stamenic Darko	Basic Court Banja Luka	3.1.2012.
37.	Satara Jasna	District Court Banja Luka	1.10.2011.

38.	Sero Amira	Municipal Court Travnik	1.3.2011.
39.	Sisic Zinaida	Municipal Court Tuzla	3.10.2011.
40.	Suh Daniela	Municipal Court Mostar	1.1.2012.
41.	Susic Mustafa	Municipal Court Sarajevo	1.8.2011.
42.	Topic Josip	Municipal Court Travnik	1.3.2011.
43.	Trivic Dean	Basic Court Banja Luka	3.1.2012.
44.	Tmacevic Maida	Cantonal Court Sarajevo	2.4.2011.
45.	Tufo Merdita	Municipal Court Sarajevo	1.8.2011.
46.	Vidovic Branka	Municipal Court Tuzla	1.8.2011.
47.	Vjestica Rada	Basic Court Banja Luka	3.1.2012.
48.	Zaimovic Atifa	Municipal Court Gradacac	1.8.2011.

1.2.3.3. Increase in the Number of Reserve Judges

In 2009, HJPC passed decisions on increases to the number of reserve judges for 40 courts.

Table 1.15.: Increase in the Number of Reserve Judges

Court	Previous Approved no.	Approved in 2009	Total no. of Posts
Municipal Court Sarajevo	8	3	11
Basic Court Modrica	0	2	2
Basic Court Prnjavor	0	1	1
Supreme Court RS	5	1	6
District Court Bijeljina	2	3	5
District Court Doboј	0	1	1
District Court Trebinje	0	1	1
Basic Court Banja Luka	17	13	30
Basic Court Prijedor	2	3	5
Basic Court Zvornik	0	3	3
Basic Court Gradiska	1	1	2
Basic Court Teslic	2	1	3
Basic Court Bijeljina	2	1	3
Basic Court Kotor Varos	0	1	1
Basic Court Vlasenica	0	1	1
Appellate Court of the Brcko District BiH	0	1	1
Basic Court of the Brcko District BiH	0	3	3
Cantonal Court Zenica	3	3	6
Municipal Court Zenica	5	7	12
Municipal Court Zavidovici	1	3	4
Municipal Court Tesanj	1	1	2
Municipal Court Zepce	0	1	1

Municipal Court Kakanj	1	1	2
Municipal Court Siroki Brijeg	1	1	2
Cantonal Court Tuzla	2	7	9
Municipal Court Tuzla	4	16	20
Municipal Court Gracanica	0	2	2
Municipal Court Gradacac	2	2	4
Municipal Court Kalesija	0	2	2
Municipal Court Zivinice	2	1	3
Cantonal Court Bihac	3	7	10
Municipal Court Bihac	0	1	1
Municipal Court Cazin	1	2	3
Municipal Court Velika Kladusa	2	2	4
Municipal Court Bosanska Krupa	0	1	1
Municipal Court Sanski Most	0	2	2
Municipal Court Travnik	4	1	5
Municipal Court Bugojno	1	1	2
Municipal Court Kiseljak	1	2	3
Supreme Court FBiH	14	5	19

1.2.3.4. Resignations Handed in by Reserve Judges

In 2009, 3 reserve judges handed in their resignations.

Table 1.16.: Resignations Handed in by Reserve Judges (alphabetically)

No.	Surname& Name	Court/Prosecutors Office	Date of Resignation
1.	Bandovic Sanjin	Municipal Court Zivinice	11.3.2009
2.	Simic Lada	Court of BiH	5.5.2009
3.	Vidic Lidija	Basic Court Prnjavor	1.4.2009

1.2.4. Lay Judges

1.2.4.1. Appointment of Lay Judges

There were no appointments of lay judges made in 2009.

1.2.5. Judicial Associates

1.2.5.1. Appointment of Judicial Associates

Table 1.18.: Judicial Associates Appointed in 2009 (alphabetically)

No.	Surname & Name	Court	Start of Mandate
1.	Agic Amela	Municipal Court Bugojno	4.1.2010
2.	Blagojevic Enisa	Municipal Court Tuzla	1.11.2009
3.	Burgic Emina	Municipal Court Sarajevo	1.11.2009
4.	Crnogorac Pavle	Municipal Court Mostar	1.5.2009
5.	Cuze Dajana	Municipal Court Ljubuski	1.8.2009
6.	Dasic Lana	District Court Banja Luka	4.1.2010
7.	Dedic Lejla	Municipal Court Sarajevo	1.5.2009
8.	Delic Ilvana	Municipal Court Tuzla	1.11.2009
9.	Đug Tarik	Municipal Court Zivinice	1.8.2009
10.	Đukic Radovan	Municipal Court Kotor Varos	4.1.2010
11.	Đuric Dajana	Basic Court Modrica	4.1.2010
12.	Dzafic Vanja	Basic Court Banja Luka	1.5.2009
13.	Glisic Sanja	Basic Court Bijeljina	1.5.2009
14.	Jelusic-Brckalo Aleksandra	Basic Court Zvornik	4.1.2010
15.	Jovic Goran	Basic Court Bijeljina	1.5.2009
16.	Kajmovic Aida	Municipal Court Visoko	1.11.2009
17.	Kalac Edina	Municipal Court Visoko	1.5.2009
18.	Krajsnik Mile	Basic Court Bijeljina	4.1.2010
19.	Mamic Ante	Municipal Court Livno	1.5.2009
20.	Marin Miran	Basic Court Banja Luka	4.1.2010
21.	Markovic Sinisa	District Court Banja Luka	4.1.2010
22.	Maros Irena	Municipal Court Travnik	4.1.2010
23.	Mesic Ahmet	Municipal Court Tesanj	1.5.2009
24.	Mitrovic Gordana	Basic Court Banja Luka	4.1.2010
25.	Muhadzic Adisa	Basic Court Prijedor	1.5.2009
26.	Music Selma	Municipal Court Visoko	1.5.2009
27.	Obradovic Dragomir	District Court Banja Luka	4.1.2010
28.	Pavlovic Vanja	Basic Court Banja Luka	1.5.2009
29.	Popovic Jelena	District Court Banja Luka	4.1.2010
30.	Radulovic Sasa	Basic Court Trebinje	1.5.2009

31.	Rosic Mebrura	Municipal Court Travnik	4.1.2010
32.	Simisic Sanela	Municipal Court Sarajevo	1.5.2009
33.	Sinanovic Amela	Municipal Court Zenica	1.5.2009
34.	Stolic Zorica	Basic Court Derventa	4.1.2010
35.	Vojnovic Mirela	Municipal Court Sarajevo	1.5.2009

1.2.5.2. Increase in the Number of Judicial Associates

At its session held in December 2009, HJPC rendered a decision on the determination of the number of senior judicial associates in the Supreme Court of RS. There are 4 (four) senior judicial associates in the Supreme Court of RS.

At its session, the Council also rendered a decision on the determination of the number of judicial associates in district courts as follows:

- District Court Banja Luka - 15 (fifteen) judicial associates,
- District Court Bijeljina - 3 (three) judicial associates,
- District Court Doboj – 4 (four) judicial associates,
- District Court East Sarajevo – 3 (three) judicial associates,
- District Court Trebinje – 1 (one) judicial associate.

There are a total of 26 (twenty-six) judicial associates in the district courts of Republika Srpska.

The number of judicial associates in the Municipal Court Sarajevo has also been increased from 28 (twenty-eight) to 30 (thirty).

1.2.5.3. Resignations Handed in by Judicial Associates

Table 1.19.: Resignations Handed in by Judicial Associates in 2009 (alphabetically)

No.	Surname & Name	Court	Resignation Date
1.	Brkic Romana	Municipal Court Zivinice	1.8.2009.
2.	Huskanovic Faruk	Municipal Court Gracanica	30.4.2009.
3.	Krtalic Branka	Municipal Court Mostar	31.12.2009.
4.	Marin-Diklic Aleksandra	Basic Court Banja Luka	31.5.2009.
5.	Sejmenovic Sajma	Municipal Court Zavidovici	14.10.2009.
6.	Tomic-Ignjatic Ana	Basic Court Banja Luka	30.6.2009.

1.2.6. Judges of the Entity Constitutional Courts

Regarding judges of the constitutional courts, HJPC has competences to provide proposals to the relevant authorities in connection with the proposal and election of judges for the Constitutional Court of RS and the appointment of judges to the Constitutional Court of the Federation of Bosnia and Herzegovina.

1.2.6.1. Proposals regarding the Election of Judges to the Entity Constitutional Courts

In July, 2009, after a competition was carried out, HJPC forwarded a candidate proposal to the President of FBiH regarding one vacancy for a judge position with the Constitutional Court of FBiH together with a written opinion from the Constitutional Court of FBiH.

The competition was carried out after the Constitutional Court of FBiH notified HJPC that the mandate of prof. dr. Kasim Trnka, judge of the Constitutional Court FBiH, ended in mid-April, 2009 due to the judge reaching the retirement age of 70 years.

In the first half of 2009, HJPC also announced a competition for two vacant judge positions in the Constitutional Court FBiH. The competition was announced after the Constitutional Court FBiH notified HJPC that it was initiating a procedure for the repeated procedure for the appointment of judges to the Constitutional Court of FBiH due to the end of the mandate of two judges who reached the age of 70 in September, 2008.

The proposal for the initiation of a repeated procedure came about after the House of Peoples of the Parliament of FBiH notified the Constitutional Court of FBiH that it had not rendered a Decision on the Confirmation of the Decision on the Appointment of the two proposed candidates for judges of the Constitutional Court of FBiH.

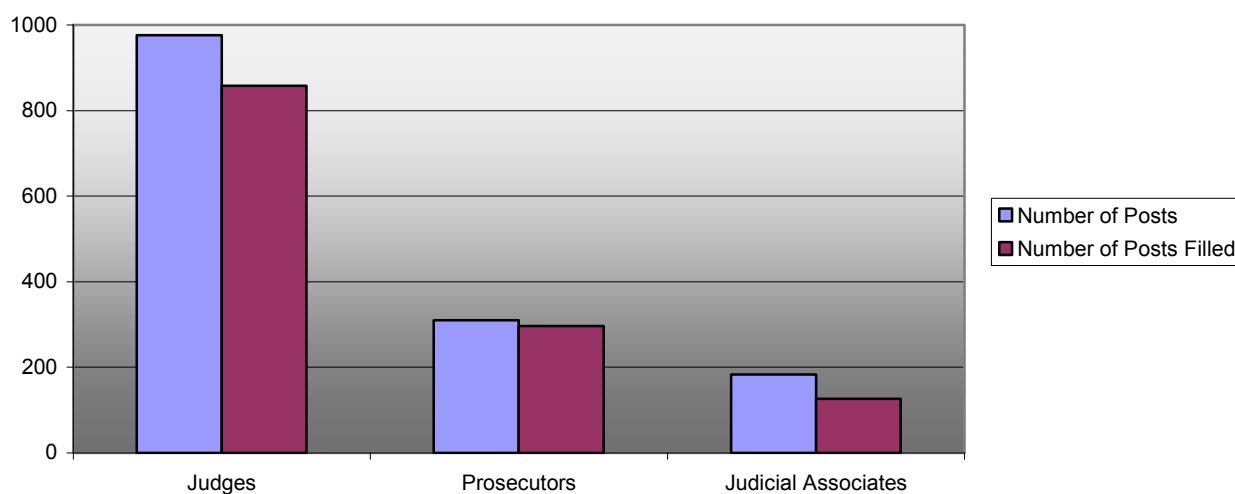
After the repeated procedure, in December 2009, HJPC forwarded a proposal candidate list to the Constitutional Court of FBiH for a written opinion.

1.2.7. State of the Judiciary as on December 31, 2009

Of a total of 1,469 positions for judges, prosecutors and judicial associates in Bosnia and Herzegovina, as on December 31, 2009, a total of 1,281 (87.2%) positions are occupied. Table 1.20 shows an overview of the number of judicial office holders appointed in Bosnia and Herzegovina, including judicial associates, as compared to the predetermined number of positions.

Table 1.20.: Judges, Prosecutors and Judicial Associates as on December 31, 2009

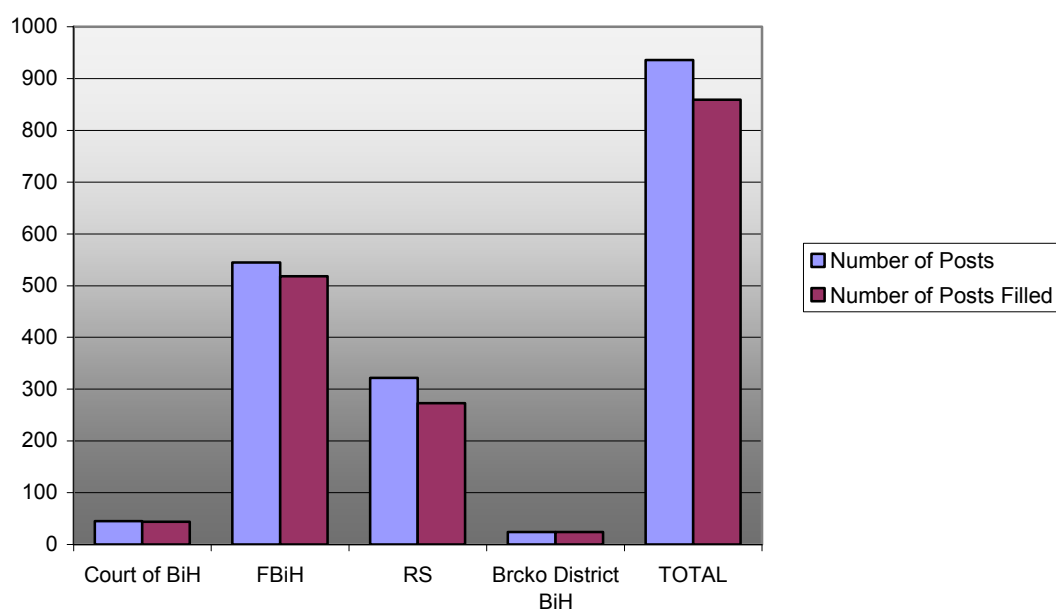
	Number of Positions	Number of Positions Filled	Number of Vacant Positions	Current Capacity
Judges	976	858	118	87.9%%
Prosecutors	310	297	13	95.8%
Judicial Associates	183	126	57	68.8%
TOTAL	1,469	1,281	188	87.2%

Diagram 1.6. Judges, Prosecutors and Judicial Associates (overview)

Of 858 appointed judges as at December 31, 2009, 44 were appointed in the Court of BiH, 518 in FBiH, 272 in RS and 24 in Brcko District BiH.

Table 1.21.: Judges (overview)

	Number of Positions	Number of Positions Filled	Number of Vacant Positions	Current Capacity
Court of BiH	44	44	0	100%
FBiH	576	517	58	89.9%
RS	330	273	58	82.4%
Brcko District BiH	26	24	2	92.3%
TOTAL	976	858	118	87.9%

Diagram 1.7. Judges (Overview)

Of 297 prosecutors appointed as at December 31, 2009, 27 were appointed to the Prosecutors Office BiH, 174 in FBiH, 87 in RS and 9 in the Brcko District BiH.

Table 1.22.: Prosecutors (overview)

	Number of Positions	Number of Positions Filled	Number of Vacant Positions	Current Capacity
Prosecutors Office BiH	29	27	2	93.10%
FBiH	182	174	8	95.6%
RS	89	87	2	97.7%
Brcko District BiH	10	9	1	90%
TOTAL	310	297	13	95.8%

Diagram 1.8. Prosecutors (Overview)

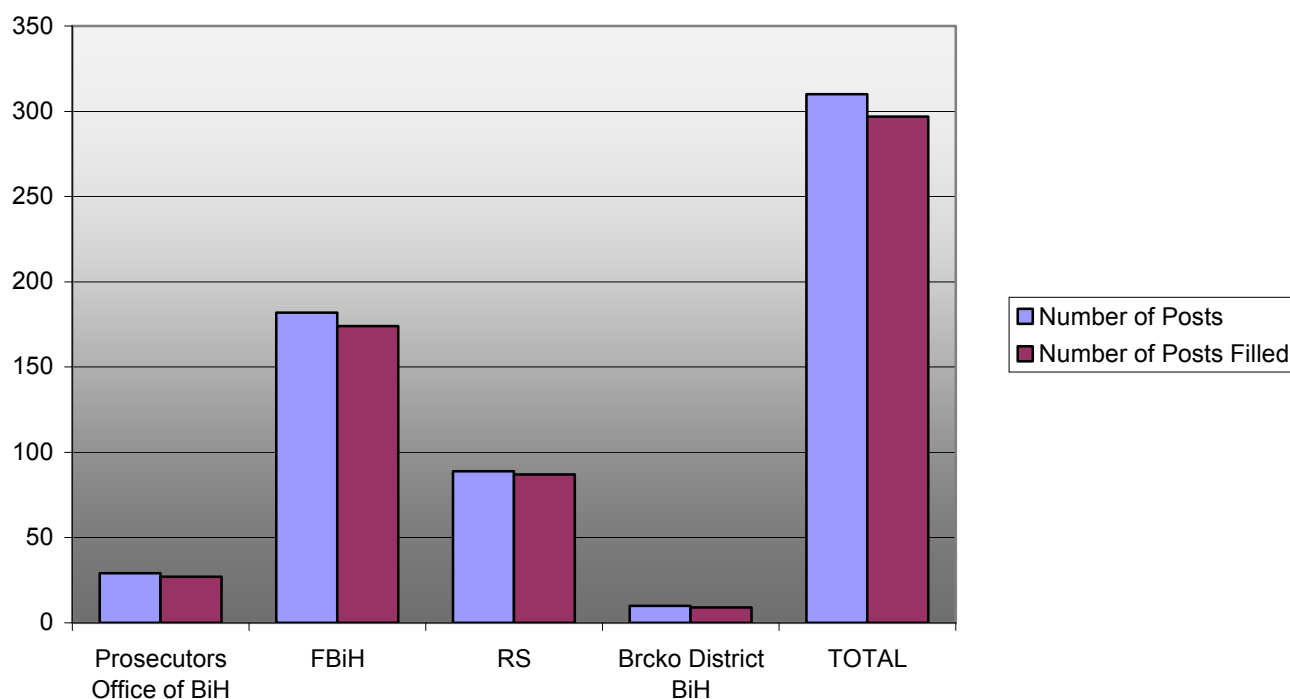
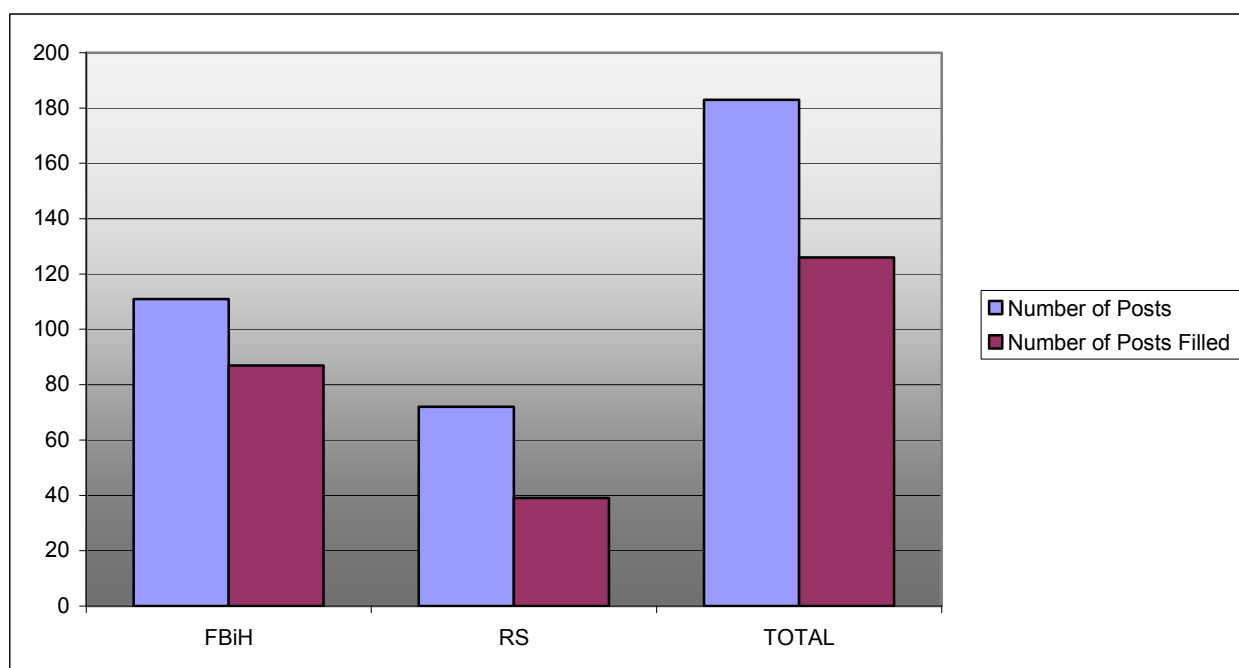


Table 1.23.: Judicial Associates (overview)

	Number of Positions	Number of Positions Filled	Number of Vacant Positions	Current Capacity
FBiH	111	87	24	78.3%
RS	72	39	33	45.8%
TOTAL	183	126	57	68.8%

Diagram 1.9. Judicial Associates (overview)

1.3. Recommendations

- When carrying out appointments for all positions in the judiciary, the HJPC adheres to the appropriate constitutional provisions which regulate equal rights and representation of the constituent peoples and those from the ranks of Others. Even though a satisfactory level of ethnic balance has been achieved in the judicial institutions of BiH, maintaining the balance has become harder and harder. In order to systematically resolve the issue of ensuring appropriate ethnic balance for judicial office holders and so as to ensure personnel of the utmost quality for the judiciary throughout the territory of BiH, HJPC again stresses in its annual report the need for the relevant authorities of the legislative and executive branches of government to offer adequate support to the HJPC in the resolution of the matter, which is of great significance. HJPC has accordingly already put forward an initiative so that judicial office holders are able to realise rights to compensation for separated living expenses and for travel expenses.
- Considering the specific jurisdiction of the Constitutional Court of Bosnia and Herzegovina, the so called “appellate jurisdiction”, which entails that the Court reviews decisions rendered by regular courts in Bosnia and Herzegovina and renders decisions regarding the rights and freedoms of all citizens, the need to harmonise the procedure for the election of judges to the Constitutional Court of Bosnia and Herzegovina with current election procedures for judges of the Entity constitutional courts is more than justified. Thus, we need to prescribe active participation of HJPC in the full election process for judges to the Court with the appropriate regulations and develop the criteria for holding office in the said court in greater detail, so as to ensure as much as possible adherence with the principles of independence, impartiality and qualification for judges of the Constitutional Court of Bosnia and Herzegovina. This being a result of the Analysis on the grounds for the need to harmonise the procedures for the election

of judges to the Constitutional Court of BiH with current procedures for the election of judges to the Entity constitutional courts, which HJPC, in accordance with its obligation stemming from the Action Plan for the implementation of JSRS, prepared and presented at the Third Minister Conference held in December, 2009. The said Analysis will, in 2010, be an issue for consultation with the Ministry of Justice of BiH in order to harmonise positions on the matter.

- In order to ensure the greatest level of objectivity regarding the evaluation of candidates who apply for judicial office, HJPC is ongoing in its efforts to further develop the candidate interview process, with the objective of appointing the best possible candidates for all judicial positions. As part of the said activities, we need to enhance the criteria for the evaluation of candidate skills and ability. We also need to determine the rules for written tests for candidates which is being “introduced in the judiciary” for the first time and to design the form and the manner of carrying out the tests, which would, along with the aforesaid, expedite the selection process. Enhancing the candidate interview process represents one of HJPC’s strategic programs pursuant to the HJPC Strategic Plan.

2. CHAPTER DISCIPLINARY PROCEDURES AND SANCTIONS

2.1. Introduction

The Office of Disciplinary Counsel (ODC) is an independent office within the HJPC BiH. The ODC acts upon complaints or on its own initiative and it has the competence to assess the legality of complaints, investigate allegations against judges or prosecutors regarding misconduct, and to initiate disciplinary proceedings and represent disciplinary cases before disciplinary panels of the HJPC. A complaint can be filed by any person and in any form, while the anonymous complaints are also considered, as well as the information obtained in a different manner, such as those published in press articles.

The ODC has the jurisdiction over all the judges, prosecutors, reserve judges and lay judges, including the court presidents, chief prosecutors and their deputies, as well as judicial associates. The ODC has no jurisdiction over the judges in constitutional courts of the entities and the state.

During 2009, the ODC continued with transparent method of work in the scope allowed under the Law on the HJPC BiH and pursuant to the decisions rendered by the HJPC. To that end, the ODC is strongly advocated by the view that the transparency of the proceedings is necessary for the regularity of a disciplinary proceedings and in September 2009, the HJPC partly modified its decision regarding the publishing of information in relation to the disciplinary proceedings, which meant that the HJPC continued its previous practice of publishing all disciplinary decisions on its web page, with the exception of those against whom a written warning is imposed, which is not publicized. In addition, during 2009, the ODC organized numerous presentations for various stakeholders, including journalists. The ODC has also cooperated with many local and international organization that showed interest in developing the standards of disciplinary accountability, as well as in the promotion of human rights.

2.2. Activities and results achieved in 2009

During 2009, the ODC also faced major personnel changes, due to resignations of disciplinary prosecutors. Vacant positions are completely filled in during the first half of 2009. New employees have demonstrated a high degree of professionalism, justifying so their employment, and by rapidly gaining knowledge and experience they significantly contributed to the ODC's performance in 2009, achieving remarkable results regardless of the objective constraints. As in past years, the number of complaints received and processed in the UST in the employee still considerably exceeds the results of similar offices in a modern democratic state.

2.2.1. Complaints

Basic characteristics in connection to complaints in 2009 are as follows:

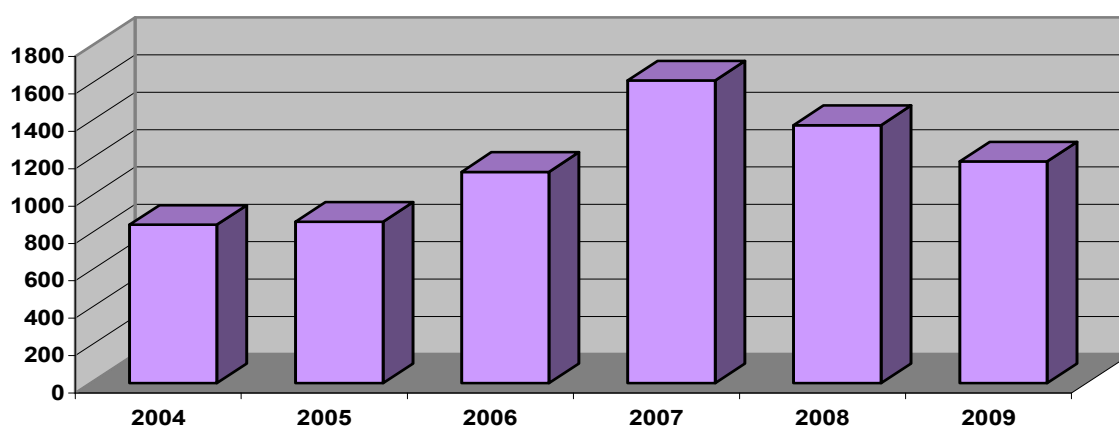
- **Reduced number of filed complaints by 6%.** Per month the office on average received 90.92 complaints or 1,091 in total. Compared to last year, this is a 6% reduction, which is the continuation of the trend of decreasing inflow that started in 2006. Most complaints received during 2009 was against judges and to a lesser degree against prosecutors (including court presidents and chief

prosecutors). Some of these complaints were against several judicial office holders.

- **Reduced number of opened complaints by 7.2%**, which is the continuation of the trend of decreasing inflow of opened complaints, which at the end of 2009 was 1,255, which is 98 opened complaints fewer compared to the end of 2008. Also, the total number of unresolved complaints at the end of 2008 was 1,353, which was 188 opened complaints fewer compared to the end of 2007. The basic reason behind this reduction is an exceptional dedication of employees in the ODC, as well as many years of experience in the work upon complaints and in disciplinary cases.
- **Increased number of investigations.** In accordance with resources available, the ODC is trying to achieve a proactive role in gaining the trust of public in the judiciary. This concretely means that the ODC is trying to act not just upon complaints but also ex officio, especially when it learns through the media of the actions and behaviour of the holders judicial office, which bear the hallmarks of a possible disciplinary offense. In that respect, during 2009, ex officio investigation was launched in 61 cases, which is almost three times as much when compared to 2008, when such investigation was initiated in 22 cases.
- **Increased number of filed disciplinary complaints from 8 in 2008 to 15 in 2009.** Due to the increased number of the ODC employees and relative decrease in the number of complaints filed, the ODC, unlike the previous years, could focus more on the quality of its work and increased number of investigations. During 2009, the ODC processed 1.187 complaints, of which 15 were concluded by initiating a disciplinary proceedings. Given the recently acquired knowledge of newly employed staff with respect to the discipline-related sanctions and methods, the best results regarding the processing of complaints could be expected in the incoming years, provided the ODC personnel structure is not significantly changed.

The following graph no.1 contains comparative indicators of the number of complaints resolved in the period 2004 to 2009.

Graph no. 1. The number of resolved complaints in the period 2004 to 2009.

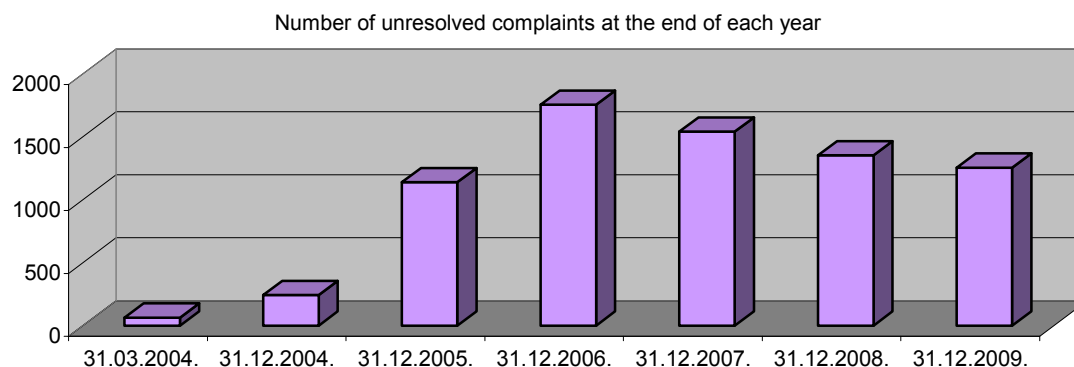


On December 31, 2007, there was 1,255 unresolved complaints, with checking and investigation underway, of which 498 complaints were received during 2008, and 757 complaints

during 2009. One should keep in mind that, after two (2) years pass, there is the statute of limitations to act upon complaints,⁵ that is, five (5) years as of the date of committed offense⁶.

The graph no. 2 that follows has comparative indicators in the number of unresolved complaints since 2004, from which it can be seen that during 2009, there was a reduction in the number of the overall number of opened complaints by 7.2%.

Graph no. 2. The number of unresolved complaints at the end of each year in the period 2004. to 2009



A significant number of complaints resolved in 2009 was rejected because there is a lack of knowledge in the true jurisdiction of the ODC. The ODC and the HJPC are not the appellate instance and they can neither reverse any court/prosecutor's office decision, nor can they give legal advice to individuals or intervene in a case on behalf of any of the parties. Although the ODC is continually leading the public information campaign on its purpose, jurisdiction and competencies, and although the results of this campaign are visible from the fact that over the last two years there is a partial drop in the number of filed complaints, it is obvious that there is a need for further training of public on this issue.

During 2009, the ODC, due to the enormous inflow of complaints over the previous two years, built triage criteria, set in 2007, that are applied when reviewing the complaints. The triage criteria in the practical work and assessment of complaints have the decisive factor, and their effects are visible. This was recognized and highlighted in the report of the Director of the California Commission on Judicial Performance Ms. Victoria Henley, who said that the employees in the ODC resolve 65% complaints more compared to employees in the Commission in New York, 42% more compared to employees in the Commission in Texas, and 78% more compared to the employees in the California Commission.⁷ Individual plans for each employee in the ODC are based on these criteria, while the improvement of triage criteria is a permanent task.

2.2.2. Disciplinary proceedings

Disciplinary proceedings are initiated when the ODC files a disciplinary complaint. During 2009, a total of 15 disciplinary complaints⁸ were filed. The initiated disciplinary proceedings before the HJPC can be completed in the following manner:

⁵ In accordance with Article 72 of the Law on HJPC BiH, a disciplinary action can not be initiated against a judge or prosecutor after 2 years pass, as of the date the ODC received a complaint or information on the alleged offense.

⁶ In accordance with Article 72 of the Law on HJPC BiH, a disciplinary action can not be initiated against a judge or prosecutor after five (5) years pass, as of the date of the commitment of alleged offense or in case of a criminal matter, after more than two (2) years pass, from the date of the final and binding court's decision rendered in the criminal matter. There is no statute of limitations for just one type of complaints, or disciplinary offenses which include deliberate disclosure of false, misleading or insufficient information regarding the applications for office positions, disciplinary matters, issues of promotion and advancement in the service or any other issues that fall under the jurisdiction of the Council.

⁷ Victoria Henley prepared the report after the visit to the ODC, which was organized by USAID. The report was made on September 19, 2007.

⁸ Disciplinary proceedings are initiated when the ODC files a disciplinary complaint, which is submitted in the first-instance disciplinary panel of the HJPC.

- Imposing the final decision of the HJPC disciplinary panels after the hearings were held⁹,
- Accepting the Joint Consent Agreement that determines disciplinary accountability¹⁰,
- Termination of proceedings after the acceptance of resignation of a judge/prosecutor by the HJPC¹¹, or due to the termination of mandate of a judge/prosecutor for any other reason,
- due to final dismissal of the disciplinary complaint by the HJPC disciplinary panels or
- based on the decision on dismissal of the proceedings due to the withdrawal of the disciplinary complaint by the ODC.

During 2009, 14 disciplinary proceedings were completed. HJPC rendered a total of 12 legally binding decisions through the disciplinary proceedings, while two cases were finished through discontinuances due to resignations. Of the 14 disciplinary proceedings, 12 were initiated in 2009 and two in 2008.

Table no. 1. Initiated and completed proceedings in 2009

	Proceedings initiated in 2009	Proceedings completed in 2009		
		Initiated in 2008	Initiated in 2009	Total
Judges	11	1	8	9
Court presidents	2	0	2	2
Reserve judges	0	0	0	0
Prosecutors	1	0	1	1
Chief Prosecutor	0	1	0	1
Deputy Chief Prosecutor	0	0	0	0
Judicial Associate	1	0	1	1
Total	15	2	12	14

In all disciplinary proceedings finalized by the end of 2005, the HJPC found disciplinary responsibility of a judge/prosecutor and imposed one or several disciplinary measures prescribed under the Law on HJPC. During 2006, one disciplinary complaint was rejected in a final decision and the judge was freed of disciplinary responsibility. During 2007, four disciplinary complaints were rejected, during 2008, one disciplinary complaint was rejected and during 2009, no disciplinary complaint was rejected.

During 2009, 16 disciplinary measures were imposed, among which the public reprimand was the most frequent. Some disciplinary proceedings ended by termination of proceedings, in others disciplinary panels imposed more than one measure, meaning that the number of

⁹ If a judge/prosecutor is suspended by a final decision of the HJPC, the judge/prosecutor has a possibility to have its decision reconsidered by initiating a proceedings before the Court of BiH.

¹⁰ 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.

¹¹ If a judge/prosecutor files a resignation before or after the disciplinary proceedings were initiated, the proceedings will be terminated and the jurisdiction of the ODC to establish a possible disciplinary responsibility of judge/prosecutor will cease.

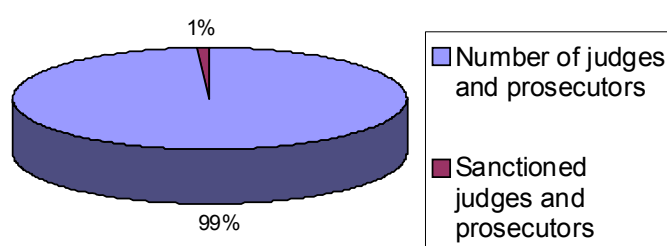
disciplinary measures may not be equal to the number of finalized disciplinary proceedings. Two disciplinary proceedings were terminated due to the resignations of the defendants. During 2009, the ODC, for the first time, imposed a special measure for the participation in the training program.

Table 2. Disciplinary measures imposed in the period from 2004 to 2007

	2004	2005	2006	2007	2008	2009
Written warning	0	2	7	3	3	2
Public reprimand	8	4	4	9	3	9
Salary reduction	7	8	4	9	4	4
Dismissal from office	2	1	0	1	2	0
Special measures	0	0	0	0	0	1
Resignations ¹²	2	3	4	3	0	2
Total	19	18	19	25	12	18

Also, on December 31, 2009, there were 3 disciplinary proceedings before the HJPC.

It is necessary to note that there have been two **cases of disciplinary recidivism**. One judge resigned in a new disciplinary case, whereas a disciplinary measure was imposed for another judge in the new disciplinary proceedings. In addition, third case of recidivism is underway, which has not yet been finalized.



It is important to note the fact that in 2009, only **1% of the judicial office holders** were sanctioned or have filed resignations because of a disciplinary case.

In addition to finding disciplinary responsibility, the ODC investigates and represents before the HJPC the cases that concern **physical, emotional, mental or other incompetence** of judges or prosecutors, which necessitates a permanent or temporary removal of a judge or prosecutor from office or termination of their mandate. In such cases an appropriate course of action is yet to be established, and there are quandaries with respect to application of appropriate provisions of the Law.

2.2.3. Types of disciplinary offenses and disciplinary measures imposed

Disciplinary offenses for judges/prosecutors are referenced in Article 56 and 57 of the Law. Based on the data from disciplinary decisions of the HJPC in 2007, the found disciplinary offenses may be, with a note that in a larger number of decisions the found responsibility of judges for perpetration of several different disciplinary offenses, classified in the following manner:

- Article 56, item 3 of the Law: a patent violation of the obligation of proper behavior towards parties in a proceeding, their legal representatives, witnesses, or other individuals (in two cases),

¹²Although resignations are not foreseen as disciplinary measures, they are listed in the table for the needs of this Report.

- Article 56, item 8 of the Law: neglect or careless exercise of official duties; (in four cases),
- Article 56, item 9 of the Law: issuing decisions in patent violation of the law or persistent and unjustified violation of procedural rules; (in two cases),
- Article 56, item 10 of the Law: unjustified delays in issuing decisions or any other act related to the exercise of judicial functions; (in five cases),
- Article 56, item 11 of the Law: engaging in inappropriate communications with any parties to a proceeding or their representatives (in one case),
- Article 56, item 12 of the Law: enabling a person not authorised by law to perform judicial functions (in one case),
- Article 56, item 16 of the Law: being engaged in activities that are incompatible with the judicial function (in one case),
- Article 56, item 19 of the Law: if he or she provides false, misleading or insufficient information with regard to job applications, disciplinary matters, promotion or career development matters or any other matters under the competence of the Council; (in one case),
- Article 56, item 23 of the Law: behavior that represents a serious breach of official duties or that compromises the public confidence in the impartiality or credibility of the judiciary. (in five cases).
- Article 57, item 22 of the Law: behaviour inside or outside the court or office that demeans the dignity of the prosecutor (in one case),
- Article 57, item 23 of the Law: any other behaviour that represents a serious breach of official duties or that compromises the public confidence in the impartiality or credibility of the prosecutor (in one case).

2.2.4. The ODC and public relations

The Law prescribes that all procedures or actions related to allegations on misconduct or inability to perform duties and which were taken before the ODC files a disciplinary complaint are confidential and secret. In accordance with this provision of the law, the ODC maintains communication with public in various ways that does not jeopardize the principles of confidentiality and secrecy, while the public, on the other hand, is allowed to better understand the disciplinary system and jurisdiction of the ODC.

On the HJPC web-site, www.hjpc.ba, all relevant information on the work of the HJPC, ODC and disciplinary system are published. Also, through the web-site of the HJPC it is possible to file a complaint to the ODC against the work of judge/prosecutor. During 2007, a practice was introduced to publish summaries on the HJPC web-site about the filed disciplinary actions, and all decisions of HJPC disciplinary panels, with the exception of decisions in which a written warning measure, which is not publicized, was imposed. The HJPC, in its Decision dated September 2009, limited publishing of information related to the disciplinary proceedings to the publishing decisions of disciplinary panels. The practice of publishing decisions of disciplinary panels proved to be relevant source of information for the public, the media and the judicial office holders.

On several occasions, representatives of the ODC gave statements to the media, all with an aim of better informing the public with discipline system and the role of the ODC. In addition, the ODC communicates with the public through other avenues. At the end of 2009, the ODC published a brochure, which is an updated and improved version of the brochure from 2008. It contains the explanation of the overall functioning of disciplinary system in Bosnia and Herzegovina presented in a simple and comprehensible fashion as well as the explanation of all steps in relation to the complaint processing from the moment the complaint is filed to the finalization of a possible disciplinary proceedings. Also, a copy of this brochure is

sent to each complainant along with a letter that confirms that the complaint which the complainant submitted has been received and registered. The complainant is always informed of the ODC conclusions regarding the validity of the filed complaint.

Copies of the current version of this brochure can be found in all courts and prosecutor offices and they are available to all the people who come into a court/prosecutor's office. Also during 2009, the ODC in cooperation with the representatives of judicial community and executive authority prepared the ODC posters that replaced the previous ones as well as a brochure for all complainants. During 2009, all new posters and brochures were available in all courts and prosecutor's offices.

During 2009, the ODC has organized a large number of presentations on the disciplinary system in Bosnia and Herzegovina, on various meetings, including the meetings with associations of judges and prosecutors, at seminars of judges and prosecutors devoted to ethics, and before the delegations of other countries. Also, during 2009, the ODC cooperated with representatives of governmental and non-governmental local and international organizations and institutions in terms of improving the system of disciplinary responsibility and sharing of experiences, all with an aim of improving the respect of human rights and rule of law. To that end, several meetings were held with representatives of the OSCE, JSDP and CIDA.

The ODC, as of 2007, has been reporting its performance to the Council in regular monthly reports, as well as in quarterly, annual and special reports. The practice continued in 2009. The ODC submits special reports to the Council when a specific anomaly or idiosyncrasy in the practice is observed, and which would require the Council to pass specific decisions, but also upon the request of the Council or Council's bodies. Special reports are characterized by the ODC recommendations to the Council of possible action that should be taken to overcome the difficulties.

2.3. Recommendations

- It is necessary to amend the current laws and bylaws that refer to discipline system, and the state and entity legislative organs and the HJPC are recommended to:
 - Prescribe the obligations of the presidents of courts and chief prosecutors related to uncovering and reporting of those who perpetrate a disciplinary offense;
 - Simplify disciplinary proceedings, by doing away with triple possibility to file for legal remedies against decisions of disciplinary panels;
- It is necessary to pay additional attention to training of employees in the ODC in terms of adequate action upon complaints, especially including the performance of administrative tasks and representing disciplinary cases. Therefore, the Civil Service Agency is recommended to provide adequate training of the ODC staff. The training of the ODC staff should include the following:
 - Improve the abilities of administrative staff to provide timely and quality support in the actions upon complaints and discipline cases;
 - Improve individual skills needed to review the complaints;
 - Improve individual skills needed to represent disciplinary actions;
 - Improve internal procedures and mechanisms used by the ODC.
- Awareness of professional and ethic standards needs to be raised among all the holders of judicial office. In order to meet this goal, it is recommended to undertake the following:

- Presidents of courts and chief prosecutors within their courts and prosecutor offices conduct discussions with respect to the ethic and professional standards. This could contribute to improving the standards of conduct, i.e. the conduct of each member of professional community;
- The entity centers for the training of judges and prosecutors, in cooperation with the HJPC and the ODC, prepare and implement the programs of training for judges and prosecutors in the field of the knowledge of ethic and professional standards, so that each holder of judicial office is included in this training at least once in two years;
- It is necessary that the legislative authorities secure appropriate financial means to adequately inform the citizens of the HJPC and the ODC mandate by financing the production of the DVDs.

The application of these recommendations would strengthen the rule of law and respect of human rights of citizens in Bosnia and Herzegovina. Recommendations would also simplify and make more efficient the conduct of formal disciplinary proceedings. The final effect would be to strengthen the public trust in the work of holders of judicial office and discipline bodies of the HJPC.

3. CHAPTER JUDICIAL STRATEGY AND LEGISLATION

3.1. Introduction

In accordance with the Law, Article 17, item 28, the HJPC has the jurisdiction to give opinion to draft laws and regulations, to initiate procedure to adopt laws and regulations and to provide opinions on important subjects that might affect judiciary, as well as giving the guidelines to courts and prosecutor's offices which are under its purview.

During 2009, the HJPC's activities were focused on the implementation of strategic programs and activities specified in the Justice Sector Reform Strategy in Bosnia and Herzegovina (JSRS) and the JSRS Implementation Action Plan. The HJPC commitment to the JSRS implementation was made formal through the review of its Strategic Plan and its full harmonisation with the JSRS. The revised HJPC Strategic Plan for the period 2010 to 2013 was adopted at the Council session held in December 2009.

The detailed information on the implementation progress of strategic programs and activities under the HJPC authority are presented in the respective parts of the Report. Within the Chapter and in addition to general information and statistics about the JSRS implementation in 2009 (from the perspective of the HJPC participation), detailed information on activities regarding the amendments, compliance and further development of legal framework that governs strategically important matters, are presented along with a special overview of the backlog cases – claims for the provided utility services, TV subscription and cases pertaining to the enforcement procedure.

Also, presented is a list of regulations reviewed and opinioned by the HJPC in the course of 2009, (10 in total) as well as information on the HJPC initiative to amend the laws on salaries for the judicial office holders.

3.2. Activities and results achieved in 2009

3.2.1. Implementation of JSRS – general information

By adopting the JSRS,¹³ a common reform framework for the justice sector institutions in BiH was created, including compliant priorities of the entire sector development. The JSRS identifies five major reform pillars:

Pillar 1: Judiciary

Pillar 2: Enforcement of disciplinary measures

Pillar 3: Access to justice

Pillar 4: Support to economic development

Pillar 5: Coordinated, well managed and responsible sector.

Following the adoption of the Action Plan¹⁴ that envisages a series of reform activities with the aim of implementing strategic programs established for every individual reform pillar,

13 The BiH Justice Sector Reform Strategy was adopted by the BiH Council of Ministers, the Federation Government of BiH, the Government of Republika Srpska and the Judicial Commission of Brcko District in late June 2008.

14 The BiH JSRS Implementation Action Plan was adopted at the first Conference of Justice Ministers, of the HJPC President and of the BD Judicial Commission, held on December 17, 2008.

prerequisites have been created for a successful implementation of the JSRS, which actually started in 2009.

According to the data taken from the JSRS Implementation Report and 2009 Action Plan¹⁵ adopted at the 3rd Conference of Justice Ministers, of the President of the HJPC and of the Brcko District Judicial Commission (3rd Conference of Justice Ministers), held on 22 December 2009, out of 258 activities in total, which realization was envisaged in 2009, the HJPC was either solely responsible or it shared responsibility with other relevant institutions for the implementation of 147 activities (57%), of which:

- 85 (58%) are fully implemented or they are being implemented continuously and smoothly,
- 38 (26%) have been implemented with no problems, whereas
- 24 (16%) have not been implemented in accordance with the timeframe or they are being implemented with major problems and difficulties.

Although the responsibility and participation of the HJPC in realization of the strategic programs established in the JSRS are of great importance for all reform processes in the justice sector, the largest contribution of the HJPC, being a leading institution in the justice sector, was recorded within pillar 1 (the judiciary) where activities and initiatives of the HJPC were crucial for the realization of most strategic programs. Therefore, out of a total of 80 activities, envisaged to be realized in 2009, the HJPC was, within this pillar, either solely responsible or it shared responsibility with other institutions for the implementation of 69 activities (86%), of which:

- 31 activities (45%) were fully implemented or they are being implemented continuously and with no problems,
- 27 activities (39%) have been implemented with no problems, whereas
- 11 activities (16%) have not been implemented in accordance with the timeframe or they are being implemented with major problems and difficulties.

A series of correctional measures, which will be undertaken by the relevant institutions in the incoming period, regarding the implementation of „problematic“ activities or activities that are not implemented in accordance with the envisaged dynamics, were adopted at the 3rd Conference of Ministers, as part of the JSRS Implementation Report and 2009 Action Plan.

An overview of the JSRS activities regarding the amendments, compliance and further development of legal framework that governs strategically important matters, is given in the text below.

3.2.2. Analysis of the status of judicial associates and trainees in BiH courts

In the course of 2009 and pursuant to obligations from the JSRS, that is, strategic programs 1.2.7 and 1.3.5, the HJPC discussed the status and role of judicial associates and trainees in the courts and prosecutor's offices in BiH. Thus prepared analyses have shown lack of harmonization of regulations governing the status, authority, selection and material rights of judicial associates or advisers. The previously established harmonization level of legal framework in terms of authority of judicial associates at the municipal/basic level ceased to be in force. Namely, the provisions of the Law on civil and non-litigation procedure in Republika Srpska have been promulgated unconstitutional by the RS Constitutional Court decision number: U-10/07, according to which a judicial associate can independently decide

15 The Report is available at: <http://www.mpr.gov.ba/userfiles/file/Strate%C5%A1ko%20planiranje/BJ%20Izvjestaj%20o%20SRSP%202009.pdf>

the small value disputes as well as non-litigation disputes. Furthermore, the existence of various practices in the interpretation and application of regulations regarding the implementation of the recruitment procedures for trainees was determined, as well as inadequate systematisation for the positions of trainees.

The HJPC adopted the conclusion that initiatives with the aim of amending relevant laws and expanding systematization of posts for trainees should be forwarded to all ministries of justice in Bosnia and Herzegovina and the Judicial Commission of Brcko District.

Also, bearing in mind that these are strategic programs implemented by several responsible institutions, the HJPC launched an initiative on coordinated approach in addressing issues concerning the status and roles of judicial associates and trainees, and established a working group, which in addition to the HJPC representative, included representatives from the State and Entity Ministries of Justice, the Judicial Commission of Brcko District of BiH and representatives of the Association of judicial associates and advisors in the courts and prosecutor's offices in BiH.

In addition to the above and based on the RS Law on Courts, the HJPC rendered a decision on the number of senior judicial associates in the RS Supreme Court and judicial associates in the RS District Courts, and accordingly first decisions on the appointment of judicial associates at the district level are made.

3.2.3. Law on Prosecutor's Offices in the Federation of BiH

The JSRS's strategic program 1.1.5 foresees the adoption of a single law and relevant bylaws at the level of the Federation of BiH.

As noted in the last year's HJPC Report, a working group, that was established in 2008 by the HJPC, prepared a draft Law on Prosecutor's Offices in the Federation of BiH and forwarded it to the Ministry of Justice of the Federation for further action. She also initiated the process of making by-laws regulating the internal operations (Law on the internal operations of prosecutor's offices in the FBiH) and the organisation and systematisation of jobs in the Federation prosecutor's offices (Book of Rules governing the internal organisation of the prosecutor's offices in the Federation of BiH).

Although a single law on prosecutor's offices in the Federation of Bosnia and Herzegovina has been pointed to as one of the strategic priorities in the justice sector, the expected success during 2009 was not achieved; a single Law on the prosecutor's offices has neither been adopted nor forwarded to the parliamentary procedure, as was envisaged by the Action Plan.

According to the Implementation Report on the of strategic program 1.1.5 presented at the 3rd Ministerial Conference by the Federation Ministry of Justice, the draft law was submitted to the cantonal ministries of justice to give opinions and suggestions and the process of drafting the final text of the draft law is underway. The deadline for the adoption of this law, established by the JSRS, is now prolonged to 2010.

Bearing in mind that the draft law is still in progress, activities in the preparation of the draft Book of Rules on the internal operations and the Book of Rules governing the internal organisation of the prosecutor's offices are temporarily suspended since the content of these laws depends on the solution that will be provided in the Law.

3.2.4. Backlog Cases - claims for the provided utility services, TV subscription and cases pertaining to the enforcement procedure

The implementation of the „analysis of necessary amendments to reduce the backlog in the enforcement procedures based on authentic documents and proposals for appropriate measures“ is envisaged by the JSRS strategic program 1.2.1.

With respect to the implementation of this strategic program and other activities aimed at reducing the backlog cases, the HJPC, during 2009, got the support of the Kingdom of Norway through a backlog reduction project. This project will, as foreseen, be finished by mid-2011; it also cooperated with the Canadian Judicial Reform Project (JRP), which was completed in 2009, as well as with other relevant projects.

Growth in the number of pending cases - claims for the provided utility services, TV subscription and cases pertaining to the enforcement procedure, continued in 2009. A review of recommendations of working groups to address the issue of utility-related cases and to improve enforcement procedures¹⁶ is given in the text below; significant changes and progress in the area can not be expected without their realisation.

3.2.4.1. Recommendations and activities of working groups

Working Group to address the issue of utility-related cases (UWG) is tasked to find appropriate solutions for overcoming the current situation in relation to the problem of backlog cases - the claims made for utility services and TV subscription.

As a result of the working groups activities, on July 15, 2009, the HJPC adopted the first set of recommendations¹⁷, which were presented to the public and relevant authorities at a Status Conference held on 21 October, 2009 in Sarajevo. The recommendations, *inter alia*, relate to:

- Automation and electronic processing of claims made for utility services and TV subscriptions (Chapter 5 gives more details regarding the automation and electronic processing of cases in the courts in BiH), including appropriate amendments to the laws on enforcement and adoption of implementing regulations in order to create an appropriate legal framework for simpler automation and electronic processing of cases. The amendments to the Law on Civil Procedure would introduce an alternative mechanism for the payment orders (without the presentation of relevant evidence) that would be processed within the same system. In this way, the bailiff would be given the possibility, when submitting the case to the court, to only request the issuance of the executive title or as soon as the order becomes enforceable, to request the enforcement. With the aim to facilitate automation in this transitional stage, the HJPC, at the suggestion of the UWG, adopted the amendments to the Book of Rules on the internal court operations. These changes could streamline the process of receiving cases, and generally improve the efficiency in the process of receiving a large number of cases.
- Improving mechanisms for collection by the bailiffs, which will include amendments to the Law on Utility Services and partly to the Law on Public Broadcasting System in order to optimise and rationalise the collection process

¹⁶ These working groups are composed of the representatives of the HJPC, ministries of justice of BiH and Entities, the Judicial Commission of Brcko District, the courts, the Ministry of Health and Social Welfare of the Republika Srpska, Ministry of Urban Planning and Environment of the Sarajevo Canton, the BiH Federation of Bar Association, the Entity Associations of Public Notaries, Associations of BiH Banks, the Federation Association of Employers in the utility sector, the Association of heating plants of Republika Srpska, the Union of Consumers Associations of Bosnia and Herzegovina, the Broadcasting System of Republika Srpska, the Broadcasting System of the BiH Federation and Justice Reform Project.

¹⁷ All recommendations, with additional explanations, are available at the HJPC web page: <http://www.hjpc.ba/pr/?cid=4478,2,1>.

by utility companies and public broadcasting services. The amendments to these laws will enable the bailiffs to improve and develop their own collection mechanism for utility services, while the enforced collection procedure for the users of utility services through the court will be used as a last resort.

Based on the intention to stop a further increase in the number of these types of cases and to harmonise a legal framework, the HJPC addressed the Entity ministries of justice in July 2009, with an initiative for the urgent **amendments of Article 29 to the Law on Enforcement** in a way to make them compliant with the provisions of the Law on Public Broadcasting System of BiH, the Law on Public Broadcasting System of the Federation of BiH and the Law on Public Broadcasting System of Republika Srpska. The proposed amendments provide that the accounts and extracts from the business books of public broadcasting services in BiH are considered authentic documents in terms of the Law on Enforcement Procedure. Different court practice of the courts in BiH, in regard to the interpretation of these provisions and (non) consideration of accounts and extracts from the business books of public broadcasting as authentic documents, leads to legal uncertainty and increases the number of small value disputes, without any significant impact on reducing the number of cases for which enforcement is sought. Therefore, the HJPC asked the Entity Ministries of Justice to urgently initiate procedures regarding the amendments of Article 29, Paragraph 2 to the Law on Enforcement Procedure.

The working group for improving the enforcement procedure (EWG) is tasked to make an analysis of alternative models for implementing the enforcement procedures on the basis of enforceable document, as well as to propose measures for improving the court enforcement procedure. Based on the information and experience gained in the countries of the region and analysing some systems with public and private bailiffs in certain countries of the European Union, the Working Group for improving the enforcement procedure (EWG) has prepared an Analysis and recommendations for improving the enforcement procedure¹⁸, the document adopted by the HJPC in December 2009. In preparing this document, especially taking in consideration the recommendation (No.17) of the Council of Europe on enforcement of 2003¹⁹, where the member states are suggested to provide efficient and economical enforcement of court decisions, or other judicial or extrajudicial executive titles, defining the "guiding principles of enforcement" as guidelines in this area.

In addition, the aforesaid document briefly summarizes the advantages and disadvantages of the system of the countries in the region, as well as problems encountered in the enforcement procedures in BiH, and gives recommendations which include proposals for organizational changes and relevant amendments of the current regulations. Critical and until now completely ignored is the role of a court bailiff in the trial, which will be further explained in the text below.

3.2.4.2. Court bailiffs

The court bailiffs belong to the category of employees who perform their duties in the bodies of judicial authority. Their role in the enforcement procedure is very important, especially as regards the enforcement of movable property.

A significant number of previously mentioned Council of Europe Recommendations refers to the upgrading of the work of public and private bailiffs. The working group for the enforcement procedure improvement recommends that the introduction of the category of "private bailiffs" in Bosnia should not be envisaged for the next period of five years, but instead the capacity of the existing services of court bailiffs should be strengthened. The possibility of

¹⁸ Document titled "Analysis and recommendations for the improvement of enforcement procedure" is available at the HJPC web page.

¹⁹ In December 2009, the CEPEJ adopted guidelines for better implementation of these recommendations.

introducing the category of "private bailiffs" could be considered at the end of the period, based on the insight into the progress made and the experiences of the countries in the region.

Enhancing the role, status and responsibilities of court bailiffs in BiH includes the increased number of court bailiffs in the courts, amendments to the Law on Enforcement Procedure, Law on Courts and a number of by-laws regulating the status, number and allocation of court bailiffs, the introduction of a special part of the exam for court bailiffs and their training. Key change aimed at enhancing the working and legal status of court bailiffs, who have the status of senior-grade employees, should go toward the pre-qualification of this category of court staff with secondary school education to a two-year university degree or university degree, that would empower them and allow judges to focus exclusively on legal matters.

Special modules for joint training of the judges of enforcement departments and court bailiffs are envisaged within the education programs for judges and prosecutors for 2010, that will be implemented by the Entity Judicial and Prosecutorial Training Centers, in cooperation with the Enforcement Reform Project in the Balkans (Balkan Enforcement Reform Project, BERP, mentioned in Chapter 12). Given the inadequate qualification structure and low level of education, the development of appropriate manual for training of court bailiffs will also be provided, in addition to education programs.

3.2.4.3. Delivery of court filings

Delivery of court filings is one of the key factors of every court proceedings. Untidy or unlawful delivery often leads to delays in court proceedings, which significantly affects its speed and efficiency. Delivery of the court filings in BiH is currently performed through the judicial service or by mail. The question of shipping through an authorised legal person registered for performing the delivery depends on the alignment of the Law on Post Offices with the provisions of the Entity Laws on Civil Procedure, that prescribed this option that would be in accordance with the EU postal directives.

Delivery by a court courier is more cost-efficient method of delivery and in some cases it even proves to be more effective for the procedure. In 2009, in the Federation, the conditions for significant involvement of the court couriers were created since the new Book of Rules on the number of employees working in the courts of the BiH Federation²⁰ was adopted with the proposal of the HJPC to exclude this category of employees from the ratio of employees working in administrative and support jobs. The RS has not yet provided such an opportunity.

When it comes to delivery by mail during 2009, the HJPC, in order to improve quality and within the Backlog Reduction Project, initiated and launched talks with the representatives of the Agency for the postal transport of BiH, public postal operators in Bosnia and Herzegovina (BH Post Offices, HP Mostar and RS Post Office), Ministry of Justice of the Federation of BiH and representatives of the judiciary. During the current cooperation, an agreement is reached regarding the drafting of a document that would define a uniform way of delivering filings to courts through the public postal operators. Working version of this document, which will be a starting point for the training of postal couriers, will be forwarded to the relevant authorities and all judicial institutions for consideration, upon which the adoption procedure would be carried out. Cooperation with the post offices takes place in the direction of the greatest possible exploitation of technical capabilities that can facilitate the operation of both the courts and public postal operators.

20 The Book of Rules on the establishing of criteria regarding the necessary number of employees in municipal and cantonal courts and in the Supreme Court and Constitutional Court of the Federation of BiH, as well as on the establishing of criteria regarding the necessary number of court employees in the land-registries of municipal courts in the Federation of BiH.

Also, during the next period, the issue of non-compliance with the rules governing the delivery of court filings in a variety of procedural laws should be seriously addressed, since it complicates the training of court couriers. Therefore, an assessment of the effectiveness of solutions introduced by the laws on civil procedure of 2003, should be made.

3.2.5. Review of regulations deliberated/initiated by the HJPC

Draft Law on international legal assistance in criminal matters was submitted to the HJPC by the Ministry of Justice of BiH and discussed at the 28th session held on 29 January, 2009. The HJPC adopted the opinion, where it specifically addressed certain provisions of the draft law suggesting certain changes, particularly in regard to the provisions governing the method of communication between judicial authorities in the process of providing international assistance. In addition, the views were expressed with respect to further consideration of the issue of compliance of the draft Law with the provisions of the Second Additional Protocol to the European Convention on Mutual Legal Assistance in Criminal Matters and particularly in terms of specific modes of implementation of international legal assistance. Also, the opinions on the draft Law on Mutual Legal Assistance in Criminal Matters were supported by the Prosecutor's Office of BiH and the Prosecutor's Office of the Federation of BiH, and organization of a public debate on the draft Law was proposed.

Draft Law on the Bar of BiH is submitted to the HJPC by the Ministry of Justice. The HJPC, at its session held on 18 and 19 February, 2009, rendered an Opinion proposing amendments of certain provisions in the draft text, concluding that the draft text, observed as a whole, contained quality solutions, and by adopting it the bar sector in BiH would be appropriately regulated and with the existing Entity regulations the aforesaid normative area would be completely encompassed.

Draft Book of Rules on the safekeeping and destruction of seized narcotic drugs, psychotropic substances, plants from which narcotic drugs and precursors are obtained, was submitted to the HJPC by the Ministry of Civil Affairs. At the session held on 1 and 2 April, 2009, the HJPC rendered an Opinion supporting the adoption of the Book of Rules that will adequately and accurately regulate the issue of safekeeping and destruction of seized narcotic drugs and precursors in BiH, but it was also highlighted that the solutions provided in almost all proposed provisions of the Book of Rules should be developed in a more precise and detailed way.

Draft Law on protection and treatment of children and minors in criminal proceedings was submitted to the HJPC by the Ministry of Justice of Republika Srpska and discussed at the meeting held on 24 and 25 May, 2009. On that occasion, the HJPC adopted an Opinion supporting the adoption of the Law that would appropriately regulate the protection and treatment of children and minors in criminal proceedings in Republika Srpska. It was also suggested to provide for a provision, under the transitional and final provisions, stating that the preparatory proceedings that were initiated before the entry into force of the law, should be performed by the juvenile judge.

At the session held on 1 and 2 June, 2009, the HJPC deliberated the **Draft Law on Application of the Statute of the International Criminal Tribunal and Cooperation with the International Criminal Tribunal**, which was submitted by the Ministry of Justice. An Opinion was adopted on this occasion by the HJPC supporting the adoption of this Law that would precisely regulate the issue of cooperation of BiH and its institutions with the International Criminal Tribunal in the field of prosecution of crimes under Article 5 of the Statute and crimes against the values protected by international law and those stipulated in the Criminal Code of BiH. It was also pointed to the need that specific solutions in the draft law be developed and specified, and specific amendments to certain provisions were proposed accordingly.

Draft Law on Obligations, submitted by the Ministry of Justice, was reviewed by the HJPC at its session held on 24 June 25 and June, 2009. The HJPC rendered an Opinion by which it generally accepted the text of the submitted draft law, supporting its adoption and suggesting that the transitional and final provisions should incorporate a separate article stating that the provisions of this Law do not apply to the obligations, which have arisen prior to its application.

Draft Law on Amendments to the Criminal Code of Bosnia and Herzegovina, was submitted to the HJPC by the Ministry of Justice. At the session held on 2 and 3 September 2009, the HJPC, through its Opinion, supported the draft law in terms of compliance of the criminal legislation of Bosnia and Herzegovina with international standards of criminal-justice system.

Draft Law on seizure of property obtained by commission of a criminal offense was submitted to the HJPC by the Ministry of Justice of Republika Srpska. The HJPC, at its session held on 8 and 9 December, 2009, supported the adoption of this draft law from the conceptual point of view, as well as the principles it is based upon, without analysing individual provisions of the Law.

Draft Law on the application of the results of deoxyribonucleic acid (DNA) analysis in court proceedings was submitted by the Ministry of Justice. The HJPC, at its session held on 16 and 17 December, 2009, supported the adoption of the aforesaid Law, which is compliant with the Council of Europe's Recommendation no. R (92) 1 on the use of analysis of deoxyribonucleic acid (DNA) within the framework of the criminal-justice system, but is also a legal obligation of passing a special law, as envisaged by the criminal-procedural legislation. The HJPC supported the data centralization generated as a result of the DNA analysis at the Ministry of Security of Bosnia and Herzegovina.

At the session held on 16 December 2009, the HJPC discussed the **information of the Federation Prosecutor's Office regarding the draft law on protection and treatment of children and minors in criminal proceedings**, which is to be forwarded to the BiH Federation Parliament for consideration and adoption. The Opinion was rendered, supporting the adoption of this law and stating that it should be forwarded for a public debate and that in the meantime, the analysis should be prepared which would give answers to questions in regard to the resources needed for law enforcement and in regard to the consequences resulting from the implementation of the law. The HJPC also suggested to provide for a provision, under the transitional and final provisions, stating that the preparatory proceedings that were initiated before the entry into force of the law, should be performed by the juvenile judges of relevant courts.

In consideration of draft regulations which were submitted to the HJPC for assessment, an initiative was launched during 2009, to amend the laws governing salaries and compensations for the holders of judicial office in BiH. As noted in the last year's HJPC Report, the current application of laws on salaries has shown that certain solutions prescribed in the basic text of the Law on salaries and compensations for the judicial office holders need to be improved. Therefore, amendments to the Law on Salaries, which addressed the need to further regulate the financial position of the holders of judicial office in a broader and more complete fashion, including the harmonisation of salaries as well as regulation of a number of compensations, were repeatedly proposed by the HJPC in 2008. Although the HJPC's arguments used at the time are still valid and justified, it is found out that the adoption of previously proposed amendments is not a realistic option given the current economic situation. Therefore, the HJPC once again considered this issue during 2009, starting primarily from the needs of the judicial system as a whole, and focused on those compensations that were necessary to achieve efficiency and quality of the judiciary as well as the preservation of those principles realised by judicial reform. Therefore, the previous proposal was reduced to cover the

introduction of compensation for double household and compensation for the transportation costs to and from work for the judicial office holders, as a minimum that is necessary for the realisation of an adequate ethnic representation principle in the judiciary, as well as for the efficient filling of vacant positions in accordance with the systematisation of judicial functions and appointment of quality staff. The introduction of these compensations would encourage candidates for judicial positions to apply to positions outside their residence, providing so more effective implementation of the appointment procedure, achieving higher level of filled systematised positions and providing the functioning of the judiciary in its full capacity.

3.3. Recommendations

- Bearing in mind the timelines for realization of the JSRS implementation activities, the Ministry of Justice of the BiH Federation is recommended to finalize activities on drafting the Law on the Prosecutor's Offices in the BiH Federation in 2010, and initiate appropriate procedures for this law to be adopted in 2010.
- The HJPC²¹ recommends the legislative and executive authorities in the Entities and the Judicial Commission of Brcko District to initiate the adoption procedure and adopt amendments to the laws on enforcement procedure, laws on courts and a number of bylaws, regulating the status, number and allocation of court bailiffs. Particularly urgent is the proposed amendment of Article 29 which aims to include extracts from the business books for the unpaid TV subscriptions into the definition of authentic documents. Proposed amendments to the laws on enforcement procedure would be based on the recommendations, analysis and materials of the HJPC Working Group for improving the enforcement procedure, adopted in December 2009. Once the Entity Parliaments adopt the proposed amendments, by-laws should introduce the harmonised enforcement tariffs as well as an obligation for court bailiffs to pass a special exam and programs of their training. In addition, amendments to these laws should include and expand the authority of this category of court staff in order to relieve judges of tasks that can be performed by court bailiffs.
- It is proposed to the competent authorities in Republika Srpska, Brcko District and the Federation Cantons, based on the recommendations, analysis and materials of the HJPC Working Group for addressing the issue of utility-related cases, that were adopted in September 2009, to prepare and adopt amendments to the laws on public utility services, which would provide the establishment of a single collection system for the public utility services, that would be used by all public utility companies, the introduction of a single payment slip for utility services with a possibility to offer a certain discount at paying bills, the introduction of compensations for the enforced collection and establishment of the Single Registry of Utility Services Users.
- Based on the recommendations of the HJPC Working Group adopted in July 2009, the results and experiences gained from the pilot projects for automation and electronic processing of cases based on authentic documents, it is recommended to the relevant ministries of justice to initiate the procedure and to the legislative bodies to adopt appropriate amendments to the relevant procedural laws in order for the relevant legal framework to be created aimed at establishing an electronic system for the small value disputes. In addition to the amendments to the laws on enforcement and legal procedure, it is also

²¹ The HJPC adopted some recommendations in December 2009, as part of integrated document entitled "Analysis and recommendations of the Working Group for improving the enforcement procedure".

necessary to pass the relevant by-laws, pursuant to the analysis and materials produced by the HJPC Working Group.

- Based on the recommendation of the HJPC Working Group and the document titled the "Analysis and recommendations of the Working Group for improving the enforcement procedure", which was adopted by the HJPC in December 2009, it is proposed to the entity ministries of finance to amend regulations in the field of financial operations in order to solve the problem of enforcement in case when a person has several bank accounts, as well as to propose new regulations that would enable the introduction of the bank accounts registry of physical persons. The amendments relating to the applicable laws on the payment transactions that are identical in the Entities and Brcko District, and if necessary, to the laws on the financial operations of both Entities and Brcko District of BiH and the Law on Internal Payment Operations in Republika Srpska.
- The HJPC recommends to potential donors to consider the possibility of financing the increased capacity of the services of court bailiffs. It also recommends that the executive authorities in the cantons of the Federation, in Republika Srpska and in Brcko District, should consider, within the budgetary framework, an increase of the budget for those courts where there is a need to recruit additional number of bailiffs. Since it was noted that poorly equipped services of bailiffs in many courts are a major obstacle in improving their work and efficiency, its better equipping should be a priority for the executive authorities and donors in the coming year.

4. CHAPTER JUDICIAL ADMINISTRATION

4.1. Introduction

Key competencies of the HJPC in managing the judicial system of Bosnia and Herzegovina are:

- to determine the number of judicial office holders, that is, the number of judges, prosecutors and judicial associates in the courts and prosecutor's offices,
- to appoint court presidents and chief prosecutors,
- to participate in the drafting and approval of books of rules on the internal operations of the courts and prosecutor's offices,
- to determine criteria for the work of courts and prosecutor's offices,
- to monitor and provide advice to the courts and prosecutor's offices on the techniques and procedures related to managing and to initiate training in this area,
- to determine criteria for the evaluation of judges and prosecutors.

The HJPC performs the aforesaid competencies and implements the other activities aimed at increasing the efficiency of courts and prosecutor's offices with the support of the Standing Committees for Judicial Administration and the Judicial Administration Department of the HJPC Secretariat.

4.2. Activities and achievements in 2009

4.2.1. Reports on the performance of courts and prosecutor's offices

Pursuant to Article 20, item 3, of the Law on HJPC, the HJPC presents the state of courts and prosecutor's office in its Annual Report. Regular annual report on the performance of courts includes, *inter alia*, statistics on the achieved collective quota of courts, the inflow of cases, that is, the number of received and resolved cases, and the performance quality or the number of upheld and reversed decisions. A part of the Report regarding the prosecutors gives an insight into the statistics, by cases and by persons, in relation to the actions taken following criminal reports, investigations and indictments based on general crime, economic crime and war crime. The HJPC continuously improves and extends the Report in accordance with its commitment to provide the public with an insight into the performance results of judicial institutions, and the need to monitor the implementation of the policy objectives and the requirements of other institutions of Bosnia and Herzegovina regarding the provision of certain types of data.

The data collected on the performance of courts for 2009, are supplemented by a detailed age structure of the unresolved cases, shown according to the initial age of the document in the case. These data will significantly improve the ability to monitor the dynamics as to the resolution of cases, that are initiated in the calendar years preceding the reporting period.

The data collected on the performance of prosecutor's offices are also amended to include detailed information on the structure of crimes and the activities of prosecutors to resolve certain criminal offenses prescribed by applicable criminal laws in Bosnia and Herzegovina.

In 2009, for the first time, the HJPC prepared a semi-annual report on the performance of courts and prosecutor's offices (January - June).

4.2.2. Analysis of the courts and prosecutor's offices performance

In 2009, the HJPC made a detailed analysis of the performance of all courts for the period from 1 January, 2006 until June 30, 2009. The following indicators were the subject of the Analysis:

- the inflow of cases by certain types of cases with the aim of monitoring the implementation of backlog reduction plans,
- performance quality trend of courts measured by the percentage of reversals,
- the realisation of collective quota system of courts,
- the number of cases which fall under the statute of limitations,
- age structure of unresolved cases.

Although positive trends were observed, it was stated that the clearance ratio of certain courts does not increase in accordance with expectations and that there is a significant number of pending cases that were initiated three or more years ago.

As regards the first six months of 2009, and in relation to the prosecutor's offices, the following indicators were analysed:

- the inflow of cases (general crime, economic crime and war crime): criminal reports, investigations and indictments;
- the number of cases that fall under the statute of limitations or the number of cases that fall under the relative and absolute statute of limitations in terms of criminal prosecution. The largest number of these cases relate to the Ktn cases or cases with an unknown perpetrator, but it also relates to a number of Kt cases that has fallen under the statute of limitation, or criminal cases against known adult criminal perpetrators.

The HJPC will continue to perform the analysis of judicial institutions and to monitor the backlog trends, age structure and cases that fall under the statute of limitations.

4.2.3. Systematization of the number of judicial office holders

4.2.3.1. Expanded systematisation for the holders of judicial office

According to Article 17, item 25 of the Law on HJPC, the HJPC is responsible, after consulting the Court President or the Chief Prosecutor, as well as relevant justice and finance ministers, to determine the number of judicial office holders (judges, reserve judges, prosecutors and deputy chief prosecutors, senior associates, judicial associates in municipal and basic courts). Determining the optimal number of judicial office holders is also one of the strategic issues identified in the BiH Justice Sector Reform Strategy for the period from 2008 to 2012, and one of the strategic priorities defined in the HJPC Strategic Plan for the period from 2007 to 2012.

Accordingly, on May 8, 2008, the HJPC made a decision on the establishment of the Working Group for the systematisation of posts for the holders of judicial office, with the task to draft criteria based on which the optimal number of judicial office holders in BiH²² judiciary will be determined. The Working Group, based on the analysis of case inflow in courts throughout the five-year period, from January 1, 2004 to December 31, 2008, as well as the current backlog in the courts, prepared a proposal for the number of holders of judicial office in the courts. Prior to that and based on the aforementioned analysis, the Working Group carried out consultations with all court presidents.

²² Except in the Court of Bosnia and Herzegovina.

The Analysis showed that the existing number of holders of judicial office was not sufficient to resolve the inflow and backlog cases, and that the number of holders of judicial office should be increased by 52 regular judges, or 7% and by 160 reserve judges or 124%.

The proposed systematisation envisages an increase in the number of judges in courts, in which the current number of judges cannot deal with the overall expected influx of cases, and that the reserve judges should be employed for the period of up to two years in order for the current court backlog of cases to be eliminated. The Working Group proposal is shown in the table below.

Table 4.1: Change in the number of judicial office holders

Court	Current systematisation		Proposed systematisation		Increase in the number of judicial office holders		
	Regular judges	Reserve judges	Regular judges	Reserve judges	Regular judges	Reserve judges	Total increase
	I	II	III	IV	V= III-I	VI=IV-II	VII=V+ VI
FBiH Supreme Court	22	14	28	19	6	5	11
RS Supreme Court	17	5	19	6	2	1	3
BiH Brcko District Appellate Court	7	0	8	1	1	1	2
Cantonal Courts	113	18	131	63	18	45	63
District Courts	63	7	64	12	1	5	6
Municipal Courts	363	57	385	133	22	76	98
Basic Courts	168	28	170	55	2	27	29
TOTAL	753	129	805	289	52	160	212

In principle, the HJPC supported the suggestions of the Working Group at its session held on 25 and June 26, 2009. Therefore, the HJPC decided that the consultations with the bodies responsible for courts financing should be carried out regarding the proposal of the Working Group and in accordance with the Law on HJPC.

During 2009, the consultations were held with the ministries of justice and the Ministry of Finance in the government of Republika Srpska, the government of the Federation of BiH and the government of Brcko District of BiH, the governments of the Zenica-Doboj Canton, West Herzegovina Canton, Tuzla Canton, Una-Sana Canton and Central Bosnia Canton. Having supported the proposed amendments by the aforesaid ministries, the HJPC at its the session held on December 16 and 17, 2009, decided to extend the systematisation of the holders of judicial office in courts, which financing is the responsibility of the aforesaid authority levels. The consultation with the ministries of justice and finance of the remaining cantons and the adoption of the systematisation of the courts in these cantons are expected to take place in the first quarter of 2010.

Although the Working Group proposed in the analysis an increase in the number of judicial associates in the municipal and basic courts, the HJPC decided to resolve this issue within the overall analysis of the status and number of judicial associates in the courts of Bosnia and Herzegovina.

4.2.3.2. Determining the systematisation for the holders of judicial office in the Commercial Courts of Republika Srpska

The adopted amendments to the Law on Courts of Republika Srpska, envisage the establishment of specialized commercial courts, that is, the Higher Commercial Court in Banja Luka and District Commercial Courts in Bijeljina, Doboj, East Sarajevo and Trebinje. In

accordance with its competences, the HJPC, at its session held on March 11 and 12, 2009, determined the systematisation of judicial office holders in the newly established Commercial Courts as follows:

Tabela 4.2: Systematisation for the holders of judicial office in the Commercial Courts of Republika Srpska

	Number of regular judges
Banja Luka Higher Commercial Court	7
Banja Luka District Commercial Court	15
Bijeljina District Commercial Court	5
Doboj District Commercial Court	5
East Sarajevo District Commercial Court	4
Trebinje District Commercial Court	3
Total	39

4.2.4. Requests for reserve judges and extension of systematisation

In accordance with Article 17, item 25 of the Law on HJPC, the HJPC may temporarily appoint persons who shall perform the duties of reserve judges and who shall provide assistance in reducing the backlog cases, or if due to the prolonged absence of judges, the additional number of judges is required. The HJPC may appoint more judges at the request of the Court President, provided that along with the request a proof that there is a need for the appointment of reserve judges should be submitted, as well as the information on the resources available.

In 2009, the HJPC considered 24 requests for the extension of mandate of 49 reserve judges and 11 requests for the extension of systematisation by 20 judges, 1 prosecutor and 5 judicial associates.

In addition, the HJPC considered 8 requests for the temporary referral of judges to another courts to assist in reducing the backlog cases. Three such requests are adopted for interim transfer of seven judges.

4.2.5. Performance evaluation of judges and prosecutors

The HJPC, in accordance with Article 17 item 22 of the Law on HJPC sets criteria for the performance evaluation of judges and prosecutors. Based on these criteria, the court presidents and the chief prosecutors perform annual evaluation of judicial office holders in courts and prosecutors' offices. The criteria include many elements on the basis of which the quantity (approximate quota system) and quality of work, professionalism, promptness, attitude toward work etc. are estimated. A general annual evaluation is obtained by a total sum of the aforesaid elements. In addition, the court presidents of the higher instance courts evaluate the court presidents of lower instance courts in accordance with the criteria for evaluating court presidents of courts, established by the HJPC. These criteria relate to various aspects of court operations for which the court president is responsible (for example, achieved collective quota and court performance quality, dealing with „old“ cases, etc). Potential objections of the judicial office holders regarding the annual evaluation are addressed by the HJPC and upon the proposal of the Judicial Administration Standing Committee.

The following tables show the review of average performance evaluation of the judicial office holders for 2008 (one (1) representing the lowest level score, five (5) representing the highest level score).

Table 4.3.: Performance evaluation of court presidents

Courts	General evaluation
Cantonal Courts	5.00
District Courts	4.50
Municipal Courts	4.89
Basic Courts	4.60

Table 4.4.: Performance evaluation of judges

Courts	General evaluation
Cantonal Courts	4.73
District Courts	4.57
Municipal Courts	4.61
Basic Courts	4.40

Table 4.5.: Performance evaluation of judicial associates in courts

Courts	General evaluation
Municipal Courts	4.47
Basic Courts	4.34

Table 4.6.: Performance evaluation of prosecutors

Prosecutor's offices	Total evaluation
Cantonal Prosecutor's Offices	4.69
District Prosecutor's Offices	4.56

4.2.6. Time measurements for the performance of judges

Measuring the performance quantity of judges is important both for the evaluation of their effectiveness and for measuring the courts effectiveness and judicial system as a whole. The current system of measuring the performance quantity of judges in Bosnia and Herzegovina is based on an outdated concept of approximate quota (established in the 1980s of the last century). They are based on a simple recording of the number of cases that a judge finishes in a certain period of time. In doing so, it neither takes into account the complexity of the case, nor the way (either meritory or procedural) of its completion. This method of determining the quota discourages those judges who are working hard to resolve complex cases. At the same time this system became one of the reasons for the accumulation of a large number of cases, which require unreasonably long time to be resolved (so-called old cases).

Taking into account the aforesaid, the HJPC decided to replace this outdated and unreliable system with the new method of assessing the performance effectiveness of judges that would be based on the effectively spent time by a judge while taking some procedural actions, i.e., resolving the case. The assessment of spent time would be carried out on the basis of pre-established quota (hereinafter referred to as: the time measurements²³), or the average time required for completion of any procedural action, in order to obtain the total time required to complete certain cases. Since the time measurements are expected to provide a more objective understanding of the performance results of all judges and to enhance their motivation to deal with more demanding cases, which would certainly reduce the number of old cases.

In 2009, the HJPC Working Group carried out this complex task and presented a draft Book of Rules on the framework measurements for the performance of judges, judicial associates and other employees in the regular courts in Bosnia and Herzegovina at the

23 The introduction of time measurements in courts is a strategic matter defined in the Justice Sector Reform Strategy in BiH from 2008 to 2012, as well as in the Action Plan for the implementation of the European Partnership with Bosnia and Herzegovina.

Council session held on June 24 and 25, 2009. After consulting the courts, it was decided to test the application of the Book of Rules in a number of courts. The beginning of the test application is planned for the first half of 2010.

4.2.7. Court employees

In order to improve the efficiency of the courts the HJPC undertook activities aimed at promoting the status of court employees in 2009. Therefore, the HJPC launched the initiative regarding the amendments to the by-laws regulating the criteria for determining the number of judicial employees with the ministries of justice of Republika Srpska and the Federation of Bosnia and Herzegovina. This initiative should provide better support to the judges disburdening them of administrative-technical tasks. Specifically, it is proposed to change the aforementioned criteria and thus allow the courts to hire more employees in the future, who would provide direct support to judges dealing with the cases. In this way judges would be largely dedicated to their primary duty, that is, adjudicating the cases. Accordingly, the Ministry of Justice of the Federation of Bosnia and Herzegovina incorporated the HJPC proposals in the Book of Rules on establishing criteria for determining the required number of employees in Municipal Courts, Cantonal Courts and the Supreme and Constitutional Court of the Federation of BiH and on the establishment of criteria for determining the required number of employees in the land registries in the municipal courts in the Federation of BiH (FBiH „Official Gazette“ no. 75/09). In 2009, the Ministry of Justice of Republika Srpska failed to reach a decision following the HJPC initiative in relation to the amendments to the regulations governing the criteria for determining the number of court employees.

4.2.8. The Council of Europe for the Efficiency of Justice

In September 2002, the Committee of Ministers of the Council of Europe established the Commission for the Efficiency of Justice of the Council of Europe (CEPEJ) with the task of proposing specific solutions applicable in the Member States of the Council of Europe to:

- promote the implementation of the existing guidelines of the Council of Europe with respect to the organisation of the judiciary,
- ensure that the needs of judicial system users are included in the public policies for courts,
- contribute to reducing the influx of cases in the European Court of Human Rights so as to offer effective solutions for the prevention of violations of Article 6 of the European Convention on Human Rights and Fundamental Freedoms.

The CEPEJ is a body composed of experts from 47 member states, who shall evaluate the effectiveness of the judiciary and propose practical mechanisms to enhance judicial systems of Member States for the benefit of users of the system services. Especially important activity of the CEPEJ is the dissemination of a comparative analysis of judicial systems of Member States of the Council of Europe. The analysis is disclosed every other year and is entitled the „Report on European Judicial Systems“. In 2009, the HJPC translated the CEPEJ Report for 2008 (based on the situation in the judiciary in member states in 2006), as well as several other documents that were adopted and submitted to all judicial institutions by the CEPEJ. With the aim of drafting the Report on European judicial systems, which will be published in 2010 (based on the situation in the judiciary of the Member States in 2008), the HJPC has submitted to the CEPEJ all requested statistical reports and other information which ensures that the judiciary of Bosnia and Herzegovina is presented in the next edition.

According to the Decision of the HJPC, the Cantonal Court in Novi Travnik was identified to represent the judiciary within the CEPEJ network of pilot courts. In the past period, the Cantonal Court in Novi Travnik had a very active role in the operation of the network. On

October 23 and 24, 2009, this Court organised an event on the occasion of the European Day of Civil Justice, within which the 1st Conference on "The current status of the BiH judiciary within the European judicial systems" was held. Usually, the European Day of Civil Justice is celebrated on the initiative of the CEPEJ.

4.3. Recommendations

- In order to ensure that courts and prosecutor's offices are current with the caseload and in order to reduce the backlog of cases, the court presidents and chief prosecutors should undertake major organisational and other internal measures that would contribute to the efficient use of existing human and material resources.
- In order to reduce the backlog cases and achieve a clearance ratio in terms of processing of court cases, it is essential that the relevant executive and legislative authorities provide additional funds for the established expanded systematisation of regular and additional judicial office holders in the courts.
- The presidents of the courts and the chief prosecutors should take all measures necessary to resolve cases within a reasonable timeframe.
- Court presidents and chief prosecutors should take all necessary measures in order to maximally reach clearance ratio for the cases that might fall under the statute of limitation.

5. CHAPTER ESTABLISHMENT OF ELECTRONIC JUDICIARY

5.1. Introduction

In accordance with the responsibilities set forth in Article 17 Paragraph 24 of the Law on High Judicial and Prosecutorial Council of Bosnia and Herzegovina, the process of establishing an electronic judiciary in Bosnia and Herzegovina was initiated in 2004. The first undertaken activities are funded from the CARDS program of the European Commission in BiH.

The main objective of establishing an electronic judiciary, by using the information and communication technology, is to increase the efficiency and transparency of courts and prosecutor's offices at the national level, as well as of courts and prosecutors in the Federation and in Republika Srpska, in order to significantly reduce, *inter alia*, the vast current accumulation of backlog cases, and to timely process new cases.





The most significant results were achieved with the introduction of case management system (CMS) in almost all courts and prosecutor's offices in Bosnia and Herzegovina. It had a positive impact on increasing the transparency of these institutions. Judicial institutions are connected in a common wide area network, which significantly accelerates the data exchange. The establishment of the web sites for judicial institutions enables the citizens, local authorities and international organisations to have an easier access to relevant information.

Since the good results of this project have justified the investments in the information and communication technology, the Justice Sector Reform Strategy²⁴ in Bosnia and Herzegovina has anticipated the continuation of initiated activities. The establishment of an electronic judicial activities is included in the defined Action Plan for implementation of the European Partnership with Bosnia and Herzegovina.

5.2. Funding in 2009

Activities directed towards the establishment of electronic judiciary are implemented by the ICT Department of the HJPC Secretariat. In 2009, in addition to the HJPC budget, the main financiers of the project were the European Commission to BiH, the government of Norway and the governments of Sweden and the Netherlands, which are signatories to the Joint Financing Agreement (JFA). A tabular presentation of investments, by sources of funding, in the project for establishing electronic judiciary in Bosnia and Herzegovina is given below.

24 The Project for establishing electronic judiciary in Bosnia and Herzegovina is envisaged by the Action Plan for the implementation of the Justice Sector Reform Strategy in Bosnia and Herzegovina, Pillar 1: Judicial system, Strategic area 1.2: Efficiency and effectiveness, Strategic program 1.2.5: measures envisaged by the Strategic Plan regarding the computerisation of the judiciary to be fully implemented (responsible institution: HJPC).

Source of funding		Approved funds in 2009 (KM)
	The HJPC Budget	3,623,051.05
	European Commission	1,472,260.00
	Government of the Kingdom of Norway	487,854.75
	Joint Financial Agreement (JFA) signed by the governments of the Kingdom of Sweden and the Netherlands	1,889,128.00
Total		7,472,293.80

5.3. Activities and results achieved in 2009

5.3.1. Development of the ICT structure in the judiciary

Total operation of the existing and new functionalities of the judicial information system, as well as the implementation of planned activities are directly dependant on the procurement of adequate equipment and its proper functioning in the HJPC data processing and storage centers, as well as courts and prosecutors.

In 2009, for the purposes of the implementation of the CMS system in courts and prosecutor's offices, 550 new computers and 340 printers were installed.

For the purposes of the HJPC Center for data processing and storage, additional servers and associated equipment and software for the expansion of existing capacity were supplied and deployed.

22 additional sets of equipment for the audio recording of hearings in the courts of Bosnia and Herzegovina were supplied and installed.

It is widely known that information and communication technology is rapidly and constantly evolving. New software technologies that require more hardware resources for proper functioning are being introduced. These software technologies have become a standard and it is necessary to adopt them in order to enable data exchange with external information systems. In order to achieve the compatibility of judicial information system with other information systems in the region in the coming years it will be necessary to provide adequate hardware, software and network devices. It will also be necessary to carry out the upgrading of existing computers, printers and servers in the courts and prosecutors, which due to their age and deficiencies cannot satisfy the requirements of judicial information system.

The following table, 5.1, shows an overview of delivered work stations, servers and printers according to the needs of courts and prosecutor's offices from the beginning of the project implementation to the end of 2009.

Table 5.1: Equipment delivered to the HJPC, courts and prosecutor's offices by December 31, 2009

Source of funding	2009			Total (2005 – 2009)		
	Work stations	Servers	Printers	Work stations	Servers	Printers
European Commission				2,105	108	736
ICITAP				755	30	695
HJPC Budget	470	36	340	1,020	50	340
JFA	80	1		80	1	200
GTZ				270	50	
CIDA				10		
Total	550	37	340	4,240	239	1,971

5.3.2. Development and implementation of Case Management System (CMS) in courts and prosecutor's offices

5.3.2.1. Development of the CMS

The fact that a large number of users gave a large number of proposals for improving the functioning of this system is one of the positive impacts of the expedited implementation of this system in the judicial institutions of Bosnia and Herzegovina in 2008. These proposals were a solid basis for the further development and improvement of the CMS. In late March, 2009, in the Basic Court in Banja Luka and on the initiative of the President of the High Judicial and Prosecutorial Council, Mr. Milorad Novkovic, the CMS users Conference was held. This two-day Conference was attended by more than 100 participants, mostly court presidents, judges and IT staff. The Conference resulted in the adoption of the list of suggestions for changes and adjustments in the CMS, which was shortly thereafter approved by the Working Group for the CMS strategic planning and development.

The programming of the proposed changes began in April and ended in mid-August 2009. The overall work relating to the development was carried out by the ICT Department of the HJPC. In September, the new, amended version of the system was implemented and put into operation. The CMS version also included all the functionalities developed in 2008, during the improvement of the prosecutorial part of the system.

The project of cooperation and exchange of experiences in the computerisation of the judiciary between the High Judicial and Prosecutorial Council of Bosnia and Herzegovina and the Ministry of Justice of the Republic of Turkey, initiated in 2009, contributed also to the development of the new CMS functionalities. The project is funded by the Agency for International Cooperation and Development of the Republic of Turkey (TIKA). The project encompassed several segments and resulted, *inter alia*, in the development of a module for scanning the incoming documents for the purposes of the CMS. Once the necessary equipment is purchased, the module will be implemented in several pilot institutions in early 2010. After the completion of the trial use, full implementation of this functionality in all institutions is expected by the end of 2011.

One of the most significant changes in the new version of the Case Management System is the availability of the automatic electronic exchange of documents between the courts and prosecutors in Bosnia and Herzegovina. However, courts and prosecutors' offices continue to communicate via printed documents due to the lack of established mechanisms for using electronic signatures at the state and Entity levels.

5.3.2.2. The area of electronic operation in Bosnia and Herzegovina with regard to judicial information system

In order to ensure the legality of electronic communication between judicial authorities and the users of their services in the upcoming period, it is necessary to implement electronic operations with an electronic signature as a substitute for the personal signature.

The following options would be available to judicial institutions and users of their services upon the establishment of a functioning system of electronic operations:

- Submission of electronic documents in courts / prosecutor's offices;
- Electronic delivery of court decisions;
- Electronic signing of all written documents which are an integral part of the internal operations of courts and prosecutor's offices;

The following legislation and by-laws have been enacted in this area at the level of Bosnia and Herzegovina:

- Law on electronic signature
- Law on electronic legal and business transactions
- Decision on the basis of the use of electronic signature and provision of certification services.

In the Federation of Bosnia and Herzegovina the area of electronic operations is not legally regulated, while Republika Srpska regulated the area under the following legislation and by-laws:

- Law on Electronic Signature of Republika Srpska,
- Law on electronic document of Republika Srpska,
- Law on electronic operations of Republika Srpska,
- Book of Rules on the registration of certification bodies,
- Book of Rules on measures and procedures for the use, protection and funds for the development of qualified electronic signatures and certification system and the compulsory insurance of authorities issuing qualified certificates,
- Book of Rules on the registry of certification authorities for issuing qualified electronic certificates,
- Book of Rules on technical rules for ensuring connectivity of records in relation to the issued and revoked certifications by the certification authorities in Republika Srpska,
- Ordinance on the electronic certification officers in the Republic administrative bodies.

Due to the nonexistence of the Office for Supervision and Accreditation of Certifiers at the Ministry of Transport and Communications of Bosnia and Herzegovina and the lack of by-laws that would fully regulate all legal and technical issues, it is not yet possible to fully implement the Law on Electronic Signature of Bosnia and Herzegovina. However, Republika Srpska, based on the adoption of all necessary by-laws, has created all necessary legal prerequisites to start the application of the electronic signature. The certification authority is in the process of becoming technically and organisationally capable and equipped for performing certification activities for issuing qualified electronic certificates.

Given that all technical issues have not yet been regulated in detail at the state level, as well as the way of managing the Registry of Certifiers and other aspects of the work and responsibilities of certification authorities, it is still impossible to implement electronic operations in the judicial institutions in Bosnia and Herzegovina. It is necessary to make further efforts through the adoption of by-laws, in order for this area to be regulated and for the necessary supervision bodies to be established as soon as possible. This would create conditions for all state institutions in BiH, including judicial institutions, to use electronic signatures that would replace personal signatures in performing duties under their authority.

In this way, the official communication of judicial institutions with users of their services would be speeded up (legal and physical persons) with significant financial savings and faster resolution of judicial and prosecutorial cases.

5.3.2.3. Implementation of the Case Management System in courts and prosecutor's offices

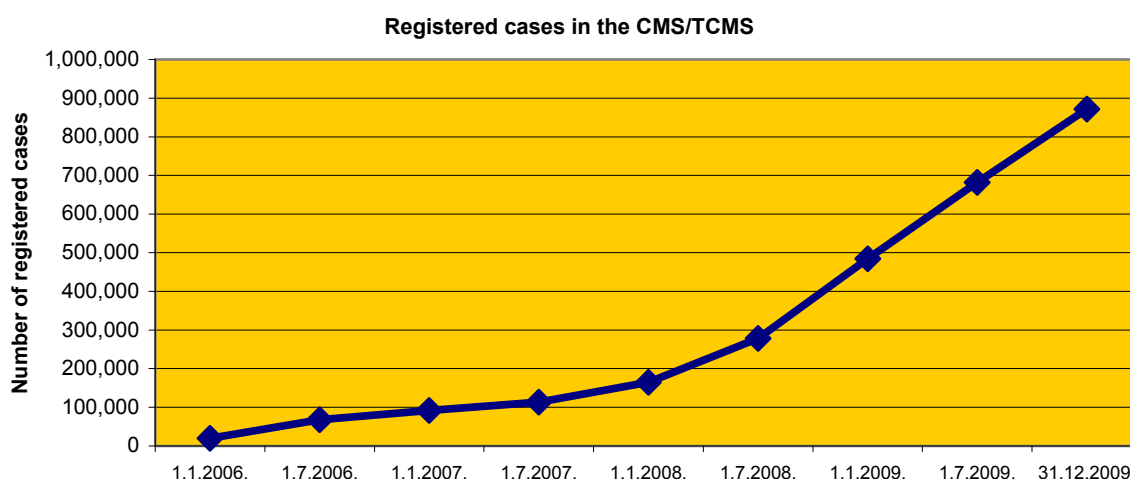
In order to use the system more efficiently, an additional training of the CMS users in the courts was held during the period from April 13, to July 10, 2009. Thematic content of additional training was determined on the basis of common problems and issues encountered by court users and based on the experiences of the CMS trainers in the course of their work with the end users. The additional CMS training lasted one or two working weeks, depending on the size of the court, i.e., the number of users. A combination of methods used in the group presentations and training such as "one on one" with a special focus on the users having difficulties in learning about the CMS functionalities, was used in the course of additional training.

Also, during the period from August 31 to September 11, 2009, training for the use of new version of the system was carried out in all courts in which the CMS had already been implemented. The system was first implemented in the following courts: the Appellate Court and the Basic Court of BiH Brcko District and the Municipal Court in Tuzla.

At the end of 2009, the system was fully implemented in 66 courts and 18 prosecutor's offices. It is planned that in 2010, the CMS be implemented in the Court of Bosnia and Herzegovina, the Prosecutor's Office of Bosnia and Herzegovina and the Special Prosecutor's Office for Curbing Organised and Most Severe Forms of Commercial Crimes of the District Prosecutor's Office in Banja Luka.

As at December 31, 2009, the system registered 3,897 users, 871,608 cases, 12,000,000 documents and 590,000 hearings.

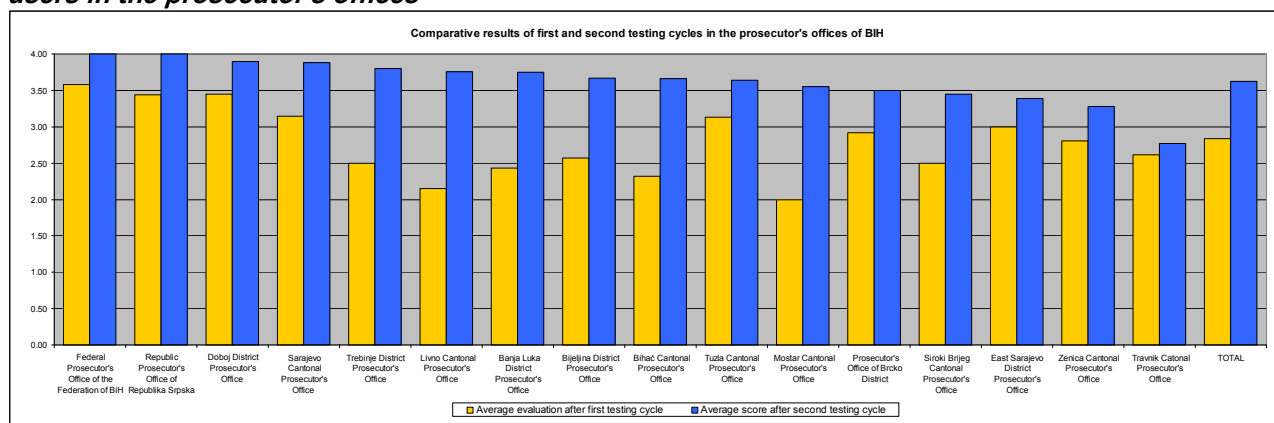
Diagram 5.1. Comparison of case registration in the CMS/TCMS



5.3.3. ICT training

After initial testing and training as regards the use of computers in the prosecutor's offices that took place in 2008, a second round of testing, aimed at assessing the successfulness of the conducted training and the level of acquired knowledge, took place in 2009. The average score of all prosecutors (with the exception of the Prosecutor's Office of BiH and the Special Prosecutor's Office of Republika Srpska) in the first round of testing was 2.84 (on a scale rating 1-4). In the second round of testing at an average 3.63 rating, which indicates the progress of 21% in learning.

5.1 Graphic depiction of the comparison of results following the first and second round of testing of users in the prosecutor's offices



5.3.4. Development and establishment of the judicial web portal

Since 2008, the ICT Department of the HJPC has been working on the development of the judicial web portal, as a central point for the access to different pieces of information by all judicial institutions in Bosnia and Herzegovina. The functionalities developed within the portal allow timely information provided to the public on the events in the judiciary in BiH, as well as the review of data registered in the Case Management System in courts and prosecutor's offices.

By the end of 2009, web portal www.pravosudje.ba contained 40 uniform web sites of judicial institutions. Using the web sites, courts and prosecutor's offices have additional possibility to communicate with the public and to significantly influence the perception of the public with regard to the performance of the overall judiciary.

In order to increase the level of transparency of the courts, the High Judicial and Prosecutorial Council, at its meeting held on December 16, 2009, adopted a Decision on the implementation of modules aimed at accessing court cases via the Internet, and the Book of Rules on the authorised access to court cases via the Internet. This will enable the authorised users of court services to have an insight into their own cases via the Internet in 2010. The application of this functionality will bring benefits not only to the courts, but also to the parties to the proceedings. The basic advantages of using the Internet to access court cases are as follows:

- increasing the level of transparency and improving the public perceptions as to the performance of courts,
- providing timely information to the parties or their authorised agents on all the events which take place while processing cases,
- providing an insight into the case from any location that has the access to the Internet.

The pilot phase of the module implementation will run from February 1 to May 1, 2010, and will be implemented in the following courts:

- (1) Cantonal Court in Zenica,
- (2) District Court of East Sarajevo,
- (3) Municipal Court in Gorazde,
- (4) Municipal Court in Travnik,
- (5) Basic Court in Banja Luka,
- (6) Basic Court in Derventa,
- (7) Basic Court in Kotor Varos.

Full implementation of the modules in the remaining courts in Bosnia and Herzegovina will start on May 1, 2010, after the completion of the pilot phase and the analysis of lessons learned.

Also, in 2009, a module was developed enabling a review of statistical data (tables and graphs) on the websites of judicial institutions. In this way and based on the data entered into the system, the website visitors will be provided an overview of the case inflow in judicial institutions by various criteria (by the type of cases, legal grounds, legal areas, etc.). This module of December 2009, is in the testing phase on five court websites and its full implementation is expected in the next year.

5.3.5. Electronic processing of utility cases

In 2009, the HJPC intensified the activities directed towards the optimal use of the ICT technology options for automatic processing of a special kind, so-called "utility" cases (detailed explanation in Chapter 3).

The previous way of receiving and processing such cases has proven to be inadequate, especially considering the extremely large influx of these types of cases. Given that every year the courts have an influx of hundreds of thousands of cases, submitted by the Public Broadcasting Services and public utility companies, it is necessary to urgently propose appropriate solutions.

With the aim of resolving issues related to the processing of these types of cases, the HJPC established a working group to address the issue of utility cases and which recognized the possibility of their automatic processing as one of the key measures for resolving this problem in the courts in BiH.

One of the first steps in this direction was a KODIFEL Project (conversion into digital format and electronic processing of backlog utility cases in the Municipal Court in Sarajevo), that started at the end of 2008, supported by the Canadian JRP (Judicial Reform Project) and implemented in accordance with the concluded Memorandum of Understanding with the HJPC and the Municipal Court in Sarajevo. The objective of this project was the digitisation of the existing utility backlog cases by scanning, that enabled the recording of a total of 862,878 cases, whereas for 67,107 cases it was immediately determined that motions to enforce were withdrawn. In November 2009, more than 30,000 decisions on enforcement were printed and delivered to customers by the end of the year, which resulted in the increased collection percentage.

In the second half of 2009, the HJPC began developing a pilot version of the System for the electronic processing of utility cases (SOKOP) for the purpose of testing the electronic filings and group processing. In early 2010, the system testing is scheduled for the Municipal

Court in Zenica and the Basic Court in Dobož. The pilot project is designed as a web application with the central database.

The application is designed in a way that public service broadcasting and public utility companies submit the enforcement motions via electronic mail. The motion must be digitally signed, must have a certificate issued in any of the EU countries, and must include an appropriate attachment with exactly prescribed form and content. The Law on Civil Procedure²⁵ enables the electronic delivery of filings, provided they are signed with qualified electronic signature.

In order to disburden the courts of the standard procedures in these cases (details presented in Chapter 3), a system for electronic filing and processing of cases of small value should be established, which will be supported and financed by the European Union under the IPA 2009. The system will be built on the results and experiences gained from pilot projects, and a part of software designed for the SOKOP system would be used for this purpose.

5.4. Recommendations

- Ensure, with the support of the relevant executive authorities, that the additional funds are provided under the budgets of courts and prosecutor's offices for capital investments for the procurement of computer equipment and software aimed at developing the information systems in the judiciary, maintenance of the existing equipment and software licenses, as well as the training of information and other staff in the judiciary.
- It is necessary that the legislative, executive and judicial authorities follow a new way of working in the judiciary and take steps to amend laws that are necessary to enable or improve the performance of judicial institutions in the e-environment.
- It is necessary to adopt appropriate laws and establish the institutional capacities to enable the full implementation of the Law on Electronic Signature and the Law on Electronic Operations in the information system of the judiciary, which primarily reflects the possibility of electronic court filings with national qualified digital certificates as well as the electronic delivery of court decisions.

25 „Official Gazette of the FBiH“, no.53/03, 37/05 and 19/06 and „Official Gazette of RS“ no. 58/03, 85/03 and 74/05.

6. CHAPTER BUDGETS OF COURTS AND PROSECUTOR'S OFFICES

6.1. Introduction

Adequate financing is an indispensable precondition for a smooth performance of regular judicial and prosecutorial activities as well as for the implementation of reform in judicial system²⁶. All the costs of judicial institutions, with an exception of a small part financed from donations are covered from the budgets which based on the proposal of executive authorities are adopted by the relevant executive authorities. The funds for the Court of Bosnia and Herzegovina and the Prosecutor's Office of Bosnia and Herzegovina are planned in the budget of institutions of Bosnia and Herzegovina. And while all institutions in Republika Srpska are financed from the budget of Republika Srpska, the funds for the Supreme Court of the Federation of Bosnia and Herzegovina, Prosecutor's Office of the Federation of Bosnia and Herzegovina are secured in the budget of the Federation of Bosnia and Herzegovina, while for other institutions the funds are secured in the relevant cantonal budgets. Financing of the institutions in Brcko District of Bosnia and Herzegovina is under the competence of the executive and legislative powers of the District.

The Law on the HJPC²⁷ prescribed that the HJPC is "participating, at the Council's discretion, in the drafting process of annual budgets for the courts and prosecutor's offices;" while the Entity laws on courts²⁸ explicitly state that:

- All courts submit their budget requests to the HJPC, and they submit the comments of the HJPC, should there be any, to the relevant Ministry of Justice together with budget requests,
- If the relevant Ministry of Justice disagrees with the court proposal of the budget, it shall inform the HJPC thereof, and
- The relevant Ministry of Finance or the government, prior to changing the proposal of court budget, will hold consultations with the HJPC.

The HJPC applies the same budget procedures to prosecutor's offices under the competences prescribed by the Law on HJPC. The HJPC may propose a change of the budgets, which are proposed by the relevant executive authorities for courts and prosecutor's offices.

The Standing Committee on judicial and prosecutorial budgets acts within the HJPC and deals with all matters concerning the budget of the courts and prosecutor's offices and accordingly suggests the HJPC to render relevant decisions.

6.2. Activities and results achieved in 2009

6.2.1. Budget execution for 2008

During 2009, the HJPC has collected and collated the data on budget execution for 2008 from all courts and prosecutor's offices in Bosnia and Herzegovina, except for Constitutional Courts. The data are collected from financial reports and, in some cases, auxiliary reports have been used – "gross balance by budget users", which are submitted to courts and

26 Adequate financing is one of the mid-term priorities of the European Partnership with Bosnia and Herzegovina (Decision of the European Union Council 2008/211/EC).

27 Article 17 (15) and (16) of the Law on HJPC („Official Gazette of BiH", no. 25/04, 93/05, 48/07 and 15/08).

28 Law on courts in the Federation of BiH („Official Gazette of the Federation of BiH", no. 38/05, and 22/06) and the Law on courts of Republika Srpska („Official Gazette of Republika Srpska", no. 111/04, 109/05, 37/06, 17/08, 119/08 and 58/09).

prosecutor's offices by relevant ministries. The Directorate for Finances of Brcko District of BiH submitted the data regarding the execution of budget for courts and prosecutor's offices. The collected data serve as the starting point to make comparative analysis at the national and international level, which are presented to the local public and the Council of Europe.

6.2.1.1. Structure of costs incurred in 2008

Total budget costs of courts and prosecutor's offices in 2008 amounted to KM 190,360,221.

The structure of total costs included the following items:

Gross salaries and compensations of employees	146,650,821 KM	77.0%
Material and services costs	37,486,125 KM	19.7%
Capital investments	6,223,276 KM	3.3%

The structure of costs was not significantly changed compared to previous years. Obviously, the share of capital investment remained very low, although it increased compared to 2007, when it was 3.0%.

Table 6.1. provides information about the most significant costs under the goods and services item.

Table 6.1.: The most significant costs under the costs for material and services item²⁹

Types of costs	Costs in 2008	Share in the costs for material and services
Telephone and mail costs	8,184,743	21.8%
Costs for lawyers, for the indigent accused	355,061	1.0%
Costs for court expertise, witnesses and lay judge	3,565,381	9.5%
Costs for <i>ex officio</i> lawyers	9,119,451	24.3%
TOTAL	21,224,636	56.6%

The share of the abovementioned costs amounts to 56,6% of total costs for goods and services, which amounted to around 37,5 million. It should be noted that these costs were mainly generated by the provisions of the Law on Criminal and Civil Procedure, limiting the ability of managers of judicial institutions to decide on their respective amounts

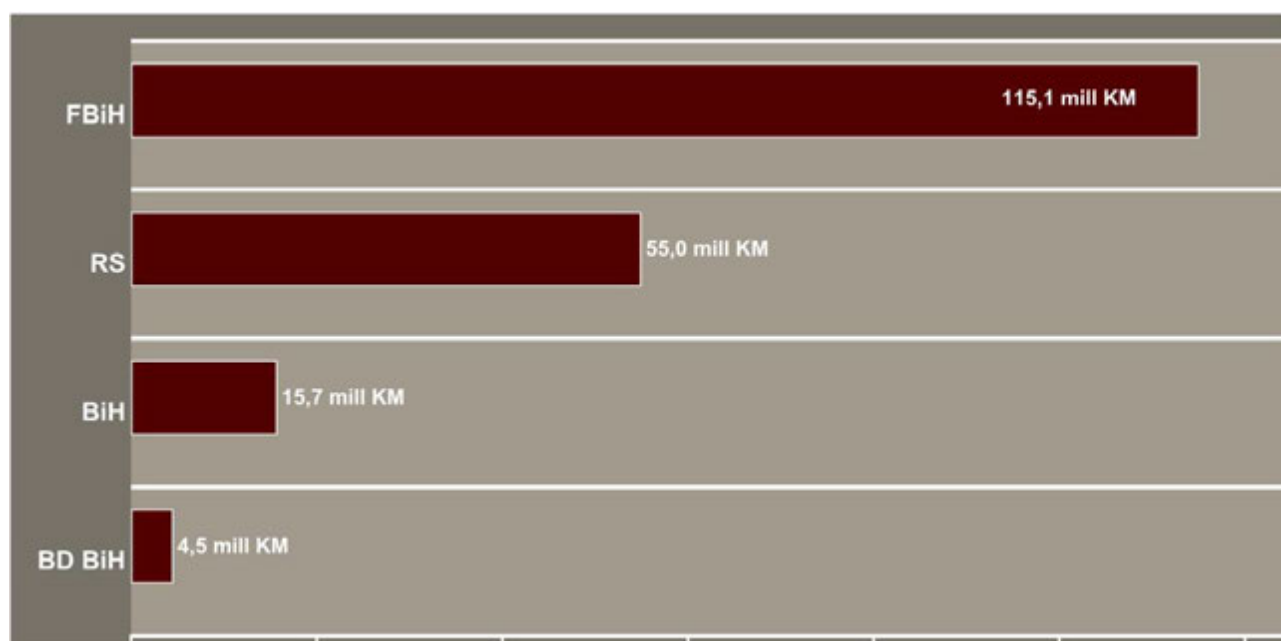
6.2.1.2. Costs by the source of financing and by the type of institution

Of the total costs of courts and prosecutor's offices:

- 60.4% relate to the costs incurred by judicial institutions in the Federation of BiH,
- 28.9% relate to the costs incurred by institutions in Republika Srpska,
- 2.4% relate to the costs incurred by courts and prosecutor's offices in Brcko District of BiH, while
- 8.3% of the abovementioned costs were incurred by the Court of BiH and Prosecutor's Office of BiH.

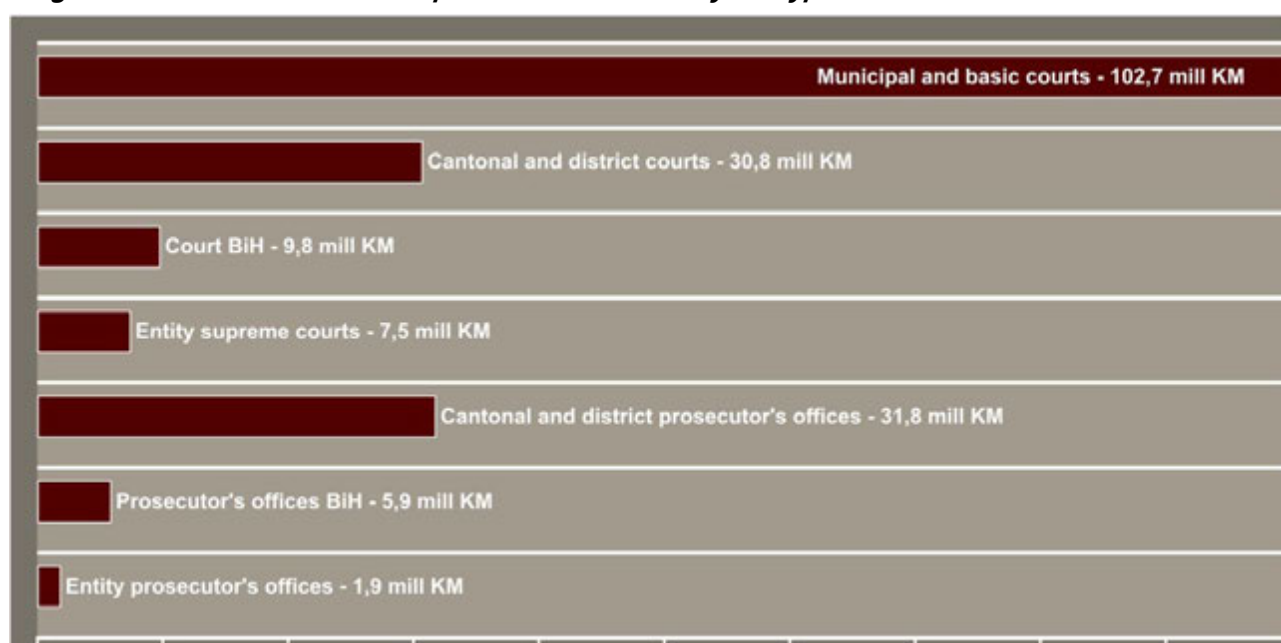
Diagram 6.1. Budget costs incurred in 2008

²⁹ Due to the inconsistent application of the chart of accounts, that is, lack of special charts of accounts for the costs of lawyers, court experts, witnesses, etc., the estimation of costs of judicial institutions in the West Herzegovina Canton, the Court of BiH and the Prosecutor's Office of BiH is made according to the available data and ratio of costs incurred in other institutions.



Approximately four-fifths (79.2% or 150,7 million KM) of budget costs are incurred by the courts, while the remaining 20.8% or 39,6 million KM by the prosecutor's offices.

Diagram 6.2. Costs of courts and prosecutor's offices by the type of institution



Of the total costs incurred by the courts in BiH, the first-instance courts (municipal courts in the Federation of Bosnia and Herzegovina and basic courts in Republika Srpska and Brcko District of Bosnia and Herzegovina³⁰) incurred 68.1%; the second-instance courts incurred 20.4%, the Court of BiH incurred 6.5% of the total costs, while the remaining 5,0% of the costs were generated in the two entity supreme courts.

Of the total costs of prosecutor's offices in Bosnia and Herzegovina, cantonal prosecutor's offices in the Federation of Bosnia and Herzegovina, district prosecutor's offices in Republika Srpska and the Prosecutor's Office of Brcko District of Bosnia and Herzegovina generated

³⁰ Financial reports do not provide a possibility to separate costs of the basic and Appellate Court of Brcko District of Bosnia and Herzegovina. The estimate of costs incurred in the courts in Brcko District of Bosnia and Herzegovina is made according to the number of judges.

80,3% of the total costs of prosecutor's offices. The Prosecutor's Office of Bosnia and Herzegovina incurred 14,9%, while 4,8% of costs related to entity prosecutor's offices.

6.2.1.3. Revenue generated from court fees

During 2009, the HJPC collected data on the revenue recorded under economic codes through the Single Treasury System, that was generated on the basis of different activities of judicial institutions.

Table 6.2.: Revenue generated from court fees in 2007 and 2008 in KM

Authority level	Court fees 2007	Court fees 2008	Court fees 2008 – 2007	Court fees 2008/2007
	I	II	II-I	II/I
BiH level	325,093	177,872	-147,221	-45.3%
Republika Srpska	20,831,999	20,020,077	-811,922	-3.9%
Federation of BiH	145,116	121,318	-23,798	-16.4%
Una-Sana Canton	4,523,049	4,655,877	132,828	2.9%
Posavina Canton	404,851	393,191	-11,660	-2.9%
Tuzla Canton	4,904,195	4,518,187	-386,008	-7.9%
Zenica-Doboj Canton	3,366,880	3,201,246	-165,634	-4.9%
Bosnian Podrinje Canton	59,523	91,448	31,925	53.6%
Central Bosnia Canton	1,974,596	1,901,562	-73,034	-3.7%
Herzegovina-Neretva Canton	2,554,303	2,300,882	-253,421	-9.9%
West Herzegovina Canton	1,299,924	1,591,088	291,164	22.4%
Sarajevo Canton	7,191,112	6,732,166	-458,946	-6.4%
Canton 10	316,940	630,185	313,245	98.8%
FBiH - total	26,740,489	26,137,150	-603,339	-2.3%
BiH Brcko District	1,537,840	1,308,176	-229,664	-14.9%
Total	49,435,421	47,643,275	-1,792,146	-3.6%

In 2008, the decline in revenue from court fees in relation to 2007, reached 3.6% or almost KM 1.8 million. A significant revenue growth takes place in the West Herzegovina Canton of 22.4%, where a new law on court fees³¹ was adopted in June 2008.

6.2.2. Budgets adopted in 2009 and the HJPC guidelines

As part of its regular activities and in accordance with certain powers specified by the Law on HJPC, the HJPC has forwarded the guidelines for drafting the budget proposal for 2009 to the courts and prosecutors' offices. The HJPC guidelines for development of budget proposals help judicial institutions prepare budget request in accordance with the applicable HJPC decisions on the number of holders of judicial office, other relevant decisions and regulations. The guidelines also contain the HJPC's assessment on minimal budget funds necessary for the functioning of institutions.

³¹ Official Gazette of the West Herzegovina Canton, no.8/08.

Similar to the previous year, the guidelines were not done for the Court of Bosnia and Herzegovina and the Prosecutor's Office of Bosnia and Herzegovina due to complexity of the situation of the transitional period of these two institutions. Due to particularity of the budget process in Brcko District of Bosnia and Herzegovina and inability to make a comparative analysis regarding material costs in relation to other prosecutor's offices, the guidelines were neither prepared for the Special Prosecutor's Office of Republika Srpska.

As it is not possible to specifically determine when the vacant positions for judges and prosecutors will be filled, the HJPC estimation of budget funds for smooth operations of courts and prosecutor offices is based on the assumption that the judicial and prosecutorial positions are filled to the maximum. The guidelines are based on the available data on salaries and compensation of supporting staff in the courts and prosecutor's offices. Number of supporting staff is determined on the basis of Entity books of rules on setting criteria for determination of the number of employees in courts, while the number of employees envisaged by the books of rules on internal organisation and systematisation of prosecutor's offices, approved by the HJPC, was used as the relevant information.

The information on costs from previous years, approved budgets of the current year, the average structure of costs of courts and prosecutor's offices and the estimation of required funds for the maintenance of information equipment were used in estimating material and service costs.

The guidelines for 2009 also included the funds needed for capital investments in the amount of 5% of the total budget planned for salaries, compensations and costs for materials and services. The funds earmarked for capital investments also included the funds for the procurement of computer equipment.³²

The following tables 6.2 and 6.3 depict the comparison of the HJPC guidelines and the budgets adopted for judicial institutions to which the HJPC forwards budget guidelines.

Table 6.3: The HJPC budget guidelines and adopted budgets for 2009 in KM

Institution	HJPC guidelines for 2009	Originally approved budget for 2009	Budget rebalance for 2009	Originally approved HJPC budget/ guidelines	HJPC rebalance/ guidelines
	I	II	III	II/I	III/II
Republika Srpska					
Supreme Court	3,141,904	2,813,100	2,789,000	-10.5%	-11.2%
RS Prosecutor's Office	615,874	593,116	557,000	-3.7%	-9.6%
District courts	9,702,546	9,109,361	8,750,000	-6.1%	-9.8%
District prosecutor's offices	8,659,648	7,675,572	7,890,800	-11.4%	-8.9%
Basic courts	32,937,604	29,430,567	29,602,000	-10.6%	-10.1%
Total RS	55,057,576	49,621,716	49,588,800	-9.9%	-9.9%
BiH Federation					
Supreme Court	6,109,052	4,697,605	4,636,768	-23.1%	-24.1%
FBiH Prosecutor's Office	1,530,234	1,211,980	1,111,220	-20.8%	-27.4%
Cantonal courts	22,150,779	19,966,293	19,616,723	-9.9%	-11.4%
Cantonal prosecutor's offices	21,135,740	18,805,843	18,426,281	-11.0%	-12.8%

³² Estimation is made by the ICT Department of the HJPC Secretariat

Municipal courts	75,837,731	68,785,275	66,797,468	-9.3%	-11.9%
Total FBiH	126,763,536	113,466,996	110,588,460	-10.5%	-12.8%

Tabela 6.4: The HJPC budget guidelines and adopted budgets for 2009 by the types of costs in KM

Economic code	HJPC guidelines for 2009	Originally approved budget for 2009	Budget rebalance for 2009	Originally approved HJPC budget /guidelines	HJPC rebalance/ guidelines
	I	II	III	II/I	III/II
Republika Srpska					
Salaries and compensations, taxes and benefits	39,987,592	40,560,465	40,792,200	1.4%	2.0%
Material and services costs	12,448,197	8,768,200	8,472,400	-29.6%	-31.9%
Capital costs	2,621,787	293,051	324,200	-88.8%	-87.6%
Total RS	55,057,576	49,621,716	49,588,800	-9.9%	-9.9%
BiH Federation					
Salaries and compensations, taxes and benefits	93,353,694	91,833,539	88,149,461	-1.6%	-5.6%
Material and services costs	27,373,481	19,960,257	21,082,348	-27.1%	-23.0%
Capital costs	6,036,361	1,673,200	1,356,651	-72.3%	-77.5%
Total FBiH	126,763,536	113,466,996	110,588,460	-10.5%	-12.8%

General financial situation has negatively affected the courts and prosecutor's offices in Bosnia and Herzegovina. The originally approved budgets in the Federation of Bosnia and Herzegovina were less by 10.5% compared to the HJPC guidelines. Table 6.4, column III, depicts data on the recently adopted budget rebalances in the Federation of Bosnia and Herzegovina according to which the funds were approved for courts and prosecutor's offices, that are lower by 12.8% compared to the HJPC guidelines. For example, budgets approved in 2008 were higher by 9.2% and rebalances by 4.7% compared to the HJPC guidelines. Deviations with respect to the rebalanced budgets are the lowest for salaries and salary compensations (-5.6%). Reduced salaries and compensations for support staff, as well as vacant judicial, prosecutorial and positions of support staff are mainly the cause of the deviations. Much larger deviations are observed in costs for material and services, -27.1% in the originally approved budget, or -23.0% in the rebalanced budget. Although we can not say that a complete halt in the work of judicial institutions is recorded, this situation has interfered with the normal functioning of judicial institutions in the Federation of Bosnia and Herzegovina. Capital costs in the budgets of courts and prosecutor's offices have amounted to 1.2% of the total approved budget as compared to the recommended 5% by the guidelines.

The originally approved budget in Republika Srpska was by 9.9% lower compared to the HJPC guidelines. The last budget rebalance of the approved funds have remained at approximately the same level. In 2008, in comparison with the HJPC guidelines, the originally approved budget deviation was -2.3%, while the rebalance of approved funds was lower by 6.0% compared to the guidelines. The largest deviation relate to the costs for goods and services, that is, -29.6% of the originally approved budget, or even -31.9% upon the budget rebalance. The greatest lack of resources is notable for items related to the contracted services. Capital costs in the budgets of courts and prosecutors' offices in Republika Srpska

amounted to 0.7% of the total approved budget, which is significantly less than the recommended 5% by the guidelines.

Table 6.5: Approved budget for 2008 and 2009 for the Court of BiH and Prosecutor's Offices of BiH in KM

Institution / Economic code	Approved budgets for 2008	Approved budgets / rebalance for 2009	Approved budget for 2009/ 2008
	I	II	III/I
BiH level – by institution			
Court of BiH	10,373,749	10,520,000	1.4%
Prosecutor's Office of BiH	8,712,383	8,015,000	-8.0%
Total BiH level	19,086,132	18,535,000	-2.9%
BiH level – by the type of costs			
Salaries and compensations, taxes and contributions	15,012,047	14,966,000	-0.3%
Material and services costs	3,756,085	3,431,000	-8.7%
Capital costs	318,000	138,000	-56.6%
Total BiH level	19,086,132	18,535,000	-2.9%

Table 6.6.: Approved budgets for 2008 and 2009 for courts and prosecutor's offices of BiH Brcko District in KM

Institution / Economic code	Approved budget for 2008	Originally approved budget for 2009	Rebalance budget 2009	Originally approved budget 2009/approved 2008	Rebalance 2009/ approved 2008
	I	II	III	II/I	III/I
BiH Brcko District - by institutions					
Appellate Court and Basic Court	4,378,430	4,495,381	4,230,407	2.7%	-3.4%
Prosecutor's Office	1,703,593	1,498,020	1,295,855	-12.1%	-23.9%
Total	6,082,023	5,993,401	5,526,262	-1.5%	-9.1%
BiH Brcko District – by the type of costs					
Salaries and compensations, taxes and contributions	4,148,023	4,299,401	3,996,401	3.6%	-3.7%
Material and services costs	1,744,000	1,504,000	1,352,500	-13.8%	-22.4%
Capital costs	190,000	190,000	177,361	0.0%	-6.7%
Total BiH level	6,082,023	5,993,401	5,526,262	-1.5%	-9.1%

The budget for the Court of BiH and the Prosecutor's Office of BiH, as well as judicial institutions in Brcko District are reduced compared to the previous year.

Total reduction for the Court of BiH and Prosecutor's Office of BiH amounted to 2.9%. The largest reduction was recorded for the capital costs (-56.6%), then for the costs for goods and services (-8.7%), while the deviations for salaries and compensations were minimal (-0.3%).

The total funds based on originally approved budget for judicial institutions of Brcko District were slightly lower than in 2008 (-1.5%). The rebalance of budget resulted in further reduction, which in relation to 2008, amounted to -9.1%. The greatest reduction in the rebalanced budget compared to 2008, related to the costs for goods and services (-22.4%), while the position of capital costs amounted to 6.7%. Although the rebalanced budget resulted in the reduced amount of approved funds, an assessment of the difficulties in the functioning of the courts and prosecutor's offices of BiH Brcko District therefore cannot be made due to inadequate financing.

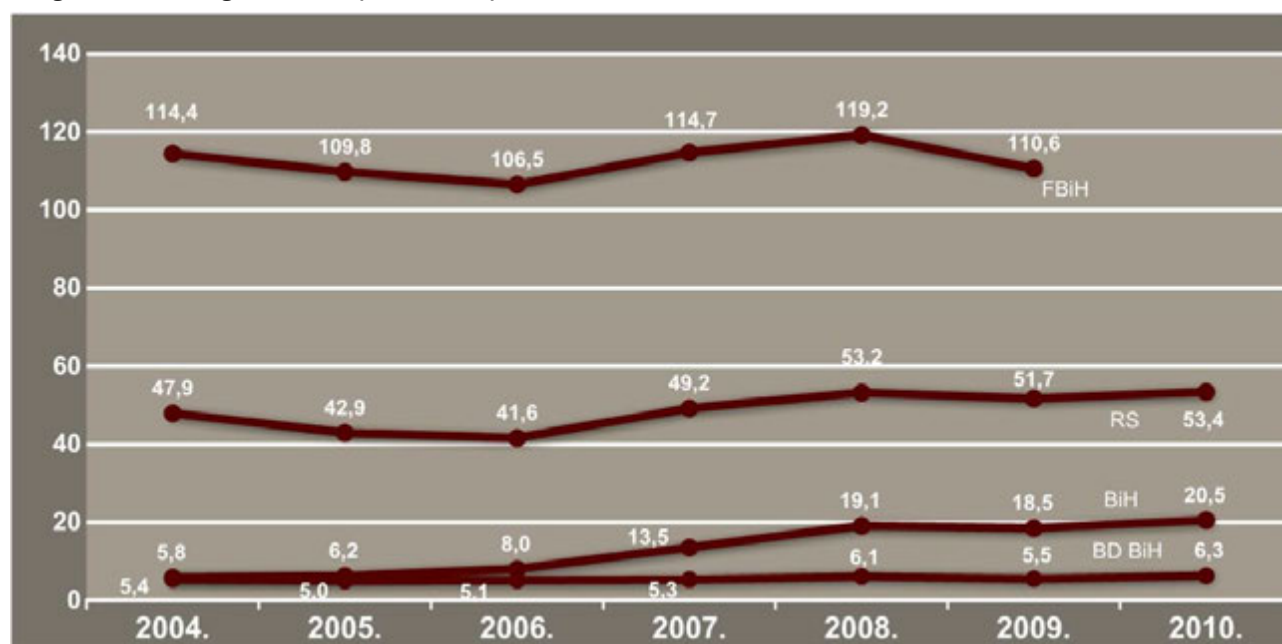
6.2.3. Budget trends

General trend of reducing the budget funds, which affected the courts and prosecutor's offices, continued in the approved budgets or rebalanced budgets for 2009. Based on the rebalanced budgets for 2009, the amount of funds in the budget was reduced for courts and prosecutors' offices by 5.7% compared to 2008. This trend is particularly noticeable in the Federation of BiH, where the funds were reduced by 7.2% compared with 2008.

However, the approved budget for 2010, at the level of BiH, Republika Srpska and Brcko District has shown a trend of growth of judicial budgets. In the period that preceded the adoption of the budget for 2010, the HJPC President, pursuant to competencies specified by the Law on HJPC, held a series of meetings with representatives of executive power with respect to the budgets of courts and prosecutor's offices.

The following illustration shows the total budgets of courts and prosecutor's offices from 2004 to 2010, except the budget of the Federation of BiH in 2010.³³

Diagram 6.3 Budget trends (in mil. KM)³⁴



The continuous trend of budget increase for the Court of BiH and the Prosecutor's Office of BiH was stopped by the approved budget for 2009, continued by the approved budget for 2010, which was by 10.4% higher compared to the previous year. In this way, the budget ratio

³³ Information regarding the adopted budgets of judicial institutions in the Federation of BiH for 2010 is not shown due to the fact that 2010 budgets were not adopted in all cantons by the time of the report drafting.

³⁴ For comparable analysis reasons, data include budgets of minor offense courts that closed their doors during 2006 and the budget of the RS Special Prosecutor's Office established in 2006.

of the Court of BiH and the Prosecutor's office of BiH in the overall budget of the institutions of BiH amounted to 1.5%, while in 2008 the budget amounted to 1.59% , that is, 1.31% in 2009.

The total funding allocated to the courts and prosecutors' offices in Republika Srpska were reduced by a rebalanced budget for 2009 by 2.7% compared to the previous year. The approved budget of the courts and prosecutor's offices for 2010, is higher by 3.3% compared to 2009, and slightly higher than in 2008 (0.4%). The judicial institutions ratio in the overall budget of Republika Srpska has increased from 3.23% in 2009 to 3.34% in 2010 and is still incomparable with 2004, when amounted to 4.62%.

It should be noted that within the budget for 2010, the funds purposed for the establishment of commercial courts in Republika Srpska in the amount of 3.8 million, were approved. With the exception of the commercial courts, there was a further reduction of funds for the courts and prosecutors' offices by 4.2%.

The approved funding for 2009 for the courts and prosecutor's offices, within the rebalanced budget of Brcko District, were reduced by 9.1% compared to 2008. The approved budget for 2010 is higher than in the previous year by 14.7%, and compared to 2008, by 4.2%. For the first time, the budgets of the Basic Court and the Appellate Court are shown separately in the budget of the Brcko District of BiH within the approved budget for 2010.

6.3. Recommendations

Given the significant progress in the implementation of recommendations presented in the 2008 Annual Report, part of the recommendations are repeated in the 2009 Annual Report.

- It is necessary to consider the possibility of financing 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. The fragmented financing of judicial system in Bosnia and Herzegovina is mentioned as one of the key unresolved strategic issues within the Justice Sector Reform Strategy in BiH³⁵.
- It is necessary to enhance the role of the HJPC in the process of preparation, adoption and execution of budgets in relation to the executive and legislative powers as defined in the Action Plan for the implementation of the BiH Justice Sector Reform Strategy.
- It is necessary to intensify the harmonisation practice of budget amounts of courts and prosecutor's offices in the proposal phase, among the HJPC, ministries of justice and ministries of finance as laid down in the Action Plan for the implementation of the BiH Justice Sector Reform Strategy.
- It is necessary to ensure budget funds, no less than the minimum set according to the assessment made 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.

35 Justice Sector Reform Strategy in BiH, Chapter 6: Key unresolved strategic issues in the justice sector, unresolved issue (i).

7. CHAPTER TRAINING

7.1. Introduction

Under the supervision of the High Judicial and Prosecutorial Council of BiH, the Entity Judicial and Prosecutorial Training Centres and the Judicial Commission of Brcko District of Bosnia and Herzegovina organise and carry out training for the holders of judicial office. In addition, these institutions organise and carry out induction training for judicial associates.

Sustained cooperation of these institutions has resulted in further improvement of the quality of training programs and their harmonisation with the needs of the judiciary. Thus, in 2009, the application of the Book of Rules on the categories, selection, rights and responsibilities of trainers³⁶ commenced as well as the implementation of a series of specialized training programs such as induction training for judicial associates and advisers in the courts and prosecutors' offices, and training arising from the implementation of the National War Crimes Strategy. In addition to the Strategy, a Mid-term Strategy for the induction training and continuous training for the period from 2007 to 2010, and the Justice Sector Reform Strategy in Bosnia and Herzegovina for the period from 2009 to 2013, have guided the work of training centers and the HJPC in the area of training in accordance with the Law on HJPC and Entity laws on Judicial and Prosecutorial Training Centers.

Since the issue of training is one of the two short-term priorities of the European Partnership with Bosnia and Herzegovina,³⁷ the realisation of which is within the direct competence of the HJPC, as well as the supervision over the provision of adequate training for the holders of judicial office, which contributes to achieving the principles of independence and efficiency of the judiciary, it would certainly be a priority of the HJPC in the upcoming period.

The great number of challenges that the HJPC, Judicial and Prosecutorial Training Centers, the Judicial Commission of Brcko District and the entire justice community will be facing in the coming year include further improving of the training programs quality, development of new mid-term strategy for the induction and advanced training, monitoring of training programs implementation, induction training and training within individual projects, as well as improving cooperation among all relevant institutions within the area of training of judges and prosecutors.

7.2. Activities and results achieved in 2009

7.2.1. Programs of continuous training

The continuous training of judges and prosecutors in Bosnia and Herzegovina takes place in accordance with the annual programs of the Entity Judicial and Prosecutorial Training Centers and the Judicial Commission of Brcko District of Bosnia and Herzegovina.

Monitoring of the implementation of training programs for 2009 pointed to the need to place the focus of the advanced training segment on the organisation of round tables with regard to disputable mechanisms in applying laws, and that qualitative analysis of the conclusions arising from discussions at seminars and round tables be prepared within the Training Centers, which would be then delivered to the HJPC in order to undertake necessary measures.

³⁶ The Books of Rules were approved by the Council at its session held in December 2008.

³⁷ The European Partnership for BiH, signed on February 28, 2008 in Brussels, specifies short-term priority 3.1, relating to the judiciary and reads: "ensure the adequate training of judicial system, especially in terms of legislation on human rights and issues in relation to the implementation of the Stabilisation and Association Agreement".

In early 2009, the Entity Training Centers advertised a public vacancy for the position of a trainer. The HJPC, at its session held in July 2009 discussed and agreed on the consolidated lists of trainers of the Training Centers, providing so conditions for the newly selected trainers to carry out training programs in compliance with the Books of Rules on categories, selection, rights and obligations of trainers.

At the session held in December 2009, the HJPC, on the proposal of the Standing Committee for Education, approved the curricula of the Entity Judicial and Prosecutorial Training Centers and the Judicial Commission of Brcko District of BiH for 2010.

7.2.2. Induction training program

The implementation of a three-year program of induction training for judicial associates and advisors in the courts and prosecutor's offices started in 2009. The program was made as a result of cooperation among the Canadian International Development Agency (CIDA), Judicial and Prosecutorial Training Centers (JPTCs), Judicial Commission of Brcko District of BiH (JCBD), legal experts and the HJPC, which supported the program at its session held in October 2008, and actively supervised the implementation of the program. Educational material for the induction training program with regard to different areas was available at the web sites of the JPTCs and the Judicial Documentation Center. The proposed training program is the initial step towards the quality training of judicial associates or advisors, as future candidates for the positions of judges and prosecutors in the judicial institutions of BiH.

7.2.3. Reports on the implementation of training programs

In the course of 2009, and similar to the previous period, the supervision of the implementation of training programs for judges and prosecutors, the induction training programs as well as special training programs conducted by the Entity Judicial and Prosecutorial Training Centers and the Judicial Commission of Brcko District of Bosnia and Herzegovina was conducted by the HJPC, through its Standing Committee for Education.

The HJPC, at its session held in July 2009, considered and approved reports on the performance of the training centers for 2008, as well as reports on special training programs, including, *inter alia*, training courses covered by the project entitled the "Establishment of better mechanisms for cooperation between the police and prosecutors in BiH" and the training stemming from the National War Crimes Strategy .

Based on the analysis of the report, it is concluded that there is a need, *inter alia*, to improve coordination between the Entity training centres and international organisations dealing with education-related issues. As recommended by the HJPC, the Entity Training Centers tookover the coordination in 2009, so that certain activities of international organisations related to the training of judges and prosecutors were incorporated in the annual programs of the training centers, and will thus be evaluated as the mandatory training, as required by the Law on HJPC and Entity laws on Judicial and Prosecutorial Training Centers. Therefore, a step forward was made in resolving this matter that has been a topical issue over a long period of time, although the requests regarding cooperation with some international organisations providing training in specific areas of law may occasionally be expected in the future.

7.2.4. Mid-term strategy for the induction and continuous training

In the mid 2009, the Judicial Documentation Center of the HJPC, prepared an analysis of the implementation of the Mid-term Strategy for the induction and continuous training of judges and prosecutors for the period 2007-2010. The analysis was done in accordance with the Implementation Action Plan for the BiH Justice Sector Reform Strategy in the period 2009-2013, based on individual reports on the implementation of the Mid-term Strategy of the Entity

training centers, and based on the information presented at the meetings held with the directors of the training centers.

The above analysis resulted in the adoption of a series of recommendations and measures that should contribute to the realisation of the remaining objectives of the Mid-term Strategy for the induction and continuous training of judges and prosecutors from 2007 to 2010. In the upcoming year, the HJPC will, through the Standing Committee for Education, continuously oversee the implementation of the measures, and closely cooperate with the Entity Judicial and Prosecutorial Training Centers and the Judicial Commission of Brcko District in the drafting process of a new Mid-term Strategy for the induction and continuous training. The Strategy will define the key challenges arising from past experiences in conducting training for judges and prosecutors in Bosnia and Herzegovina and formulate possible solutions, whereas the priorities for the development of training system in Bosnia and Herzegovina shall be coordinated with the European Partnership and other strategies in the area of justice sector.

7.2.5. Activities of the Standing Committee for Education

During 2009, the HJPC Standing Committee for Education considered a number of key issues in the field of training of judges and prosecutors. The Committee has, *inter alia*, been included in the monitoring of the training centers for judges and prosecutors, the realisation of the objectives set in the Justice Sector Reform Strategy with regard to education and implementation of Mid-term Strategy for the induction and continuous training for the period 2007-2010.

The Committee also discussed a number of other issues such as the conclusions of the second Conference of Trainers held in January 2009, and the need to train managerial personnel in judicial institutions, measures related to the savings in judicial institutions that affected the implementation of training programs, response of trainers to apply to the position of trainers and the possibility of improving cooperation between the Entity training centres and international organisations. These Committee activities resulted in the relevant decisions rendered by the HJPC as described earlier.

In April 2009, there was a personnel change in the composition of the Standing Committee for Education. Specifically, the HJPC appointed new members of this Committee, composed of two prosecutors, three judges and two lawyers. This composition of the Committee will certainly give an adequate answer to various questions and challenges in the field of training of judges and prosecutors in Bosnia and Herzegovina.

7.2.6. Purchase of legal literature

By the end of July 2009, the major part of the project was implemented aimed at modernising and supplementing the library of judicial institutions. As pointed out in the last year's report of the HJPC, the European Commission, on the initiative of the HJPC, has provided funding for the procurement of legal literature for all courts and prosecutor's offices in Bosnia and Herzegovina, the HJPC and the Ministry of Justice of Bosnia and Herzegovina, in order for the holders of judicial office to have easier access to opinions of legal theory and practice and for the effective and quality performance of everyday tasks.

The literature include legal lexicons, publications from various legal areas, reviews of court practices, dictionaries and so forth.

7.3. Recommendations

- It is recommended to the Entity Judicial and Prosecutorial Training Centers and the Judicial Commission of Brcko District of BiH during 2010 to complete the implementation of measures and recommendations of the Mid-term Strategy for induction and continuous training in the period 2007-2010.
- It is necessary to ensure adequate funding for the operation of the JPTCs.

8. CHAPTER JUDICIAL DOCUMENTATION CENTER

8.1. Introduction

Since May 2008, Judicial Documentation Center (JDC) of the HJPC has been providing the access to legal information and relevant court practices to judges and prosecutors through the website www.pravosudje.ba/csd and local networks in the courts and prosecutor's offices.

It is established with the aim to contribute in solving the problem relating to the lack of harmonisation in Bosnia and Herzegovina, due to, *inter alia*, the application of new legal institutes of substantive and procedural laws, the JDC, during 2009, collected court decisions with the current legal opinions of the highest judicial instances in Bosnia and Herzegovina.

In addition to contributing to the harmonisation of , the JDC has an important role in the advanced training of judges and prosecutors and in the exchange of information within the legal community, including also the forum, which is established within the JDC website.

8.2. Activities and results achieved in 2009

8.2.1. Database of court decisions

The holders of judicial office have access to the interactive database of court decisions, which is of particular importance for newly appointed judges and prosecutors in BiH since the database provides the ability to monitor the , to expand professional knowledge and to better acquire legal skills.

In 2009, the JDC continued its cooperation with the courts which characteristic decisions are entered in the database of court decisions, specifically with the Court of Bosnia and Herzegovina, the Supreme Court and the Appellate Court of BiH Brcko District. The principle by which decisions were selected for the database remained unchanged, meaning that it is a discretion right of the presidents and judges of respective courts, who take into account the significance and relevance of decisions for the application of laws along with the selection of court decisions. In addition to these decisions, the database contains final decisions of the lower-instance courts and of the Constitutional Court of Bosnia and Herzegovina that are rendered within the same case.

During 2009, 2.655 court decisions were entered in the database, which is two times higher than the number of entered decisions in the previous year. Therefore, as at December 31, 2009, the total of 4.200 selected decisions were available to users.

This increase in the number of available court decisions in the JDC database is the result of successful cooperation with the Entity Supreme Courts, the Appellate Court of Brcko District of BiH and the Court of BiH.

Besides, court decisions database contains a certain number of legal opinions, which relate to specific decisions of the Supreme Court of the Federation. During 2010, the activity is expected to intensify, which should also include the improvement of the *search* option by keywords and applicable regulations.

In order to ensure that the content of the database and its technical characteristics are being improved onbased on the users' experience and suggestions, the JDC, during the second half of 2009, made the analyses of the web site visitors, the number and structure of users and the content that was most frequently searched.

The analyses showed that the web site of April 13 through December 25, 2009, was visited 16,857 times, of which 15,505 (91.98%) visits were from Bosnia and Herzegovina. Of these, 11,735 (69.61%) of visitors regularly visit the database contents, which indicates the relevance and importance thereof.

On the other hand, the analyses of the number of visits made to the court decisions database, which were made from mid-September to late December 2009, showed that a number of judicial office holders use the database in their everyday work, and it is necessary to continue activities aimed at public promoting of the database among users.

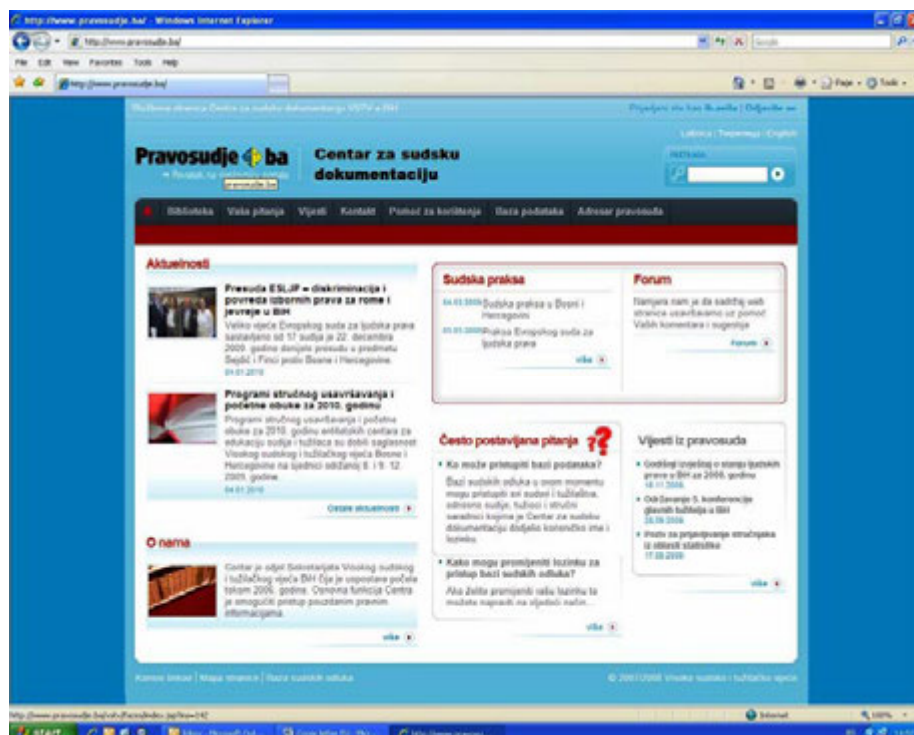


Photo 8.1 JDC web page: www.pravosudje.ba/csd

8.2.2. Cooperation with the users of the JDC services

At the end of 2009, the JDC organized visits to the judicial institutions in Mostar and Siroki Brijeg, which have been identified as institutions with the greatest number of individual users.

The users pointed out that the information on legal opinions of higher instance courts are extremely important to their work and professional development, and that the JDC web page and the court decisions database represent a novelty when it comes to providing information to judges and prosecutors. They consider the samples of court decisions and prosecutor's documents of particular importance. On the other hand, the need of judicial office holders to have, at any moment, the latest court decisions and including the larger number of legal areas than it was the case, is emphasized.

To ensure that the development of the JDC takes place according to the identified needs of the judiciary in BiH, it is planned that, during 2010, visits paid to the database users in courts and prosecutor's offices should be continued.

8.2.3. JDC web page

All information at the disposal of the JDC is available on the web site that can be accessed via the Internet and local networks in the courts and prosecutor's offices.

The JDC regularly updates information on the website, including:

- information on case law, for instance, information on the new decisions of the European Court for Human Rights and of countries in the region,
- various types of publications such as training modules, samples of court decisions and prosecutors' acts, expert papers, etc,
- the updates on the JDC activities.

8.2.4. Activities of the JDC Standing Committee of the HJPC

The JDC Standing Committee is acting within the HJPC, and, if necessary, discusses issues under the jurisdiction of the JDC and gives expert opinions and recommendations. The JDC Standing Committee is composed of a judge from the Supreme Court of the Federation, as a Chair, a prosecutor of the Republic Prosecutor's Office of Republika Srpska and a lawyer from the Bar Association of the Federation of BiH, who are the members of the HJPC. The work of the Committee is supported by two experts from the judicial community.

During 2009, the Committee considered the requirements of the database users coming from the judiciary, as well as issues with regard to the allocation of user's names and passwords to the JDC website visitors of various categories, which showed interest in accessing the court decisions database of the JDC.

In terms of plans to further develop the database, the Committee has concluded that the content of the database and decision searching parameters need to be improved.

8.2.5. Cooperation with institutions in the region

Under the establishment of cooperation with institutions that have similar competencies in the region, the delegation of the Judicial Documentation Center visited the Supreme Court of the Republic of Slovenia in early March 2009, in order to exchange experience and relevant information. On this occasion, the JDC delegation was informed on the operation of the Records Department of the Supreme Court of the Republic of Slovenia, which renders professional and technical support, provides information on case law, information on the European Union law, and so forth to the judicial office holders in Slovenia. It should be noted that Slovenia is the first of the former Yugoslavia's countries which became an EU member, and it is certainly of major importance for the further development of the JDC to be familiar with Slovenia's experience in relation to collecting and publishing of case law .

8.2.6. Other information

In 2009, the JDC continued the promotion of court decisions database within the judicial community and the provision of continuous technical assistance to the database users, for which the JDC staff, ICT staff working at the courts and prosecutor's offices and CMS trainers were engaged.

The JDC has intensified its cooperation with the Judicial and Prosecutorial Training Centers, in the manner that the JDC employees will train the trainers at the JPTCs aimed at training them to use the court decisions database as a basis for the preparation of training courses for judges and prosecutors. This will contribute to better informing the judicial community and facilitate the exchange of opinions on taken legal viewpoints in Bosnia and Herzegovina. That would contribute to achieving an interactive database, which, in addition to harmonising the case law in Bosnia and Herzegovina, is one of its primary purposes.

Also, the activity as to the project preparation of the legislative database has continued in cooperation with the official gazettes in BiH. The implementation of this project would provide judges and prosecutors with all necessary tools for effective everyday work through a simple use of the applications provided by the JDC, and a simplified search system of and current laws, amendments, and consolidated legal texts.

8.3. Recommendations

- The JDC advises the court decisions database to regularly inform the JDC staff regarding their observations while performing database search.
- The existing legal regulations for the official gazettes in BiH should be completed to ensure access to legislation via the Internet / WAN network.

9. CHAPTER COOPERATION OF PROSECUTOR'S OFFICES AND THE POLICE

9.1. Introduction

During 2009, the High Judicial and Prosecutorial Council of Bosnia and Herzegovina focused its activities, aimed at strengthening the capacity of prosecutor's offices, on the implementation of the project titled the "Establishment of better cooperation mechanisms between the police and prosecutor's offices in Bosnia and Herzegovina", which was approved in April 2008.

9.2. Activities and results achieved in 2009

9.2.1. „Establishing better cooperation mechanisms between the police and prosecutor's offices in Bosnia and Herzegovina“ Project

Funds for the implementation of the project were provided by the government of the United Kingdom, while the additional funds were allocated by the Kingdom of Norway and the European Union Police Mission to Bosnia and Herzegovina (EUPM).

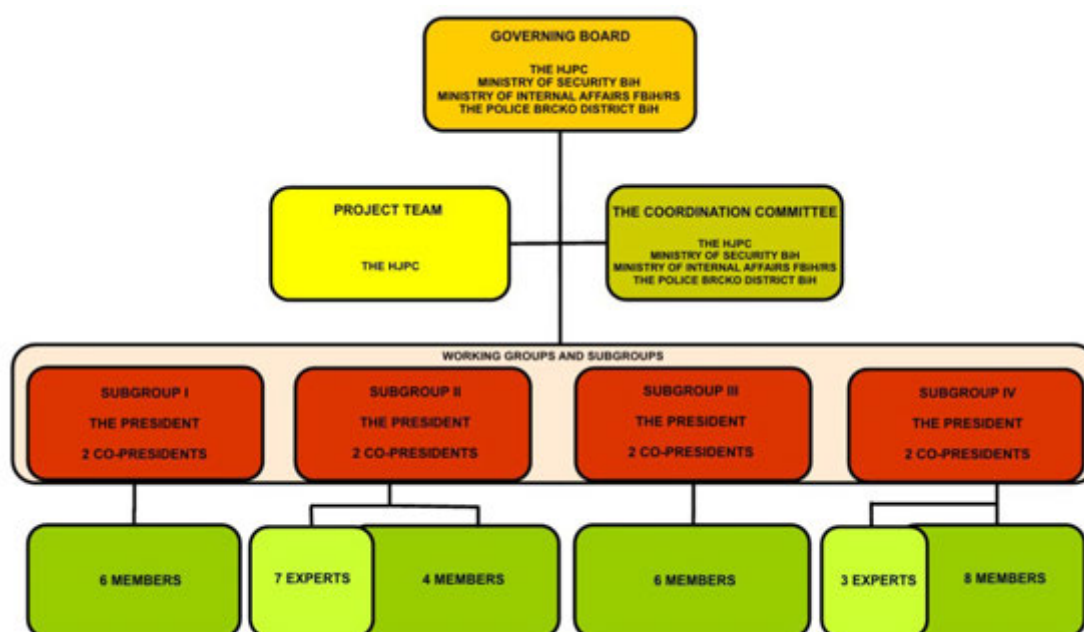
The project aims at improving the existing and adopting new mechanisms of cooperation between prosecutor's offices and the police, that would contribute to a more efficient combat against all types of crimes in Bosnia and Herzegovina and increase the effectiveness of prosecutor's offices in terms of improving their ability to prosecute criminal offenses.

The project included four components:

1. Development of uniform by-laws and harmonisation of the current by-laws,
2. Establishment of permanent joint training of prosecutors and the police,
3. Harmonisation of records and statistics,
4. Development of an analysis regarding the possibility to establish criminal and other records that could be accessed by the police and prosecutor's offices.

In addition to the Steering and Coordination Boards and the Working Group for coordination of all activities in the project, the project activities, in addition to the project team, were carried out by four subgroups tasked with the implementation of defined project objectives.

Establishment of better cooperation mechanisms between the police and prosecutor's offices in BiH



Picture 9.1: Organisational scheme of the Project

9.2.1.1. Development of missing bylaws and harmonisation of existing bylaws

The first subgroup was tasked to develop instructions on the procedure and cooperation of authorised officials (police officers) and prosecutors in carrying out actions aimed at obtaining evidence in the course of investigation and related forms.

Draft Guidelines was finalised in April 2009, and it regulates the following issues: the Guidelines subject, reporting of a criminal offense and notifying the police or prosecutors about it, the content of notification, the post-notification procedure, notification on discontinuance of investigation, cooperation in conducting an ordered investigation, information on conducting an investigation, examination of the suspect, examination of a witness, crime scene investigation, the search of computers and similar devices, reconstruction of events, expert evaluation, exhumation, surrender of a person deprived of liberty/the suspect to the prosecutor, notice on suspension of investigation and issuance of indictment, the preparation of an authorised official to testify, communication and planning, joint meetings, written communication between the authorised officials and prosecutors, public relations, special investigative actions, risks due to delays, information and actions upon the observed irregularities in the application of the Guidelines, compliance of the applicable bylaws with the Guidelines, application of a list of forms and application of the Guidelines.

The subgroups have produced 14 forms, that represent an integral part of the Guidelines, of which a part is made within the TCMS project:

1. notification of the police about the received written report,
2. police notification of the receipt of oral report,
3. official note on the oral notification of the police about the committed criminal offense,
4. official note on the oral notification of the prosecutor's office about the committed criminal offense and the necessity to carry out the investigation,
5. notification of the prosecutor's office regarding the received written report,
6. notification of the prosecutor's office regarding the received oral report,
7. notification of the injured party regarding the failure to conduct investigation,

8. order for conducting an investigation,
9. minutes on the questioning of the suspect,
10. minutes on the hearing of witnesses,
11. minutes on the crime scene investigation,
12. expert evaluation order by the court expert and expert evaluation order by professional institution or state body,
13. minutes of the surrender of a person deprived of liberty to a competent prosecutor,
14. notice to the injured party on suspension of investigation.

The Project Steering Board, at its fourth meeting, held on May 18, 2009, in Banja Luka, adopted two key documents:

- Decision on the adoption of the Guidelines on the conduct and cooperation of authorised officials and prosecutors in undertaking actions aimed at obtaining evidence in the course of investigation and related forms that represent an integral part of the Guidelines and
- Decision on the adoption of the Criminal Register.

The Guidelines and the Register has been applied to all prosecutors and law enforcement agencies in Bosnia and Herzegovina since June 1, 2009, based on the decisions made by the competent authorities. In November and December 2009, the project team collected certificates and orders / decisions of the Chief Prosecutors / ministers of Interior, enforcing the application of the Guidelines, as well as comments on its application. In general, positive experience as to the application of the Guidelines is confirmed.

9.2.1.2. Establishing continuous joint training of the police and prosecutors

The second subgroup was tasked to formalise cooperation in the area of continuous joint training of the police and prosecutors, to define topics for the induction joint training and to ensure the support to the signatories to the Agreement on the implementation of joint training.

During the implementation of the project a formal cooperation between the Judicial and Prosecutorial Training Centers (JPTCs) and institutions involved in training of the police was established, as well as a working body for the implementation of the Agreement on cooperation in conducting continuous joint training of the police and prosecutors, composed of the signatories of the Agreement, which performs the majority of activities in relation to the establishment of the continuous joint training of the police and prosecutors.

On the proposal of the Working Body, the curriculum was adopted, while the members of the Working Body incorporated planned seminars / training courses into their annual curriculum. Three training courses for trainers and six training courses for police officers and prosecutors were organised and conducted. A coordinator for the module was appointed and working groups were established to produce three modules on the following topics:

- The investigation procedure as the ratio of the criminal-procedural actions of prosecutors and the police (Module 1),
- Practice and criteria in terms of the existence of risks due to delays in the process of undertaking actions aimed at obtaining evidence (Module 2),
- Undertaking actions aimed at obtaining evidence in an investigation under the supervision of the prosecutor and the legality of evidence obtained (Module 3).

All three modules of the projects were presented at the *Presentation of modules*, held on 21 and 22 December, 2009, in Sarajevo. The participants of the Presentation stressed the importance of the presented modules from the standpoint of their everyday use and the need to develop new training modules in the field of criminal investigation.

As a final activity within the project, a conference titled "Better cooperation between the police and prosecutor's offices" which will be held in March 2010, is planned, as a joint activity of the JPTCs and the Judicial Commission of Brcko District. During the conference, all phases of criminal proceedings will be considered, and modules developed under the project will be used as part of educational activities.

9.2.1.3. Harmonisation of records and statistics

The task of the third subgroup was to develop and, if necessary, to review a set consisting of 21 police forms and a Criminal Register of uniform content (CR), which could contribute to better cooperation between the police and prosecutors during criminal investigations.

The police forms, all 20 of them, have been harmonised and adopted during the implementation of the project, including the Official Report on the committed criminal offense and the layout and content of Criminal Register (CR).

The police forms³⁸, adopted at the end of 2008, came into force on 1 January 2009, in all police agencies in BiH. A single form of the Criminal Register has also been adopted (CR).

9.2.1.4. Development of a feasibility study for the introduction of access by the police and prosecutor's offices to criminal and other records

The task of the fourth subgroup was to channel the work, secure relevant information and monitor the work of experts engaged in the development of the feasibility study for the establishment of criminal and other records, which could be accessed by prosecutors and the police in Bosnia and Herzegovina.

The feasibility study with a review/analysis of the current legal, institutional, organisational and technical potential of Bosnia and Herzegovina to enable fast access to criminal and other records for the needs of the police and prosecutors was finalised on March 31, 2009, and adopted by the subgroup and the Project Steering Board.

The study defined proposals and measures necessary to legally regulate the keeping of criminal and other records and prompt access to records by all police agencies and prosecutor's offices in Bosnia and Herzegovina, proposals and measures necessary to improve the institutional and functional capacities in keeping criminal and other records and prompt access to records by police agencies and prosecutors in Bosnia and Herzegovina, as well as proposals and technical capabilities of linking and exchanging information from the criminal and other records and measures necessary for the implementation of these proposals.

The adoption and implementation of an adequate model for the exchange of information from the police registers nationwide is one of the obligations under the Roadmap for the liberalisation of visa free regime. In February 2009, the Council of Ministers of Bosnia and Herzegovina made a Decision on the establishment of the interdepartmental working group, which was tasked to prepare proposals for adequate and functional model of the exchange of information from police records in Bosnia and Herzegovina. The study was, as an initial document, delivered to the relevant working group after it is adopted by the Project Steering Committee.

38 Report on the made search of persons without a warrant, a receipt on the return of temporarily seized property, an official notice on the receipt of oral report communicated by telephone, minutes on the discharge of a person deprived of liberty, minutes on search, search warrant (for premises, persons, objects), summons to examine witnesses, petition for issuing expert evaluation order, search of persons, minutes on the discharge of a person deprived of liberty to other organisational unit, police or other institution, minutes on the questioning of the suspect, minutes on handing over a person deprived of liberty to the competent prosecutor, minutes on the receipt of oral report, a receipt on the temporarily seizure of objects, motion for issuance of order to determine special investigative actions under Article 116 of the Criminal Procedure Code of BiH, minutes on the deprivation of liberty, minutes on the identification of persons-objects, minutes on hearing witnesses and report on a committed criminal offense.

9.2.2. Fifth conference titled the „Cooperation of the police and prosecutor's offices“



Illustration 9.2. Fifth Conference on cooperation of the police and prosecutors

The Fifth Conference on cooperation of police and prosecutors, held on June 8, 2009, in Banja Luka, attended by the members of the Project Steering Board, the high-ranked officials of prosecutor's offices, police agencies and the international community in Bosnia and Herzegovina, that deal with the issues of judiciary and security, as well as representatives of the diplomatic corps in Bosnia and Herzegovina.

The results of the work of subgroups were presented at the conference, which are recognized as very important for solving key issues related to improving the rule of law.

The project was reviewed at the conference as very important in light of the efforts of Bosnia and Herzegovina to meet their obligations under the Stabilisation and Association Agreement of Bosnia and Herzegovina with the European Union and was recognized as a successful example of cooperation at all levels, from political and strategic to operational.

9.3. Recommendations

- It is necessary to continue the activities initiated under this project, especially activities aimed at drafting the missing bylaws, implementing the feasibility studies, monitoring the implementation of adopted laws and forms and reviewing them, as well as conducting specialized trainings.

10. CHAPTER RECONSTRUCTION OF COURT BUILDINGS

10.1. Introduction

Most courthouses in Bosnia and Herzegovina (BiH) are not in compliance with basic European standards regarding security for judges and staff, the number and functionality of courtrooms, witness protection, rooms for lawyers and their clients, access for disabled persons, registries and archives.

One of the main problems is the lack of courtrooms. Many courts, regardless of the number of judges, have only one courtroom available. Thus, judges are forced to conduct almost all court hearings in their small offices, which is obviously unsatisfactory.

In the course of 2003/2004, the United States Government provided 1 million USD for the upgrading of courts and prosecutors' offices across BiH. This donation significantly improved the situation in a number of places but was not sufficient to meet all needs. Following the finalization of the initial renovations, the United States Government therefore funded a comprehensive technical and functional assessment of all courthouses in BiH. This assessment concluded that approximately 15 million Euros would be needed to upgrade all courthouses to a satisfactory standard. The assessment includes detailed drawings and technical specifications for the reconstruction of each courthouse in the country and can be used to initiate tenders for necessary works. The High Judicial and Prosecutorial Council (HJPC) is the owner of this documentation.

The HJPC has concluded that the judiciary in BiH cannot function efficiently and effectively and in compliance with European standards unless basic physical requirements are met. Reconstruction of courthouses in BiH is therefore listed as a priority in the Strategic Plan of the HJPC for 2007 – 2012. Reconstruction of court buildings is also mentioned in the newly-adopted National Justice Sector Strategy for BiH.

The HJPC is of the opinion that previous dynamics may not timely ensure improvement of physical conditions in courts and prosecutor's offices up to the satisfactory level and that poor conditions would further affect the effectiveness of the judiciary, thus undermining the authority of the judiciary in the public eye.

The HJPC has therefore called for urgent action and believes that a joint effort should be initiated by the HJPC, the Ministry of Justice of Bosnia and Herzegovina, the Ministry of Justice in Republika Srpska and the Ministry of Justice in the Federation of Bosnia and Herzegovina. The objective of this initiative would be to secure sufficient funds for the implementation of a National Plan for upgrading all judicial premises in BiH. Funds for this endeavor should be secured through a combination of loans from relevant international agencies – such as the World Bank or the European Bank for Reconstruction – and funds provided through the accession assistance (IPA) of the European Commission as well as funds provided by bi-lateral donors and local governments.

10.2. Activities and results achieved in 2009

10.2.1. Reconstruction of the Palace of Justice in Sarajevo

In addition to East Sarajevo District Court, the HJPC decided to prioritise the renovation of the Sarajevo Palace of Justice where the Sarajevo Cantonal and Municipal Courts are located. The primary reasons for this prioritisation were:

- The Sarajevo Palace of Justice was extremely dysfunctional as no major changes to the interior had taken place since the building was completed in 1918. The building itself had simply not been adapted to the new requirements of modern times and its physical layout no longer facilitated efficient operation of the two courts.
- Parts of the building structure, and in particular the technical infrastructure in it, were in an extremely bad condition which in turn lead to unsatisfactory and dangerous working conditions for judges and staff. The fire security system was in particularly poor shape.
- There was an acute lack of space while at the same time there existed a potential for creating significant additional space for offices and other functions in the attic of the building.
- The two courts in the building are the two largest first and second instance courts in BiH and the total number of cases annually processed in these two courts represents 17% of the total number of incoming cases of all first and second instance courts in the country.

It was therefore clear that a successful reconstruction and business reorganisation in this court building could have a significant impact on the overall efficiency of the judiciary in BiH. Aware of the enormity and complexity of the problems with the court building, the HJPC realised that it would not be possible to secure the necessary funds for a reconstruction project from the Sarajevo Canton alone. The HJPC therefore contacted both international donors and the Sarajevo Canton with requests for funding. The HJPC was successful in this effort and the reconstruction of the Sarajevo Palace of Justice now serves as an excellent example of what can be achieved through the leadership of the HJPC combined with an understanding of the basic needs of the judiciary by key international donors as well as active involvement and participation of the local authorities.







The reconstruction of the Palace of Justice commenced in December 2007, and it was completed in December 2009. The opening ceremony to mark the completion of the project is scheduled to take place on January 22, 2010.

Main project achievements are as follows:

- The number of courtrooms was increased from 3 to 15.
- Numerous registries located at different places in the building were consolidated into two registries on the ground floor (one per each court), significantly reducing unnecessary traffic in the building.
- By lifting the roof on the central and north wing of the building a total of 1.240 sq.m. of extra space was gained.
- Offices for judges and other court employees, a library and a staff cafeteria were established in the newly constructed space in the attic.
- A new common conference room was established on the first floor that is going to be used by both courts.
- The new, modern archive was established in the basement of the building, that would be used by both courts.
- The fire security system was upgraded by installing fire-resistant doors and flooring.
- All offices, except those on the third floor were totally renovated.
- By installing a lift for handicapped persons the access to court premises was upgraded.
- Outdated infrastructure (sewerage, electrical and IT installations, heating etc.) was replaced and upgraded.
- The main hall and entrance, of historical relevance, were brought back to their original state and adapted in line with the modern standards.

Without financial support of donors it would have been impossible to implement such a demanding project. The European Union (EU), Norway, Sweden and the Sarajevo Canton allocated a total of 4.2 million Euros for its implementation, as follows:

Table 10.1: Financing of the reconstruction of the Sarajevo Palace of Justice

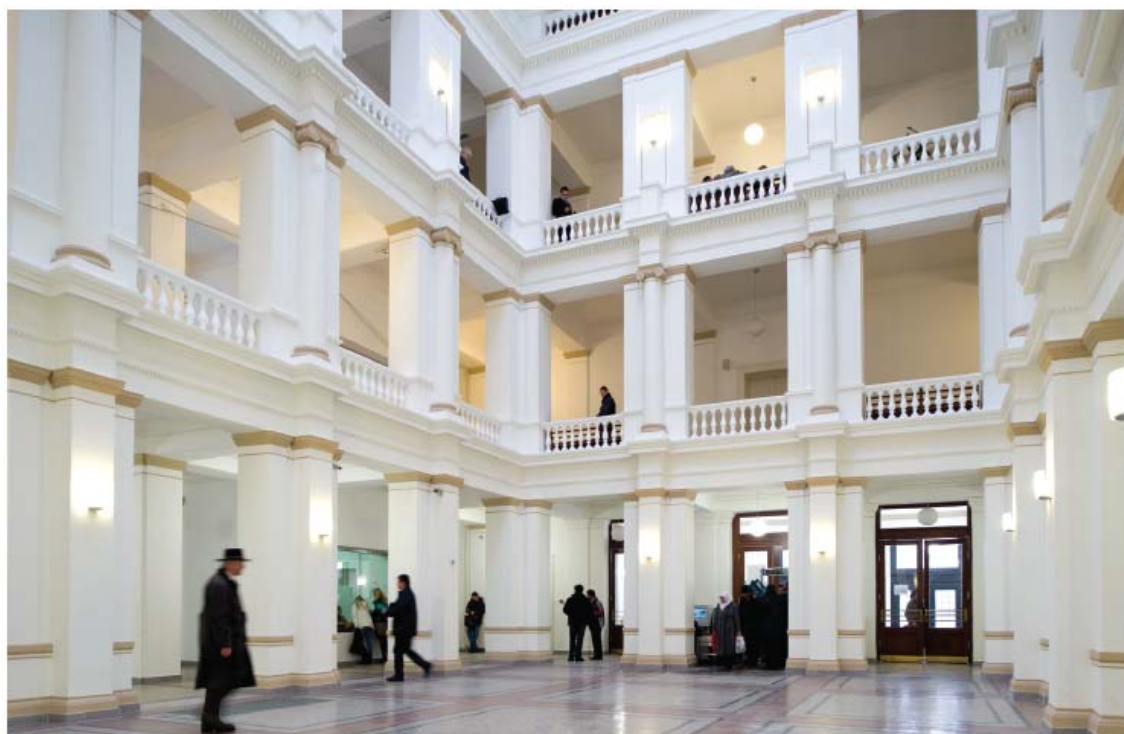
Source of financing		Invested funds
	European Union	2,073,173 Euros
	Norway	1,014,155 Euros
 	Sarajevo Canton	818,066 Euros
 	Sweden (Sida)	300,000 Euros
Total		4,205,394 Euros



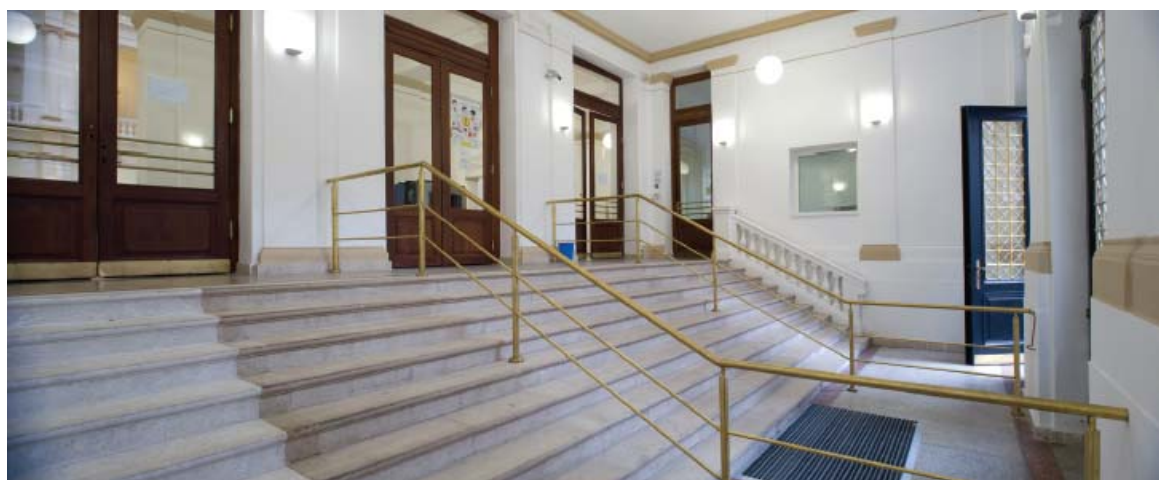
Picture 10.1 Renovated courtroom



Picture 10.2 Renovated registry



Picture 10.3 Renovated hall of the Sarajevo Palace of Justice



Picture 10.4 Reconstructed entrance stairs



Slika 10.5 By lifting the roof on the north wing of the building 12 new offices were built



Picture 10.6 New offices



Picture 10.7 By lifting the roof the staff cafeteria could be built

11. CHAPTER PROCESSING OF WAR CRIME CASES IN BOSNIA AND HERZEGOVINA

11.1. Introduction

In accordance with the Criminal Procedure Code in Bosnia and Herzegovina, the Court of Bosnia and Herzegovina and the Prosecutor's Office of Bosnia and Herzegovina have exclusive jurisdiction for conducting criminal proceedings over war crime cases reported after 1 March, 2003. The cases under Rule 11bis, for which the International Criminal Tribunal for the former Yugoslavia (hereinafter the ICTY) has confirmed earlier charges, are also being processed before the Court of BiH and the Prosecutor's Office BiH, cases under the category "2" for which the ICTY Prosecutor's Office has not completed the investigation, cases sent by the ICTY Prosecutor's Office to the Cantonal/District Prosecutor's Offices and other investigative authorities according to the "Rules of the Road"³⁹. The ICTY 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, especially testimonies of protected witnesses, delivering analytical reports and in the procedures in relation to the confirmation of facts established before the ICTY chambers.

Cantonal and District Courts including the Prosecutor's Offices in the Federation BiH and Republika Srpska, Prosecutor's Office and Basic Court of Brcko District of Bosnia and Herzegovina, have first instance jurisdiction for processing cases with confirmed indictments or that came into force prior to the applicable criminal legislation at BiH level came into force on 1 March, 2003. The following courts have jurisdiction over appeals against decisions rendered by the courts in terms of the aforesaid group of war crime cases: The FBiH Supreme Court, RS Supreme Court and the BDBiH Appellate Court.

In addition, at the end of 2009, the Criminal Procedure Code was amended, specifying conditions and procedures for the transfer of conduct of the proceedings for criminal offenses under Article 171 through 183 of the Criminal Procedure Code of Bosnia and Herzegovina from the Court of BiH to another court.

11.2. Activities and achievements in 2009

In 2009, courts and prosecutor's offices in Bosnia and Herzegovina intensified work on the processing of war crimes cases. Also, the competent judicial and executive authorities and law enforcement agencies have started implementing the measures envisaged by the National Strategy for processing of war crimes (hereinafter: the Strategy).

11.2.1. Data on the processing of war crime cases

Statistics presented below gives an overview of the achieved results on the processing of war crimes cases by certain stages of criminal proceedings (received reports, initiated investigations, issued indictments and pronounced verdicts) for 2009.

- Received reports on war crimes

In 2009, 123 reports were received against 458 persons.

³⁹ These are procedures carried out by the ICTY Rules of the Road, that included a review of cases in which the BiH institutions conducted investigations, which were then delivered to the Unit for the Rules of the Road for its opinion, and based on which it was found out whether the BiH institutions collected enough evidence that there were grounds for suspicion in order a person could be detained. In the course of 2004, the procedures were no longer applied, after the BiH judicial institutions, headed by the Prosecutor's Office of BiH, took over to carry out the aforesaid proceedings and when the ICTY Unit for the Rules of the Road ceased to exist.

- Conducted investigations in war crimes cases
In 2009, the Prosecutor's Office of Bosnia and Herzegovina conducted 50 investigations against 144 persons.
- Issuance of war crimes indictments
In 2009, the number of issued indictments, by cases, reached 35 and by persons, 74.
- Verdicts pronounced in war crimes cases
In 2009, a total of 46 verdicts were pronounced.

11.2.2. Implementation of the War Crimes National Strategy

The National Strategy for processing of war crimes cases was adopted by the Council of Ministers of Bosnia and Herzegovina on December 29, 2008. The Strategy was adopted aimed at providing a systematic approach to the issue of resolving a large number of war crimes cases with special emphasis on legal and institutional solutions, that are focused on creating preconditions for processing war crimes cases within reasonable deadlines, increasing efficiency of criminal proceedings, harmonizing court practice, strengthening the capacities of the police and judiciary, achieving effective cooperation with judicial institutions on regional level, as well as providing protection and support to victims and witnesses in the war crimes proceedings. In drafting the Strategy, the Ministry of Justice of Bosnia and Herzegovina, Prosecutor's Office of Bosnia and Herzegovina and High Judicial and Prosecutorial Council of Bosnia and Herzegovina have also given significant contribution.

In line with the implementation of measures from the Strategy, the Council of Ministers rendered a Decision on the establishment of a Supervisory body on March 19, 2009, that would monitor the implementation of the Strategy (hereinafter the: Supervisory body). The Supervisory Body is composed of the representatives of the aforesaid ministries of justice, ministries of finance and treasury of BiH, Federation, Republika Srpska and the relevant institutions of Brcko District of BiH as well as the HJPC. Mr Milorad Novkovic, President of the HJPC, is the Chair of the Supervisory Body. This body is tasked to monitor and direct the work of all institutions responsible for implementation of measures envisaged in the Strategy. In 200, the Supervisory body held seven meetings, based on which the appropriate report was made and which pointed out that, in addition to considering the continuous difficulties in implementing the Strategy, it insisted that the relevant courts and prosecutor's offices provide accurate and complete information on the total number of unresolved war crimes cases, in order to form a single database on these cases.

In connection with the previous implementation of the Strategy, the Supervisory body has adopted the following conclusions:

1. Processing of war crimes cases is not given sufficient attention and the set deadlines from the Strategy are not observed.
2. The unique database on the number of reported cases and persons for war crimes does not yet exist. Its creation is a prerequisite for the Supervisory body to examine the situation and undertake further measures to implement the Strategy, particularly in terms of case management, harmonisation of court practice, regional cooperation, protection and support to victims and witnesses.
3. The cooperation between the Prosecutor's Office of BiH and other prosecutor's offices in BiH should be upgraded in terms of the issue of implementing the Strategy.
4. It is necessary that all involved in the realisation of the measures from the Strategy regularly report to the Supervisory body on the actions taken, at least once a month.

11.2.3. Activities of High Judicial and Prosecutorial Council of Bosnia and Herzegovina on the implementation of the National Strategy for the processing of war crimes cases

In addition to the coordination of the work of the Supervisory body in 2009, by the President of the HJPC, the HJPC in the same period of time conducted several other activities with the aim of providing support to the implementation of the Strategy.

At the Fifth Conference of chief prosecutors in Bosnia and Herzegovina, held in Trebinje on October 1 and 2, 2009, that was organised by the HJPC, the activities concerning the implementation of the Strategy were discussed under a special topics. Therefore, it was concluded that a working meeting of chief prosecutors in Bosnia and Herzegovina should be convened in order to raise all issues relevant to the implementation of the Strategy.

The working meeting was held in Teslic on November 23 and 24, 2009, at which several conclusions were reached specifically tasking the prosecutor's offices to speed up the implementation of the Strategy.

The following conclusions were reached:

1. In terms of the implementation of the National Strategy for processing of war crimes cases, the Prosecutor's Office of BiH, Entity prosecutor's offices and the Prosecutor's Office of Brcko District of BiH are required to update information on the unresolved war crimes cases in order a unique database of all war crimes cases at the level of Bosnia and Herzegovina could be established.
2. By additional efforts of the BiH Prosecutor's Office, to speed up the review process of war crimes cases with the aim of assessing the complexity of the cases, and consequently, to render a decision on the processing of specific cases before the Prosecutor's Office of BiH and the Court of BiH or before the Entity courts and prosecutors' offices and Prosecutor's Office of Brcko District. It is essential that the decision of the Prosecutor's Office of BiH contains the degree of complexity of the case.
3. The processing of war crimes cases must have priority over all other types of cases in the prosecutor's office. Depending on the volume, complexity and number of war crimes cases, special departments should be established with a corresponding number of prosecutors who would exclusively deal with processing of these cases. All the prosecutor's offices in Bosnia and Herzegovina are obliged to develop a plan for resolving war crimes cases and deliver them to the HJPC.
4. Undertake activities in terms of improving cooperation between prosecutors and Ministries of Interior and other police agencies, establishing professional investigative teams or departments that will provide support to prosecutors in dealing with war crimes cases.
5. In order to achieve objectives set out in the National Strategy for processing of war crimes cases within the set deadlines, it is necessary to encourage the Ministry of Justice and the BiH Council of Ministers in order to provide additional financial resources.

The HJPC has continued the activities regarding the establishment of a database of open war crimes cases and, in cooperation with the Embassy of the Kingdom of Norway, on ensuring donor funds required for the continuation of activities in 2010. Thanks to these efforts, during 2009, all data from the BiH Prosecutor's Office that are relevant to the database, were compiled. District and cantonal prosecutor's office are required to submit data to the State Prosecutor's Office that will be entered into the database, as a next project phase.

The analysis of the financial aspects of the implementation of the Strategy is ongoing and the results of this analysis will largely depend on indicators of the previous implementation of measures set out in the Strategy.

11.3. Recommendations

National Strategy for processing of war crimes cases specifies strategic measures, responsible institutions and the deadlines for their implementation. Having implemented strategic measures, preconditions for the more efficient performance of relevant courts and prosecutor's offices in dealing with these important cases, shall be provided. It is particularly important for the prosecutor's offices to promptly fulfill their obligation and deliver complete and accurate data on war crimes cases in order the unique database of unresolved war crimes cases in BiH Prosecutor's Office, could be completed.

12. CHAPTER INTERNATIONAL AND REGIONAL COOPERATION

12.1. Introduction

During 2009, the HJPC continued its successful cooperation with partners at regional and international level. As a result of the activities, a number of meetings with the representatives of the European Commission, Great Britain, the Kingdom of Norway, the Kingdom of Sweden, the Republic of Turkey and Switzerland were organised, as well as many study trips. Also, the plans and results of Judicial Reform Project (JRP), the Justice Sector Development Project (JSDP), Cooperation Project with the Swedish National Court Administration (SNCA), a project of converting into digital format and the electronic processing of pending utility cases (KODIFEL), as well as the projects of OESS and United Nations Development Programme (UNDP) in the field of judiciary have been considered at the Council meetings.

The major part of cooperation of the HJPC and international partners relates to the computerisation of the judiciary and improvement of enforcement procedure.

12.2. Cooperation project of the HJPC and the Ministry of Justice of the Republic of Turkey

Introduction

The cooperation project of the HJPC and the Ministry of Justice of the Republic of Turkey began in February 2009, and will last 12 months. The project is funded by the Turkish Agency for International Development and Cooperation (TIKA). The project aims to exchange experience in the field of computerisation of the judiciary, namely the establishment of electronic judiciary. The project is being realized within the framework of mutual work and study visits of the HJPC representatives and the Ministry of Justice of the Republic of Turkey.

The Republic of Turkey has earlier started the process of computerisation of the judiciary, in all segments, including hardware, software, communications, human resources development, organisation and financing system, whereby they achieved remarkable results. The UYAP - State Judicial Information System of the Republic of Turkey, developed by the Ministry of Justice of the Republic of Turkey, is one of the most advanced system of its kind in the world. This system became fully functional in 2008, linking the courts and prosecutors' offices throughout Turkey with the relevant national registers and records, such as land registries, the police, records of citizens, hospitals, banks, pharmacies, etc. The total number of cases, which are entered in the system amounts to over 20 million, while the total number of the UYAP users is over 40,000.

Given the above, the HJPC has recognised an opportunity for exchanging experiences between the Turkish engineers, who developed the UYAP, and experts in the ICT Department, employed with the HJPC.

Activities and results achieved in 2009

Project cooperation between the HJPC and the TIKA includes providing of technical assistance and exchange of experience in the following areas of computerisation of the judiciary:

1. management of electronic judiciary projects,
2. maintenance of servers and associated equipment,
3. maintenance of data transmission networks,

4. electronic submission of documents,
5. introduction and use of digital signatures,
6. Internet technology and remote access to databases,
7. scanning and management of documents,
8. SMS notification system,
9. audio and video recording and their integration into the CMS system,
10. Internet portals for citizens and lawyers,
11. system security issues,
12. distance learning,
13. legal issues and challenges of introducing e-judiciary.

Three visits of the Turkish delegation to the HJPC and three visits of the HJPC delegation to the Ministry of Justice of the Republic of Turkey have been organised.

The cooperation project of the HJPC and the TIKa resulted in significant advances in the development of judicial information system in BiH. A module that allows the scanning of incoming documents in judicial and prosecutorial cases, and their centralised storage. The application of this CMS functionality will begin in 2010. In addition, thanks to the suggestions of engineers employed in the Ministry of Justice of the Republic of Turkey, certain security threats to the judicial information system in BiH were removed.

Given the specific results and valuable experiences gained during the realisation of the project, the HJPC will propose to the Ministry of Justice of the Republic of Turkey and Turkish Agency for international development and cooperation to continue the current or to initiate a new similar project.

12.3. „Regional cooperation in support of an independent and efficient judiciary in Montenegro” Project

Introduction

Implementation of the project titled the "Regional cooperation in support of an independent and efficient judiciary in Montenegro," is based on regional cooperation with Bosnia and Herzegovina. The project started in January 2008, and is financed by the Government of the Kingdom of Norway. The overall project goal is to promote cooperation between the judiciary of Bosnia and Herzegovina, Montenegro, and especially the exchange of positive experiences of the HJPC in relation to the establishment of the Council and the Secretariat, that are properly functioning, and in relation to the implementation of a comprehensive minor offense reform. Originally, the deadline for the completion of the project was July 2009, that was subsequently extended to April 2010. The International Management Group (IMG) is an implementing partner in Podgorica that provides administrative, logistical and financial assistance and support.

During the project implementation, the Government of Norway has adopted a proposal for a new three-year project, which aims to strengthen the judiciary in Montenegro. The project began in September 2009. Memorandum of Understanding for the implementation of the project was signed in September 2009 in Montenegro by: the President of the HJPC, the President of the Judicial Council of Montenegro, the Minister of Justice of Montenegro and the General Manager of the IMG.

The project relies on successful regional cooperation of the judiciary of Bosnia and Herzegovina and Montenegro, and introduces a new component, that is, information and communication technology (ICT), in the courts. This aspect of judicial reform is one of three

key recommendations to support the project, listed in the assessment of the situation in the judiciary of Montenegro, which the HJPC experts with the assistance of the Government of Norway conducted in 2007.

Achieved cooperation between Montenegro and Bosnia and Herzegovina in the field of judiciary, as well as concrete and practical results arising from the implementation of this joint project, has proved that future assistance should be structured in a similar manner. Cooperation between Montenegro and Bosnia and Herzegovina, contribute to a better understanding of the problems faced by these two countries in the process of taking steps to improve the independence and efficiency of their respective judicial systems.

Activities and results achieved in 2009

12.3.1. Support to the Ministry of Justice of Montenegro

In the past few years, the Ministry of Justice of Montenegro invested considerable efforts in taking actions to reform the minor offense system in line with European standards, but the real progress in this area was stopped due to other priorities. The project, funded by the government of the Kingdom of Norway, succeeded in halting that trend, and thanks to Norway, concrete results were achieved determining the course of Montenegro to the real and sustainable minor offense reform.

Concrete results of the project, relating to the minor offense reform, encompassed the "Strategies for the reform of minor offense system in Montenegro", adopted by the Government in December 2008. The strategy provides a clear and comprehensive plan with recommendations for the minor offense reform in order to be effective, rational and in conformity with the decisions of the European Court of Human Rights. An Action Plan for the implementation of the Strategy for the minor offense reform was also developed. The Action Plan sets concrete tasks to be undertaken in relation to the recommendations of the Strategy. Furthermore, assisted by experts from Bosnia and Herzegovina, a new procedural law on minor offense was drafted, which was presented at the Roundtable, held in December 2009. The adoption of the Law by the Parliament of Montenegro is expected in the coming months.

Assisted by experts from BiH, an analysis of rationalising the court network was developed and adopted by the government of Montenegro in December 2009. This analysis serves as the basis for future reorganisation of the court network in Montenegro, and will include minor offense bodies and define their future status.

The HJPC experts drafted a report on the feasibility of establishing the Register of Fines in Montenegro with recommendations on further activities, which was presented to partners in Montenegro. Implementation of electronic system for passive enforcement of collection of minor offense fines is a key element of the minor offense reform. Project activities are ongoing.

12.3.2. Support to the Judicial Council of Montenegro

Development of a five-year Action Plan of the Judicial Council, adopted in November 2009, within the project of support to the Judicial Council of Montenegro, is one of the concrete results achieved in 2009. The results also include organisation of workshops on specific topics that are within the competence of judicial councils, as well as procurement of equipment and furniture for the Judicial Council, which enables a smooth start of operations.

Several study visits paid to the HJPC and courts in Bosnia and Herzegovina enabled the experts from Montenegro to be directly informed on the results of reforms, which, in the past years transformed the judiciary in Bosnia and Herzegovina.

Study visits to the HJPC were crucial in establishing direct communication between the members of the HJPC and Judicial Council and their respective Secretariats, which resulted in better cooperation and mutual understanding. A very good cooperation was established with the Office of the Disciplinary Counsel, followed by a series of study visits and meetings organised in Podgorica and in Sarajevo, where specific issues related to free access to information, processing of individual complaints submitted to the Judicial Council, criteria for determining disciplinary measures and removal of judges from office, etc, were discussed. During the study visit, organised in November 2009, the staff of the Montenegro Judicial Council Secretariat, *inter alia*, had the opportunity to be directly informed on the operation and use of electronic database for individual complaints, that has been used by the Office of the Disciplinary Counsel.

A two-day Conference titled "Regional Cooperation - Strengthening the independence and efficiency of the judiciary", was held in June 2009, in Montenegro. The Conference was attended by the representatives of the HJPC and the Judicial Council of Montenegro, as well as other representatives from Bosnia and Herzegovina and Montenegro. The Conference objective was to exchange experience and knowledge in their efforts to establish an independent and efficient judiciary both in Montenegro and Bosnia and Herzegovina. During the Conference it was agreed to arrange another roundtable, where they would consider more specific issues within the competences of the Councils.

The workshop titled the "Criteria for appointing and removing judges from office", was organised in December 2009, at Jahorina. The representatives of the HJPC, by the analysis of the existing procedures and determining the areas of potential improvements, as the host of the workshop, facilitated the exchange of knowledge and experience in the field of appointment and removal of judges from office.

Members of the HJPC and Judicial Council of Montenegro visited the Kingdom of Norway in September 2009, and this study visit was organised by the IMG under the project. During its stay, the delegation visited the Supreme Court of the Kingdom of Norway, with its headquarters in Oslo, the Appellate Court - Borgarting in Oslo, Institute for Information and search of court decisions and cases - Lovdata and the National Court Administration in Trondheim. On this occasion, the Norwegian partners presented the work of the institutions and the problems encountered as well as experiences as to the overcoming of problems, that is followed by an open discussion involving members of the delegation. President of the HJPC, Mr Milorad Novkovic, and President of the Judicial Council of Montenegro, Ms Vesna Medenica, visited the Ministry of Foreign Affairs of the Kingdom of Norway. During the talks, representatives of the Ministry expressed their full support for regional cooperation and willingness to support future projects. The HJPC delegation assessed this visit as a very successful and useful, since new information and knowledge about the organisation and functioning of judicial institutions in the Kingdom of Norway were gained.

12.3.3. Development of the ICT Strategy for the judiciary in Montenegro

A key outcome of the initial phase of the project titled "Strengthening of the judiciary in Montenegro" is the development of the ICT strategy for the judiciary. The Strategy will, in detail, define the activities of the project. Two IT experts from the HJPC were hired to visit Podgorica in October 2009, and who, based on a series of meetings with the representatives of relevant institutions made an assessment of information system in the judiciary of Montenegro. The ICT Strategy is essential with regard to ensuring the efficiency of investments and activities in the sector, as well as with regard to animating international donors and governments, and ensuring the necessary financial resources.

In order to provide information on local level and the ownership of the ICT Strategy, a Working Group comprised of the representatives from the Ministry of Justice of Montenegro, Judicial Council of Montenegro and the courts was established in November 2009. The project engaged international consultants to assist in drafting the ICT Strategy. When it comes to the activity, the project cooperates with the Court Administration of the Kingdom of Norway and the High Judicial and Prosecutorial Council of Bosnia and Herzegovina. It is expected that the Strategy will have been completed by the end of March 2010.

12.4. Project titled „Strengthening the capacities of prosecutor's offices in criminal-justice system of Bosnia and Herzegovina “

Swiss Agency for international cooperation, in its development program for Bosnia and Herzegovina, defines the support of the judiciary as one of the priorities, where the HJPC is selected as a partner institution in the implementation of the project.

The idea for this project resulted from the conclusions adopted at the conferences of the chief prosecutors in Bosnia and Herzegovina, as well as the conclusions of numerous meetings between the representatives of the HJPC and chief prosecutors. On the basis of these conclusions, the HJPC in June 2009, prepared a project proposal with proposed measures and activities that would enhance prosecutorial system in BiH.

The draft project was submitted to the representatives of Swiss Agency for international cooperation, who were on a study visit to Bosnia and Herzegovina from August 10 through 14, 2009. The delegation of the Swiss Agency for international cooperation was composed of PhD, Erika Schläppi, mission leader and consultant in the field of judiciary, Mr Ueli Arbenz, Chief Prosecutor of the Zurich Canton, Mr Armin Frauenfelder, representative of the Zurich Cantonal Police, and Ms Emina Pasic, consultant to the Swiss Agency for international cooperation in BiH.

During the event, the HJPC organised a series of meetings with the representatives of prosecutor's offices, police, bar associations, journalists, judicial and prosecutorial training centers, NGOs, the Dean of the Law Faculty of Sarajevo and the Chairman of the Constitutional and Legal Commission of the House of Representatives of the Parliamentary Assembly of BiH.

Knowledge gained by the Swiss partners in the course of the study visits largely confirmed the priorities that were previously identified by the HJPC. The first version of the project proposal was based on these priorities and submitted by the representatives of Swiss Agency for international cooperation to the HJPC at the end of September 2009.

In November 2009, a one-day workshop followed at which, representatives of the HJPC and of the Swiss Agency for International Cooperation analysed the submitted project proposal and agreed on guidelines for its refinement.

In December 2009, and in accordance with the conclusions adopted during the workshop, the representatives of the HJPC and of the Swiss Agency for international cooperation, began to finalise the project fische. At the same time, three topics were identified that would be included in the project:

1. Working methods and upgrading the competences of prosecutors and prosecutor's offices,
2. Cooperation of prosecutor's offices and the police,
3. Informing about the work of prosecutors and their role in criminal investigations.

In January 2010, Swiss Agency for international cooperation delivered the final project proposal, and the beginning of the project is expected to take place during the first quarter of 2010.

12.5. Cooperation with the Republic of France

In 2009, the HJPC achieved cooperation with the Embassy of France, based on which activities in the field of training of court secretaries were implemented.

In May of 2009, a seminar was organized regarding the "training of court secretaries to perform the duties of trainers", that was attended by 10 court secretaries based on the criteria established by the HJPC. The seminar was held in the Judicial and Prosecutorial Training Center of the BiH Federation, and special attention during the seminar was paid to the training programs, which were provided to the court administration employees by the National School of Court Employees in France.

The HJPC would continue cooperation with the Embassy of the Republic of France in order to ensure that court secretaries in Bosnia and Herzegovina in future transfer knowledge on the modern court administration, in order to provide more efficient support to the holders of judicial office.

12.6. Study visits to Slovenia and Macedonia

During 2009, working groups for the improvement of the enforcement procedure and for resolving „utility“ cases conducted two study visits in February in Ljubljana and in June in Skopje, in order to exchange experiences with countries in the region. The delegations, *inter alia*, had meetings with the ministries of justice, courts, selected utility companies, public broadcasting services and private enforcement offices. In regard to the visit to Ljubljana, it was of particular importance for the delegation to be directly informed about the process of centralisation of the enforcement system based on authentic documents through Central Department for authentic documents, which operates at the District Court in Ljubljana.

12.7. Cooperation with regional BERP and GTZ projects

The HJPC is implementing a project for the reduction of backlog cases in the courts, established a successful cooperation with international regional projects, dealing with the problem of improving the enforcement procedure. The GTZ's Open Regional Fund for South East Europe-Legal Reform Project and the Balkans Enforcement Reform Project (BERP) are among them, and they greatly contributed to the perception of a regional approach to problems related to the enforcement proceedings and finding appropriate solutions.

The GTZ's Open Regional Fund for South East Europe - Legal Reform Project is part of the support that the Government of Germany has provided since 2001, the countries of South East Europe, in order to help the accession process of BiH to the European Union. The project is particularly aimed at establishing a unified regional economic environment and is therefore within the Fund organised a series of seminars on comparative enforcement and bankruptcy proceedings, as well as the procedure of registration of economic operators in the region.

The BERP Project is funded by the Kingdom of the Netherlands and implemented by the International Legal Cooperation Center of the Netherlands (CILC) and the International Association of Court Employees / Enforcement Officers (UIHJ) with technical support rendered by the GTZ's Open Regional Fund for South East Europe.

The HJPC representatives participated in the work of two conferences, held on May 25 and 29, 2009, in Dubrovnik in the organisation of the BERP Project titled the "Enforcement, enforceability and effectiveness of legal protection" and "Privatisation of enforcement matters in enforcement procedure: a step forward for Croatia and countries of the Western Balkans".

WHAT OTHERS THINK OF US

BOSNIA AND HERZEGOVINA 2009 PROGRESS REPORT⁴⁰

Judicial system

Progress in the area of judicial reform has been limited on the whole. Positive developments have taken place as regards development of Information and Communication Technology in courts and prosecutor's offices. Almost all courts and a few prosecutors' offices in Bosnia and Herzegovina are connected to a nationwide area network. Training courses have been provided to facilitate the usage of the new Case Management System supported by this network. Local area networks have been installed in all courts and prosecutor's offices. This should contribute to further improving the efficiency and transparency of the work of the courts and prosecutor's offices in Bosnia and Herzegovina.

The Judicial and Prosecutorial Training Centres in the Entities continued their training activities in line with the training strategy. Nonetheless, the staffing of the Centres needs to be reinforced in order to ensure sustained and adequate implementation.

Regarding the backlog of court cases, various projects are underway with the aim of introducing systemic solutions. There has been some improvement in this regard, even though a high number of cases are still to be resolved and further efforts are necessary.

However, the complex structure of the judiciary and the absence of a single budget continue to be a major obstacle to reform. No progress has been made towards establishing a Supreme Court that could harmonise application of legislation across the four internal jurisdictions: the State level, the Federation of Bosnia and Herzegovina, Republika Srpska and the Brčko District. Bosnia and Herzegovina has been unable to agree on the prolongation of the mandate of international judges and prosecutors. Political interference in the judicial system continues to be a cause for concern. The challenges to the jurisdiction and the competences of the State level judicial agencies by the Republika Srpska government are unacceptable and deeply worrying. Political interference during the process of appointing new judges at the Federation Constitutional Court has also been of concern.

Implementation of the Justice Sector Reform Strategy has not progressed in accordance with the agreed timelines. This was due mainly to the complicated structure of the judicial system and the limited contribution by the Entity Ministries of Justice to the work of the implementation working groups. Material conditions for the improvement of judicial capacities remained very limited.

Limited progress has been made in the area of juvenile justice. One of the main priority areas for the implementation of the Juvenile Justice Strategy is the adoption of a Juvenile Justice Law in line with international standards. However, a State-level Juvenile Justice Law has not been adopted. Republika Srpska has prepared a Juvenile Code. However, there is no such initiative in the Federation and the Brčko District. As regards support for legal provisions on the application of alternative measures, which is another priority area for the implementation of the Juvenile Justice Strategy, a by-law on such measures has been adopted by the Federation. However, only limited steps have been taken for its

40 Attachment to the Commission's Report delivered to the European Parliament and the Council, Strategy for expansion and key challenges 2009-2010 /COM(2009)533/ Brussels, October 14, 2009.

implementation. Despite some improvements, there continues to be a lack of appropriate and well-regulated juvenile correctional facilities.

Protection of child witnesses in legal proceedings and child victims is insufficient. The awareness of judges and prosecutors about children's rights remains lacking, and priority to hearing juvenile cases in order to reduce the detention periods is not ensured.

As regards local prosecution of war crimes, both the War Crimes Chamber of the Court of Bosnia and Herzegovina and the Special Department for War Crimes of the Prosecutor's Office of Bosnia and Herzegovina continued to operate with efficiency and in compliance with internationally recognised fair trial standards. Strategies on public information and outreach of the Court of Bosnia and Herzegovina have been adopted. However, despite some improvements, the outreach of the Court continues to be insufficient. Raising the currently low level of public awareness is important also because lack of knowledge about the War Crimes chamber has undermined public confidence in its work.

Some limited progress has been registered as regards prosecution of cases before cantonal and district courts, especially in the Federation. However, the lack of witness protection capabilities and witness support, insufficient staffing and lack of specialisation among cantonal and district prosecutors continue to be major obstacles to effective prosecution of war crimes. The lack of harmonisation of the legal codes used in war crime trials at State and Entity level, and in particular the fact that the Criminal Code of former Yugoslavia can still be applied at the Entity level, is of concern. The cooperation between prosecutors and police and between police across Entity lines needs to be stepped up.

The number of prosecuted war crime cases involving sexual violence remains low. More efforts are needed to investigate and prosecute such cases and to provide witnesses with sufficient protection and psychological support.

A National War Crimes Strategy, providing for a systematic approach for dealing with the large volume of war crimes cases, was adopted in December 2008. However, only limited progress has been made in its implementation, mainly due to insufficient coordination between the various justice sector institutions at the State level, in the Entities and the Brčko District. Sufficient funds need also to be made available for the implementation of the strategy. The substantial reduction of the budget of the State Court for 2009 is of concern, as it may put its functioning under considerable strain. The workflow on the processing of serious war crime and organised crime cases as undertaken by the office of the Chief Prosecutor and the Court President has been negatively affected by the delays in clarifying the position for an extension of the international presence in State judicial institutions after 2009.

Overall, preparations by Bosnia and Herzegovina to develop an effective and efficient judiciary remain at an early stage. Significant efforts are needed to ensure implementation of the Justice Sector Reform Strategy and the National War Crimes Strategy, including by ensuring adequate financial resources. The fragmented legal and structural framework across the country and the absence of a single budget impede efficiency. Political interference in the judicial system continues to be a cause for concern".

FREEDOM HOUSE - ANNUAL DEMOCRATISATION OF NATIONS IN TRANSIT

Assessments for BiH

Organisation and independence of the judiciary

The judiciary of BiH remained divided into four separate jurisdictions and continued to function in a complex and legally incoherent environment. BiH still lacks a Supreme Court, which would harmonize the application of legislation across the country. The existence of 14 different Ministries of Justice, each preparing separate budgets, negatively affects judicial independence. Delays and backlogs in the courts did not substantially improve, and political interference remained a concern. A National Strategy for Development of the Justice Sector was adopted, but there were no strong indications that it would be swiftly implemented. As a result, the rating for judicial framework and independence remains at 4.00.

OSCE - SPOT REPORT ON THE INDEPENDENCE OF THE JUDICIARY IN BIH

Undue Pressure on BiH Judicial Institutions

The Report focuses exclusively on judicial institutions at the state level taking into account their discrete competences and legal status within the country's institutional structure. Therefore, it is with urgency that the OSCE BiH urges political representatives to refrain from any improper influence or pressure in relation to the judicial process and from attacks upon the reputation and integrity of the judiciary. "Allegations of misconduct by judicial actors should be referred to and dealt with by the High Judicial and Prosecutorial Council (HJPC), as the only responsible organ regulating the conduct of judges and prosecutors in BiH. The institutional independence of the HJPC itself is a guarantee of the legitimacy of inquiries into such matters." says the report.

The OSCE Mission has made the following recommendations in order to ensure that adequate measures are taken to safeguard and enhance the independence of judicial institutions in Bosnia and Herzegovina:

1. Political representatives should refrain from any improper influence or pressure on the judicial process and from attacks upon the reputation and integrity of the judiciary.
2. The independence and status of judicial institutions at the state level and of the High Judicial and Prosecutorial Council should be enshrined in the Constitution.
3. The High Judicial and Prosecutorial Council should establish consistent practices to defend members of the judiciary from undue pressures.

2008 STATE DEPARTMENT REPORT ON THE STATE OF HUMAN RIGHTS IN BIH

The *State Department* Report on the state of human rights in Bosnia and Herzegovina in 2008 was published on February 25, 2009, and includes a number of aspects from which to observe the respect of human rights in our country. When the judiciary is concerned, the Report states:

„The state constitution does not explicitly provide for an independent judiciary, but the laws of both entities do. The State Court is the highest court in the country for certain criminal cases, including war crimes, organized crime, terrorism, economic crime, and corruption. The country also has a State Constitutional Court and State Prosecutor's Office. Each entity has its own supreme court and chief prosecutors' offices. The state-level court system does not exercise judicial supremacy over the individual entity-level court systems. Political parties sometimes influenced the judiciary in politically sensitive cases. Judicial reforms reduced the level of intimidation by organized crime figures and political leaders, but intimidation remained”. By listing specific examples of political attacks on the judiciary, the *State Department* points out the following: “The state-level High Judicial and Prosecutorial Council (HJPC) acts independently and regulates many of the most important affairs of the judiciary with clear, transparent criteria for judicial and prosecutorial appointments and detailed disciplinary liability for judges and prosecutors. In November, the Federation government appointed a judge who was not vetted by the HJPC to the Federation's Constitutional Court. The HJPC and the Office of the High Representative voiced strong concern that this appointment was not in compliance with the law on the HJPC. A resolution of this issue was still pending at year's end”.

Local officials and police generally cooperated in enforcing court decisions, but problems persisted as a result of inefficiency. Despite efforts to streamline court procedures, there was a backlog of nearly two million unresolved cases, with over one-half utility bill cases, and only approximately one-tenth for criminal matters. Authorities generally respected and implemented Constitutional Court decisions, although often with delays.

With regard to the court trials and in accordance with the Federation and RS laws, defendants enjoy a presumption of innocence, trials are public, and the defendant has the right to counsel at public expense, if charged with a crime that is punishable by long-term imprisonment. However, courts did not always appoint defense attorneys for indigent defendants in cases where the maximum prison sentence was less than five years due to insufficient court budgets and high attorney fees. The law provides that defendants have the right to confront or question witnesses, to present witnesses and evidence on their own behalf, to access government-held evidence relevant to their cases, and the right to appeal. The government observed these rights in practice. The State Court made significant progress adjudicating organized crime and war crimes cases and expanded the witness protection program. Since its inception, the SIPA Witness Protection Department provided support to more than 350 individuals. During the year the Department provided support to 120 individuals.

In terms of proceedings and legal remedies in civil and legal matters, the law provides for an independent and impartial proceedings in civil matters, and citizens could file civil suits seeking remedies for human rights violations. On December 4, the Parliament completed the process of naming the members of the state-level Office of the Ombudsman. With the completion of the appointment process, entity ombudsman institutions are required to entirely cease to exist within a month. Specifying the difficulties in establishing State Ombudsman, it is explained that when the unified State Ombudsman is fully empowered, individuals will be able to seek assistance from a single, national human rights ombudsman to hear and provide recommendations on cases of human rights violations. These recommendations, however, will not be binding.

ANNEX 1 RECOMMENDATIONS

RECOMMENDATION TO LEGISLATIVE AUTHORITIES

CHAPTER 2: DISCIPLINARY PROCEEDINGS AND SANCTIONING

- Current provisions of the law and other regulations that refer to the disciplinary system should be amended which is why the Parliamentary Assembly of Bosnia and Herzegovina is recommended to amend the Law on HJPC BiH as follows:
 - To prescribe duties for court presidents/chief prosecutors pertaining to the discovery and reporting of perpetrators of disciplinary offences,
 - To simplify disciplinary proceedings by removing the triple option of filing for remedies against disciplinary panel decisions.
- The legislative authorities need to ensure appropriate funds aimed at proper disclosure to the public on the HJPC and ODC mandates by financing the development of a DVD.

RECOMMENDATION TO EXECUTIVE AUTHORITIES

CHAPTER 2: DISCIPLINARY PROCEEDINGS AND SANCTIONING

- We need to devote greater attention to training ODC staff with reference to proper courses of action regarding complaints, especially including the performance of administrative tasks and the representation of disciplinary cases. Therefore, the Civil Service Agency of BiH is recommended to ensure proper training for ODC staff. ODC staff training should:
 - Improve the skills required for administrative and functional support for activities that fall within general ODC jurisdiction;
 - Improve individual skills required for the investigation of complaints;
 - Improve individual skills required for representing disciplinary complaints;
 - Improve internal procedures and mechanisms that are used by ODC.

CHAPTER 3: JUDICIAL STRATEGY AND LEGISLATION

- Keeping in mind the deadlines for the realisation of activities on the implementation of the JSRS, a proposal is made for the Ministry of Justice of FBiH to complete its activities on the draft Law on Prosecutors Offices in FBiH in 2010 and to initiate the appropriate procedure so that the law is adopted in 2010.
- Based on the recommendation of the HJPC Working Group, as founded in accordance with the document “Analysis and Recommendations of the Working Group for the Improvement of Enforcement Procedure”, which HJPC adopted in December 2009, a proposal is put forward to the Entity ministries of justice to amend the regulations covering the field of financial operations in order to resolve the issue of enforcement in the event when a person has more than one bank account open, and to propose new regulations that would allow for the introduction of a bank account register for physical persons. The amendments would refer to the current laws on payment transactions that are identical in both entities and in the Brcko District BiH and, as required, to the laws on financial operations of both entities and the Brcko District BiH, as well as the Law on Internal Payment Operations of Republika Srpska.

CHAPTER 5: ESTABLISHMENT OF AN E-JUDICIARY

- Together with the support of the competent executive authority, ensure that prosecutors office budgets and court budgets secure significant funds for capital

investments for the procurement of required computer equipment and software for the continued development of the judicial information system, maintenance of existing equipment and the renewal of software licenses as well as for training IT staff and other staff in the judiciary.

CHAPTER 6: COURT AND PROSECUTORS OFFICE BUDGETS

- The practice of negotiating court budgets and prosecutors office budgets in the proposal phase between HJPC and the ministries of justice and the ministries of finance should be further addressed as explained in the Action Plan for the Implementation of the Justice Sector Reform Strategy of BiH.

CHAPTER 7: TRAINING

- Adequate funding needs to be secured for the operations of the JPTC's.

RECOMMENDATIONS FOR THE JUDICIAL AUTHORITIES

CHAPTER 4: JUDICIAL ADMINISTRATION

- In order to ensure prompter processing in the courts and prosecutors offices, along with a reduction in the number of unresolved cases, the court presidents and the chief prosecutors should effect organisational and other measures which would contribute to greater efficiency in the utilisation of existing human resources and other resources.
- Court presidents and chief prosecutors should undertake all available measures so that cases are resolved in a reasonable period of time.
- Court presidents and chief prosecutors should undertake all possible measures in order to be up-to-date regarding cases in which there is the possibility of statute of limitations coming into effect.

CHAPTER 8: JUDICIAL DOCUMENTATION CENTRE

- JDC recommends that all users of the court decision database regularly inform the JDC of any observations they may have when searching the database.

CHAPTER 11: PROCESSING WAR CRIMES IN BiH

- The National Strategy for Processing War Crimes sets forth the strategic measures, responsible institutions and deadlines for implementation. By implementing the strategic measures, the preconditions will be met with for greater efficiency of process by the relevant courts and prosecutors offices regarding war crimes cases. It is especially important that the prosecutors offices, without delay, fulfill their duties regarding the delivery of complete and accurate information on war crimes cases so that the Common Database on Unresolved War Crimes Cases of the Prosecutors Office of BiH is completed.

RECOMMENDATIONS FOR LEGISLATIVE, EXECUTIVE AND JUDICIAL AUTHORITIES

CHAPTER 1: APPOINTMENTS

- During appointments for all judicial levels, the HJPC takes into account adherence with the appropriate constitutional provisions that regulate equal rights and representation of the constituent peoples and Others. Even though a satisfactory level of ethnic balance has been achieved in the judicial institutions of BiH, maintaining the balance has become that much harder. In order to systematically resolve the issue of proper ethnic balance for judicial office holders as well as

ensuring the best staff for the judiciary throughout BiH, HJPC again, in its annual report, stresses the need for the relevant legislative and executive authorities to provide adequate support to HJPC in the resolution of this major issue. Accordingly, HJPC has already moved forward with an initiative so that judicial office holders are able to realise rights to compensation for separated living and travel expenses.

CHAPTER 3: JUDICIAL STRATEGY AND LEGISLATION

- HJPC⁴¹ recommends that the legislative and executive authorities of the entities and the Judicial Commission of the Brcko District BiH submit for adoption and adopt amendments to the laws on enforcement procedure, the laws on courts and other regulations which regulate the status, number and assignment of court enforcement officers. Of particular urgency is the proposed amendment of Article 29, which as its objective incorporates business book excerpts for unpaid RTV subscriptions under the definition of authentic documents. The proposed amendments to the laws on enforcement procedures would be based on the recommendations, analyses and other materials of the HJPC Working Group for the Advancement of Enforcement Procedure, that were adopted in December 2009. After the Entity parliaments adopt the proposed amendments, the regulations would then need to introduce harmonised enforcement tariffs, as well as the obligation to take a specific qualification exam for court enforcement officers including appropriate training curricula. Also, amendments to the said laws should cover expanding powers for the said court staff category so that judges can be alleviated from tasks that could be performed by court enforcement officers.

CHAPTER 5: ESTABLISHMENT OF AN ELECTRONIC JUDICIARY

- The legislative, executive and judicial authorities should follow the new work methods in the judiciary and undertake steps towards amending the laws as necessary in order to allow for and improve judicial institution operations within an e-environment.

CHAPTER 9: COOPERATION BETWEEN PROSECUTORS OFFICES AND THE POLICE

- Activities should be continued as initiated with the Project, especially activities aimed at continuing the drafting of required regulations, the implementation of the Feasibility Study, monitoring the application of regulations and forms that have been adopted and their refinement, as well as implementing specialised training.

RECOMMENDATIONS FOR LEGISLATIVE AND EXECUTIVE AUTHORITIES

CHAPTER 3: JUDICIAL STRATEGY AND LEGISLATION

- The recommendation is for the relevant authorities of Republika Srpska, Brcko District BiH and the cantons of FBiH to, based on the recommendations, analyses and materials of the HJPC Working Group for the Resolution of Utilities Cases Issues that were adopted in September 2009, prepare and adopt amendments to the Law on Utilities Related Activities which would ensure the establishment of a common system for the collection of utilities for all public utilities companies, the introduction of a single payment order for utilities-related services with discount options regarding their payment, the introduction of fees for enforced collection and the establishment of a Single Utilities User Register.

41 Some of the recommendations HJPC adopted in December 2009, within the framework of the integral document titled "Analysis and Recommendations of the Working Group for the Advancement of Enforcement Procedure."

- Based on the recommendations of the HJPC Working Group that were adopted in September 2009, the results and experiences acquired from the pilot project for the automation and electronic processing of cases based on authentic documents, it is recommended that the relevant ministries of justice submit for procedure appropriate amendments to the relevant procedural laws with the objective of establishing a relevant legal framework for the establishment of an electronic system for small value disputes, while the legislative authorities are recommended to adopt the said amendments. Apart from the amendments to the laws on enforcement and civil procedure, the relevant regulations also need to be rendered in accordance with the analyses and other materials of the HJPC Working Group.

CHAPTER 4: JUDICIAL ADMINISTRATION

- In order to reduce the number of unresolved old cases and get the courts fully up-to-date regarding the resolution of court cases, the relevant legislative and executive authorities need to ensure additional funds for the expanded systematisation of regular and reserve judicial office holders in the courts as determined.

CHAPTER 5: ESTABLISHMENT OF AN ELECTRONIC JUDICIARY

- Appropriate regulations need to be passed and institutional capacities established which would allow for the comprehensive application of the Law on Electronic Signatures and the Law on Electronic Business Operations in the information system of the judiciary, which foremost reflects in the option to submit filings with the court in electronic form with locally qualified digital receipts, as well as the delivery of court decisions electronically.

CHAPTER 6: COURT AND PROSECUTORS OFFICE BUDGETS

- Consideration should be given to the possibility of reducing the number of financial sources of the judicial institutions. This would create the preconditions for financing the development of the whole judicial system according to common principles and in line with clearly defined strategic directions and, accordingly, ensure equal access to justice for all citizens in accordance with international standards. The fragmented funding of judicial institutions in BiH has been stated as one of the key unresolved issues of the BiH Justice Sector Reform Strategy⁴².
- The role of HJPC regarding the process for the preparation, adoption and execution of budgets should be strengthened in relation to the legislative and executive authorities, as is provided for in the Action Plan for the Implementation of the BiH Justice Sector Reform Strategy.
- Adequate budget funding should be ensured, in the amounts no less than those determined by HJPC as minimum requirements for the unhindered operations of judicial institutions and their development. This requires an increase in funding for material expenditures and ensuring funds for capital investment, which would allow for the modernisation and informatisation of the judiciary.

RECOMMENDATION FOR EXECUTIVE AUTHORITIES AND DONORS

CHAPTER 3: JUDICIAL STRATEGY AND LEGISLATION

- HJPC recommends that potential donors consider the option of funding an increase in court enforcement staff services. The executive authorities of the cantons of the Federation BiH, the Republika Srpska and the Brcko District BiH are recommended to, within budgeting frameworks, consider an increase in budget funds for those courts where there is a need for additional court enforcement officers. Considering

⁴² The BiH Justice Sector Reform Strategy, Chapter 6: Key Unresolved Strategic Issues of the Justice Sector, unresolved issue (i).

that court enforcement services have been found to be under-equipped in many courts, which represents a large obstacle in advancing their operations and their efficiency, the issue of better equipping them should be one of next years priorities for the executive authorities and for the donors.

RECOMMENDATIONS FOR THE JUDICIAL AUTHORITIES AND FOR THE JUDICIAL AND PROSECUTORIAL TRAINING CENTRES

CHAPTER 2: DISCIPLINARY PROCEEDINGS AND DISCIPLINARY SANCTIONING

- All judicial office holders need to have their conceptions of professional and ethical standards further developed. In order to realise this objective, we recommend the following:
 - Court presidents and chief prosecutors, within their courts and prosecutors offices, should lead discussions on ethical and professional standards. This can contribute towards improving standards regarding the actions and the conduct of all members of the professional community;
 - The Entity judicial and prosecutorial training centres, in cooperation with the HJPC and ODC, should prepare and carry out training programs for judges and prosecutors in the field of ethical and professional standards so that every judicial office holder is included in the training program at least once in two years.

CHAPTER 7: TRAINING

- During 2010, the Entity judicial and prosecutorial training centres and the Judicial Commission of the Brcko District BiH are recommended to complete the implementation of the measures and recommendations from the Mid-Term Strategy for Induction Training and Professional Advancement for 2007 – 2010.

ANNEX 2

PERFORMANCE REPORT FOR THE REGULAR COURTS COVERING THE PERIOD JANUARY 1, 2009 – DECEMBER 31, 2009

In accordance with its legal duty to present the state of the judiciary, the High Judicial and Prosecutorial Council of BiH regularly gathers, processes and publishes statistical data on the performance of judicial institutions in Bosnia and Herzegovina.

The performance report for the courts was structured according to the organisation of the judicial system of Bosnia and Herzegovina:

- The Court of Bosnia and Herzegovina;
- The Supreme Court of the Federation of Bosnia and Herzegovina and the Supreme Court of Republika Srpska;
- The Appellate Court of the Brcko District of Bosnia and Herzegovina;
- Cantonal and District Courts;
- Municipal and Basic Courts; and
- The Basic Court of the Brcko District of Bosnia and Herzegovina.

The performance of the regular courts in 2009, is presented through four aspects: case flow (number of unresolved cases at the start of the said period, number of received cases, total number of cases being processed, number of resolved cases and the number of unresolved cases at the end of the reporting period), quality of court performance, age breakdown of unresolved cases, statute of limitations that have come into effect for criminal and minor offence cases and statute of limitations regarding the enforcement of criminal sanctions and minor offence sanctions. The Report does not include court performance for so called “utilities” cases – claims for utilities services that have been provided and cases for the collection of public radio and television subscription fees. Due to the large influx of utilities cases and the specific method of their resolution, just as for previous years, the statistical data on the performance of the courts for cases covering the collection of utilities fees are presented separately in the Annex in tables 66 & 67.

Annex 2: The performance report for the regular courts consists of two parts:

- a) Part one: Review of statistical data on the performance of regular courts which describes various trends that have been noticed in the performance of the courts during the reporting period;
- b) Part two: Statistical reports which show tables and additional diagrams that offer detailed statistical data on the performance of the courts.

REVIEW OF STATISTICAL DATA ON THE PERFORMANCE OF THE REGULAR COURTS

COLLATED PERFORMANCE REPORT FOR REGULAR COURTS

Case Flows

The case flow report provides insight into the number of received and resolved cases and shows changes to the number of unresolved cases during the reporting period. The case flow

in the 67 regular courts in Bosnia and Herzegovina is presented in Table 1 (per level), Table 3 (per Canton, District and for the Brcko District BiH) and Table 5 (per case type).

In 2009, regular courts in Bosnia and Herzegovina received 967,292 and resolved 968,661 cases. The total number of unresolved cases has gone down slightly from 477,269 to 475,900 cases. A reduction in the number of unresolved cases occurred on all aforesaid court levels, except for the cantonal courts in which the number of unresolved cases rose from 26,455 to 27,150 cases.

The bulk of the unresolved cases in the judicial system of Bosnia and Herzegovina are found in the municipal and basic courts. Of the total number of unresolved cases, which was 475,900 on December 31, 2009, over 90% were being processed in the municipal and basic courts, in that 59% of the unresolved cases are located in 28 municipal courts in FBiH, 29% in 19 basic courts in RS and 3% in the Basic Court of Brcko District BiH.

When viewed based on case type, the largest number of unresolved cases are civil cases which stood at 157,232 on December 31, 2009 or 33% of the total number. Next are enforcement cases, with the figure being 105,709 or 22%, then minor offence cases (13%), land registry (12%), non-litigation (11%) and criminal cases (6%).

The total number of unresolved cases in 2009 has not changed significantly, while the number of unresolved criminal cases has been reduced by 2%. The number of unresolved minor offence cases has gone down by 13% (8,963 cases). A significant reduction of 9% (5,407 cases) was recorded in the land registry departments. On the other hand, the number of unresolved enforcement cases rose by 9% (9,042) which represents a continuation of the negative trend for enforcement cases. Also, the number of unresolved non-litigation cases has increased by 13% i.e. 6,058 cases.

Table 2 shows the figures for received, resolved and unresolved cases for all court levels together with orientation coefficients regarding the number of years required to deal with the unresolved cases. The coefficient shows how many years would be required for the courts to resolve all cases that are unresolved as at December 31, 2009, under the assumption that the dynamics and the speed of resolution were the same as in 2009 and that the 2010 case inflow is not processed before all cases designated as unresolved on December 31, 2009 are finished.

Quantity and Quality of Performance of the Courts

The quantity of the performance of the courts is expressed through the collective quota realised throughout one calendar year, in that HJPC BiH determines the criteria for its calculation. Generally, the achieved collective quota of the courts will be calculated so that the aggregate of the realised quotas for each judge, court president and judicial associate of a municipal or basic court, as a percentage, is divided by the number of judges appointed for each given court.

Table 7 shows the realised collective quota for all court levels for which HJPC BiH set criteria for their calculation.

In accordance with the HJPC decision, the quality of court performance is expressed as the number of upheld and modified decisions compared to the total number of decisions rendered by the higher court or by the appellate panel of the same court for cases where legal remedies have been filed. The quality is expressed as a percentage of upheld and modified decisions compared to the total number of decisions that have been appealed. In other words,

quality is the figure out of 100 minus the percentage of reversed decisions by a higher court⁴³. Performance quality as per court levels is presented in table 7.

The average performance quality of the regular courts of BiH is 88% which means that 12% of the decisions courts have rendered were reversed. The highest quality was achieved by the Court of BiH (99%), whereas the lowest level of quality was achieved at the district court level.

Age of Cases

A part of the unresolved cases in the courts have, for various reasons, been ongoing for protracted periods. Accordingly, the Constitutional Court of BiH, in processing appeals, for a number of cases determined violations to the rights of the parties for a fair trial due to the duration of the proceedings before the courts, which are protected with the Constitution of BiH and with Article 6 of the European Convention on the Preservation of Human Rights and Fundamental Freedoms.

Keeping in mind the need for data on case age, HJPC started collecting and analyzing data regarding the year in which unresolved cases were initiated, while for cases on higher court instances, also the year the appealed cases were received. Stemming from the data collected, we can determine that of the total number of unresolved cases as on December 31, 2009, 40% were initiated in 2009, 30% in 2008, 10% in 2007, 10% in 2006 and 2005, with the remaining 10% falling under 2004 and earlier.

The age breakdown of the unresolved cases in the courts up to December 31, 2009 is presented in table 8.

Statute of Limitations

Criminal prosecution cannot be effected with the elapsing of the legally determined deadlines as of the commitment of the criminal offence (relative statute of limitations), in that statute of limitations will, in any event, come into effect with the elapsing of twice the time stipulated with the law for statute of limitations for criminal prosecution (absolute statute of limitations). Collated information on criminal and minor offence cases in the courts for which statute of limitations have come into effect regarding criminal prosecution or the conducting or initiating of a minor offence procedure in 2009 are shown in tables 9 and 10.

Accordingly, during 2009, statute of limitations for criminal prosecution came into effect in 343 criminal cases. In connection with this, relative statute of limitations occurred in 87 criminal cases while absolute statute of limitations for criminal prosecution came into effect in 256 criminal cases. Stemming from the data we found that the most common causes for the occurrence of statute of limitations in the courts was defendant absence and other legally stipulated procedural reasons. Specifically, these reasons have lead to 265 criminal cases in which statute of limitations have come into effect.

Statute of limitations regarding the holding of a minor offence procedure, whether absolute or relative, come into effect with the elapsing of the legally determined deadline from the day the minor offence was committed. During the reporting period, statute of limitations for the initiation or conducting of proceedings came into effect in 6,312 minor offence cases before the courts. Of the said number, absolute statute of limitations came into effect in 6,127 cases while relative statute of limitations came into effect in 185 cases. When looking into the reasons for statute of limitations, we find a large number of minor offences (2,205) which the courts received only after statute of limitations came into effect, as well as there being a large

⁴³ The Court of BiH expresses its quality of performance in relation to the number of appeals filed with the Appellate Department of the Court of BiH

number of cases in which statute of limitations came about due to inaccessible defendants and other procedural reasons pursuant to the law (3,138).

In 2009, statute of limitations came into effect in 51 cases for the enforcement of criminal sanctions (32 in municipal courts, 189 in basic courts and 1 in the Basic Court of the Brcko District BiH). Statute of limitations regarding the enforcement of criminal sanctions came into effect in 5,161 cases (4,975 in municipal courts, 186 in basic courts). Figures on cases covering statute of limitations for the enforcement of criminal and minor offence sanctions are presented in tables 47, 50 and 64.

PERFORMANCE REPORT FOR THE COURT OF BOSNIA AND HERZEGOVINA

Information on the caseload as per departments of the Court of BiH is presented in Table 11. In 2009, the Court of BiH had a total of 8,021 cases. A total of 3,147 unresolved cases were carried over from 2008, while 4,874 cases were received during 2009. Since 5,008 cases were resolved during the year, 3,013 cases will be carried over to 2010.

The caseload coefficient of the Court of BiH, representing the ratio between the number of resolved cases and received cases during the reporting period is 103%, which means that the Court resolved 3% more cases than it had received during the year.

The total case inflow for 2009 increased by 7% compared to 2008.

During 2009, legal remedies were filed in 995 cases, while only 6 decisions were reversed. An exceptionally high number of upheld decisions points to a high level of quality in the performance of the judges of the court, which stands at 99%. Information on the percentages regarding upheld, modified and reversed decisions are presented in table 7.

Detailed data on the caseload as per case type and department is presented in table 13. The Administrative Department of the Court of BiH leads the way regarding case figures with 4,766 cases being processed. In 2009, the inflow of cases to the Administrative Department was 17% lower compared to 2008. Seeing as 2,373 cases were resolved during the year, 2,393 cases will be carried over with most of these cases being administrative disputes (U) and civil cases (P).

At the start of 2009, the Criminal Division of the Court of BiH had 300 unresolved cases while it also received 1,560 new cases during the reporting period. With 1,518 cases resolved, that meant that 342 cases remained unresolved, which is 14% more cases than at the beginning of the reporting period.

The Criminal Division of the Court of BiH has three sections as follows, Section I for War Crimes, Section II for Organised Crime, Commercial Crime and Corruption and Section III for General Crime. Among other things, in 2009, 19 war crimes cases (K) were resolved, 37 cases dealing with organised crime, commercial crime and corruption (K) and 96 general crime cases (K).

The Appellate Division of the Court of BiH which has jurisdiction to decide on appeals to first instance decisions the Court makes, resolved the following cases: 139 war crimes cases (Kž), 151 cases of organised crime, commercial crime and corruption (Kž) and 65 cases that fall under general crime (Kž).

At the end of 2009, the Appellate Division had 278 unresolved cases, which was 56% more than at the start of the year. The bulk of the cases were second instance civil procedures (Gž).

A review of the age breakdown of the unresolved cases (table 15) shows that on December 31, 2009 the Court of BiH had a relatively low number of cases that required long

periods in order to be resolved. The majority of the unresolved cases were initiated in 2009 (56%) and in 2008 (32%). The oldest administrative case was initiated in 1990, the oldest criminal case was initiated in 2004, while the oldest appellate case dates back to 2005.

PERFORMANCE REPORT OF THE SUPREME COURTS

The total caseflows of the Supreme Court of FBiH and the Supreme Court of RS are presented in table 16. In 2009, the supreme courts in BiH had a total of 13,311 cases that were being processed. There were 6,823 cases that were carried over from 2008, while 6,488 cases were filed during 2009. Seeing as 6,844 cases were resolved during the year, 6,467 cases were carried over to 2010.

The Supreme Court of FBiH had a total of 9,283 cases that were being processed. A total of 4,971 unresolved cases were carried over from 2008, while 4,312 new cases were received in 2009. Seeing as 4,475 cases were resolved during the year, 4,808 cases were carried over to the next year, which represents 3% less than at the beginning of the reporting period.

The Supreme Court of Republika Srpska had a total of 4,028 cases that were being processed. A total of 1,852 unresolved cases were carried over from 2008, while 2,176 new cases were received in 2009. Seeing as 2,369 cases were resolved during the year, 1,659 cases were carried over to the next year, which represents 10.42% less than at the beginning of the reporting period.

The caseflow coefficient of the supreme courts representing the ratio between the number of resolved and received cases during the reporting period is 105% which means that the supreme courts resolved 5% more cases than was the annual case influx.

The total 2009 case inflow for 2009 was 0.6% lower than in 2008.

Detailed data on case types and departments is presented in table 17.

Generally, the civil departments recorded the highest inflow of new cases, above all revision cases (Rev) with 3,802 cases received in 2009. After resolving 3,847 cases during the year, 4,139 cases were carried over to the next year which represents 16% more than at the end of 2008.

The criminal departments of the supreme courts resolved 1,076 cases in 2009, while 147 cases remained unresolved, which is 48% more than at the end of 2008. As for the breakdown, the bulk of unresolved cases were second instance criminal cases (Kz).

In 2009, the supreme courts resolved 11 cases where the charges were filed for war crimes. The Supreme Court of FBiH resolved 5 cases while the Supreme Court of RS resolved 6 war crime cases.

It was only the administrative departments of the supreme courts that were able to reduce the backlogs from the previous year. At the end of 2009, the number of unresolved cases was 31% lower than at the end of 2008. Of 2,181 unresolved cases, 2,153 cases were administrative disputes that were filed for extraordinary reconsideration (Uvp).

When viewing the age breakdown of the unresolved cases as presented in table 19, we see that the supreme courts in BiH have a certain number of cases that are ongoing, primarily revision cases, for which a greater period of time is required for their resolution. The oldest civil case dates back to 1970, while the oldest criminal case was initiated in 1990 and the oldest administrative case was initiated in 1996. We should stress that the year of initiation of the case is considered the year in which the case was first filed with the first instance court and not the year in which the Supreme Court of FBiH or the Supreme Court of RS received the case through legal remedy. Therefore the age breakdown as presented shows the ultimate duration of the case and not the duration before the supreme courts.

PERFORMANCE REPORT OF THE CANTONAL AND DISTRICT COURTS

The total caseload for the cantonal and district courts is presented in table 24. In 2009, the said courts had a total of 84,357 cases that were being processed. A total of 29,948 cases were carried over from 2008, while 54,409 cases were received in 2009, which was 6% more than compared to 2008. Since 53,941 cases were resolved during the year, 30,416 cases were carried over to 2010 which meant that the number of unresolved cases rose by 2% compared to 2008 figures.

The cantonal courts in the Federation BiH had a total of 65,229 cases that were ongoing. A total of 26,455 cases were carried over from 2008, while 38,774 cases were received in 2009. Seeing as 38,079 cases were resolved during the year, 27,150 cases were carried over to the next year which represents 3% more than at the beginning of the reporting period.

The five district courts in Republika Srpska had a total of 19,128 cases that were ongoing. A total of 3,493 cases were carried over from 2008, while 15,635 cases were received in 2009. Seeing as 15,862 cases were resolved during the year, 3,266 cases were carried over to the next year which represents 6.5% more than at the beginning of the reporting period.

As visible in table 7, during 2009 the quality of the cantonal and district courts was as follows: 77% of cantonal court decisions and 72% of district court decisions were upheld, 11% and 12% were modified while 12% of the cantonal and 16% of the district court decisions were reversed. The average performance quality as expressed in the quantitative collective court quota was 151% for cantonal courts and 143% for district courts.

Detailed data on the caseload of the cantonal and district courts as per case type and department is presented in table 25. At the end of the reporting period, the most noticeable backlog was seen in the civil field at 22,205 cases regardless of the fact that during the reporting period civil cases were the most resolved cases (30,227). In the civil departments, during 2009, with reference to received cases and unresolved cases the highest numbers were that of second instance civil procedure cases (Gz).

The highest percentage-wise reduction of unresolved cases was seen in criminal/minor offence cases, with a 15% reduction in the number of unresolved cases. A total of 15,821 of the said cases were resolved of which predominantly second instance minor offence cases (Pzp), at 5,715 cases.

Regarding unresolved cases that were carried over from 2008, in the criminal/minor offence departments, the bulk of the unresolved cases were second instance minor offence cases (Pzp). Pzp backlogged cases for year-end 2009 compared to the end of 2008 fell from 1,010 to 675 cases. The trend continued in 2009 regarding the resolution of second instance criminal cases (Kz) meaning that more cases were resolved than were received thus reducing backlogs compared to 2008.

The number of resolved first instance criminal cases (K) was higher than the number of received like cases. The courts were fairly prompt in the resolution of preliminary procedure cases (Kpp), preliminary hearings (Kps) and cases presided by non-litigation panels (Kv) which may be seen through the low number of unresolved cases of this type at the end of the reporting period.

In 2009, cantonal and district courts resolved 19 cases in which persons were prosecuted for war crimes (RZ) with 18 cases remaining unresolved at the end of the reporting period.

In their work, the administrative departments almost exclusively dealt with administrative disputes (U) with small numbers of other case types. An increased inflow of these cases lead

to an insignificant rise in the number of unresolved cases at year-end 2009, regardless of an increase in the number of cases that were resolved in 2009 when compared to 2008.

A look at the age breakdown of the unresolved cases as can be seen in table 31, indicates that at December 31, 2009, there was a certain number of cases which required a longer period of time for resolution in the cantonal and district courts. Accordingly, 66% of the unresolved cases were initiated between 2007 – 2009, 30% between 2000 – 2006 and 4% were initiated before 2000. It should be said that the year of initiation of a case is deemed the year the case was initiated at a municipal or basic court and not when the case was received by the cantonal or district court. Therefore, the age breakdown as presented indicates the total duration for the resolution of a case and not the duration the case spends at the cantonal or district court which is, in itself, much shorter.

Data on cases with the cantonal and district courts in which statute of limitations have come into effect regarding criminal prosecution or the holding of a minor offence procedure are presented in tables 32 – 35. Absolute statute of limitations regarding criminal prosecution or the holding of a minor offence procedure came into effect in 63 minor offence cases and 13 criminal cases, while relative statute of limitations came into effect in 11 minor offence cases and 7 criminal cases. The general reasons for statute of limitations in criminal cases were inaccessibility of the suspects/accused and so called other procedural reasons. Regarding minor offence cases, statute of limitations mainly came around due to the cantonal and district courts receiving the cases after statute of limitations had already come into effect.

Data on caseload, number of judges, quality and quantity of performance for each cantonal and district court is presented in tables 36/1-15.

PERFORMANCE REPORT OF THE MUNICIPAL AND BASIC COURTS

The total caseload for the municipal and basic courts is presented in table 37. In 2009, the municipal and basic courts had a total of 1,284,461 cases that were being processed. A total of 422,420 cases were carried over from 2008, while 862,041 cases were received in 2009.

Since 865,357 cases were resolved in 2009, 419,104 cases remained unresolved which was 0.79% less than at year-end 2008.

As visible in table 7, during 2009 the quality of the municipal and basic courts was as follows: 80% of municipal court decisions and 74% of basic court decisions were upheld, 9% and 10% were modified while 11% of the municipal and 15% of the basic court decisions were reversed. The average performance quality as expressed in the quantitative collective court quota of all courts for 2009 was 154% for municipal courts and 155% for basic courts.

Regarding the breakdown of the cases received, land registry and minor offence are the most common. A significant influx was also visible in the civil and criminal departments. The biggest reduction in the number of unresolved cases at 13% or 9,003 cases was recorded in the minor offence departments of the municipal and basic courts. Also, the number of unresolved ZK cases (11% or 6,822 cases), civil cases (2% or 2,447 cases) and criminal cases (2% or 488 cases) was also reduced while figures rose for enforcement (9% or 8,343 cases) and non-litigation (12% or 5,891 cases).

For the 2009 Annual Report, the municipal and basic courts were asked to submit data on the specific types of land registry cases which was not collected in the previous reports. The results represented a major difference for the total number of cases that were processed in 2009 (548,527 land registry cases) compared to 2008 (359,793 land registry cases). Considering that the difference mainly referred to the number of relatively simple land registry cases (e.g. issuance of land registry excerpts) which are quickly finished, the said difference did not result with such a ratio regarding the number of unresolved access at the end of the

year. Thus, year-end 2009, there were 52,645 unresolved land registry cases while the figure was 57,759 at the end of 2008.

Detailed data on the flow of the different case types is presented in table 38 (collated for municipal and basic courts), table 40 (municipal courts) and table 42 (basic courts).

A look at the age breakdown of the unresolved cases (table 44), indicates that at year-end 2009 there was a certain number of cases in the municipal and basic courts which required a longer period of time for resolution. Accordingly, 82% of the unresolved cases were initiated between 2007 – 2009, 17% between 2000 – 2006, while less than 2% were initiated before 2000.

Data on cases with the municipal and basic courts in which statute of limitations came into effect regarding criminal prosecution or the holding of a minor offence procedure are presented in tables 45 – 50. Absolute statute of limitations came into effect in 5,976 minor offence cases, while relative statute of limitations came into effect in 174 minor offence cases. Regarding criminal cases, absolute statute of limitations came into effect in 240 cases while relative statute of limitations accounted for 80 cases. The reasons for statute of limitations coming into effect for criminal prosecution and for initiating minor offence procedures are mainly the fact that the cases were received with statute of limitations already in effect or due to inaccessibility of the individuals.

Data on cases regarding the enforcement of criminal sanctions and minor offence sanctions in which statute of limitations came into effect are presented in tables 47 and 50. In 2009, absolute statute of limitations for the enforcement of criminal sanctions came into effect in 41 cases while relative statute of limitations came about in 10 cases. Absolute statute of limitations regarding the enforcement of minor offence sanctions came into effect in 4,518 cases while relative statute of limitations came into effect in 643 cases.

Considering that the annual report on the performance of municipal and basic courts for 2009 does not show data on the reasons for statute of limitations coming into effect regarding the enforcement of criminal sanctions and minor offence sanctions, HJPC BiH commits to collecting this information in order to cover the next reporting period.

Data on unresolved cases regarding the enforcement of criminal sanctions is presented in tables 51 and 52. On December 31, 2009, there were 1,987 unresolved cases in the municipal courts, with 655 unresolved cases in the basic courts for the enforcement of criminal sanctions. The bulk of the cases referred to the enforcement of jail terms (1,710 cases in municipal courts and 494 cases in basic courts). The most frequent reasons for the non-enforcement of jail terms were inaccessibility of the person convicted (295 cases in municipal courts and 181 cases in basic courts) and the impossibility of accommodating convicted persons in the correctional facilities or other institutions as stipulated with the law (782 cases only in municipal courts).

Data on the flow of cases, the number of judicial office holders, quality and quantity of performance of the municipal and basic courts is presented separately in tables 53/1 – 47.

PERFORMANCE REPORT FOR THE COURTS OF THE BRCKO DISTRICT BiH

Appellate Court of the Brcko District BiH

Data on the flow of cases in the Appellate Court of the Brcko District BiH is presented in table 54. At the beginning of 2009, the Appellate Court had 1,694 unresolved cases of which 1,662 were cases from the civil department.

During the reporting period, 2,862 cases were received, while 4,310 cases were resolved which means that the number of unresolved cases was reduced to 246 or 85% less than at the end of 2008.

In the civil department, the number of unresolved cases was reduced by 87% in 2009, while in the criminal department an increase was recorded in the number of unresolved cases from 19 at the beginning of the year to 25 at year-end 2009.

The Administrative Department of the Appellate Court retained last years level of unresolved cases at 13.

A review of the age breakdown of the unresolved cases (table 56) indicates that the Appellate Court of the Brcko District BiH does have a certain number of older cases that are ongoing, which are primarily revision cases (Rev). Two cases in the civil department were initiated before 1970, while the oldest criminal case was initiated in 2007 and the oldest administrative case dates back to 2002. Just as with the cantonal/district and supreme courts, we stress that the year of a cases initiation is considered as the year when the case was initially started at the Basic Court of the Brcko District BiH and not when the case was received by the Appellate Court of the Brcko District BiH. Therefore the age breakdown as it's presented indicates the total duration of a case during its resolution and not the time the case stays with the Appellate Court of the Brcko District BiH, which is generally much shorter.

Data on cases in which statute of limitations have come into effect for criminal prosecution or for initiating minor offence procedures is presented in tables 57-58. Statute of limitations came into effect in one second instance minor offence case before the case was received by the court.

Basic Court of the Brcko District BiH

Data on the caseload of the Basic Court of the Brcko District BiH is presented in table 57. During 2009, the court had a total of 49,855 that were being processed. 13,237 unresolved cases were carried over from 2008, while 36,618 cases were received during the reporting period. Seeing as 33,201 cases were resolved, 16,654 cases will be carried over in 2010.

The quality of the performance of the Basic Court is presented as follows: 83% of the decisions were upheld, 8% modified and 9% reversed. The Basic Court realised a collective quota of 238%.

Of the total number of unresolved cases in 2009, the number of unresolved civil cases increased significantly by 109% compared to 2008 figures. The situation is similar for unresolved land registry cases which rose by 42% compared to the figures for the last reporting period. Other departments have also recorded increases in the number of unresolved cases which is the result of an increased influx of new cases filed in 2009, which was 17% higher than in 2008.

A review of the age breakdown of the unresolved cases, as can be seen in table 61, indicates that the Basic Court has a certain number of cases in which the initial filing document dates back a number of years. The oldest case in the civil department of the basic court was initiated in 1998, with the oldest criminal case being filed initially in 1997, while 22 non-litigation cases were initiated before 1992.

Data on cases in which statute of limitations have come into effect regarding criminal prosecution and the holding of a minor offence procedures is presented in tables 62-64. Absolute statute of limitations have come into effect in 3 criminal cases and 87 minor offence cases due to the inaccessibility of the accused persons or due to other procedural reasons. Statute of limitations regarding the enforcement of criminal sanctions came into effect only once, whereas there were no recorded cases of statute of limitations coming into effect regarding the enforcement of minor offence sanctions.

Data on cases dealing with the enforcement of criminal sanctions is presented in table 65. As at December 31, 2009, the Basic Court had 61 unresolved cases on the enforcement of criminal sanctions with all of them pertaining to jail terms.

UTILITIES CASES

Data on the caseload of utilities cases in the Basic Court of the Brcko District BiH, the municipal courts and the basic courts is presented in table 66. In 2009, the municipal and basic courts in BiH, in total, had 1,996,789 utilities cases that were being processed. The influx for 2009 was 11% less than in 2008.

A total of 1,563,488 were carried over from 2008, while 433,301 cases were received in 2009. Seeing as 411,622 cases were resolved, 1,585,167 unresolved cases remained which was 1% more than compared with the last reporting period. Of the total number of unresolved utilities cases, 509,909 are cases regarding the collection of subscription fees for public radio and television broadcasters (i.e. RTV fees).

In 2009, the municipal courts had a total of 1,605,290 such cases. After resolving 348,576 cases, a total of 1,256,714 cases were carried over to the next year which was 5% less than at the end of 2008.

In 2009, the Municipal Court Sarajevo had 1,110,863 utilities cases ongoing and while resolving 205,845 cases, still 905,018 cases were carried over to next year, which represents a 7% reduction in unresolved cases for 2009.

During 2009, the basic courts had a total of 353,141 utilities cases. Since 56,433 cases were resolved, 296,698 cases were carried over to next year which is 37% more than at the end of 2008.

In 2009, the Basic Court of the Brcko District had a total of 38,358 utilities cases. Since 6,603 cases were resolved, 31,755 cases were carried over to next year, which is 34% that at the end of 2008.

STATISTICAL REPORTS

COLLATED REPORTS

Table 1: Caseflow for the 67 regular courts in Bosnia and Herzegovina in 2009 - Per court level

Court	No. of unresolved cases as at 1.Jan.2009	No. of cases received in 2009	Total no. of cases processed in 2009	No. of cases resolved in 2009.	No. of unresolved cases as of 31.Dec.2009
	I	II	III = I + II	IV	V = III - IV
Court of BiH Sarajevo	3,147	4,874	8,021	5,008	3,013
Supreme Court FBiH	4,971	4,312	9,283	4,475	4,808
Supreme Court RS	1,852	2,176	4,028	2,369	1,659
10 cantonal courts	26,455	38,774	65,229	38,079	27,150
5 district courts	3,493	15,635	19,128	15,862	3,266
28 municipal courts	243,305	531,759	775,064	531,570	243,494
19 basic courts	112,160	251,944	364,104	246,446	117,658
Basic Court Brcko District BiH	11,212	34,391	45,603	31,014	14,589
Appellate Court Brcko District BiH	1,694	2,862	4,556	4,310	246
Total	408,289	886,727	1,295,016	879,133	415,883
Minor offence departments					
28 municipal courts	37,011	51,714	88,725	52,150	36,575
19 basic courts	29,944	26,624	56,568	35,191	21,377
Basic Court Brcko District	2,025	2,227	4,252	2,187	2,065
Total	68,980	80,565	149,545	89,528	60,017
TOTAL	477,269	967,292	1,444,561	968,661	475,900

Table 2: Ratio between the number of received, resolved and unresolved cases in the courts of BiH expressed as a percentage

Court	Status change in unresolved cases*	Flow coefficient**	Years required to eliminate unresolved cases***
	I	II	III
Court of BiH	-4.26%	102.75%	0.6
Supreme Court FBiH	-3.28%	103.78%	1.1
Supreme Court RS	-10.42%	108.87%	0.7
10 cantonal courts	2.63%	98.21%	0.7
5 district courts	-6.50%	101.45%	0.2
28 municipal courts	0.08%	99.96%	0.5
19 basic courts	4.90%	97.82%	0.5
Basic Court Brcko District	30.12%	90.18%	0.5
Appellate Court Brcko District	-85.48%	150.59%	0.1
Minor offence departments	-12.99%	111.13%	0.7
TOTAL	-0.29%	100.14%	0.5

*The coefficient of change regarding the status of unresolved cases (V/I-1) represents the relative change in the number of unresolved cases in 2009. A positive percentage value indicates that an increase was recorded in the number of unresolved cases in 2009. Accordingly, a negative percentage value indicates a reduction in the number of unresolved cases during the same period.

** The flow coefficient column (IV/II) represents the number of resolved cases compared to the number of received cases in 2009. A flow coefficient that is above 100% indicates that the number of resolved cases is higher than the number of cases received in 2009. At the same time, a flow coefficient that is below 100% indicates that the number of resolved cases is lower than the case inflow for the same period.

*** The coefficient for the number of years required to eliminate unresolved cases (V/IV) represents the ratio between the number of unresolved cases as at December 31, 2009 and the number of resolved cases in 2009. The orientational coefficient indicates how many years would be needed to resolve all unresolved cases as recorded on December 31, 2009, under the assumption that the rate of case resolution was identical to the 2009 rate, and that the 2010 case inflow was not processed before efforts aimed at finishing the cases that were identified as unresolved on December 31, 2009 were completed.

Diagram 1: Breakdown of unresolved cases in BiH on January 1, 2009 and December 31, 2009 – as per case type

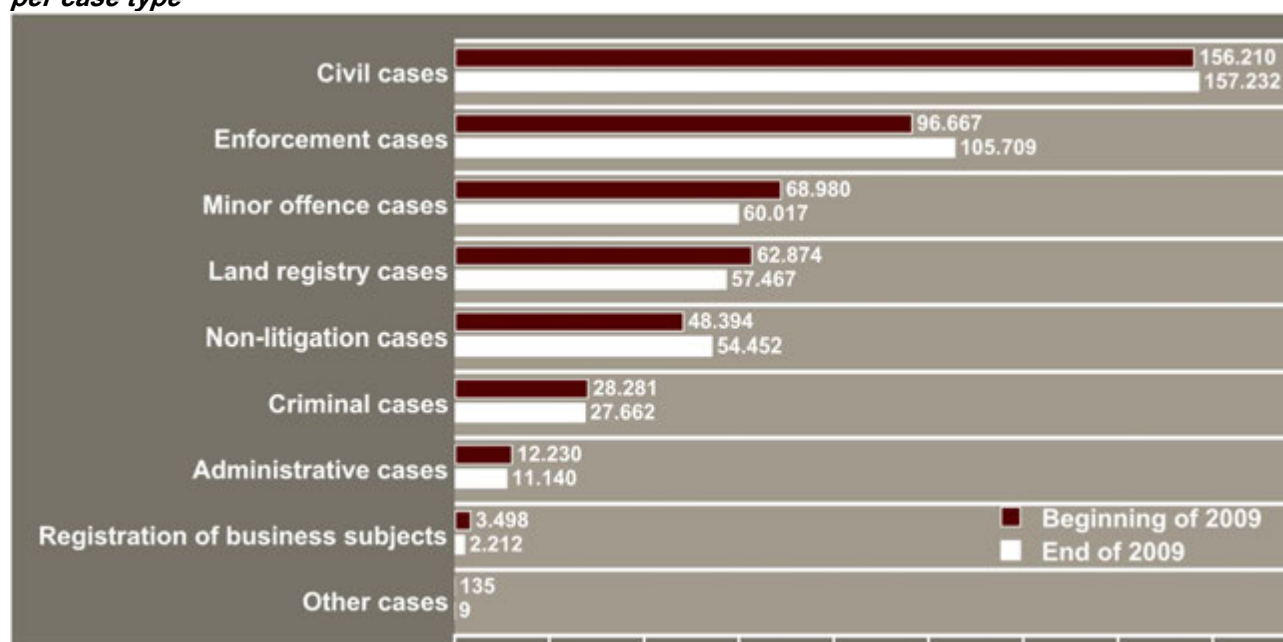


Diagram 2: Breakdown of cases received during 2009 in BiH – as per case type

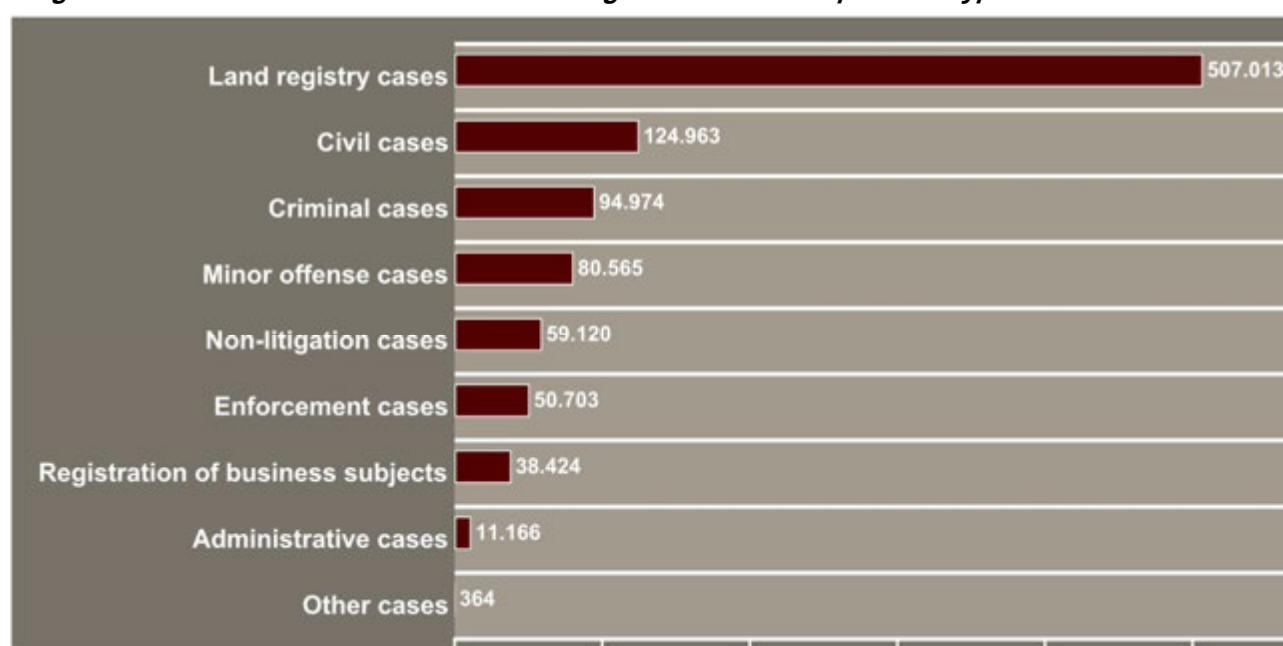


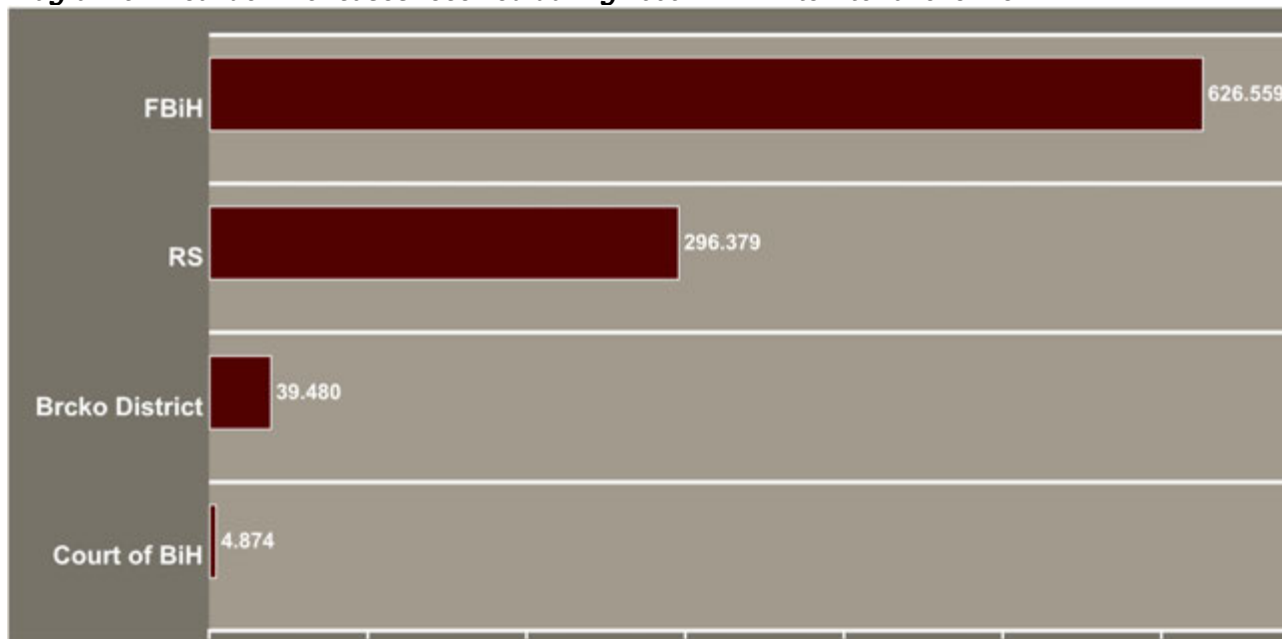
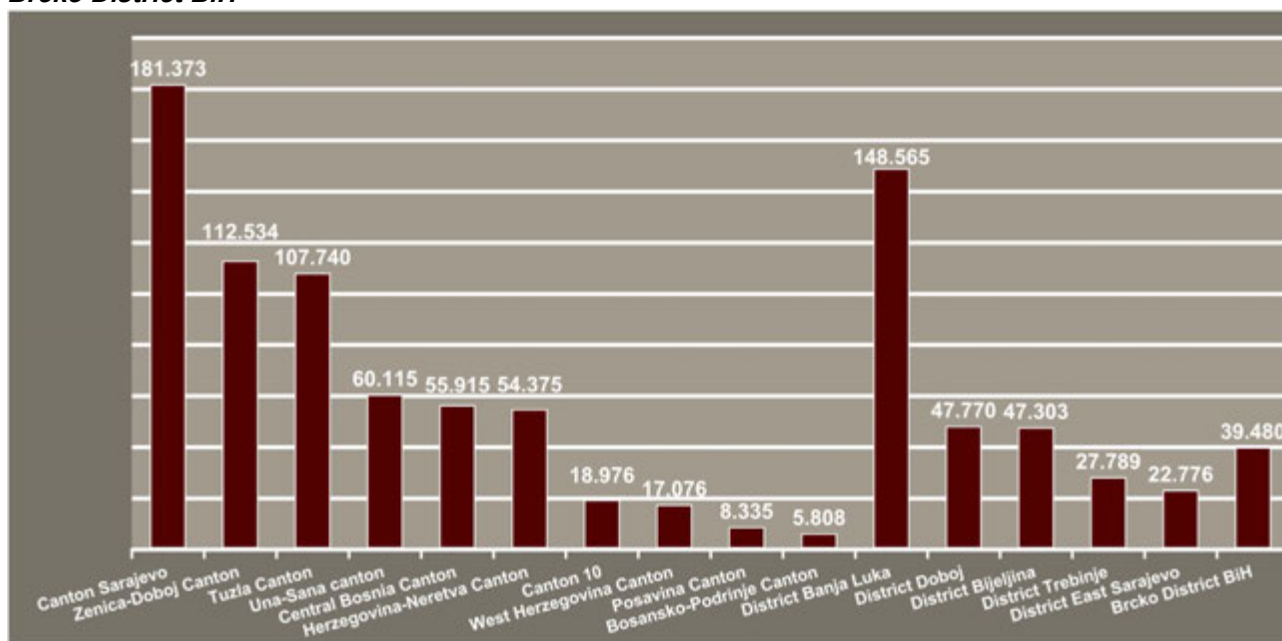
Diagram 3: Breakdown of cases received during 2009 in BiH – territorial overview*Diagram 4: Breakdown of cases received during 2009 in BiH – as per canton, district and for the Brcko District BiH*

Table 3: Aggregate data on caseflows in the courts of BiH for each canton, district and for the Brcko District BiH in 2009

Canton/District/Brcko District	No. of unresolved cases as at 1.Jan.2009	No. of cases received in 2009	Total no. of cases processed in 2009	No. of cases resolved in 2009.	NO. of unresolved cases as of 31.Dec.2009
	I	II	III = I + II	IV	V = III - IV
Una-Sana Canton					
1 cantonal & 5 municipal courts	36,013	60,115	96,128	58,899	37,229
Posavina Canton					
1 cantonal & 1 municipal courts	3,222	8,335	11,557	8,017	3,540
Tuzla Canton					
1 cantonal & 5 municipal courts	67,928	107,740	175,668	102,650	73,018
Zenica-Doboj Canton					
1 cantonal & 6 municipal courts	47,586	112,534	160,120	112,898	47,222
Bosnia-Podrinja Canton					
1 cantonal & 1 municipal court	1,087	5,808	6,895	5,484	1,411
Central Bosnia Canton					
1 cantonal & 3 municipal courts	23,743	55,915	79,658	54,895	24,763
Herzegovina-Neretva Canton					
1 cantonal & 3 municipal courts	37,104	54,375	91,479	54,648	36,831
West Herzegovina Canton					
1 cantonal & 2 municipal courts	7,840	17,076	24,916	17,442	7,474
Sarajevo Canton					
1 cantonal & 1 municipal courts	72,899	181,373	254,272	186,805	67,467
Canton 10					
1 cantonal & 1 municipal courts	9,349	18,976	28,325	20,061	8,264
Banja Luka District					
1 district & 7 basic courts	89,736	148,565	238,301	149,731	88,570
Bijeljina District					
1 district & 3 basic courts	18,922	47,303	66,225	50,525	15,700
Doboj District					
1 district & 4 basic courts	17,690	47,770	65,460	46,604	18,856
East Sarajevo District					
1 district & 3 basic courts	9,852	22,776	32,628	23,756	8,872
Trebinje District					
1 district & 2 basic courts	9,397	27,789	37,186	26,883	10,303
Brcko District BiH					
1 district & 1 basic courts	14,931	39,480	54,411	37,511	16,900
TOTAL	467,299	955,930	1,423,229	956,809	466,420

Table 4: Ratio between the number of received, resolved and unresolved cases within the cantons, district and the Brcko District BiH expressed as a percentage

Canton/District/Brcko District	Status change in unresolved cases*	Flow coefficient**	Years required to eliminate unresolved cases***
	I	II	III
Una-Sana Canton			
1 cantonal & 5 municipal courts	3.38%	97.98%	0.6
Posavina Canton			
1 cantonal & 1 municipal courts	9.87%	96.18%	0.4
Tuzla Canton			
1 cantonal & 5 municipal courts	7.49%	95.28%	0.7
Zenica-Doboj Canton			
1 cantonal & 6 municipal courts	-0.76%	100.32%	0.4
Bosnia-Podrinja Canton			
1 cantonal & 1 municipal court	29.81%	94.42%	0.3
Central Bosnia Canton			
1 cantonal & 3 municipal courts	4.30%	98.18%	0.5
Herzegovina-Neretva Canton			
1 cantonal & 3 municipal courts	-0.74%	100.50%	0.7
West Herzegovina Canton			
1 cantonal & 2 municipal courts	-4.67%	102.14%	0.4
Sarajevo Canton			
1 cantonal & 1 municipal courts	-7.45%	102.99%	0.4
Canton 10			
1 cantonal & 1 municipal courts	-11.61%	105.72%	0.4
Banja Luka District			
1 district & 7 basic courts	-1.30%	100.78%	0.6
Bijeljina District			
1 district & 3 basic courts	-17.03%	106.81%	0.3
Doboj District			
1 district & 4 basic courts	6.59%	97.56%	0.4
East Sarajevo District			
1 district & 3 basic courts	-9.95%	104.30%	0.4
Trebinje District			
1 district & 2 basic courts	9.64%	96.74%	0.4
Brcko District BiH			
1 district & 1 basic courts	13.19%	95.01%	0.5
TOTAL	-0.19%	100.09%	0.5

*The coefficient of change regarding the status of unresolved cases (V/I-1) represents the relative change in the number of unresolved cases in 2009. A positive percentage value indicates that an increase was recorded in the number of unresolved cases in 2009. Accordingly, a negative percentage value indicates a reduction in the number of unresolved cases during the same period.

** The flow coefficient column (IV/II) represents the number of resolved cases compared to the number of received cases in 2009. A flow coefficient that is above 100% indicates that the number of resolved cases is higher than the number of cases received in 2009. At the same time, a flow coefficient that is below 100% indicates that the number of resolved cases is lower than the case inflow for the same period.

*** The coefficient for the number of years required to eliminate unresolved cases (V/IV) represents the ratio between the number of unresolved cases as at December 31, 2009 and the number of resolved cases in 2009. The orientational coefficient indicates how many years would be needed to resolve all unresolved cases as recorded on December 31, 2009, under the assumption that the rate of case resolution was identical to the 2009 rate, and that the 2010 case inflow was not processed before efforts aimed at finishing the cases that were identified as unresolved on December 31, 2009 were completed.

Table 5: Caseflows in the courts of BiH in 2009 – as per case type

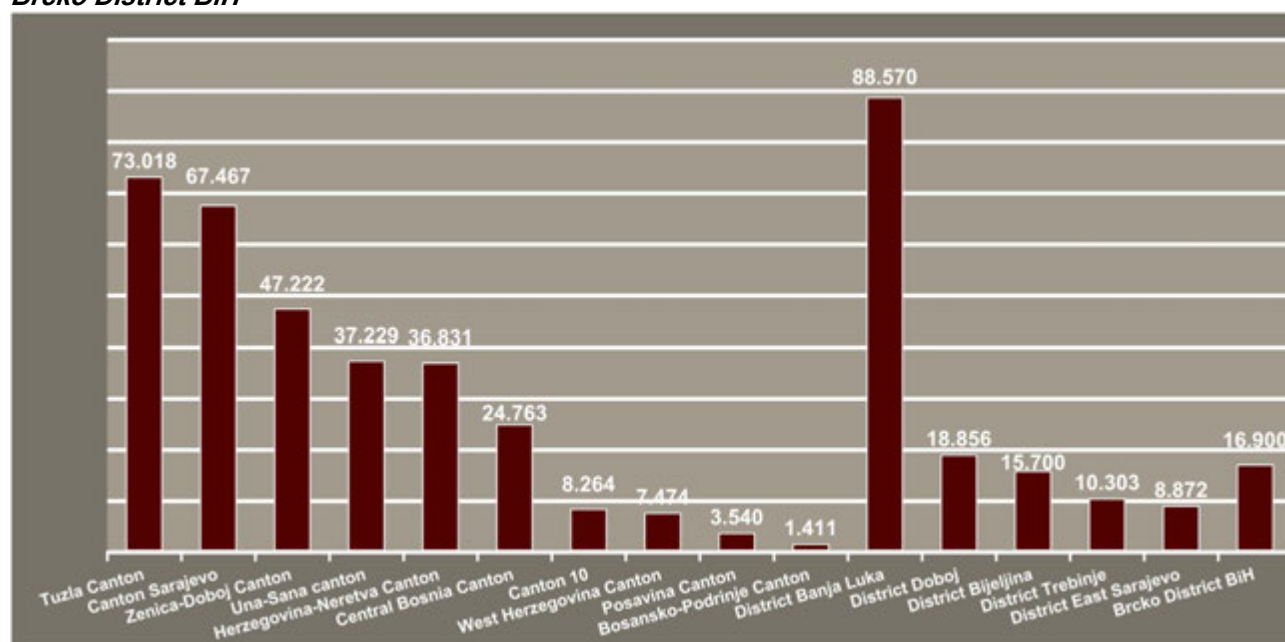
Case type	No. of unresolved cases as at 1.Jan.2009	No. of cases received in 2009	Total no. of cases processed in 2009	No. of cases resolved in 2009.	NO. of unresolved cases as of 31.Dec.2009
	I	II	III = I + II	IV	V = III - IV
Civil	156,210	124,963	281,173	123,941	157,232
Criminal	28,281	94,974	123,255	95,593	27,662
Administrative	12,230	11,166	23,396	12,256	11,140
Enforcement	96,667	50,703	147,370	41,661	105,709
Non-litigation	48,394	59,120	107,514	53,062	54,452
ZK (Land Registry)	62,874	507,013	569,887	512,420	57,467
Business entity registration	3,498	38,424	41,922	39,710	2,212
Minor offence	68,980	80,565	149,545	89,528	60,017
Other	135	364	499	490	9
TOTAL	477,269	967,292	1,444,561	968,661	475,900

Table 6: Caseflow coefficient in the courts of BiH In 2009 – as per case type

Case type	Caseflow coefficient
Civil	99.18%
Criminal	100.65%
Administrative	109.76%
Enforcement	82.17%
Non-litigation	89.75%
ZK (Land Registry)	101.07%
Business entity registration	103.35%
Minor offence	111.13%
Other	134.62%
TOTAL	100.14%

Table 7⁴⁴: Percentage of upheld, modified and reversed decisions in the courts in BiH in 2009

Court	Quality of performance			Quantity of performance
	Upheld (%)	Modified (%)	Reversed (%)	Average collective quota
Municipal	79.50%	9.06%	11.43%	153.7%
Cantonal	77.35%	10.65%	12.00%	150.7%
FBiH Total	79.24%	9.25%	11.50%	152.9%
Basic	74.48%	10.32%	15.19%	155.2%
District	71.66%	12.39%	15.95%	143.3%
RS Total	74.09%	10.61%	15.30%	152.7%
Basic Court Brcko District BiH	82.61%	7.89%	9.50%	238.0%
Brcko District BiH Total	82.61%	7.89%	9.50%	238.0%
Court of BiH	96.47%	2.61%	0.92%	-
BIH TOTAL	78.28%	9.44%	12.29%	154.2%

Diagram 5: Unresolved cases in BiH as at December 31, 2009 – according to canton, district and Brcko District BiH

44 HJPC BiH has not determined the parameters for monitoring collective quality and quantity of performance for the Supreme Court FBiH, the Supreme Court RS and for the Appellate Court of the Brcko District BiH, either due to their specific subject matter jurisdictions or due to the fact that they are the highest appellate instance. Parametres have also yet to be determined for monitoring the collective quality of performance of the Court of BiH.

Table 8: Age breakdown of cases in the regular courts in BiH based on initial filing year

Year case was initiated	Percentage of the total amount of unresolved cases on 31.Dec.2009
2009	40.3%
2008	30.5%
2007	10.2%
2006	6.6%
2005	3.4%
2004	2.6%
2003	1.9%
2002	1.3%
2001	0.9%
2000	0.7%
1999 and earlier	1.7%
Total	100.0%

Table 9: Relative statute of limitations for initiating and conducting criminal and minor offence procedures in the courts in BiH in 2009

Case type	No. of cases in which <u>relative</u> statute of limitations came into effect, during the reporting period, regarding criminal prosecution and conducting minor offence procedure			
	Case received after statute of limitations came into effect	Inaccessibility of accused or other procedural reasons	Other reasons	TOTAL
	I	II	III	IV=I+II+III
K	1	58	23	82
Kž	1	0	0	1
Km	0	0	4	4
Kmž	0	0	0	0
Kžk	0	0	0	0
Kžž	0	0	0	0
Total – criminal	2	58	27	87
Pr	61	7	106	174
Pžp	11	0	0	11
Pžp II	0	0	0	0
Total – minor offence	72	7	106	185
TOTAL	74	65	133	272

Table 10: Absolute statute of limitations for conducting criminal or minor offence procedures before the courts in BiH for 2009

Case type	No. of cases in which absolute statute of limitations came into effect, during the reporting period, regarding criminal prosecution and conducting minor offence procedure			
	Case received after statute of limitations came into effect	Inaccessibility of accused or other procedural reasons	Other reasons	TOTAL
	I	II	III	I=I+II+III
K	5	169	37	211
Kž	0	0	7	7
Km	0	38	0	38
Kmž	0	0	0	0
Kžk	0	0	0	0
Kžž	0	0	0	0
Total – criminal	5	207	44	256
Pr	2,083	3,131	849	6,063
Pžp	50	0	3	53
Pžp II	0	0	11	11
Total – minor offence	2,133	3,131	863	6,127
TOTAL	2,138	3,338	907	6,383

COURT OF BOSNIA AND HERZEGOVINA

Table 11: Case flow for the Court of BiH in 2009 – as per division

Division	No. of unresolved cases as at 1.Jan.2009	No. of cases received in 2009	Total no. of cases processed in 2009	No. of cases resolved in 2009.	NO. of unresolved cases as of 31.Dec.2009
	I	II	III = I + II	IV	V = III - IV
Criminal	300	1,560	1,860	1,518	342
Administrative	2,669	2,097	4,766	2,373	2,393
Appellate	178	1,217	1,395	1,117	278
TOTAL	3,147	4,874	8,021	5,008	3,013

Table 12: : Ratio between the number of received, resolved and unresolved cases in the Court of BiH

Department	Status change in unresolved cases*	Flow coefficient**	Years required to eliminate unresolved cases***
	I	II	III
Criminal	14,00%	97,31%	0,2
Administrative	-10,34%	113,16%	1,0
Appellate	56,18%	91,78%	0,2
TOTAL	-4,26%	102,75%	0,6

*The coefficient of change regarding the status of unresolved cases (V/I-1) represents the relative change in the number of unresolved cases in 2009. A positive percentage value indicates that an increase was recorded in the number of unresolved cases in 2009. Accordingly, a negative percentage value indicates a reduction in the number of unresolved cases during the same period.

** The flow coefficient column (IV/II) represents the number of resolved cases compared to the number of received cases in 2009. A flow coefficient that is above 100% indicates that the number of resolved cases is higher than the number of cases received in 2009. At the same time, a flow coefficient that is below 100% indicates that the number of resolved cases is lower than the case inflow for the same period.

*** The coefficient for the number of years required to eliminate unresolved cases (V/IV) represents the ratio between the number of unresolved cases as at December 31, 2009 and the number of resolved cases in 2009. The orientational coefficient indicates how many years would be needed to resolve all unresolved cases as recorded on December 31, 2009, under the assumption that the rate of case resolution was identical to the 2009 rate, and that the 2010 case inflow was not processed before efforts aimed at finishing the cases that were identified as unresolved on December 31, 2009 were completed.

Diagram 6: Breakdown of unresolved cases in the Court of BiH on January 1, 2009 & December 31, 2009 – as per division

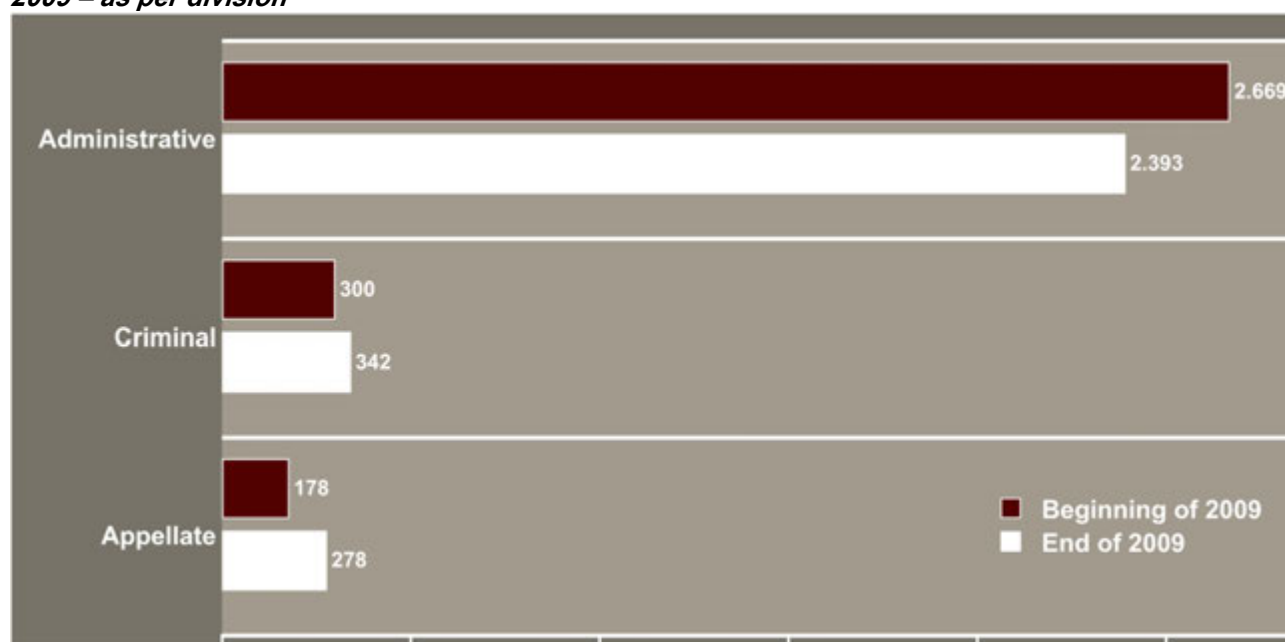


Diagram 7: Breakdown of cases received in the Court of BiH in 2009 – as per division

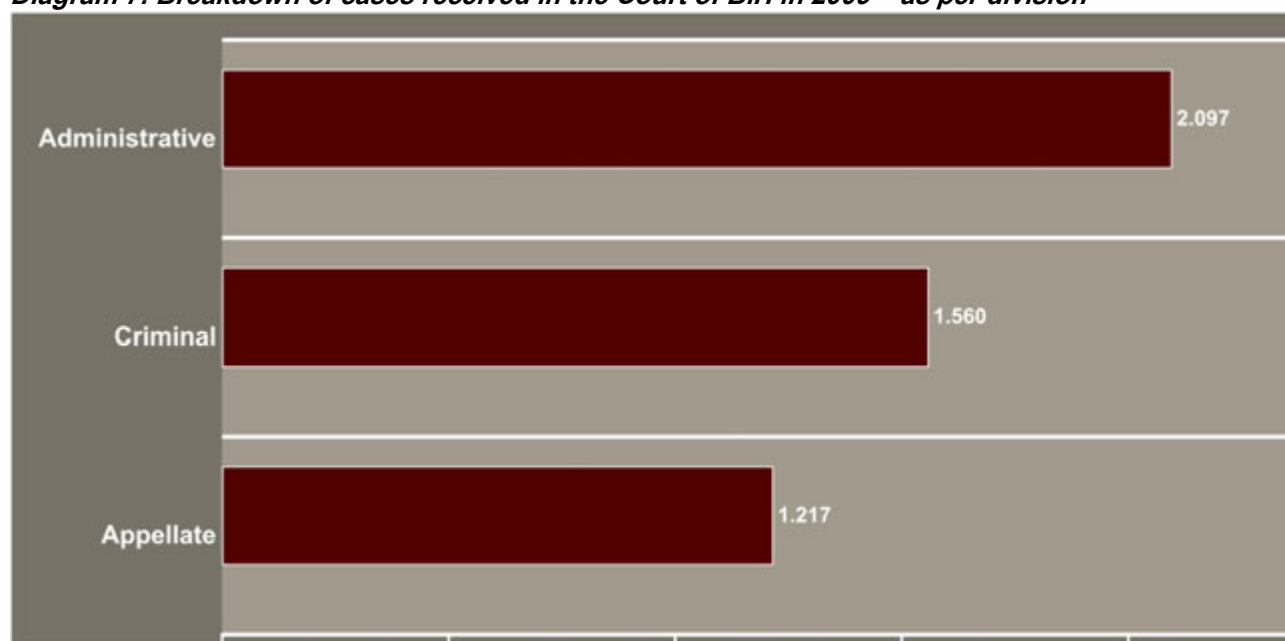
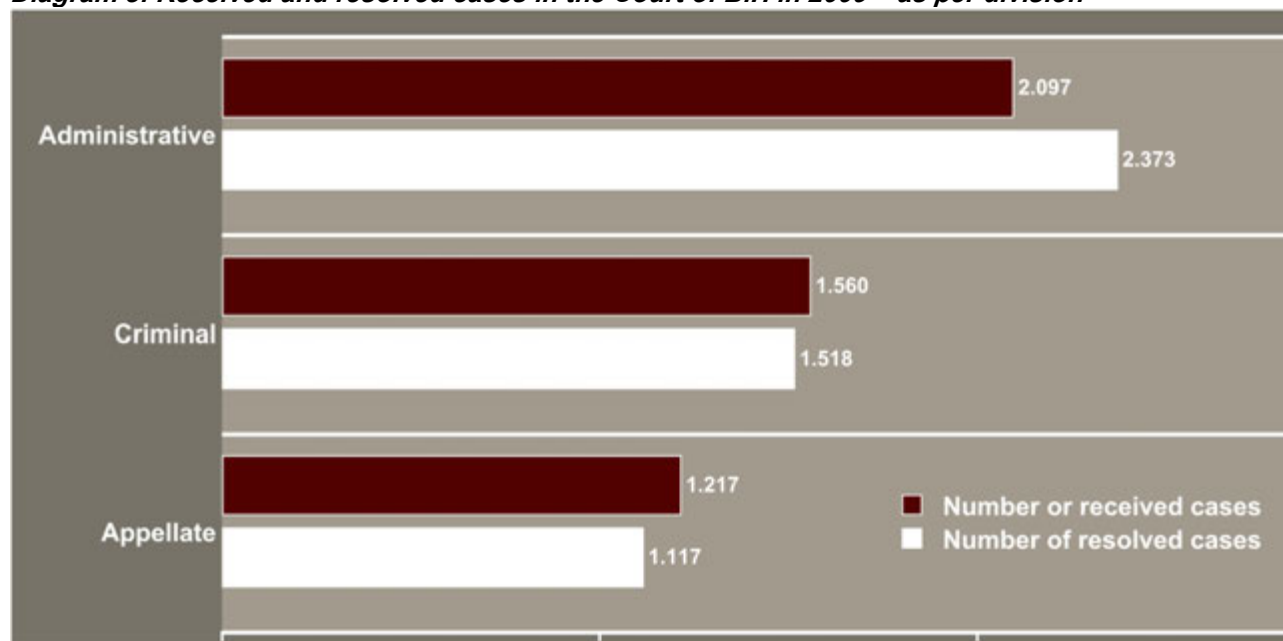


Diagram 8: Received and resolved cases in the Court of BiH in 2009 – as per division**Table 13: Case flow in the Court of BiH in 2009 – as per division**

Case type	No. of unresolved cases as at 1.Jan.2009	No. of cases received in 2009	Total no. of cases processed in 2009	No. of cases resolved in 2009.	No. of unresolved cases as of 31.Dec.2009
	I	II	III = I + II	IV	V = III - IV
Criminal Division Sections I, II & III					
K	66	157	223	152	71
Kpp	53	370	423	380	43
Kps	57	252	309	211	98
Kv	3	430	433	432	1
Ex	3	59	62	62	0
Kr	0	23	23	23	0
lks	117	260	377	248	129
Km	1	6	7	7	0
ZZS					
KiP					
KrN					
Kp	0	3	3	3	0
Other					
Total	300	1,560	1,860	1,518	342
Administrative Division					
U	1,548	678	2,226	952	1,274
Ur	107	427	534	486	48
R	0	38	38	38	0
I	38	318	356	248	108
P	946	591	1,537	599	938
Ži	30	45	75	50	25
Other					
Total	2,669	2,097	4,766	2,373	2,393
Appellate Division					
Iž	3	162	165	162	3

Uvl	31	404	435	341	94
Gž	88	177	265	163	102
Gvl	2	15	17	4	13
Gvlž	1	3	4	4	0
Siž	2	25	27	22	5
Pž	9	9	18	11	7
Rev	10	49	59	47	12
Kž	23	367	390	355	35
Kžk	9	5	14	8	6
Kžž	0	1	1	0	1
Other					
Total	178	1,217	1,395	1,117	278
TOTAL	3,147	4,874	8,021	5,008	3,013

Table 14: Case flow in the criminal division of the Court of BiH in 2009 – as per section

Case type	No. of unresolved cases as at 1.Jan.2009	No. of cases received in 2009	Total no. of cases processed in 2009	No. of cases resolved in 2009.	No. of unresolved cases as of 31.Dec.2009
	I	II	III = I + II	IV	V = III - IV
Section I – War Crimes					
K	17	17	34	19	15
Kpp	15	96	111	94	17
Kps	21	24	45	22	23
Kv	2	127	129	129	0
Ex					
Iks	0	27	27	26	1
ZZS					
KiP					
KrN					
Kp					
Other					
Total	55	291	346	290	56
Section II – Organised Crime and Corruption					
K	20	50	70	37	33
Kpp	32	90	122	96	26
Kps	14	41	55	40	15
Kv	0	160	160	160	0
Ex					
Iks	8	42	50	35	15
Other					
Total	74	383	457	368	89
Section III – General Crime					
K	29	90	119	96	23
Kpp	6	184	190	190	0
Kps	22	187	209	149	60
Kv	1	143	144	143	1
Ex	3	59	62	62	0
Kr	0	23	23	23	0
Iks	109	191	300	187	113

Km	1	6	7	7	0
ZZS					
KiP					
KrN					
Kp	0	3	3	3	0
Total	171	886	1,057	860	197
TOTAL	300	1,560	1,860	1,518	342

Table 15: Age breakdown of cases in the Court of BiH based on initial filing year

Year case was initiated	Percentage of the total amount of unresolved cases on 31.Dec.2009
2009	55.8%
2008	31.7%
2007	9.2%
2006	1.2%
2005	0.7%
2004	0.4%
2003	0.5%
2002	0.1%
2001	0.1%
2000	0.0%
1999 and earlier	0.3%
Total	100.0%

SUPREME COURTS IN BOSNIA AND HERZEGOVINA

Table 16: Case flow in the Supreme Courts in 2009 – as per court

Court	No. of unresolved cases as at 1.Jan.2009	No. of cases received in 2009	Total no. of cases processed in 2009	No. of cases resolved in 2009.	No. of unresolved cases as of 31.Dec.2009
	I	II	III = I + II	IV	V = III - IV
Supreme Court FBiH	4,971	4,312	9,283	4,475	4,808
Supreme Court RS	1,852	2,176	4,028	2,369	1,659
TOTAL	6,823	6,488	13,311	6,844	6,467

Diagram 9: Breakdown of unresolved cases in the supreme courts on January 1, 2009 & December 31, 2009 – as per department

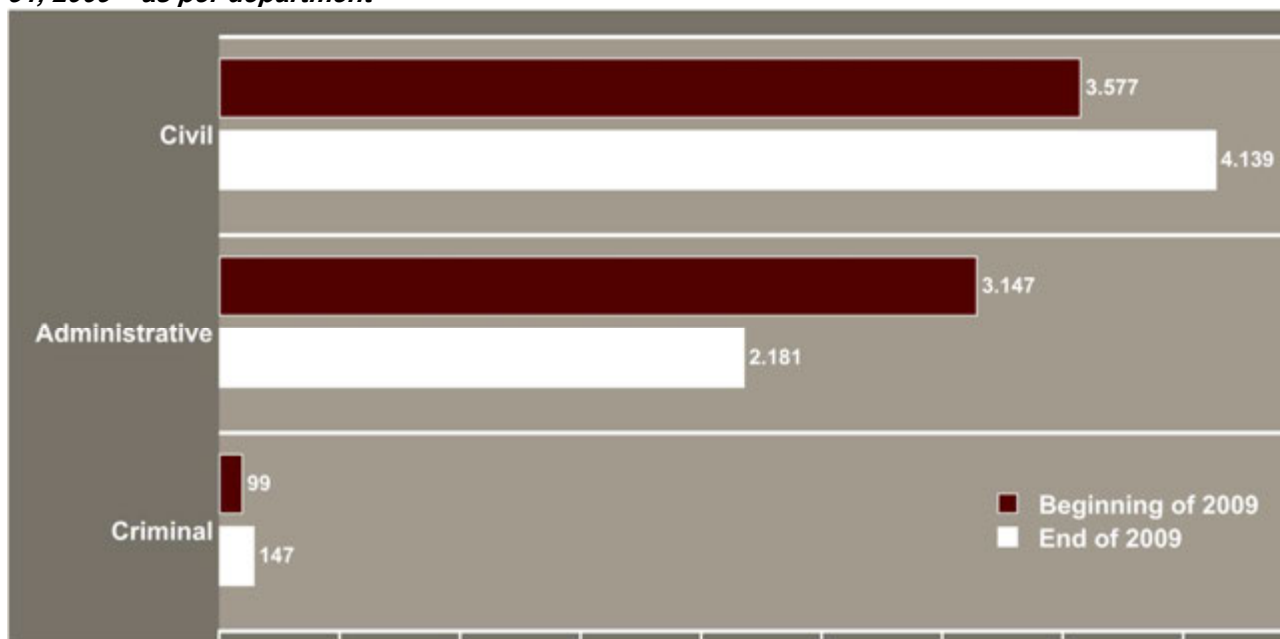


Diagram 10: Breakdown of received cases in the supreme courts in 2009 – as per department

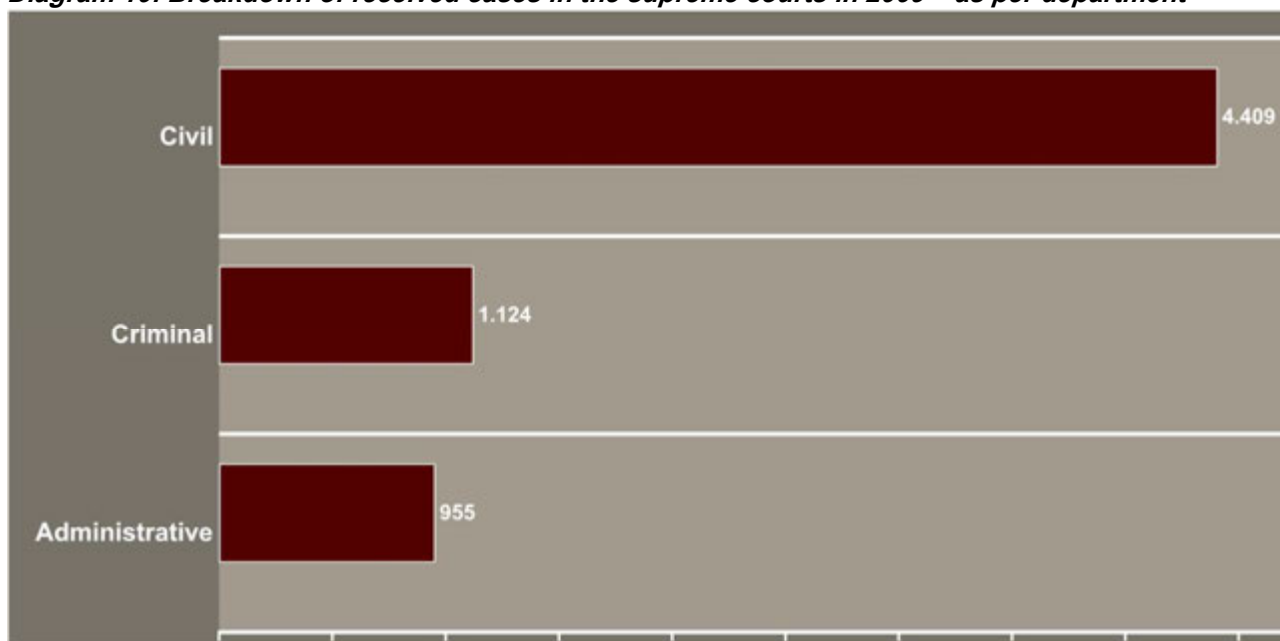


Table 17: Case flow in the supreme courts in 2009 – as per case type

Case type	No. of unresolved cases as at 1.Jan.2009	No. of cases received in 2009	Total no. of cases processed in 2009	No. of cases resolved in 2009.	No. of unresolved cases as of 31.Dec.2009
	I	II	III = I + II	IV	V = III - IV
Civil departments					
Rev	3,528	3,802	7,330	3,243	4,087
GŽ	8	35	43	41	2
PŽ	0	2	2	1	1
Gr	4	96	100	96	4

Gvl	1	11	12	11	1
Other*	36	463	499	455	44
Total	3,577	4,409	7,986	3,847	4,139
Criminal departments					
Kž	68	865	933	837	96
Kžk	21	36	57	37	20
Kžž	6	62	68	58	10
Kvl					
Kvlz	0	22	22	8	14
Kzs					
Kv	0	44	44	44	0
Kr	3	90	93	87	6
Other*	1	5	6	5	1
Total	99	1,124	1,223	1,076	147
Administrative departments					
U	51	8	59	59	0
Ur	6	60	66	64	2
Už	442	8	450	448	2
Uvl	17	7	24	8	16
Uvp	2,629	837	3,466	1,313	2,153
Other*	2	35	37	29	8
Total	3,147	955	4,102	1,921	2,181
TOTAL	6,823	6,488	13,311	6,844	6,467

Table 18: Ratio between the number of received, resolved and unresolved cases in the Supreme courts expressed as percentages

Department	Status change in unresolved cases*	Flow coefficient**	Years required to eliminate unresolved cases***
	I	II	III
Civil	15.71%	87.25%	1.1
Criminal	48.48%	95.73%	0.1
Administrative	-30.70%	201.15%	1.1
UKUPNO	-5.22%	105.49%	0.9

*The coefficient of change regarding the status of unresolved cases (V/I-1) represents the relative change in the number of unresolved cases in 2009. A positive percentage value indicates that an increase was recorded in the number of unresolved cases in 2009. Accordingly, a negative percentage value indicates a reduction in the number of unresolved cases during the same period.

** The flow coefficient column (IV/II) represents the number of resolved cases compared to the number of received cases in 2009. A flow coefficient that is above 100% indicates that the number of resolved cases is higher than the number of cases received in 2009. At the same time, a flow coefficient that is below 100% indicates that the number of resolved cases is lower than the case inflow for the same period.

*** The coefficient for the number of years required to eliminate unresolved cases (V/IV) represents the ratio between the number of unresolved cases as at December 31, 2009 and the number of resolved cases in 2009. The orientational coefficient indicates how many years would be needed to resolve all unresolved cases as recorded on December 31, 2009, under the assumption that the rate of case resolution was identical to the 2009 rate, and that the 2010 case inflow was not processed before efforts aimed at finishing the cases that were identified as unresolved on December 31, 2009 were completed.

Diagram 11: Types of decisions rendered by the supreme courts in procedures pursuant to regular legal remedies in 2009

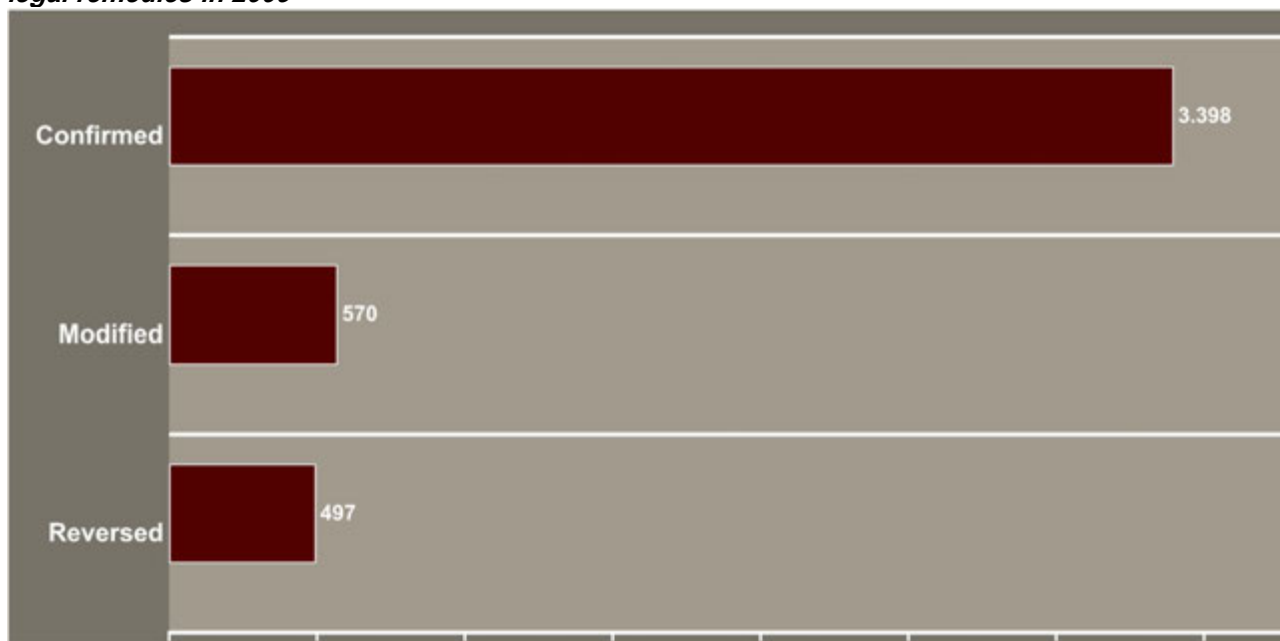


Table 19: Age breakdown of the cases before the supreme courts in BiH according to the year the case was initiated with the lower court

Year case was initiated	Percentage of the total amount of unresolved cases before the Supreme Court FBiH on 31.Dec.2009	Percentage of the total amount of unresolved cases before the Supreme Court RS on 31.Dec.2009.
2009	3.6%	8.3%
2008	21.7%	16.1%
2007	26.1%	9.1%
2006	14.2%	11.3%
2005	14.1%	12.8%
2004	5.1%	10.7%
2003	4.9%	7.8%
2002	3.6%	6.6%
2001	1.7%	4.9%
2000	1.5%	3.2%
1999 and before	3.5%	9.2%
Total	100.0%	100.0%

Supreme Court of the Federation of Bosnia and Herzegovina

Table 20: Case flow in the Supreme Court of Federation BiH in 2009 – as per case type

Case type	No. of unresolved cases as at 1.Jan.2009	No. of cases received in 2009	Total no. of cases processed in 2009	No. of cases resolved in 2009.	No. of unresolved cases as of 31.Dec.2009
	I	II	III = I + II	IV	V = III - IV
Civil Department					
Rev	1,976	2,574	4,550	1,741	2,809
Gž	6	22	28	26	2
Pž	0	2	2	1	1
Gvl	1	11	12	11	1
Other*	36	463	499	455	44
Total	2,019	3,072	5,091	2,234	2,857
Criminal Department					
Kž	51	610	661	590	71
Kžk	11	19	30	20	10
Kžž	1	18	19	12	7
Kvl					
Kzs					
Kv	0	28	28	28	0
Kr	1	26	27	22	5
Other*	1	3	4	3	1
Total	65	704	769	675	94
Administrative Department					
U	50	0	50	50	0
Už	442	0	442	442	0
Uvl	15	5	20	6	14
Uvp	2,378	498	2,876	1,040	1,836
Other*	2	33	35	28	7
Total	2,887	536	3,423	1,566	1,857
TOTAL	4,971	4,312	9,283	4,475	4,808

Table 21: Ratio between the number of received, resolved and unresolved cases in the Supreme Court FBiH expressed as a percentage

Department	Status change in unresolved cases*	Flow coefficient**	Years required to eliminate unresolved cases***
	I	II	III
Civil Department	41.51%	72.72%	1.3
Criminal Department	44.62%	95.88%	0.1
Administrative Department	-35.68%	292.16%	1.2
TOTAL	-3.28%	103.78%	1.1

*The coefficient of change regarding the status of unresolved cases (V/I-1) represents the relative change in the number of unresolved cases in 2009. A positive percentage value indicates that an increase was recorded in the number of unresolved cases in 2009. Accordingly, a negative percentage value indicates a reduction in the number of unresolved cases during the same period.

** The flow coefficient column (IV/II) represents the number of resolved cases compared to the number of received cases in 2009. A flow coefficient that is above 100% indicates that the number of resolved cases is higher than the number of cases received in 2009. At the same time, a flow coefficient that is below 100% indicates that the number of resolved cases is lower than the case inflow for the same period.

*** The coefficient for the number of years required to eliminate unresolved cases (V/IV) represents the ratio between the number of unresolved cases as at December 31, 2009 and the number of resolved cases in 2009. The orientational coefficient indicates how many years would be needed to resolve all unresolved cases as recorded on December 31, 2009, under the assumption that the rate of case resolution was identical to the 2009 rate, and that the 2010 case inflow was not processed before efforts aimed at finishing the cases that were identified as unresolved on December 31, 2009 were completed.

Supreme Court of Republika Srpska

Tabela 22: Case flow in the Supreme Court of Republika Srpska in 2009 – as per case type

Case type	No. of unresolved cases as at 1.Jan.2009	No. of cases received in 2009	Total no. of cases processed in 2009	No. of cases resolved in 2009.	No. of unresolved cases as of 31.Dec.2009
	I	II	III = I + II	IV	V = III - IV
Civil Department					
Rev	1,552	1,228	2,780	1,502	1,278
Gž	2	13	15	15	0
Gr	4	96	100	96	4
Other*					
Total	1,558	1,337	2,895	1,613	1,282
Criminal Department					
Kž	17	255	272	247	25
Kžk	10	17	27	17	10
Kžž	5	44	49	46	3
Kvlz	0	22	22	8	14
Kv	0	16	16	16	0
Kr	2	64	66	65	1
Other*	0	2	2	2	0
Total	34	420	454	401	53
Administrative Department					
U	1	8	9	9	0
Ur	6	60	66	64	2
Už	0	8	8	6	2
Uvl	2	2	4	2	2
Uvp	251	339	590	273	317
Other*	0	2	2	1	1
Total	260	419	679	355	324
TOTAL	1,852	2,176	4,028	2,369	1,659

Table 23: Ratio between the number of received, resolved and unresolved cases in the Supreme Court of Republika Srpska expressed as a percentage

Department	Status change in unresolved cases*	Flow coefficient**	Years required to eliminate unresolved cases***
	I	II	III
Civil Department	-17.72%	120.64%	0.8
Criminal Department	55.88%	95.48%	0.1
Administrative Department	24.62%	84.73%	0.9
TOTAL	-10.42%	108.87%	0.7

*The coefficient of change regarding the status of unresolved cases (V/I-1) represents the relative change in the number of unresolved cases in 2009. A positive percentage value indicates that an increase was recorded in the number of unresolved cases in 2009. Accordingly, a negative percentage value indicates a reduction in the number of unresolved cases during the same period.

** The flow coefficient column (IV/II) represents the number of resolved cases compared to the number of received cases in 2009. A flow coefficient that is above 100% indicates that the number of resolved cases is higher than the number of cases received in 2009. At the same time, a flow coefficient that is below 100% indicates that the number of resolved cases is lower than the case inflow for the same period.

*** The coefficient for the number of years required to eliminate unresolved cases (V/IV) represents the ratio between the number of unresolved cases as at December 31, 2009 and the number of resolved cases in 2009. The orientational coefficient indicates how many years would be needed to resolve all unresolved cases as recorded on December 31, 2009, under the assumption that the rate of case resolution was identical to the 2009 rate, and that the 2010 case inflow was not processed before efforts aimed at finishing the cases that were identified as unresolved on December 31, 2009 were completed.

CANTONAL AND DISTRICT COURTS

Table 24: Case flow in the cantonal and district courts in 2009 – as per Entity

Entity	No. of unresolved cases as at 1.Jan.2009	No. of cases received in 2009	Total no. of cases processed in 2009	No. of cases resolved in 2009.	No. of unresolved cases as of 31.Dec.2009
	I	II	III = I + II	IV	V = III - IV
Federation BiH	26,455	38,774	65,229	38,079	27,150
Republika Srpska	3,493	15,635	19,128	15,862	3,266
TOTAL	29,948	54,409	84,357	53,941	30,416

Diagram 12: Breakdown of unresolved cases in the cantonal and district courts as at January 1, 2009 and on December 31, 2009 – as per department

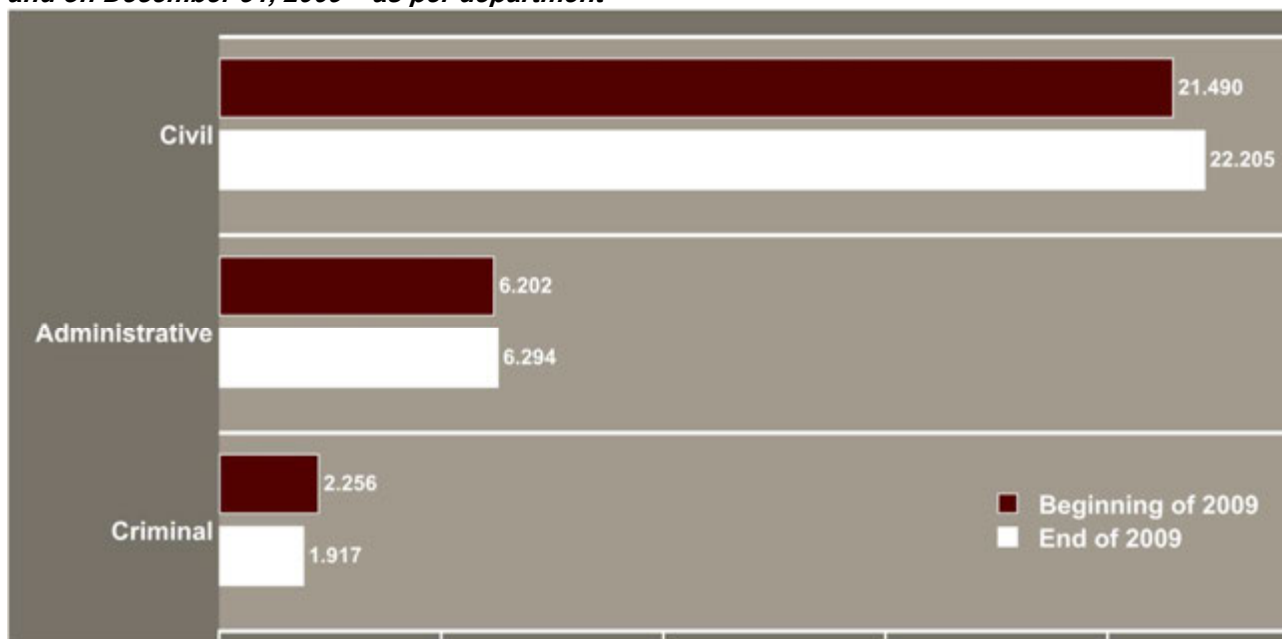


Diagram 13: Breakdown of received cases in the cantonal and district courts in 2009 – as per department

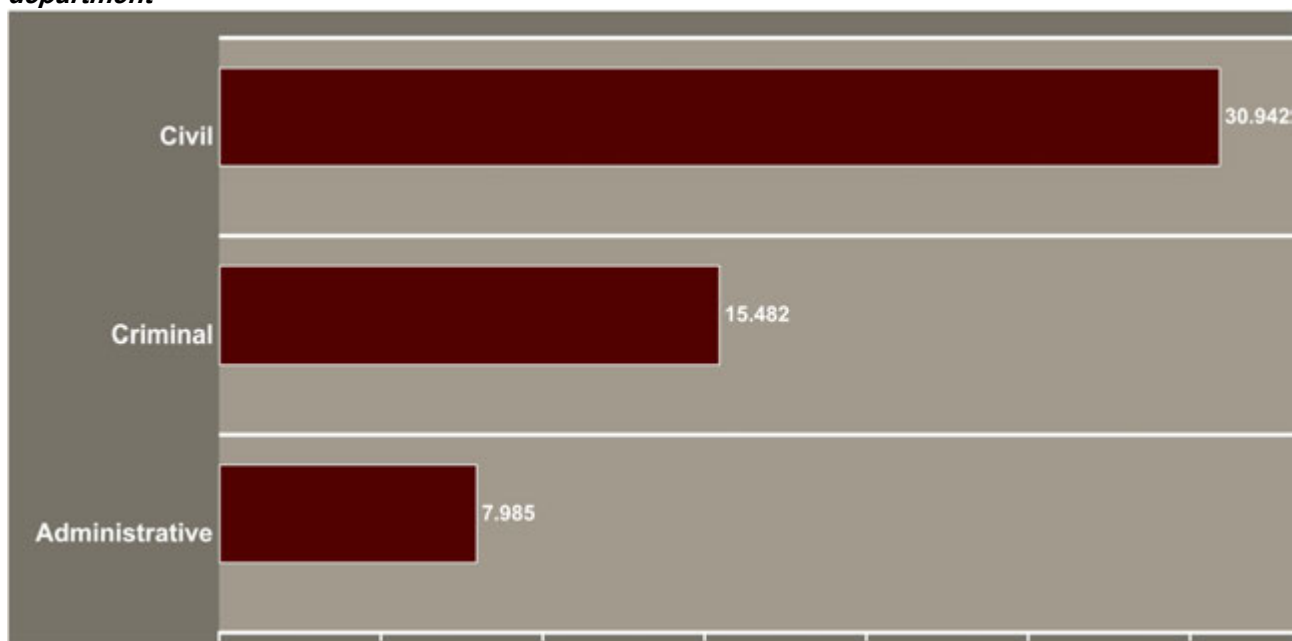


Table 25: Case flow in the cantonal and district courts in 2009 – as per case type

Case type	No. of unresolved cases as at 1.Jan.2009	No. of cases received in 2009	Total no. of cases processed in 2009	No. of cases resolved in 2009.	No. of unresolved cases as of 31.Dec.2009
	I	II	III = I + II	IV	V = III - IV
Civil departments					
Gž	13,700	20,556	34,256	21,152	13,104
Pž	2,553	3,492	6,045	3,200	2,845

Rsž	4,951	4,311	9,262	3,311	5,951
Gvl	43	255	298	208	90
Gvlž	10	64	74	44	30
V	222	2,129	2,351	2,170	181
Other*	11	135	146	142	4
Total	21,490	30,942	52,432	30,227	22,205
Criminal departments					
K	284	360	644	385	259
RZ	19	18	37	19	18
Kž	533	2,643	3,176	2,677	499
Kv	64	1,441	1,505	1,416	89
Kvl	6	24	30	23	7
Kpp	90	1,487	1,577	1,504	73
Kps	56	362	418	336	82
Kr	12	2,565	2,577	2,553	24
Kp	11	233	244	228	16
Kzs	1	4	5	5	0
Kbs	9	42	51	47	4
Kmž	2	56	58	51	7
Kžk	88	161	249	170	79
Iksž	11	359	370	366	4
Pžp*	1,010	5,380	6,390	5,715	675
Pžp II	0	43	43	26	17
Pom	43	164	207	150	57
Other*	17	140	157	150	7
Total	2,256	15,482	17,738	15,821	1,917
Administrative Department					
U	6,154	7,821	13,975	7,742	6,233
Uvl	26	57	83	57	26
Uvlž	0	1	1	1	0
Uz	6	51	57	52	5
Uvp	16	55	71	41	30
Ostalo*					
Ukupno	6,202	7,985	14,187	7,893	6,294
UKUPNO	29,948	54,409	84,357	53,941	30,416

Table 26: Ratio between the number of received, resolved and unresolved cases in the cantonal and district courts expressed as a percentage

Department	Status change in unresolved cases*	Flow coefficient**	Years required to eliminate unresolved cases***
	I	II	III
Civil	3.33%	97.69%	0.7
Criminal	-15.03%	102.19%	0.1
Administrative	1.48%	98.85%	0.8
TOTAL	1.56%	99.14%	0.6

*The coefficient of change regarding the status of unresolved cases (V/I-1) represents the relative change in the number of unresolved cases in 2009. A positive percentage value indicates that an increase was recorded in the number of unresolved cases in 2009. Accordingly, a negative percentage value indicates a reduction in the number of unresolved cases during the same period.

** The flow coefficient column (IV/II) represents the number of resolved cases compared to the number of received cases in 2009. A flow coefficient that is above 100% indicates that the number of resolved cases is higher than the number of cases received in 2009. At the same time, a flow coefficient that is below 100% indicates that the number of resolved cases is lower than the case inflow for the same period.

*** The coefficient for the number of years required to eliminate unresolved cases (V/IV) represents the ratio between the number of unresolved cases as at December 31, 2009 and the number of resolved cases in 2009. The orientational coefficient indicates how many years would be needed to resolve all unresolved cases as recorded on December 31, 2009, under the assumption that the rate of case resolution was identical to the 2009 rate, and that the 2010 case inflow was not processed before efforts aimed at finishing the cases that were identified as unresolved on December 31, 2009 were completed.

Diagram 14: Comparison of received and resolved cases in the cantonal and district courts in 2009 – as per department

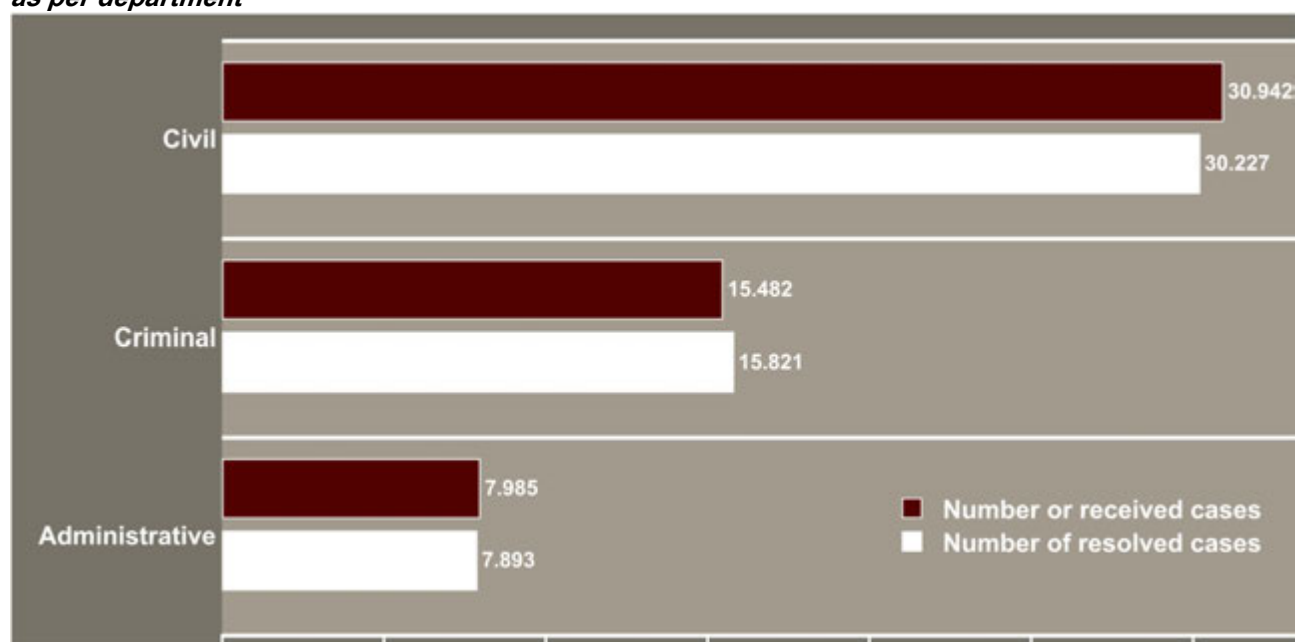


Diagram 15: Comparison of upheld, modified and reversed decisions in the cantonal and district courts

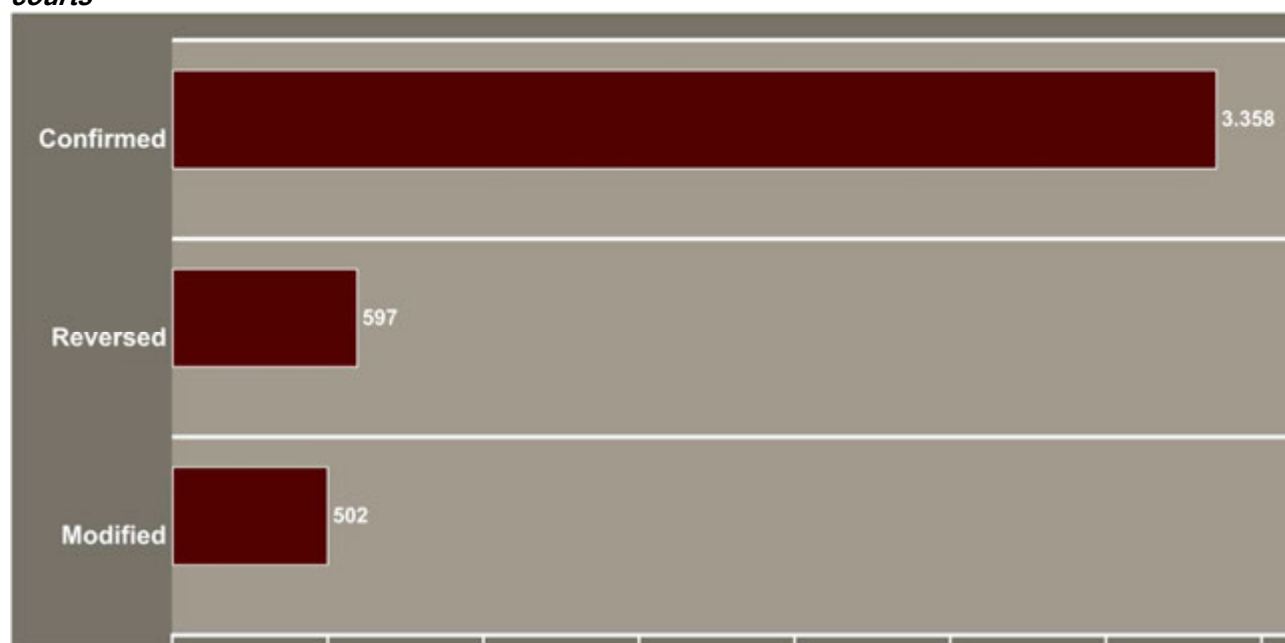


Table 27: Case flow in the 10 cantonal courts in the Federation BiH in 2009 – as per case type

Case type	No. of unresolved cases as at 1.Jan.2009	No. of cases received in 2009	Total no. of cases processed in 2009	No. of cases resolved in 2009.	No. of unresolved cases as of 31.Dec.2009
	I	II	III = I + II	IV	V = III - IV
Civil Departments					
Gž	11,724	14,965	26,689	15,010	11,679
Pž	2,195	2,456	4,651	2,205	2,446
Rsž	4,905	3,806	8,711	2,854	5,857
Gvl	33	177	210	137	73
Gvlž	3	38	41	21	20
V	101	1,381	1,482	1,392	90
Other*	10	126	136	133	3
Total	18,971	22,949	41,920	21,752	20,168
Criminal Departments					
K	232	214	446	240	206
RZ	18	7	25	11	14
Kž	474	1,643	2,117	1,729	388
Kv	52	973	1,025	951	74
Kvl	5	17	22	17	5
Kpp	50	836	886	838	48
Kps	39	210	249	199	50
Kr	11	2,489	2,500	2,477	23
Kp	10	145	155	145	10
Kzs	0	1	1	1	0
Kbs	9	32	41	38	3
Kmž	2	46	48	41	7
Kžk	40	89	129	93	36
lksž	10	268	278	276	2
Pžp*	935	3,165	4,100	3,561	539
Pžp II					
Pom	42	110	152	97	55
Other*	17	73	90	83	7
Total	1,946	10,318	12,264	10,797	1,467
Administrative Departments					
U	5,500	5,374	10,874	5,415	5,459
Uvl	19	39	58	36	22
Uvlž					
Uz	3	39	42	38	4
Uvp	16	55	71	41	30
Other*					
Total	5,538	5,507	11,045	5,530	5,515
TOTAL	26,455	38,774	65,229	38,079	27,150

Table 28: Ratio between the number of received, resolved and unresolved cases in the Cantonal courts expressed as a percentage

Department	Status change in unresolved cases*	Flow coefficient**	Years required to eliminate unresolved cases***
	I	II	III
Civil	6.31%	94.78%	0.9
Criminal	-24.61%	104.64%	0.1
Administrative	-0.42%	100.42%	1.0
TOTAL	2.63%	98.21%	0.7

*The coefficient of change regarding the status of unresolved cases (V/I-1) represents the relative change in the number of unresolved cases in 2009. A positive percentage value indicates that an increase was recorded in the number of unresolved cases in 2009. Accordingly, a negative percentage value indicates a reduction in the number of unresolved cases during the same period.

** The flow coefficient column (IV/II) represents the number of resolved cases compared to the number of received cases in 2009. A flow coefficient that is above 100% indicates that the number of resolved cases is higher than the number of cases received in 2009. At the same time, a flow coefficient that is below 100% indicates that the number of resolved cases is lower than the case inflow for the same period.

*** The coefficient for the number of years required to eliminate unresolved cases (V/IV) represents the ratio between the number of unresolved cases as at December 31, 2009 and the number of resolved cases in 2009. The orientational coefficient indicates how many years would be needed to resolve all unresolved cases as recorded on December 31, 2009, under the assumption that the rate of case resolution was identical to the 2009 rate, and that the 2010 case inflow was not processed before efforts aimed at finishing the cases that were identified as unresolved on December 31, 2009 were completed.

Table 29: Case flow in the 5 district courts in Republika Srpska in 2009 – as per case type

Case type	No. of unresolved cases as at 1.Jan.2009	No. of cases received in 2009	Total no. of cases processed in 2009	No. of cases resolved in 2009.	No. of unresolved cases as of 31.Dec.2009
	I	II	III = I + II	IV	V = III - IV
Civil Departments					
Gž	1,976	5,591	7,567	6,142	1,425
Pž	358	1,036	1,394	995	399
Rsž	46	505	551	457	94
Gvl	10	78	88	71	17
Gvlž	7	26	33	23	10
V	121	748	869	778	91
Other*	1	9	10	9	1
Total	2,519	7,993	10,512	8,475	2,037
Criminal Departments					
K	52	146	198	145	53
RZ	1	11	12	8	4
Kž	59	1,000	1,059	948	111
Kv	12	468	480	465	15
Kvl	1	7	8	6	2
Kpp	40	651	691	666	25
Kps	17	152	169	137	32
Kr	1	76	77	76	1
Kp	1	88	89	83	6

Kzs	1	3	4	4	0
Kbs	0	10	10	9	1
Kmž	0	10	10	10	0
Kžk	48	72	120	77	43
Iksž	1	91	92	90	2
Pžp*	75	2,215	2,290	2,154	136
Pžp II	0	43	43	26	17
Pom	1	54	55	53	2
Other*	0	67	67	67	0
Total	310	5,164	5,474	5,024	450
Administrative Departments					
U	654	2,447	3,101	2,327	774
Uvl	7	18	25	21	4
Uvlž	0	1	1	1	0
Uz	3	12	15	14	1
Uvp					
Other*					
Total	664	2,478	3,142	2,363	779
TOTAL	3,493	15,635	19,128	15,862	3,266

Table 30: Ratio between the number of received, resolved and unresolved cases in the district courts expressed as a percentage

Department	Status change in unresolved cases*	Flow coefficient**	Years required to eliminate unresolved cases***
	I	II	III
Civil	-19.13%	106.03%	0.2
Criminal	45.16%	97.29%	0.1
Administrative	17.32%	95.36%	0.3
TOTAL	-6.50%	101.45%	0.2

*The coefficient of change regarding the status of unresolved cases (V/I-1) represents the relative change in the number of unresolved cases in 2009. A positive percentage value indicates that an increase was recorded in the number of unresolved cases in 2009. Accordingly, a negative percentage value indicates a reduction in the number of unresolved cases during the same period.

** The flow coefficient column (IV/II) represents the number of resolved cases compared to the number of received cases in 2009. A flow coefficient that is above 100% indicates that the number of resolved cases is higher than the number of cases received in 2009. At the same time, a flow coefficient that is below 100% indicates that the number of resolved cases is lower than the case inflow for the same period.

*** The coefficient for the number of years required to eliminate unresolved cases (V/IV) represents the ratio between the number of unresolved cases as at December 31, 2009 and the number of resolved cases in 2009. The orientational coefficient indicates how many years would be needed to resolve all unresolved cases as recorded on December 31, 2009, under the assumption that the rate of case resolution was identical to the 2009 rate, and that the 2010 case inflow was not processed before efforts aimed at finishing the cases that were identified as unresolved on December 31, 2009 were completed.

Table 31: Age breakdown of cases in the cantonal and district courts in BiH based on the year of initial filing before the first instance court

Year case was initiated	Percentage of the total amount of unresolved cases before the Supreme Court FBiH on 31.Dec.2009	Percentage of the total amount of unresolved cases before the Supreme Court RS on 31.Dec.2009.
2009	17.7%	40.1%
2008	22.5%	18.3%
2007	21.2%	12.6%
2006	13.8%	8.3%
2005	11.0%	5.2%
2004	5.0%	3.4%
2003	3.3%	2.8%
2002	1.9%	2.4%
2001	1.3%	1.8%
2000	0.9%	1.0%
1999 & earlier	1.5%	4.1%
Total	100.0%	100.0%

Table 32: Relative statute of limitations regarding the initiation and conducting of criminal and minor offence procedures in the 10 cantonal courts in the Federation BiH in 2009

Case type	No. of cases in which <i>relative</i> statute of limitations came into effect, during the reporting period, regarding criminal prosecution and conducting minor offence procedure			
	Case received after statute of limitations came into effect	Inaccessibility of accused or other procedural reasons	Other reasons	TOTAL
	I	II	III	IV=I+II+III
K	0	2	0	2
Kž	1	0	0	1
Kmž	0	0	0	0
Kžk	0	0	0	0
Total - criminal	1	2	0	3
Pžp	5	0	0	5
Pžp II	0	0	0	0
Total – minor offence	5	0	0	5
TOTAL	6	2	0	8

Table 33: Absolute statute of limitations regarding the initiation and conducting of criminal and minor offence procedures in the 10 cantonal courts in the Federation BiH in 2009

Case type	No. of cases in which absolute statute of limitations came into effect, during the reporting period, regarding criminal prosecution and conducting minor offence procedure			
	Case received after statute of limitations came into effect	Inaccessibility of accused or other procedural reasons	Other reasons	TOTAL
	I	II	III	IV=I+II+III
K	0	1	1	2
Kž	0	0	7	7
Kmž	0	0	0	0
Kžk	0	0	0	0
Total – criminal	0	1	8	9
Pžp	25	0	3	28
Pžp II	0	0	0	0
Total – minor offence	25	0	3	28
TOTAL	25	1	11	37

Table 34: Relative statute of limitations regarding the initiation and conducting of criminal and minor offence procedures in the 5 district courts in Republika Srpska in 2009

Case type	No. of cases in which relative statute of limitations came into effect, during the reporting period, regarding criminal prosecution and conducting minor offence procedure			
	Case received after statute of limitations came into effect	Inaccessibility of accused or other procedural reasons	Other reasons	TOTAL
	I	II	III	IV=I+II+III
K	0	4	0	4
Kž	0	0	0	0
Kmž	0	0	0	0
Kžk	0	0	0	0
Total – criminal	0	4	0	4
Pžp	6	0	0	6
Pžp II	0	0	0	0
Total – minor offence	6	0	0	6
TOTAL	6	4	0	10

Table 35: Absolute statute of limitations regarding the initiation and conducting of criminal and minor offence procedures in the 5 district courts in Republika Srpska in 2009

Case type	No. of cases in which absolute statute of limitations came into effect, during the reporting period, regarding criminal prosecution and conducting minor offence procedure			
	Case received after statute of limitations came into effect	Inaccessibility of accused or other procedural reasons	Other reasons	TOTAL
	I	II	III	IV=I+II+III
K	0	4	0	4
Kž	0	0	0	0
Kmž	0	0	0	0
Kžk	0	0	0	0
Total – criminal	0	4	0	4
Pžp	24	0	0	24
Pžp II	0	0	11	11
Total – minor offence	24	0	11	35
TOTAL	24	4	11	39

Performance Reports for Each Cantonal Court

Table 36/1-15: Case flow in the cantonal and district courts in 2009

CANTONAL COURT BIHAC

Regular judges: 13

Reserve judges: 3

Department	No. of unresolved cases as at 1.Jan.2009	No. of cases received in 2009	Total no. of cases processed in 2009	No. of cases resolved in 2009.	No. of unresolved cases as of 31.Dec.2009
	I	II	III = I + II	IV	V = III - IV
Civil	3,508	2,399	5,907	2,441	3,466
Criminal	208	720	928	804	124
Administrative	452	605	1,057	512	545
TOTAL	4,168	3,724	7,892	3,757	4,135

Collective quota of the court: 154,8%

Quality of court performance: upheld decisions 62%, modified decisions 15%, reversed decisions 23%

CANTONAL COURT GORAZDE

Regular judges: 4

Reserve judges: 0

Department	No. of unresolved cases as at 1.Jan.2009	No. of cases received in 2009	Total no. of cases processed in 2009	No. of cases resolved in 2009.	No. of unresolved cases as of 31.Dec.2009
	I	II	III = I + II	IV	V = III - IV
Civil	2	229	231	228	3
Criminal	0	53	53	50	3
Administrative	8	89	97	95	2
TOTAL	10	371	381	373	8

Collective quota of the court: 135,8%

Quality of court performance: upheld decisions 76%, modified decisions 18%, reversed decisions 6%

CANTONAL COURT LIVNO

Regular judges: 4

Reserve judges: 0

Department	No. of unresolved cases as at 1.Jan.2009	No. of cases received in 2009	Total no. of cases processed in 2009	No. of cases resolved in 2009.	No. of unresolved cases as of 31.Dec.2009
	I	II	III = I + II	IV	V = III - IV
Civil	340	675	1,015	607	408
Criminal	21	2,269	2,290	2,266	24
Administrative	18	245	263	166	97
TOTAL	379	3,189	3,568	3,039	529

Collective quota of the court: 182,0%

Quality of court performance: upheld decisions 88%, modified decisions 4%, reversed decisions 8%

CANTONAL COURT MOSTAR

Regular judges: 14

Reserve judges: 0

Department	No. of unresolved cases as at 1.Jan.2009	No. of cases received in 2009	Total no. of cases processed in 2009	No. of cases resolved in 2009.	No. of unresolved cases as of 31.Dec.2009
	I	II	III = I + II	IV	V = III - IV
Civil	791	2,218	3,009	1,664	1,345
Criminal	84	737	821	717	104
Administrative	574	980	1,554	973	581
TOTAL	1,449	3,935	5,384	3,354	2,030

Collective quota of the court: 133,0%

Quality of court performance: upheld decisions 73%, modified decisions 11%, reversed decisions 16%

CANTONAL COURT ODZAK

Regular judges: 4

Reserve judges: 0

Department	No. of unresolved cases as at 1.Jan.2009	No. of cases received in 2009	Total no. of cases processed in 2009	No. of cases resolved in 2009.	No. of unresolved cases as of 31.Dec.2009
	I	II	III = I + II	IV	V = III - IV
Civil	2	279	281	281	0
Criminal	6	130	136	131	5
Administrative	4	65	69	65	4
UKUPNO	12	474	486	477	9

Collective quota of the court: 88,4%

Quality of court performance: upheld decisions 77%, modified decisions 8%, reversed decisions 15%

CANTONAL COURT SARAJEVO

Regular judges: 28

Reserve judges: 6

Department	No. of unresolved cases as at 1.Jan.2009	No. of cases received in 2009	Total no. of cases processed in 2009	No. of cases resolved in 2009.	No. of unresolved cases as of 31.Dec.2009
	I	II	III = I + II	IV	V = III - IV
Civil	8,911	6,303	15,214	5,249	9,965
Criminal	731	1,565	2,296	1,807	489
Administrative	2,959	1,474	4,433	1,411	3,022
TOTAL	12,601	9,342	21,943	8,467	13,476

Collective quota of the court: 142,0%

Quality of court performance: upheld decisions 82%, modified decisions 10%, reversed decisions 8%

CANTONAL COURT SIROKI BRIJEG

Regular judges: 4

Reserve judges: 0

Department	No. of unresolved cases as at 1.Jan.2009	No. of cases received in 2009	Total no. of cases processed in 2009	No. of cases resolved in 2009.	No. of unresolved cases as of 31.Dec.2009
	I	II	III = I + II	IV	V = III - IV
Civil	151	704	855	727	128
Criminal	32	196	228	207	21
Administrative	41	159	200	166	34
TOTAL	224	1,059	1,283	1,100	183

Collective quota of the court: 190,2%

Quality of court performance: upheld decisions 55%, modified decisions 13%, reversed decisions 32%

CANTONAL COURT NOVI TRAVNIK

Regular judges: 10

Reserve judges: 2

Department	No. of unresolved cases as at 1.Jan.2009	No. of cases received in 2009	Total no. of cases processed in 2009	No. of cases resolved in 2009.	No. of unresolved cases as of 31.Dec.2009
	I	II	III = I + II	IV	V = III - IV
Civil	973	1,385	2,358	1,680	678
Criminal	376	1,087	1,463	1,341	122
Administrative	321	539	860	625	235
TOTAL	1,670	3,011	4,681	3,646	1,035

Collective quota of the court: 149,0%

Quality of court performance: upheld decisions 70%, modified decisions 14%, reversed decisions 16%

CANTONAL COURT TUZLA

Regular judges: 20

Reserve judges: 2

Department	No. of unresolved cases as at 1.Jan.2009	No. of cases received in 2009	Total no. of cases processed in 2009	No. of cases resolved in 2009.	No. of unresolved cases as of 31.Dec.2009
	I	II	III = I + II	IV	V = III - IV
Civil	2,388	3,309	5,697	3,287	2,410
Criminal	423	2,060	2,483	2,085	398
Administrative	887	645	1,532	697	835
TOTAL	3,698	6,014	9,712	6,069	3,643

Collective quota of the court: 146,6%

Quality of court performance: upheld decisions 84%, modified decisions 9%, reversed decisions 7%

CANTONAL COURT ZENICA

Regular judges: 17

Reserve judges: 2

Department	No. of unresolved cases as at 1.Jan.2009	No. of cases received in 2009	Total no. of cases processed in 2009	No. of cases resolved in 2009.	No. of unresolved cases as of 31.Dec.2009
	I	II	III = I + II	IV	V = III - IV
Civil	1,905	5,448	7,353	5,588	1,765
Criminal	65	1,501	1,566	1,389	177
Administrative	274	706	980	820	160
TOTAL	2,244	7,655	9,899	7,797	2,102

Collective quota of the court: 185,1%

Quality of court performance: upheld decisions 80%, modified decisions 10%, reversed decisions 10%

Performance Reports for Each District Court**DISTRICT COURT BANJA LUKA**

Regular judges: 30

Reserve judges: 4

Department	No. of unresolved cases as at 1.Jan.2009	No. of cases received in 2009	Total no. of cases processed in 2009	No. of cases resolved in 2009.	No. of unresolved cases as of 31.Dec.2009
	I	II	III = I + II	IV	V = III - IV
Civil	347	4,027	4,374	3,740	634
Criminal	139	2,711	2,850	2,669	181
Administrative	478	1,466	1,944	1,421	523
TOTAL	964	8,204	9,168	7,830	1,338

Collective quota of the court: 142,9%

Quality of court performance: upheld decisions 74%, modified decisions 12%, reversed decisions 14%

DISTRICT COURT BIJE LJINA

Regular judges: 11

Reserve judges: 2

Department	No. of unresolved cases as at 1.Jan.2009	No. of cases received in 2009	Total no. of cases processed in 2009	No. of cases resolved in 2009.	No. of unresolved cases as of 31.Dec.2009
	I	II	III = I + II	IV	V = III - IV
Civil	1,005	1,142	2,147	1,609	538
Criminal	66	1,059	1,125	994	131
Administrative	62	338	400	350	50
TOTAL	1,133	2,539	3,672	2,953	719

Collective quota of the court: 131,0%

Quality of court performance: upheld decisions 65%, modified decisions 16%, reversed decisions 19%

DISTRICT COURT DOBOJ

Regular judges: 9

Reserve judges: 0

Department	No. of unresolved cases as at 1.Jan.2009	No. of cases received in 2009	Total no. of cases processed in 2009	No. of cases resolved in 2009.	No. of unresolved cases as of 31.Dec.2009
	I	II	III = I + II	IV	V = III - IV
Civil	582	1,522	2,104	1,689	415
Criminal	16	629	645	595	50
Administrative	32	295	327	253	74
TOTAL	630	2,446	3,076	2,537	539

Collective quota of the court: 138,0%

Quality of court performance: upheld decisions 70%, modified decisions 14%, reversed decisions 16%

DISTRICT COURT EAST SARAJEVO

Regular judges: 4

Reserve judges: 1

Department	No. of unresolved cases as at 1.Jan.2009	No. of cases received in 2009	Total no. of cases processed in 2009	No. of cases resolved in 2009.	No. of unresolved cases as of 31.Dec.2009
	I	II	III = I + II	IV	V = III - IV
Civil	359	727	1,086	842	244
Criminal	48	408	456	412	44
Administrative	61	224	285	224	61
TOTAL	468	1,359	1,827	1,478	349

Collective quota of the court: 173,5%

Quality of court performance: upheld decisions 66%, modified decisions 11%, reversed decisions 23%

DISTRICT COURT TREBINJE

Regular judges: 5

Reserve judges: 0

Department	No. of unresolved cases as at 1.Jan.2009	No. of cases received in 2009	Total no. of cases processed in 2009	No. of cases resolved in 2009.	No. of unresolved cases as of 31.Dec.2009
	I	II	III = I + II	IV	V = III - IV
Civil	226	575	801	595	206
Criminal	41	357	398	354	44
Administrative	31	155	186	115	71
TOTAL	298	1,087	1,385	1,064	321

Collective quota of the court: 131,0%

Quality of court performance: upheld decisions 73%, modified decisions 8%, reversed decisions 19%

MUNICIPAL AND BASIC COURTS

Table 37: Case flow in the municipal and basic courts in 2009 – as per Entity

Entity	No. of unresolved cases as at 1.Jan.2009	No. of cases received in 2009	Total no. of cases processed in 2009	No. of cases resolved in 2009.	No. of unresolved cases as of 31.Dec.2009
	I	II	III = I + II	IV	V = III - IV
Federation BiH	243,305	531,759	775,064	531,570	243,494
Republika Srpska	112,160	251,944	364,104	246,446	117,658
TOTAL	355,465	783,703	1,139,168	778,016	361,152
Minor Offence Department					
Federation BiH	37,011	51,714	88,725	52,150	36,575
Republika Srpska	29,944	26,624	56,568	35,191	21,377
TOTAL	66,955	78,338	145,293	87,341	57,952
Federation BiH	280,316	583,473	863,789	583,720	280,069
Republika Srpska	142,104	278,568	420,672	281,637	139,035
TOTAL	422,420	862,041	1,284,461	865,357	419,104

Diagram 16: Breakdown of unresolved cases in the municipal and basic courts as at January 1, 2009 & December 31, 2009 – as per case type

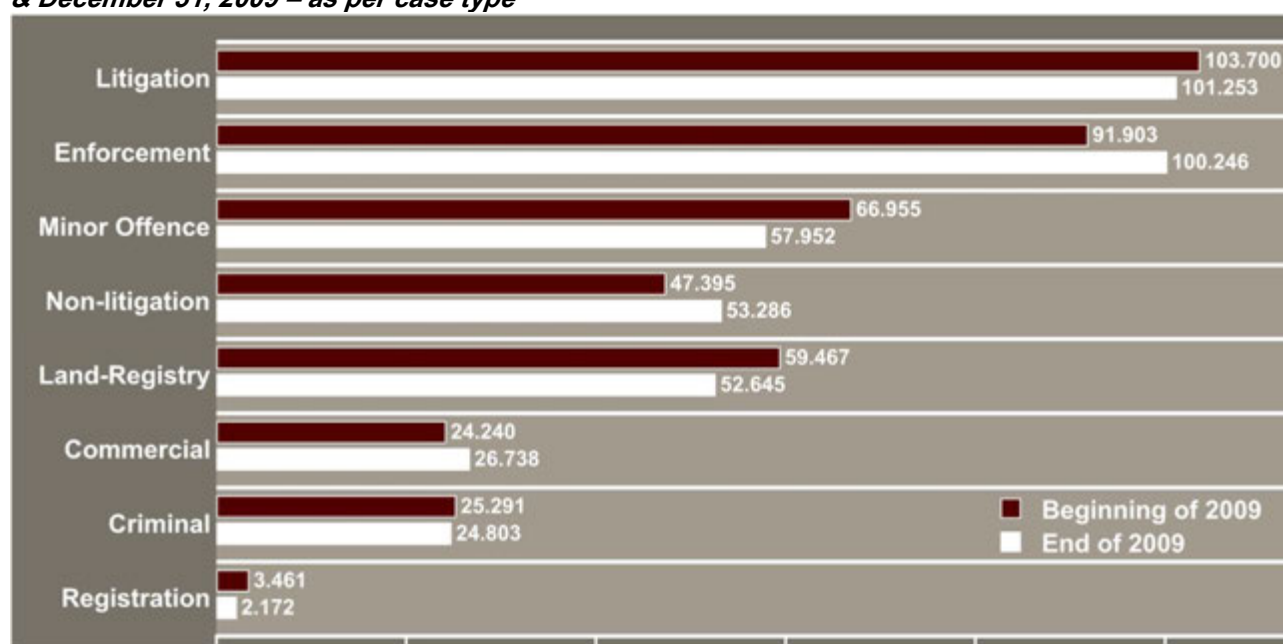
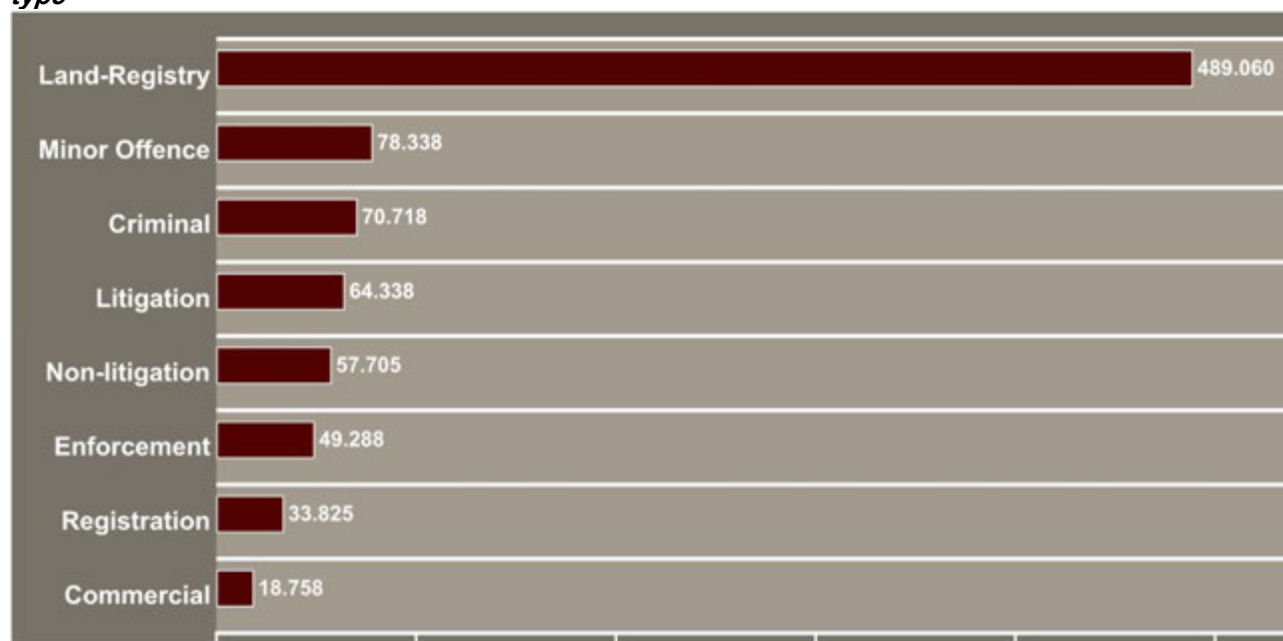


Diagram 17: Breakdown of received cases in the municipal and basic courts in 2009 – as per case type**Table 38: Case flow in the municipal and basic courts in 2009 – as per case type**

Case type	No. of unresolved cases as at 1.Jan.2009	No. of cases received in 2009	Total no. of cases processed in 2009	No. of cases resolved in 2009.	No. of unresolved cases as of 31.Dec.2009
	I	II	III = I + II	IV	V = III - IV
Civil					
P	60,241	32,944	93,185	35,191	57,994
Mal	23,316	20,648	43,964	18,921	25,043
Labour disputes	19,647	9,548	29,195	11,481	17,714
Pom	175	929	1,104	935	169
Other*	321	269	590	257	333
Total	103,700	64,338	168,038	66,785	101,253
Commercial					
Ps	13,812	9,275	23,087	9,514	13,573
Mals	8,398	7,620	16,018	4,950	11,068
L	1,457	1,431	2,888	1,384	1,504
Ls	0	73	73	71	2
St	565	359	924	337	587
Other*	8	0	8	4	4
Total	24,240	18,758	42,998	16,260	26,738
Criminal					
K	16,366	17,199	33,565	17,652	15,913
Kpp	567	8,420	8,987	8,547	440
Kps	3,395	8,260	11,655	8,152	3,503
Kr	34	23,116	23,150	23,141	9
Kzs					
Kbs	14	385	399	357	42

Km	1,287	1,242	2,529	1,367	1,162
Kv	959	6,868	7,827	6,785	1,042
Kvl	0	1	1	1	0
Kp	53	85	138	125	13
lks	2,602	4,280	6,882	4,336	2,546
Pom	14	155	169	143	26
Other*	0	707	707	600	107
Total	25,291	70,718	96,009	71,206	24,803
Enforcement					
I	73,763	41,763	115,526	32,601	82,925
Ip	17,995	7,367	25,362	8,223	17,139
Other*	145	158	303	121	182
Total	91,903	49,288	141,191	40,945	100,246
Non-litigation					
V	11,465	16,434	27,899	15,338	12,561
O	35,621	40,448	76,069	35,643	40,426
Other*	309	823	1,132	833	299
Total	47,395	57,705	105,100	51,814	53,286
Business entity registration					
Reg	2,600	15,335	17,935	16,248	1,687
Regz	730	17,932	18,662	18,232	430
F1	130	532	662	610	52
F2	1	5	6	5	1
F3	0	2	2	1	1
Other*	0	19	19	18	1
Total	3,461	33,825	37,286	35,114	2,172
Land registry cases					
Dn	49,001	120,342	169,343	125,898	43,445
Nar	0	318,478	318,478	316,950	1,528
Rz	718	32,724	33,442	31,086	2,356
Kpu	9,745	7,072	16,817	11,507	5,310
Other*	3	10,444	10,447	10,441	6
Total	59,467	489,060	548,527	495,882	52,645
Minor offence					
Pr	66,897	77,002	143,899	85,968	57,931
Prz	57	858	915	896	19
Pvlp	0	7	7	7	0
Kv-l	0	469	469	467	2
Other*	1	2	3	3	0
Total	66,955	78,338	145,293	87,341	57,952
Mediation	8	11	19	10	9
TOTAL	422,420	862,041	1,284,461	865,357	419,104

Table 39: Ratio between the number of received, resolved and unresolved cases in the Municipal and basic courts expressed as a percentage

Case type	Status change in unresolved cases*	Flow coefficient**	Years required to eliminate unresolved cases***
	I	II	III
Civil	-2.36%	103.80%	1.5
Commercial	10.31%	86.68%	1.6
Criminal	-1.93%	100.69%	0.3
Enforcement	9.08%	83.07%	2.4
Non-litigation	12.43%	89.79%	1.0
Business entity registration	-37.24%	103.81%	0.1
Land registry cases	-11.47%	101.39%	0.1
Minor offence departments	-13.45%	111.49%	0.7
Mediation	12.50%	90.91%	0.9
TOTAL	-0.79%	100.38%	0.5

*The coefficient of change regarding the status of unresolved cases (V/I-1) represents the relative change in the number of unresolved cases in 2009. A positive percentage value indicates that an increase was recorded in the number of unresolved cases in 2009. Accordingly, a negative percentage value indicates a reduction in the number of unresolved cases during the same period.

** The flow coefficient column (IV/II) represents the number of resolved cases compared to the number of received cases in 2009. A flow coefficient that is above 100% indicates that the number of resolved cases is higher than the number of cases received in 2009. At the same time, a flow coefficient that is below 100% indicates that the number of resolved cases is lower than the case inflow for the same period.

*** The coefficient for the number of years required to eliminate unresolved cases (V/IV) represents the ratio between the number of unresolved cases as at December 31, 2009 and the number of resolved cases in 2009. The orientational coefficient indicates how many years would be needed to resolve all unresolved cases as recorded on December 31, 2009, under the assumption that the rate of case resolution was identical to the 2009 rate, and that the 2010 case inflow was not processed before efforts aimed at finishing the cases that were identified as unresolved on December 31, 2009 were completed.

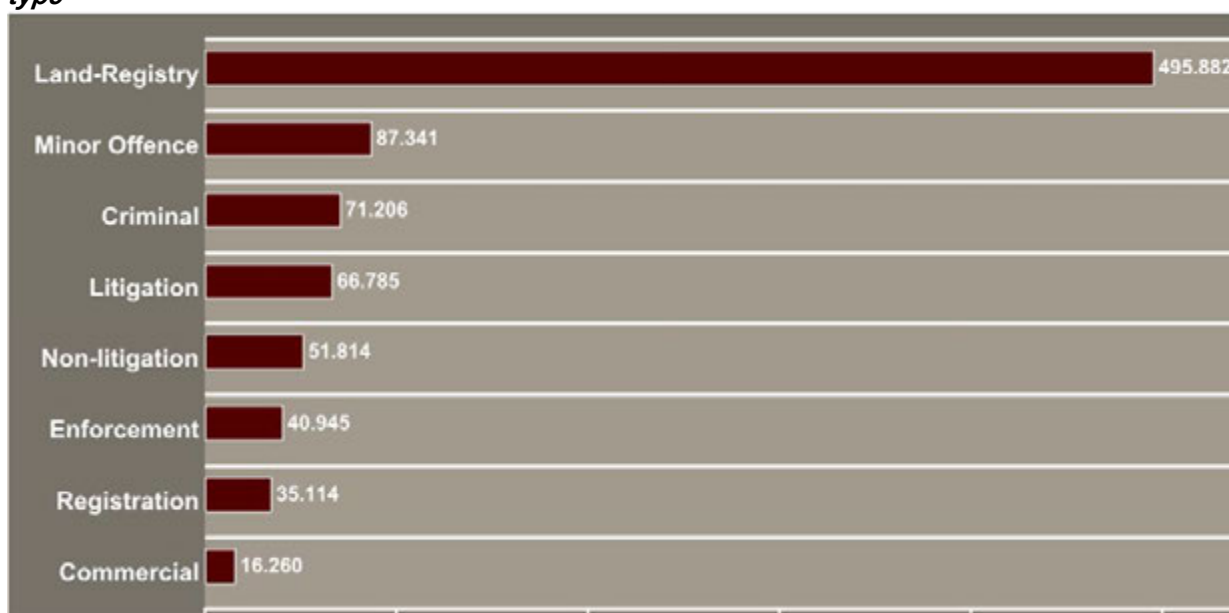
Diagram 18: Breakdown of resolved cases in the municipal and basic courts in 2009 – as per case type

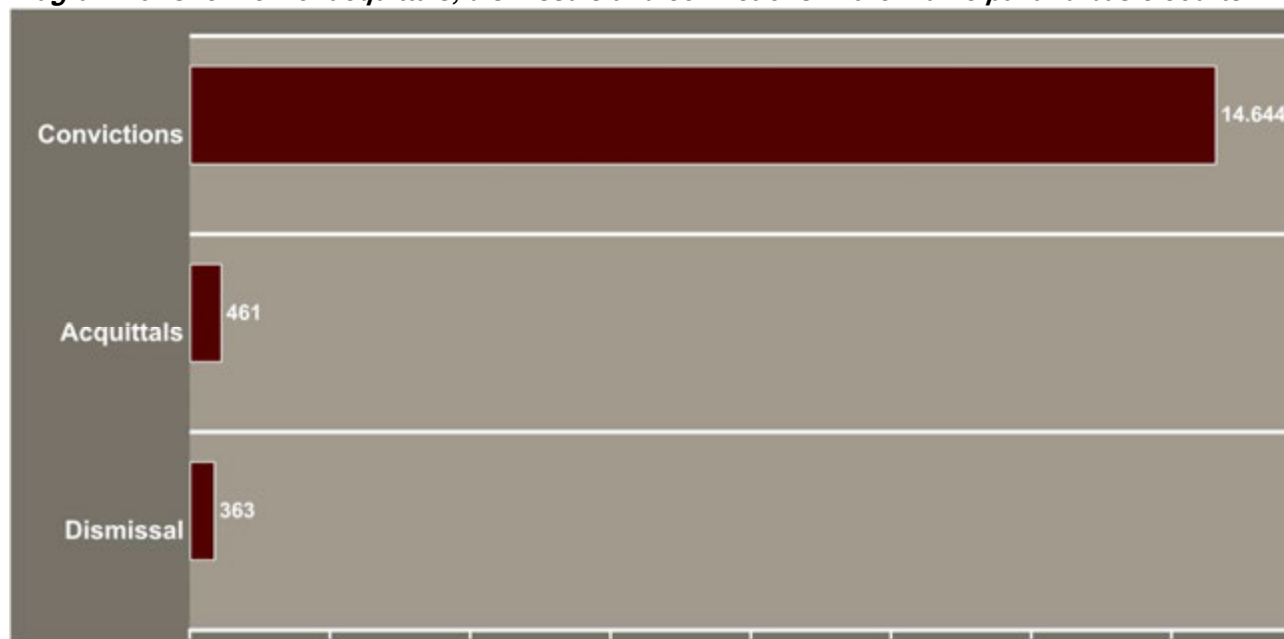
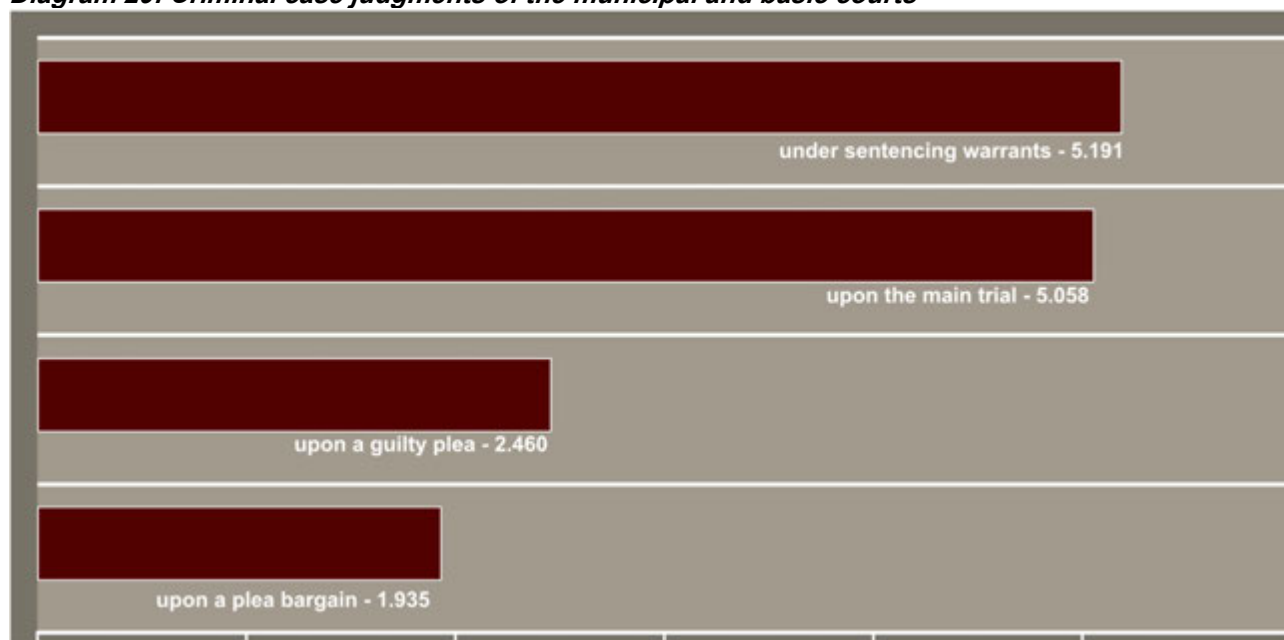
Diagram 19: Overview of acquittals, dismissals and convictions in the municipal and basic courts*Diagram 20: Criminal case judgments of the municipal and basic courts*

Diagram 21: Breakdown of judgments, on merits or procedural, as rendered within the civil and commercial departments of the municipal and basic courts

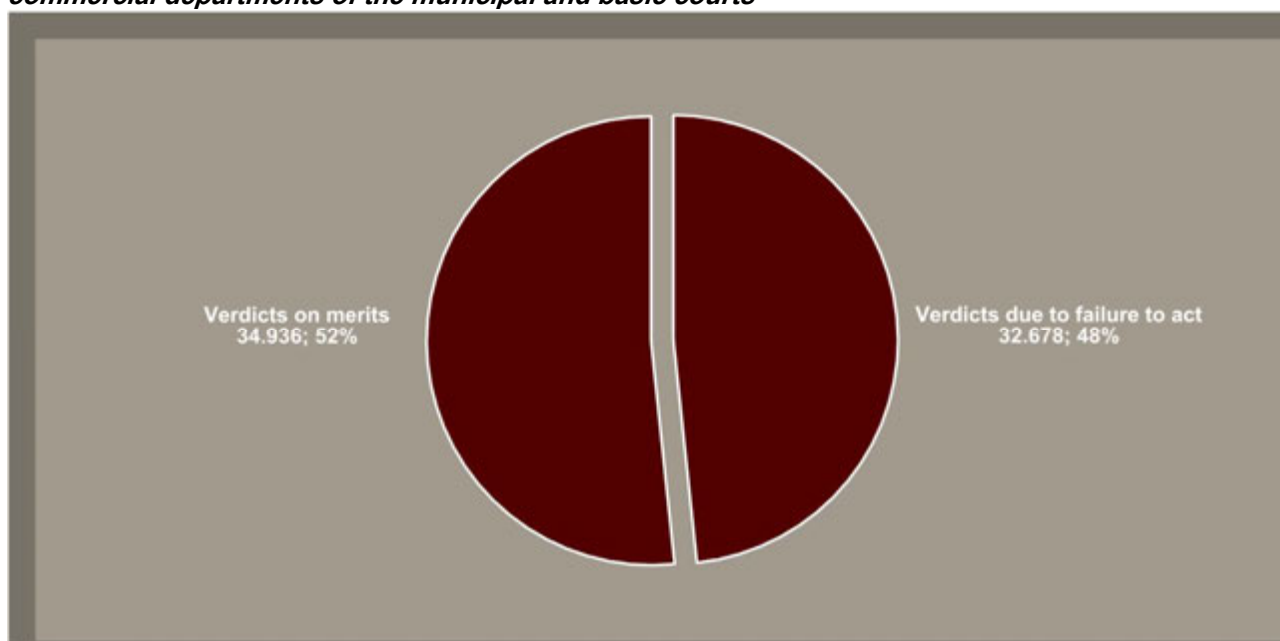


Table 40: Case flow in the 28 municipal courts in the Federation BiH in 2009 – as per case type

Case type	No. of unresolved cases as at 1.Jan.2009	No. of cases received in 2009	Total no. of cases processed in 2009	No. of cases resolved in 2009.	No. of unresolved cases as of 31.Dec.2009
	I	II	III = I + II	IV	V = III - IV
Civil					
P	36,692	21,496	58,188	24,201	33,987
Mal	14,933	13,511	28,444	13,450	14,994
Labour disputes	16,460	7,153	23,613	9,416	14,197
Pom	107	475	582	462	120
Other*	317	217	534	212	322
Total	68,509	42,852	111,361	47,741	63,620
Commercial					
Ps	8,567	5,753	14,320	6,417	7,903
Mals	4,441	4,136	8,577	3,207	5,370
L	1,050	996	2,046	911	1,135
Ls	0	0	0	0	0
St	277	188	465	167	298
Other*	8	0	8	4	4
Total	14,343	11,073	25,416	10,706	14,710
Criminal					
K	10,539	11,598	22,137	11,357	10,780
Kpp	294	5,301	5,595	5,304	291
Kps	2,277	6,070	8,347	5,876	2,471
Kr	6	11,125	11,131	11,130	1
Kzs					
Kbs	14	246	260	233	27

Km	1,046	885	1,931	1,040	891
Kv	760	5,443	6,203	5,440	763
Kvl	0	1	1	1	0
Kp	44	37	81	74	7
Iks	2,058	2,903	4,961	2,964	1,997
Pom	14	119	133	107	26
Other*					
Total	17,052	43,728	60,780	43,526	17,254
Enforcement					
I	50,407	32,618	83,025	24,616	58,409
Ip	13,698	5,467	19,165	5,682	13,483
Other*	145	158	303	121	182
Total	64,250	38,243	102,493	30,419	72,074
Non-litigation					
V	6,376	9,982	16,358	8,956	7,402
O	20,494	22,942	43,436	21,732	21,704
Other*	269	449	718	454	264
Total	27,139	33,373	60,512	31,142	29,370
Business entity registration					
Reg	1,950	10,552	12,502	11,434	1,068
Regz	730	14,927	15,657	15,227	430
F1	0	3	3	3	0
F2					
F3					
Other*					
Total	2,680	25,482	28,162	26,664	1,498
Land registry					
Dn	38,945	81,527	120,472	84,442	36,030
Nar	0	224,008	224,008	222,480	1,528
Rz	639	15,236	15,875	13,778	2,097
Kpu	9,745	7,072	16,817	11,507	5,310
Other*	3	9,165	9,168	9,165	3
Total	49,332	337,008	386,340	341,372	44,968
Minor offence					
Pr	36,980	50,426	87,406	50,849	36,557
Prz	31	815	846	830	16
Pvlp	0	4	4	4	0
Kv-l	0	469	469	467	2
Other*					
Total	37,011	51,714	88,725	52,150	36,575
Mediation	0	0	0	0	0
TOTAL	280,316	583,473	863,789	583,720	280,069

Table 41: Ratio between the number of received, resolved and unresolved cases in the Municipal courts expressed as a percentage

Case type	Status change in unresolved cases*	Flow coefficient**	Years required to eliminate unresolved cases***
	I	II	III
Civil	-7.14%	111.41%	1.3
Commercial	2.56%	96.69%	1.4
Criminal	1.18%	99.54%	0.4
Enforcement	12.18%	79.54%	2.4
Non-litigation	8.22%	93.31%	0.9
Business entity registration	-44.10%	104.64%	0.1
Land registry cases	-8.85%	101.29%	0.1
Minor offence departments	-1.18%	100.84%	0.7
TOTAL	-0.09%	100.04%	0.5

*The coefficient of change regarding the status of unresolved cases (V/I-1) represents the relative change in the number of unresolved cases in 2009. A positive percentage value indicates that an increase was recorded in the number of unresolved cases in 2009. Accordingly, a negative percentage value indicates a reduction in the number of unresolved cases during the same period.

** The flow coefficient column (IV/II) represents the number of resolved cases compared to the number of received cases in 2009. A flow coefficient that is above 100% indicates that the number of resolved cases is higher than the number of cases received in 2009. At the same time, a flow coefficient that is below 100% indicates that the number of resolved cases is lower than the case inflow for the same period.

*** The coefficient for the number of years required to eliminate unresolved cases (V/IV) represents the ratio between the number of unresolved cases as at December 31, 2009 and the number of resolved cases in 2009. The orientational coefficient indicates how many years would be needed to resolve all unresolved cases as recorded on December 31, 2009, under the assumption that the rate of case resolution was identical to the 2009 rate, and that the 2010 case inflow was not processed before efforts aimed at finishing the cases that were identified as unresolved on December 31, 2009 were completed.

Table 42: Case flow in the 19 basic courts in Republika Srpska in 2009 – as per case type

Case type	No. of unresolved cases as at 1.Jan.2009	No. of cases received in 2009	Total no. of cases processed in 2009	No. of cases resolved in 2009.	No. of unresolved cases as of 31.Dec.2009
	I	II	III = I + II	IV	V = III - IV
Civil					
P	23,549	11,448	34,997	10,990	24,007
Mal	8,383	7,137	15,520	5,471	10,049
Labour disputes	3,187	2,395	5,582	2,065	3,517
Pom	68	454	522	473	49
Other*	4	52	56	45	11
Total	35,191	21,486	56,677	19,044	37,633
Commercial					
Ps	5,245	3,522	8,767	3,097	5,670
Mals	3,957	3,484	7,441	1,743	5,698
L	407	435	842	473	369
Ls	0	73	73	71	2

St	288	171	459	170	289
Other*					
Total	9,897	7,685	17,582	5,554	12,028
Criminal					
K	5,827	5,601	11,428	6,295	5,133
Kpp	273	3,119	3,392	3,243	149
Kps	1,118	2,190	3,308	2,276	1,032
Kr	28	11,991	12,019	12,011	8
Kzs					
Kbs	0	139	139	124	15
Km	241	357	598	327	271
Kv	199	1,425	1,624	1,345	279
Kvl					
Kp	9	48	57	51	6
Iks	544	1,377	1,921	1,372	549
Pom	0	36	36	36	0
Other*	0	707	707	600	107
Total	8,239	26,990	35,229	27,680	7,549
Enforcement					
I	23,356	9,145	32,501	7,985	24,516
Ip	4,297	1,900	6,197	2,541	3,656
Other*					
Total	27,653	11,045	38,698	10,526	28,172
Non-litigation					
V	5,089	6,452	11,541	6,382	5,159
O	15,127	17,506	32,633	13,911	18,722
Other*	40	374	414	379	35
Total	20,256	24,332	44,588	20,672	23,916
Business entity registration					
Reg	650	4,783	5,433	4,814	619
Regz	0	3,005	3,005	3,005	0
F1	130	529	659	607	52
F2	1	5	6	5	1
F3	0	2	2	1	1
Other*	0	19	19	18	1
Total	781	8,343	9,124	8,450	674
Land registry cases					
Dn	10,056	38,815	48,871	41,456	7,415
Nar	0	94,470	94,470	94,470	0
Rz	79	17,488	17,567	17,308	259
Kpu					
Other*	0	1,279	1,279	1,276	3
Total	10,135	152,052	162,187	154,510	7,677
Minor offence					
Pr	29,917	26,576	56,493	35,119	21,374
Prz	26	43	69	66	3

Pvlp	0	3	3	3	0
Kv-I					
Other*	1	2	3	3	0
Total	29,944	26,624	56,568	35,191	21,377
Mediation	8	11	19	10	9
TOTAL	142,104	278,568	420,672	281,637	139,035

Table 43: Ratio between the number of received, resolved and unresolved cases in the basic courts

Case type	Status change in unresolved cases*	Flow coefficient**	Years required to eliminate unresolved cases***
	I	II	III
Civil	6.94%	88.63%	2.0
Commercial	21.53%	72.27%	2.2
Criminal	-8.37%	102.56%	0.3
Enforcement	1.88%	95.30%	2.7
Non-litigation	18.07%	84.96%	1.2
Business entity registration	-13.70%	101.28%	0.1
Land registry cases	-24.25%	101.62%	0.0
Minor offence departments	-28.61%	132.18%	0.6
Mediation	12.50%	90.91%	0.9
TOTAL	-2.16%	101.10%	0.5

*The coefficient of change regarding the status of unresolved cases (V/I-1) represents the relative change in the number of unresolved cases in 2009. A positive percentage value indicates that an increase was recorded in the number of unresolved cases in 2009. Accordingly, a negative percentage value indicates a reduction in the number of unresolved cases during the same period.

** The flow coefficient column (IV/II) represents the number of resolved cases compared to the number of received cases in 2009. A flow coefficient that is above 100% indicates that the number of resolved cases is higher than the number of cases received in 2009. At the same time, a flow coefficient that is below 100% indicates that the number of resolved cases is lower than the case inflow for the same period.

*** The coefficient for the number of years required to eliminate unresolved cases (V/IV) represents the ratio between the number of unresolved cases as at December 31, 2009 and the number of resolved cases in 2009. The orientational coefficient indicates how many years would be needed to resolve all unresolved cases as recorded on December 31, 2009, under the assumption that the rate of case resolution was identical to the 2009 rate, and that the 2010 case inflow was not processed before efforts aimed at finishing the cases that were identified as unresolved on December 31, 2009 were completed.

Table 44: Age breakdown of cases in municipal and basic courts by the year of case opening

Opening of cases by years	Percentage of a total number of unresolved cases in municipal courts as of December 31, 2009	Percentage of a total number of unresolved cases in basic courts as of December 31, 2009
2009	38.4%	49.5%
2008	34.8%	19.5%
2007	8.5%	13.0%
2006	6.4%	6.3%
2005	2.9%	3.3%
2004	2.4%	2.7%

2003	1.8%	1.8%
2002	1.2%	1.4%
2001	1.0%	0.7%
2000	0.8%	0.4%
1999 and earlier	1.8%	1.4%
Total	100.0%	100.0%

Table 45: Relative statute of limitations of criminal and minor offense proceedings in municipal courts in 2009

Types of cases	Number of cases which, during the reporting period, have fallen under the <u>relative</u> statute of limitations as to criminal prosecution, that is, initiating and conducting of minor offense proceedings			
	Number of cases received after the statute of limitations has run out	Unavailability of the accused or other procedural reasons	Other reasons	TOTAL
	I	II	III	IV=I+II+III
K	1	51	20	72
Km	0	0	4	4
Total - criminal cases	1	51	24	76
Pr	44	3	86	133
TOTAL	45	54	110	209

Table 46: Absolute statute of limitations in initiating and conducting criminal and minor offense proceedings in municipal courts in 2009

Types of cases	Number of cases which, during the reporting period, have fallen under the <u>absolute</u> statute of limitations as to criminal prosecution, that is, initiating and conducting of minor offense proceedings			
	Number of cases received after the statute of limitations has run out	Unavailability of the accused or other procedural reasons	Other reasons	TOTAL
	I	II	III	IV=I+II+III
K	5	122	24	151
Km	0	38	0	38
Total – criminal cases	5	160	24	189
Pr	87	1.685	385	2.157
TOTAL	92	1.845	409	2.346

Table 47: Statute of limitations as to the enforcement of criminal and minor offense sanctions in municipal courts in 2009

Types of cases	Number of cases that have fallen under the <u>relative</u> statute of limitations for the enforcement of sanctions	Number of cases that have fallen under the <u>absolute</u> statute of limitations for the enforcement of sanctions	TOTAL
Criminal cases - lks	6	26	32
Minor offense cases - lps	510	4,465	4,975
TOTAL	516	4,491	5,007

Table 48: Relative statute of limitations in initiating and conducting criminal and minor offense proceedings in basic courts in 2009

Types of cases	Number of cases which, during the reporting period, have fallen under the <u>relative</u> statute of limitations in terms of criminal prosecution, that is, initiating and conducting of minor offense proceedings			
	Number of cases received after the statute of limitations has run out	Unavailability of the accused or other procedural reasons	Other reasons	TOTAL
	I	II	III	IV=I+II+III
K	0	1	3	4
Km				
Total – criminal cases	0	1	3	4
Pr	17	4	20	41
TOTAL	17	5	23	45

Table 49: Absolute statute of limitations in initiating and conducting criminal and minor offense proceedings in basic courts in 2009

Types of cases	Number of cases which, during the reporting period, have fallen under the <u>absolute</u> statute of limitations in terms of criminal prosecution, that is, initiating and conducting of minor offense proceedings			
	Number of cases received after the statute of limitations has run out	Unavailability of the accused or other procedural reasons	Other reasons	TOTAL
	I	II	III	IV=I+II+III
K	0	39	12	51
Km				
Total – criminal cases	0	39	12	51
Pr	1,996	1,359	464	3,819
TOTAL	1,996	1,398	476	3,870

Table 50: Statute of limitations as to the enforcement of criminal and minor offense sanctions in basic courts in 2009

Types of cases	Number of cases received after the <u>relative</u> statute of limitations occurred for the enforcement of sanctions	Number of cases received after the <u>absolute</u> statute of limitations has run out for the enforcement of sanctions	TOTAL
Criminal cases - lks	4	14	18
Minor offense cases - lps	133	53	186
TOTAL	137	67	204

Table 51: Breakdown of unresolved cases as to the enforcement of criminal sanctions in municipal courts

Types of sanctions	Total number of unresolved cases in courts as of December 31, 2009	Reasons why the work on cases has not been finished					
		Postponed enforcement	Inability of placing a person in a correctional institution or other institution prescribed by law	Person is unavailable	Issued warrant		Other reasons
					Central	Intern.	
I	II	III	IV	V	VI		VII
Enforcement of prescribed imprisonment	1,710	225	782	295	272	75	235
Enforcement of juvenile imprisonment	1	0	0	0	1	0	0
Enforcement of security measures – mandatory psychiatric treatment	38	0	0	0	0	0	38
Disciplinary measure-juvenile imprisonment	6	0	4	0	0	0	1
Institutional measures	8	0	0	0	0	0	8
Enforcement of punishment of fines (pronounced as a main punishment)	143	4	33	9	15	0	81
Other sanctions	81	0	0	0	0	0	78
Total	1,987	229	819	304	288	75	441

Table 52: Breakdown of unresolved cases as to the enforcement of criminal sanctions in basic courts

Types of sanctions	Total number of unresolved cases in courts as of December 31, 2009	Reasons why the work on cases has not been finished					
		Postponed enforcement	Inability of placing a person in a correctional institution or other institution prescribed by law	Person is unavailable	Issued warrant		Other reasons
					Central	International	
I	II	III	IV	V	VI		VII
Enforcement of prescribed imprisonment	494	45	0	181	105	108	232
Enforcement of juvenile imprisonment	0	0	0	0	0	0	0
Enforcement of security measures – mandatory psychiatric treatment	1	0	0	1	1	0	0
Disciplinary measure-juvenile imprisonment	1	1	0	0	0	0	0
Institutional measures	0	0	0	0	0	0	0
Enforcement of punishment of fines (pronounced as a main punishment)	146	0	0	16	0	0	130
Other sanctions	13	0	0	0	0	0	13
Total	655	46	0	198	106	108	375

Reports on the performance of municipal courts

Table 53/1-47: Flow of cases in certain municipal and basic courts during 2009

MUNICIPAL COURT IN BIHAC

Regular judges: 21

Reserve judges: 0

Judicial associates: 2

Types of cases	Number of unresolved cases as of January 1, 2009	Number of cases received during 2009	Total number of cases worked on during 2009	Number of resolved cases during 2009	Number of unresolved cases as of December 31, 2009
	I	II	III = I + II	IV	V = III - IV
Civil cases	4,694	2,145	6,839	2,537	4,302
Commercial cases	1,117	1,645	2,762	1,457	1,305
Criminal cases	684	1,158	1,842	1,269	573
Enforcement cases	1,012	2,139	3,151	2,633	518
Non-litigation cases	1,018	1,143	2,161	1,037	1,124
Registration of business	38	773	811	786	25

subjects					
Land registry cases	101	8,733	8,834	8,704	130
Minor offense cases	546	2,085	2,631	1,584	1,047
TOTAL	9,210	19,821	29,031	20,007	9,024

Collective quota the court achieved: 154.0%

Court performance quality: upheld decisions 73%, modified decisions 15%, reversed decisions 12%

MUNICIPAL COURT IN BOSANSKA KRUPA

Regular judges: 8

Reserve judges: 0

Judicial associates: 1

Types of cases	Number of unresolved cases as of January 1, 2009	Number of cases received during 2009	Total number of cases worked on during 2009	Number of resolved cases during 2009	Number of unresolved cases as of December 31, 2009
	I	II	III = I + II	IV	V = III - IV
Civil cases	1,323	838	2,161	927	1,234
Commercial cases	0	0	0	0	0
Criminal cases	149	736	885	724	161
Enforcement cases	263	709	972	403	569
Non-litigation cases	307	453	760	445	315
Registration of business subjects	0	0	0	0	0
Land registry cases	75	3,100	3,175	3,159	16
Minor offense cases	538	937	1,475	1,259	216
TOTAL	2,655	6,773	9,428	6,917	2,511

Collective quota the court achieved: 111.9%

Court performance quality: upheld decisions 74%, modified decisions 16%, reversed decisions 10%

MUNICIPAL COURT IN BUGOJNO

Regular judges: 13

Reserve judges: 1

Judicial associates: 1

Types of cases	Number of unresolved cases as of January 1, 2009	Number of cases received during 2009	Total number of cases worked on during 2009	Number of resolved cases during 2009	Number of unresolved cases as of December 31, 2009
	I	II	III = I + II	IV	V = III - IV
Civil cases	1,691	1,805	3,496	1,880	1,616
Commercial cases	0	0	0	0	0
Criminal cases	652	713	1,365	713	652
Enforcement cases	725	1,749	2,474	290	2,184
Non-litigation cases	888	1,614	2,502	1,515	987
Registration of business subjects	0	0	0	0	0
Land registry cases	208	12,591	12,799	12,665	134
Minor offense cases	1,402	2,458	3,860	2,306	1,554
TOTAL	5,566	20,930	26,496	19,369	7,127

Collective quota the court achieved: 203.0%

Court performance quality: upheld decisions 73%, modified decisions 13%, reversed decisions 14%

MUNICIPAL COURT IN CAPLJINA

Regular judges: 10

Reserve judges: 0

Judicial associates: 2

Types of cases	Number of unresolved cases as of January 1, 2009	Number of cases received during 2009	Total number of cases worked on during 2009	Number of resolved cases during 2009	Number of unresolved cases as of December 31, 2009
	I	II	III = I + II	IV	V = III - IV
Civil cases	627	1,630	2,257	1,589	668
Commercial cases	0	0	0	0	0
Criminal cases	126	369	495	360	135
Enforcement cases	397	512	909	455	454
Non-litigation cases	311	517	828	576	252
Registration of business subjects	0	0	0	0	0
Land registry cases	2,841	5,241	8,082	5,127	2,955
Minor offense cases	275	823	1,098	899	199
TOTAL	4,577	9,092	13,669	9,006	4,663

Collective quota the court achieved: 143.0%

Court performance quality: upheld decisions 84%, modified decisions 7%, reversed decisions 9%

MUNICIPAL COURT IN CAZIN

Regular judges: 7

Reserve judges: 1

Judicial associates: 1

Types of cases	Number of unresolved cases as of January 1, 2009	Number of cases received during 2009	Total number of cases worked on during 2009	Number of resolved cases during 2009	Number of unresolved cases as of December 31, 2009
	I	II	III = I + II	IV	V = III - IV
Civil cases	2,516	710	3,226	1,240	1,986
Commercial cases	0	0	0	0	0
Criminal cases	474	1,594	2,068	1,671	397
Enforcement cases	1,303	1,223	2,526	1,217	1,309
Non-litigation cases	958	616	1,574	407	1,167
Registration of business subjects	0	0	0	0	0
Land registry cases	1,336	4,404	5,740	4,804	936
Minor offense cases	588	1,435	2,023	730	1,293
TOTAL	7,175	9,982	17,157	10,069	7,088

Collective quota the court achieved: 145.4%

Court performance quality: upheld decisions 73%, modified decisions 16%, reversed decisions 11%

MUNICIPAL COURT IN GORAZDE

Regular judges: 7

Reserve judges: 0

Judicial associates: 1

Types of cases	Number of unresolved cases as of January 1, 2009	Number of cases received during 2009	Total number of cases worked on during 2009	Number of resolved cases during 2009	Number of unresolved cases as of December 31, 2009
	I	II	III = I + II	IV	V = III - IV
Civil cases	209	1,337	1,546	1,085	461
Commercial cases	49	98	147	102	45
Criminal cases	51	178	229	190	39
Enforcement cases	445	1,107	1,552	1,037	515
Non-litigation cases	153	952	1,105	946	159
Registration of business subjects	15	161	176	151	25
Land registry cases	7	1,180	1,187	1,173	14
Minor offense cases	148	424	572	427	145
TOTAL	1,077	5,437	6,514	5,111	1,403

Collective quota the court achieved: 116.4%

Court performance quality: upheld decisions 79%, modified decisions 15%, reversed decisions 6%

MUNICIPAL COURT IN GRACANICA

Regular judges: 5

Reserve judges: 0

Judicial associates: 0

Types of cases	Number of unresolved cases as of January 1, 2009	Number of cases received during 2009	Total number of pending cases worked on during 2009	Number of resolved cases during 2009	Number of unresolved cases as of December 31, 2009
	I	II	III = I + II	IV	V = III - IV
Civil cases	239	420	659	339	320
Commercial cases	0	0	0	0	0
Criminal cases	346	663	1,009	658	351
Enforcement cases	925	681	1,606	160	1,446
Non-litigation cases	189	550	739	462	277
Registration of business subjects	0	0	0	0	0
Land registry cases	2,310	8,577	10,887	9,350	1,537
Minor offense cases	429	789	1,218	722	496
TOTAL	4,438	11,680	16,118	11,691	4,427

Collective quota the court achieved: 178.4%

Court performance quality: upheld decisions 72%, modified decisions 12%, reversed decisions 16%

MUNICIPAL COURT IN GRADACAC

Regular judges: 8

Reserve judges: 2

Judicial associates: 2

Types of cases	Number of unresolved cases as of January 1, 2009	Number of cases received during 2009	Total number of pending cases worked on during 2009	Number of resolved cases during 2009	Number of unresolved cases as of December 31, 2009
	I	II	III = I + II	IV	V = III - IV
Civil cases	1,259	733	1,992	559	1,433
Commercial cases	0	0	0	0	0
Criminal cases	850	1,067	1,917	964	953

Enforcement cases	1,892	1,455	3,347	1,196	2,151
Non-litigation cases	1,366	1,001	2,367	1,014	1,353
Registration of business subjects	0	0	0	0	0
Land registry cases	4	12,022	12,026	12,026	0
Minor offense cases	317	1,950	2,267	2,094	173
TOTAL	5,688	18,228	23,916	17,853	6,063

Collective quota the court achieved: 124.4%

Court performance quality: upheld decisions 82%, modified decisions 7%, reversed decisions 11%

MUNICIPAL COURT IN KAKANJ

Regular judges: 5

Reserve judges: 1

Judicial associates: 1

Types of cases	Number of unresolved cases as of January 1, 2009	Number of cases received during 2009	Total number of pending cases worked on during 2009	Number of resolved cases during 2009	Number of unresolved cases as of December 31, 2009
	I	II	III = I + II	IV	V = III - IV
Civil cases	654	1,834	2,488	916	1,572
Commercial cases	0	0	0	0	0
Criminal cases	221	429	650	462	188
Enforcement cases	185	588	773	327	446
Non-litigation cases	450	660	1,110	504	606
Registration of business subjects	0	0	0	0	0
Land registry cases	1,174	6,484	7,658	6,625	1,033
Minor offense cases	886	1,127	2,013	1,177	836
TOTAL	3,570	11,122	14,692	10,011	4,681

Collective quota the court achieved: 116.0%

Court performance quality: upheld decisions 71%, modified decisions 15%, reversed decisions 14%

MUNICIPAL COURT IN KALESIJA

Regular judges: 5

Reserve judges: 0

Judicial associates: 1

Types of cases	Number of unresolved cases as of January 1, 2009	Number of cases received during 2009	Total number of pending cases worked on during 2009	Number of resolved cases during 2009	Number of unresolved cases as of December 31, 2009
	I	II	III = I + II	IV	V = III - IV
Civil cases	579	575	1,154	737	417
Commercial cases	0	0	0	0	0
Criminal cases	291	722	1,013	703	310
Enforcement cases	258	446	704	360	344
Non-litigation cases	143	543	686	476	210
Registration of business subjects	0	0	0	0	0
Land registry cases	2	3,209	3,211	3,210	1
Minor offense cases	452	693	1,145	797	348
TOTAL	1,725	6,188	7,913	6,283	1,630

Collective quota the court achieved: 178.0%

Court performance quality: upheld decisions 71%, modified decisions 10%, reversed decisions 19%

MUNICIPAL COURT IN KISELJAK

Regular judges: 6

Reserve judges: 1

Judicial associates: 2

Types of cases	Number of unresolved cases as of January 1, 2009	Number of cases received during 2009	Total number of pending cases worked on during 2009	Number of resolved cases during 2009	Number of unresolved cases as of December 31, 2009
	I	II	III = I + II	IV	V = III - IV
Civil cases	649	484	1,133	451	682
Commercial cases	0	0	0	0	0
Criminal cases	318	1,750	2,068	1,672	396
Enforcement cases	448	393	841	395	446
Non-litigation cases	257	553	810	463	347
Registration of business subjects	0	0	0	0	0
Land registry cases	1	3,545	3,546	3,546	0
Minor offense cases	1,244	747	1,991	1,507	484
TOTAL	2,917	7,472	10,389	8,034	2,355

Collective quota the court achieved: 175.1%

Court performance quality: upheld decisions 61%, modified decisions 16%, reversed decisions 23%

MUNICIPAL COURT IN KONJIC

Regular judges: 8

Reserve judges: 0

Judicial associates: 1

Types of cases	Number of unresolved cases as of January 1, 2009	Number of cases received during 2009	Total number of pending cases worked on during 2009	Number of resolved cases during 2009	Number of unresolved cases as of December 31, 2009
	I	II	III = I + II	IV	V = III - IV
Civil cases	656	1,058	1,714	608	1,106
Commercial cases	0	0	0	0	0
Criminal cases	147	871	1,018	788	230
Enforcement cases	625	895	1,520	536	984
Non-litigation cases	207	989	1,196	814	382
Registration of business subjects	0	0	0	0	0
Land registry cases	303	9,516	9,819	9,574	245
Minor offense cases	483	1,480	1,963	1,517	446
TOTAL	2,421	14,809	17,230	13,837	3,393

Collective quota the court achieved: 154.3%

Court performance quality: upheld decisions 77%, modified decisions 12%, reversed decisions 11%

MUNICIPAL COURT IN LIVNO

Regular judges: 9

Reserve judges: 1

Judicial associates: 4

Types of cases	Number of unresolved cases as of January 1, 2009	Number of cases received during 2009	Total number of pending cases worked on during 2009	Number of resolved cases during 2009	Number of unresolved cases as of December 31, 2009
	I	II	III = I + II	IV	V = III - IV
Civil cases	2,761	975	3,736	2,036	1,700
Commercial cases	296	312	608	285	323
Criminal cases	874	1,129	2,003	1,217	786
Enforcement cases	1,925	1,020	2,945	932	2,013
Non-litigation cases	1,943	1,552	3,495	1,542	1,953
Registration of business subjects	5	564	569	566	3
Land registry cases	945	8,475	9,420	8,721	699
Minor offense cases	221	1,760	1,981	1,723	258
TOTAL	8,970	15,787	24,757	17,022	7,735

Collective quota the court achieved: 155.1%

Court performance quality: upheld decisions 52%, modified decisions 24%, reversed decisions 24%

MUNICIPAL COURT IN LJUBUSKI

Regular judges: 5

Reserve judges: 0

Judicial associates: 2

Types of cases	Number of unresolved cases as of January 1, 2009	Number of cases received during 2009	Total number of pending cases worked on during 2009	Number of resolved cases during 2009	Number of unresolved cases as of December 31, 2009
	I	II	III = I + II	IV	V = III - IV
Civil cases	562	629	1,191	750	441
Commercial cases	0	0	0	0	0
Criminal cases	94	413	507	339	168
Enforcement cases	566	741	1,307	560	747
Non-litigation cases	204	752	956	690	266
Registration of business subjects	0	0	0	0	0
Land registry cases	68	4,592	4,660	4,636	24
Minor offense cases	760	1,075	1,835	913	922
TOTAL	2,254	8,202	10,456	7,888	2,568

Collective quota the court achieved: 181.0%

Court performance quality: upheld decisions 87%, modified decisions 6%, reversed decisions 7%

MUNICIPAL COURT IN MOSTAR

Regular judges: 23

Reserve judges: 2

Judicial associates: 7

Types of cases	Number of unresolved cases as of January 1, 2009	Number of cases received during 2009	Total number of pending cases worked on during 2009	Number of resolved cases during 2009	Number of unresolved cases as of December 31, 2009
	I	II	III = I + II	IV	V = III - IV
Civil cases	11,182	1,667	12,849	3,421	9,428
Commercial cases	1,439	534	1,973	832	1,141
Criminal cases	790	1,289	2,079	1,466	613

Enforcement cases	1,749	1,174	2,923	210	2,713
Non-litigation cases	2,563	1,752	4,315	1,926	2,389
Registration of business subjects	130	1,062	1,192	1,087	105
Land registry cases	7,026	16,767	23,793	15,516	8,277
Minor offense cases	3,778	2,294	6,072	3,993	2,079
TOTAL	28,657	26,539	55,196	28,451	26,745

Collective quota the court achieved: 149.3%

Court performance quality: upheld decisions 85%, modified decisions 7%, reversed decisions 8%

MUNICIPAL COURT IN ORASJE

Regular judges: 7

Reserve judges: 0

Judicial associates: 1

Types of cases	Number of unresolved cases as of January 1, 2009	Number of cases received during 2009	Total number of pending cases worked on during 2009	Number of resolved cases during 2009	Number of unresolved cases as of December 31, 2009
	I	II	III = I + II	IV	V = III - IV
Civil cases	454	548	1,002	564	438
Commercial cases	109	136	245	114	131
Criminal cases	673	639	1,312	756	556
Enforcement cases	710	172	882	190	692
Non-litigation cases	365	784	1,149	681	468
Registration of business subjects	7	605	612	603	9
Land registry cases	69	3,576	3,645	3,581	64
Minor offense cases	823	1,401	2,224	1,051	1,173
TOTAL	3,210	7,861	11,071	7,540	3,531

Collective quota the court achieved: 180.5%

Court performance quality: upheld decisions 76%, modified decisions 8%, reversed decisions 16%

MUNICIPAL COURT IN SANSKI MOST

Regular judges: 7

Reserve judges: 0

Judicial associates: 1

Types of cases	Number of unresolved cases as of January 1, 2009	Number of cases received during 2009	Total number of pending cases worked on during 2009	Number of resolved cases during 2009	Number of unresolved cases as of December 31, 2009
	I	II	III = I + II	IV	V = III - IV
Civil cases	1,517	1,160	2,677	938	1,739
Commercial cases	0	0	0	0	0
Criminal cases	149	632	781	619	162
Enforcement cases	1,104	1,003	2,107	708	1,399
Non-litigation cases	292	611	903	492	411
Registration of business subjects	0	0	0	0	0
Land registry cases	27	8,412	8,439	8,417	22
Minor offense cases	291	561	852	645	207
TOTAL	3,380	12,379	15,759	11,819	3,940

Collective quota the court achieved: 128.5%

Court performance quality: upheld decisions 37%, modified decisions 7%, reversed decisions 56%

MUNICIPAL COURT IN SARAJEVO

Regular judges: 100

Reserve judges: 11

Judicial associates: 26

Types of cases	Number of unresolved cases as of January 1, 2009	Number of cases received during 2009	Total number of pending cases worked on during 2009	Number of resolved cases during 2009	Number of unresolved cases as of December 31, 2009
	I	II	III = I + II	IV	V = III - IV
Civil cases	12,004	8,027	20,031	10,175	9,856
Commercial cases	3,293	2,331	5,624	2,792	2,832
Criminal cases	2,945	7,362	10,307	7,370	2,937
Enforcement cases	24,904	9,316	34,220	11,544	22,676
Non-litigation cases	4,468	6,402	10,870	7,009	3,861
Registration of business subjects	1,531	9,240	10,771	9,891	880
Land registry cases	4,590	117,626	122,216	121,231	985
Minor offense cases	6,563	11,727	18,290	8,326	9,964
TOTAL	60,298	172,031	232,329	178,338	53,991

Collective quota the court achieved: 175.6%

Court performance quality: upheld decisions 82%, modified decisions 9%, reversed decisions 9%

MUNICIPAL COURT IN SIROKI BRIJEG

Regular judges: 5

Reserve judges: 1

Judicial associates: 2

Types of cases	Number of unresolved cases as of January 1, 2009	Number of cases received during 2009	Total number of cases worked on during 2009	Number of resolved cases during 2009	Number of unresolved cases as of December 31, 2009
	I	II	III = I + II	IV	V = III - IV
Civil cases	1,080	600	1,680	912	768
Commercial cases	319	361	680	332	348
Criminal cases	118	298	416	295	121
Enforcement cases	493	403	896	156	740
Non-litigation cases	787	630	1,417	581	836
Registration of business subjects	43	1,631	1,674	1,651	23
Land registry cases	1,327	2,847	4,174	3,166	1,008
Minor offense cases	1,195	1,045	2,240	1,361	879
TOTAL	5,362	7,815	13,177	8,454	4,723

Collective quota the court achieved: 173.5%

Court performance quality: upheld decisions 77%, modified decisions 9%, reversed decisions 14%

MUNICIPAL COURT IN TESANJ

Regular judges: 5

Reserve judges: 1

Judicial associates: 3

Types of cases	Number of unresolved cases as of January 1, 2009	Number of cases received during 2009	Total number of cases worked on during 2009	Number of resolved cases during 2009	Number of unresolved cases as of December 31, 2009
	I	II	III = I + II	IV	V = III - IV
Civil cases	931	1,305	2,236	1,298	938
Commercial cases	0	0	0	0	0
Criminal cases	179	301	480	259	221
Enforcement cases	2,163	26	2,189	1,227	962
Non-litigation cases	769	828	1,597	1,170	427
Registration of business subjects	0	0	0	0	0
Land registry cases	5	4,058	4,063	4,041	22
Minor offense cases	634	1,103	1,737	1,290	447
TOTAL	4,681	7,621	12,302	9,285	3,017

Collective quota the court achieved: 137.4%

Court performance quality: upheld decisions 87%, modified decisions 3%, reversed decisions 10%

MUNICIPAL COURT IN TRAVNIK

Regular judges: 19

Reserve judges: 4

Judicial associates: 2

Types of cases	Number of unresolved cases as of January 1, 2009	Number of cases received during 2009	Total number of cases worked on during 2009	Number of resolved cases during 2009	Number of unresolved cases as of December 31, 2009
	I	II	III = I + II	IV	V = III - IV
Civil cases	3,569	2,799	6,368	3,291	3,077
Commercial cases	955	1,194	2,149	1,035	1,114
Criminal cases	1,555	1,405	2,960	1,590	1,370
Enforcement cases	2,771	2,250	5,021	666	4,355
Non-litigation cases	460	1,408	1,868	1,113	755
Registration of business subjects	115	1,984	2,099	1,994	105
Land registry cases	363	10,523	10,886	10,424	462
Minor offense cases	3,802	2,939	6,741	3,733	3,008
TOTAL	13,590	24,502	38,092	23,846	14,246

Collective quota the court achieved: 163.3%

Court performance quality: upheld decisions 79%, modified decisions 5%, reversed decisions 16%

MUNICIPAL COURT IN TUZLA

Regular judges: 35

Reserve judges: 10

Judicial associates: 8

Types of cases	Number of unresolved cases as of January 1, 2009	Number of cases received during 2009	Total number of cases worked on during 2009	Number of resolved cases during 2009	Number of unresolved cases as of December 31, 2009
	I	II	III = I + II	IV	V = III - IV
Civil cases	8,041	4,299	12,340	3,593	8,747
Commercial cases	5,039	1,964	7,003	2,070	4,933
Criminal cases	2,159	4,775	6,934	4,594	2,340

Enforcement cases	7,952	3,649	11,601	1,234	10,367
Non-litigation cases	4,172	2,871	7,043	1,723	5,320
Registration of business subjects	521	6,158	6,679	6,448	231
Land registry cases	13,045	22,551	35,596	21,740	13,856
Minor offense cases	3,528	3,300	6,828	3,863	2,965
TOTAL	44,457	49,567	94,024	45,265	48,759

Collective quota the court achieved: 144.7%

Court performance quality: upheld decisions 85%, modified decisions 4%, reversed decisions 11%

MUNICIPAL COURT IN VELIKA Kladusa

Regular judges: 6

Reserve judges: 0

Judicial associates: 1

Types of cases	Number of unresolved cases as of January 1, 2009	Number of cases received during 2009	Total number of cases worked on during 2009	Number of resolved cases during 2009	Number of unresolved cases as of December 31, 2009
	I	II	III = I + II	IV	V = III - IV
Civil cases	2,770	1,270	4,040	912	3,128
Commercial cases	0	0	0	0	0
Criminal cases	634	733	1,367	515	852
Enforcement cases	2,339	887	3,226	499	2,727
Non-litigation cases	875	382	1,257	387	870
Registration of business subjects	0	0	0	0	0
Land registry cases	1,874	3,494	5,368	3,632	1,736
Minor offense cases	933	670	1,603	385	1,218
TOTAL	9,425	7,436	16,861	6,330	10,531

Collective quota the court achieved: 120.0%

Court performance quality: upheld decisions 77%, modified decisions 2%, reversed decisions 21%

MUNICIPAL COURT IN VISOKO

Regular judges: 13

Reserve judges: 0

Judicial associates: 4

Types of cases	Number of unresolved cases as of January 1, 2009	Number of cases received during 2009	Total number of cases worked on during 2009	Number of resolved cases during 2009	Number of unresolved cases as of December 31, 2009
	I	II	III = I + II	IV	V = III - IV
Civil cases	1,005	1,397	2,402	1,345	1,057
Commercial cases	0	0	0	0	0
Criminal cases	201	3,444	3,645	3,335	310
Enforcement cases	1,200	515	1,715	479	1,236
Non-litigation cases	416	1,361	1,777	850	927
Registration of business subjects	0	0	0	0	0
Land registry cases	1,626	23,516	25,142	21,692	3,450
Minor offense cases	794	2,152	2,946	2,094	852
TOTAL	5,242	32,385	37,627	29,795	7,832

Collective quota the court achieved: 152.9%

Court performance quality: upheld decisions 84%, modified decisions 9%, reversed decisions 7%

MUNICIPAL COURT IN ZAVIDOVICI

Regular judges: 6

Reserve judges: 1

Judicial associates: 2

Types of cases	Number of unresolved cases as of January 1, 2009	Number of cases received during 2009	Total number of cases worked on during 2009	Number of resolved cases during 2009	Number of unresolved cases as of December 31, 2009
	I	II	III = I + II	IV	V = III - IV
Civil cases	1,309	744	2,053	1,036	1,017
Commercial cases	0	0	0	0	0
Criminal cases	339	1,698	2,037	1,661	376
Enforcement cases	1,420	801	2,221	401	1,820
Non-litigation cases	420	1,053	1,473	1,088	385
Registration of business subjects	0	0	0	0	0
Land registry cases	68	4,826	4,894	4,837	57
Minor offense cases	1,953	1,521	3,474	1,478	1,996
TOTAL	5,509	10,643	16,152	10,501	5,651

Collective quota the court achieved: 127.8%

Court performance quality: upheld decisions 82%, modified decisions 6%, reversed decisions 12%

MUNICIPAL COURT IN ZENICA

Regular judges: 24

Reserve judges: 6

Judicial associates: 5

Types of cases	Number of unresolved cases as of January 1, 2009	Number of cases received during 2009	Total number of cases worked on during 2009	Number of resolved cases during 2009	Number of unresolved cases as of December 31, 2009
	I	II	III = I + II	IV	V = III - IV
Civil cases	4,577	1,936	6,513	3,082	3,431
Commercial cases	1,727	2,498	4,225	1,687	2,538
Criminal cases	919	6,717	7,636	6,795	841
Enforcement cases	3,165	2,338	5,503	1,081	4,422
Non-litigation cases	2,381	2,068	4,449	2,025	2,424
Registration of business subjects	275	3,304	3,579	3,487	92
Land registry cases	9,399	16,885	26,284	19,687	6,597
Minor offense cases	1,918	2,777	4,695	3,591	1,104
TOTAL	24,361	38,523	62,884	41,435	21,449

Collective quota the court achieved: 160.9%

Court performance quality: upheld decisions 77%, modified decisions 13%, reversed decisions 10%

MUNICIPAL COURT IN ZEPCE

Regular judges: 4

Reserve judges: 0

Judicial associates: 1

Types of cases	Number of unresolved cases as of January 1, 2009	Number of cases received during 2009	Total number of cases worked on during 2009	Number of resolved cases during 2009	Number of unresolved cases as of December 31, 2009
	I	II	III = I + II	IV	V = III - IV
Civil cases	327	661	988	393	595
Commercial cases	0	0	0	0	0
Criminal cases	83	948	1,031	941	90
Enforcement cases	694	313	1,007	291	716
Non-litigation cases	118	415	533	422	111
Registration of business subjects	0	0	0	0	0
Land registry cases	69	1,557	1,626	1,516	110
Minor offense cases	688	691	1,379	511	868
TOTAL	1,979	4,585	6,564	4,074	2,490

Collective quota the court achieved: 218.4%

Court performance quality: upheld decisions 98%, modified decisions 1%, reversed decisions 1%

MUNICIPAL COURT IN ZIVINICE

Regular judges: 14

Reserve judges: 2

Judicial associates: 1

Types of cases	Number of unresolved cases as of January 1, 2009	Number of cases received during 2009	Total number of cases worked on during 2009	Number of resolved cases during 2009	Number of unresolved cases as of December 31, 2009
	I	II	III = I + II	IV	V = III - IV
Civil cases	1,324	1,266	2,590	1,127	1,463
Commercial cases	0	0	0	0	0
Criminal cases	1,031	1,695	2,726	1,600	1,126
Enforcement cases	2,617	1,738	4,355	1,232	3,123
Non-litigation cases	659	913	1,572	784	788
Registration of business subjects	0	0	0	0	0
Land registry cases	469	8,701	9,170	8,572	598
Minor offense cases	1,822	1,750	3,572	2,174	1,398
TOTAL	7,922	16,063	23,985	15,489	8,496

Collective quota the court achieved: 135.4%

Court performance quality: upheld decisions 78%, modified decisions 9%, reversed decisions 13%,

Individual reports on the performance of basic courts

BASIC COURT IN BANJA LUKA

Regular judges: 41

Reserve judges: 17

Judicial associates: 11

Types of cases	Number of unresolved cases as of January 1, 2009	Number of cases received during 2009	Total number of cases worked on during 2009	Number of resolved cases during 2009	Number of unresolved cases as of December 31, 2009
	I	II	III = I + II	IV	V = III - IV
Civil cases	21,950	7,283	29,233	6,851	22,382

Commercial cases	7,701	4,606	12,307	2,836	9,471
Criminal cases	2,021	4,079	6,100	3,965	2,135
Enforcement cases	3,117	2,906	6,023	2,689	3,334
Non-litigation cases	6,336	4,473	10,809	4,233	6,576
Registration of business subjects	637	4,610	5,247	4,695	552
Land registry cases	4,108	43,969	48,077	45,040	3,037
Minor offense cases	10,412	7,024	17,436	7,776	9,660
Mediation	0	11	11	6	5
TOTAL	56,282	78,961	135,243	78,091	57,152

Collective quota the court achieved: 179.0%

Court performance quality: upheld decisions 78%, modified decisions 11%, reversed decisions 11%

BASIC COURT IN BIJELJINA

Regular judges: 24

Reserve judges: 2

Judicial associates: 3

Types of cases	Number of unresolved cases as of January 1, 2009	Number of cases received during 2009	Total number of cases worked on during 2009	Number of resolved cases during 2009	Number of unresolved cases as of December 31, 2009
	I	II	III = I + II	IV	V = III - IV
Civil cases	1,989	1,518	3,507	1,766	1,741
Commercial cases	446	899	1,345	897	448
Criminal cases	1,072	4,382	5,454	4,446	1,008
Enforcement cases	2,497	1,118	3,615	614	3,001
Non-litigation cases	1,594	2,384	3,978	1,637	2,341
Registration of business subjects	88	1,645	1,733	1,665	68
Land registry cases	1,048	12,399	13,447	12,703	744
Minor offense cases	4,227	2,824	7,051	6,298	753
TOTAL	12,961	27,169	40,130	30,026	10,104

Collective quota the court achieved: 133.8%

Court performance quality: upheld decisions 67%, modified decisions 11%, reversed decisions 22%

BASIC COURT IN GRADISKA

Regular judges: 10

Reserve judges: 1

Judicial associates: 1

Types of cases	Number of unresolved cases as of January 1, 2009	Number of cases received during 2009	Total number of cases worked on during 2009	Number of resolved cases during 2009	Number of unresolved cases as of December 31, 2009
	I	II	III = I + II	IV	V = III - IV
Civil cases	812	927	1,739	734	1,005
Commercial cases	11	71	82	68	14
Criminal cases	405	1,616	2,021	1,632	389
Enforcement cases	1,129	790	1,919	486	1,433
Non-litigation cases	1,127	1,454	2,581	1,439	1,142
Registration of business subjects	0	0	0	0	0

Land registry cases	839	3,997	4,836	4,235	601
Minor offense cases	1,695	2,182	3,877	2,802	1,075
TOTAL	6,018	11,037	17,055	11,396	5,659

Collective quota the court achieved: 179.5%

Court performance quality: upheld decisions 71%, modified decisions 10%, reversed decisions 19%

BASIC COURT IN DERVENTA

Regular judges: 8

Reserve judges: 0

Judicial associates: 0

Types of cases	Number of unresolved cases as of January 1, 2009	Number of cases received during 2009	Total number of cases worked on during 2009	Number of resolved cases during 2009	Number of unresolved cases as of December 31, 2009
	I	II	III = I + II	IV	V = III - IV
Civil cases	587	411	998	468	530
Commercial cases	0	0	0	0	0
Criminal cases	205	1,411	1,616	1,463	153
Enforcement cases	252	64	316	103	213
Non-litigation cases	153	994	1,147	1,075	72
Registration of business subjects	0	0	0	0	0
Land registry cases	115	7,557	7,672	7,560	112
Minor offense cases	160	671	831	779	52
TOTAL	1,472	11,108	12,580	11,448	1,132

Collective quota the court achieved: 217.0%

Court performance quality: upheld decisions 71%, modified decisions 15%, reversed decisions 14%

BASIC COURT IN DOBOJ

Regular judges: 13

Reserve judges: 1

Judicial associates: 3

Types of cases	Number of unresolved cases as of January 1, 2009	Number of cases received during 2009	Total number of cases worked on during 2009	Number of resolved cases during 2009	Number of unresolved cases as of December 31, 2009
	I	II	III = I + II	IV	V = III - IV
Civil cases	990	1,166	2,156	1,067	1,089
Commercial cases	832	957	1,789	672	1,117
Criminal cases	526	938	1,464	1,031	433
Enforcement cases	2,434	937	3,371	542	2,829
Non-litigation cases	873	1,339	2,212	1,282	930
Registration of business subjects	35	729	764	732	32
Land registry cases	1,345	8,108	9,453	8,560	893
Minor offense cases	542	1,440	1,982	1,212	770
TOTAL	7,577	15,614	23,191	15,098	8,093

Collective quota the court achieved: 135.1%

Court performance quality: upheld decisions 78%, modified decisions 11%, reversed decisions 11%

BASIC COURT IN FOCA

Regular judges: 5

Reserve judges: 0
Judicial associates: 0

Types of cases	Number of unresolved cases as of January 1, 2009	Number of cases received during 2009	Total number of cases worked on during 2009	Number of resolved cases during 2009	Number of unresolved cases as of December 31, 2009
	I	II	III = I + II	IV	V = III - IV
Civil cases	492	847	1,339	757	582
Commercial cases	0	0	0	0	0
Criminal cases	73	341	414	345	69
Enforcement cases	1,374	445	1,819	955	864
Non-litigation cases	102	617	719	556	163
Registration of business subjects	0	0	0	0	0
Land registry cases	567	1,454	2,021	1,237	784
Minor offense cases	112	450	562	488	74
TOTAL	2,720	4,154	6,874	4,338	2,536

Collective quota the court achieved: 125.0%

Court performance quality: upheld decisions 92%, modified decisions 2%, reversed decisions 6%

BASIC COURT IN KOTOR VAROS

Regular judges: 6
Reserve judges: 0
Judicial associates: 0

Types of cases	Number of unresolved cases as of January 1, 2009	Number of cases received during 2009	Total number of cases worked on during 2009	Number of resolved cases during 2009	Number of unresolved cases as of December 31, 2009
	I	II	III = I + II	IV	V = III - IV
Civil cases	370	415	785	311	474
Commercial cases	1	16	17	6	11
Criminal cases	229	1,240	1,469	1,309	160
Enforcement cases	910	290	1,200	350	850
Non-litigation cases	1,161	646	1,807	819	988
Registration of business subjects	0	0	0	0	0
Land registry cases	112	2,904	3,016	2,977	39
Minor offense cases	855	854	1,709	1,215	494
TOTAL	3,638	6,365	10,003	6,987	3,016

Collective quota the court achieved: 130.0%

Court performance quality: upheld decisions 71%, modified decisions 13%, reversed decisions 16%

BASIC COURT IN MODRICA

Regular judges: 8
Reserve judges: 1
Judicial associates: 0

Types of cases	Number of unresolved cases as of January 1, 2009	Number of cases received during 2009	Total number of cases worked on during 2009	Number of resolved cases during 2009	Number of unresolved cases as of December 31, 2009
	I	II	III = I + II	IV	V = III - IV
Civil cases	922	780	1,702	568	1,134

Commercial cases	0	0	0	0	0
Criminal cases	522	609	1,131	617	514
Enforcement cases	640	859	1,499	63	1,436
Non-litigation cases	906	1,014	1,920	716	1,204
Registration of business subjects	0	0	0	0	0
Land registry cases	0	5,890	5,890	5,890	0
Minor offense cases	1,451	1,227	2,678	1,544	1,134
TOTAL	4,441	10,379	14,820	9,398	5,422

Collective quota the court achieved: 194.0%

Court performance quality: upheld decisions 90%, modified decisions 4%, reversed decisions 6%

BASIC COURT IN MRKONJIC GRAD

Regular judges: 7

Reserve judges: 0

Judicial associates: 0

Types of cases	Number of unresolved cases as of January 1, 2009	Number of cases received during 2009	Total number of cases worked on during 2009	Number of resolved cases during 2009	Number of unresolved cases as of December 31, 2009
	I	II	III = I + II	IV	V = III - IV
Civil cases	343	889	1,232	463	769
Commercial cases	0	0	0	0	0
Criminal cases	166	904	1,070	869	201
Enforcement cases	776	2	778	25	753
Non-litigation cases	834	858	1,692	710	982
Registration of business subjects	0	0	0	0	0
Land registry cases	38	978	1,016	980	36
Minor offense cases	545	1,023	1,568	1,156	412
TOTAL	2,702	4,654	7,356	4,203	3,153

Collective quota the court achieved: 149.6%

Court performance quality: upheld decisions 64%, modified decisions 19%, reversed decisions 17%

BASIC COURT IN NOVI GRAD

Regular judges: 5

Reserve judges: 0

Judicial associates: 0

Types of cases	Number of unresolved cases as of January 1, 2009	Number of cases received during 2009	Total number of cases worked on during 2009	Number of resolved cases during 2009	Number of unresolved cases as of December 31, 2009
	I	II	III = I + II	IV	V = III - IV
Civil cases	232	453	685	458	227
Commercial cases	0	0	0	0	0
Criminal cases	158	922	1,080	906	174
Enforcement cases	253	249	502	117	385
Non-litigation cases	524	744	1,268	619	649
Registration of business subjects	0	0	0	0	0
Land registry cases	266	4,819	5,085	4,975	110
Minor offense cases	769	498	1,267	808	459

TOTAL	2,202	7,685	9,887	7,883	2,004
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Collective quota the court achieved: 162.8%

Court performance quality: upheld decisions 63%, modified decisions 15%, reversed decisions 22%

BASIC COURT IN PRIJEDOR

Regular judges: 13

Reserve judges: 1

Judicial associates: 2

Types of cases	Number of unresolved cases as of January 1, 2009	Number of cases received during 2009	Total number of cases worked on during 2009	Number of resolved cases during 2009	Number of unresolved cases as of December 31, 2009
	I	II	III = I + II	IV	V = III - IV
Civil cases	2,138	1,273	3,411	1,219	2,192
Commercial cases	0	0	0	0	0
Criminal cases	397	3,270	3,667	3,455	212
Enforcement cases	7,543	47	7,590	1,710	5,880
Non-litigation cases	2,114	2,770	4,884	1,974	2,910
Registration of business subjects	0	0	0	0	0
Land registry cases	302	10,869	11,171	11,003	168
Minor offense cases	1,668	1,472	3,140	1,902	1,238
TOTAL	14,162	19,701	33,863	21,263	12,600

Collective quota the court achieved: 151.0%

Court performance quality: upheld decisions 73%, modified decisions 12%, reversed decisions 15%

BASIC COURT IN PRNJAVOR

Regular judges: 6

Reserve judges: 1

Judicial associates: 1

Types of cases	Number of unresolved cases as of January 1, 2009	Number of cases received during 2009	Total number of cases worked on during 2009	Number of resolved cases during 2009	Number of unresolved cases as of December 31, 2009
	I	II	III = I + II	IV	V = III - IV
Civil cases	879	627	1,506	619	887
Commercial cases	4	12	16	16	0
Criminal cases	116	297	413	314	99
Enforcement cases	188	357	545	304	241
Non-litigation cases	1,358	841	2,199	750	1,449
Registration of business subjects	0	0	0	0	0
Land registry cases	167	8,918	9,085	8,804	281
Minor offense cases	1,052	906	1,958	1,271	687
TOTAL	3,764	11,958	15,722	12,078	3,644

Collective quota the court achieved: 163.5%

Court performance quality: upheld decisions 73%, modified decisions 14%, reversed decisions 13%

BASIC COURT IN SOKOLAC

Regular judges: 14

Reserve judges: 0

Judicial associates: 2

Types of cases	Number of unresolved cases as of January 1, 2009	Number of cases received during 2009	Total number of cases worked on during 2009	Number of resolved cases during 2009	Number of unresolved cases as of December 31, 2009
	I	II	III = I + II	IV	V = III - IV
Civil cases	706	1,125	1,831	995	836
Commercial cases	401	654	1,055	545	510
Criminal cases	553	1,054	1,607	1,139	468
Enforcement cases	1,493	750	2,243	420	1,823
Non-litigation cases	449	1,596	2,045	1,170	875
Registration of business subjects	20	750	770	752	18
Land registry cases	145	5,211	5,356	5,153	203
Minor offense cases	1,548	1,664	3,212	2,289	923
TOTAL	5,315	12,804	18,119	12,463	5,656

Collective quota the court achieved: 157.2%

Court performance quality: upheld decisions 76%, modified decisions 3%, reversed decisions 21%

BASIC COURT IN SREBRENICA

Regular judges: 5

Reserve judges: 0

Judicial associates: 1

Types of cases	Number of unresolved cases as of January 1, 2009	Number of cases received during 2009	Total number of cases worked on during 2009	Number of resolved cases during 2009	Number of unresolved cases as of December 31, 2009
	I	II	III = I + II	IV	V = III - IV
Civil cases	316	404	720	320	400
Commercial cases	0	0	0	0	0
Criminal cases	164	957	1,121	924	197
Enforcement cases	0	19	19	0	19
Non-litigation cases	549	447	996	443	553
Registration of business subjects	0	0	0	0	0
Land registry cases	134	7,130	7,264	7,264	0
Minor offense cases	458	495	953	561	392
TOTAL	1,621	9,452	11,073	9,512	1,561

Collective quota the court achieved: 162.0%

Court performance quality: upheld decisions 69%, modified decisions 10%, reversed decisions 21%

BASIC COURT IN TESLIC

Regular judges: 5

Reserve judges: 1

Judicial associates: 1

Types of cases	Number of unresolved cases as of January 1, 2009	Number of cases received during 2009	Total number of cases worked on during 2009	Number of resolved cases during 2009	Number of unresolved cases as of December 31, 2009
	I	II	III = I + II	IV	V = III - IV
Civil cases	757	482	1,239	361	878
Commercial cases	0	0	0	0	0
Criminal cases	348	415	763	382	381

Enforcement cases	609	171	780	410	370
Non-litigation cases	1,004	800	1,804	509	1,295
Registration of business subjects	0	0	0	0	0
Land registry cases	127	5,774	5,901	5,807	94
Minor offense cases	725	581	1,306	654	652
TOTAL	3,570	8,223	11,793	8,123	3,670

Collective quota the court achieved: 147.2%

Court performance quality: upheld decisions 73%, modified decisions 7%, reversed decisions 20%

BASIC COURT IN TREBINJE

Regular judges: 9

Reserve judges: 1

Judicial associates: 3

Types of cases	Number of unresolved cases as of January 1, 2009	Number of cases received during 2009	Total number of cases worked on during 2009	Number of resolved cases during 2009	Number of unresolved cases as of December 31, 2009
	I	II	III = I + II	IV	V = III - IV
Civil cases	730	1,211	1,941	714	1,227
Commercial cases	501	470	971	514	457
Criminal cases	384	878	1,262	1,037	225
Enforcement cases	2,209	493	2,702	1,061	1,641
Non-litigation cases	564	1,327	1,891	1,075	816
Registration of business subjects	1	609	610	606	4
Land registry cases	515	10,753	11,268	10,972	296
Minor offense cases	1,760	1,522	3,282	1,961	1,321
TOTAL	6,664	17,263	23,927	17,940	5,987

Collective quota the court achieved: 136.0%

Court performance quality: upheld decisions 71%, modified decisions 14%, reversed decisions 15%

BASIC COURT IN VISEGRAD

Regular judges: 6

Reserve judges: 0

Judicial associates: 1

Types of cases	Number of unresolved cases as of January 1, 2009	Number of cases received during 2009	Total number of cases worked on during 2009	Number of resolved cases during 2009	Number of unresolved cases as of December 31, 2009
	I	II	III = I + II	IV	V = III - IV
Civil cases	109	604	713	575	138
Commercial cases	0	0	0	0	0
Criminal cases	86	1,137	1,223	1,142	81
Enforcement cases	580	206	786	0	786
Non-litigation cases	154	931	1,085	916	169
Registration of business subjects	0	0	0	0	0
Land registry cases	79	3,464	3,543	3,349	194
Minor offense cases	153	408	561	435	126
TOTAL	1,161	6,750	7,911	6,417	1,494

Collective quota the court achieved: 133.4%

Court performance quality: upheld decisions 72%, modified decisions 10%, reversed decisions 18%

BASIC COURT IN VLASENICA

Regular judges: 5

Reserve judges: 0

Judicial associates: 0

Types of cases	Number of unresolved cases as of January 1, 2009	Number of cases received during 2009	Total number of cases worked on during 2009	Number of resolved cases during 2009	Number of unresolved cases as of December 31, 2009
	I	II	III = I + II	IV	V = III - IV
Civil cases	313	643	956	443	513
Commercial cases	0	0	0	0	0
Criminal cases	269	1,091	1,360	1,109	251
Enforcement cases	788	659	1,447	410	1,037
Non-litigation cases	146	574	720	479	241
Registration of business subjects	0	0	0	0	0
Land registry cases	163	3,589	3,752	3,710	42
Minor offense cases	940	592	1,532	784	748
Mediation	4	0	4	4	0
TOTAL	2,623	7,148	9,771	6,939	2,832

Collective quota the court achieved: 152.0%

Court performance quality: upheld decisions 72%, modified decisions 7%, reversed decisions 21%

BASIC COURT IN ZVORNIK

Regular judges: 6

Reserve judges: 0

Judicial associates: 0

Types of cases	Number of unresolved cases as of January 1, 2009	Number of cases received during 2009	Total number of cases worked on during 2009	Number of resolved cases during 2009	Number of unresolved cases as of December 31, 2009
	I	II	III = I + II	IV	V = III - IV
Civil cases	556	428	984	355	629
Commercial cases	0	0	0	0	0
Criminal cases	545	1,449	1,994	1,595	399
Enforcement cases	861	683	1,544	267	1,277
Non-litigation cases	308	523	831	270	561
Registration of business subjects	0	0	0	0	0
Land registry cases	65	4,269	4,334	4,291	43
Minor offense cases	872	791	1,663	1,256	407
TOTAL	3,207	8,143	11,350	8,034	3,316

Collective quota the court achieved: 140.4%

Court performance quality: upheld decisions 74%, modified decisions 14%, reversed decisions 12%

COURTS OF BRCKO DISTRICT OF BIH

Appellate Court of Brcko District of BiH

Table 54: Flow of cases in the Appellate Court during 2009 – by the types of cases

Types of cases	Number of unresolved cases as of January 1, 2009	Number of cases received during 2009	Total number of cases worked on during 2009	Number of resolved cases during 2009	Number of unresolved cases as of December 31, 2009
	I	II	III = I + II	IV	V = III - IV
Civil department					
Rev	16	19	35	25	10
Gž	1,456	2,106	3,562	3,398	164
Pž	160	421	581	555	26
Rsž					
Gvl	4	16	20	19	1
Gvlž					
Other*	26	12	38	31	7
Total	1,662	2,574	4,236	4,028	208
Criminal department					
Kž	7	120	127	112	15
Kmž	0	10	10	10	0
Kžk	4	2	6	3	3
Iksž	0	26	26	26	0
Pžp*	8	92	100	93	7
Other*	0	5	5	5	0
Total	19	255	274	249	25
Administrative department					
Už	12	33	45	32	13
Užz	1	0	1	1	0
Uvl					
Uvp					
Other*					
Total	13	33	46	33	13
GRAND TOTAL	1,694	2,862	4,556	4,310	246

Table 55: Percentage ratio between the received, resolved and unresolved cases in the Appellate Court

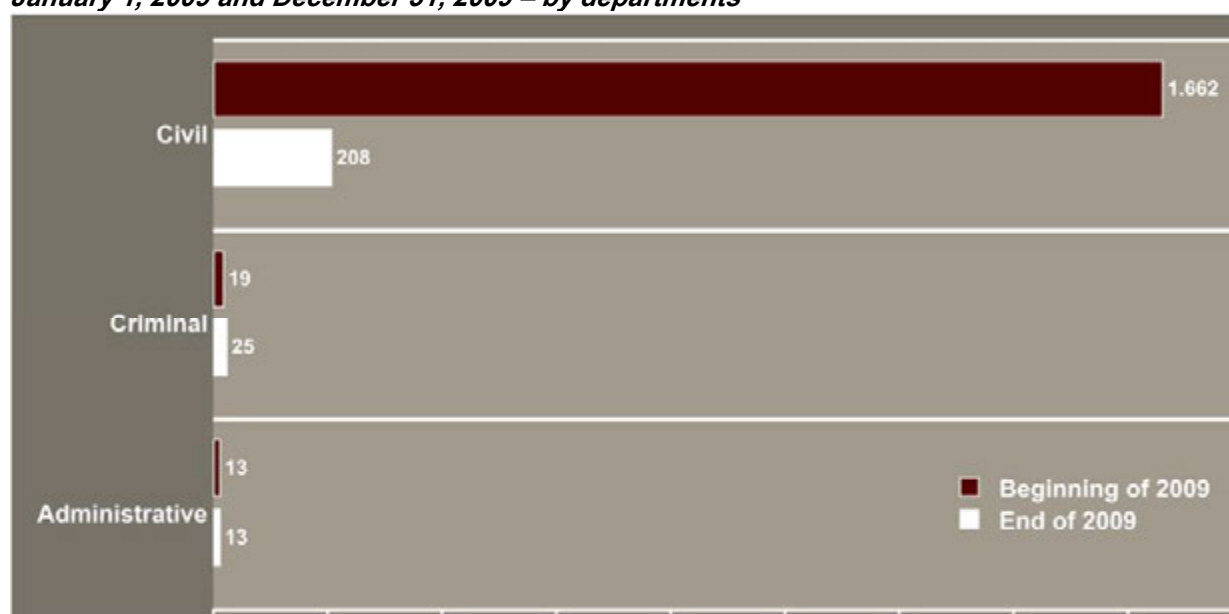
Department	Change in the status of unresolved cases *	Flow coefficient**	Number of years needed to eliminate unresolved cases ***
	I	II	III
Civil department	-87,48%	156,49%	0,1
Criminal department	31,58%	97,65%	0,1
Administrative department	0,00%	100,00%	0,4
TOTAL	-85,48%	150,59%	0,1

* The coefficient regarding the change in the status of unresolved cases (V/I)-1 represents the ratio of relative change in the number of unresolved cases in 2009. The positive percentages shown indicate an increase in the number of unresolved cases during 2009. On the contrary, the negative percentages indicate that there is a reduction in the number of unresolved cases.

* * The coefficient regarding the flow, column (IV/II) represents a ratio between the number of resolved cases compared to the number of cases received during 2009. Thus, the percentage coefficient of over 100% indicates that the number of resolved cases exceeds the number of received cases in 2009. Similarly, if the number of resolved cases is fewer than the number of received cases, the flow coefficient would stand below 100%.

* * * The coefficient regarding the number of years needed to eliminate unresolved cases (V/IV) represents a ratio of unresolved cases as of December 31, 2009, compared to the number of resolved cases during 2009. This approximate coefficient indicates the time needed for the disposal of unresolved cases as of December 31, 2009, provided that the dynamic of resolving cases would be the same as in 2009.

Graph 22: Breakdown of unresolved cases at the Appellate Court of Brcko District of BiH as of January 1, 2009 and December 31, 2009 – by departments



Graph 23: Breakdown of received cases in the Appellate Court of Brcko District of BiH as of January 1, 2009 and December 31, 2009 – by departments



Table 56: Breakdown of the age of cases at the Appellate Court of Brcko District of BiH by the years of opening of cases at the first instance courts

Opening of cases by years	Percentage of a total number of unresolved cases as of December 31, 2009
2009	21,2%
2008	33,3%
2007	21,2%
2006	7,4%
2005	5,2%
2004	1,7%
2003	1,7%
2002	2,6%
2001	0,9%
2000	0,9%
1999 and earlier	3,9%
Total	100,0%

Table 57: Relative statute of limitations in initiating and conducting criminal and minor offense proceedings in the Brcko District Appellate Court in 2009

Types of cases	Number of cases which, during the reporting period, have fallen under the <u>relative</u> statute of limitations as to the criminal prosecution, that is, initiating and conducting of minor offense proceedings			
	Number of cases received after the statute of limitations has run out	Unavailability of the accused or other procedural reasons	Other reasons	TOTAL
	I	II	III	IV=I+II+III
Kž				0
Kmž				0
Kžk				0
Total – criminal cases	0	0	0	0
Pžp	0	0	0	0
Total – minor offense cases	0	0	0	0
TOTAL	0	0	0	0

Table 58: Absolute statute of limitations in initiating and conducting criminal and minor offense proceedings in the Brcko District Appellate Court in 2009

Types of cases	Number of cases which, during the reporting period, have fallen under the <u>absolute</u> statute of limitations in terms of criminal prosecution, that is, initiating and conducting of minor offense proceedings			
	Number of cases received after the statute of limitations has run out	Unavailability of the accused or other procedural reasons	Other reasons	TOTAL
	I	II	III	IV=I+II+III
Kž				0
Kmž				0
Kžk				0
Total – criminal cases	0	0	0	0
Pžp	1	0	0	1
Total – minor offense cases	1	0	0	1
TOTAL	1	0	0	1

Basic Court of Brcko District of BiH

Table 59: Flow of cases in the Basic Court during 2009 – by the types of cases

Types of cases	Number of unresolved cases as of January 1, 2009	Number of received cases during 2009	Total number of cases worked on during 2009	Number of resolved cases during 2009	Number of unresolved cases as of December 31, 2009
	I	II	III = I + II	IV	V = III - IV
Civil cases					
P	816	1,348	2,164	729	1,435
Mal	256	1,000	1,256	440	816
Labor disputes	9	16	25	11	14
Pom	2	30	32	29	3
Other*					
Total	1,083	2,394	3,477	1,209	2,268
Commercial cases					
Ps	139	150	289	224	65
Mals	129	174	303	238	65
L	4	3	7	2	5
Ls					
St	8	4	12	4	8
Pp					
Other*					
Total	280	331	611	468	143
Criminal cases					
K	170	490	660	459	201
RZ	1	1	2	0	2
Kpp	3	336	339	327	12
Kps	37	407	444	350	94
Kr	0	4,292	4,292	4,292	0
Kzs					
Kbs	0	16	16	7	9
Km	22	34	56	32	24
Kv	35	4	39	19	20
Kvl					
Kp	5	22	27	22	5
Iks	43	233	276	215	61
Other*					
Total	316	5,835	6,151	5,723	428
Enforcement cases					
I	4,273	1,125	5,398	626	4,772
Ip	491	290	781	90	691
Other*					
Total	4,764	1,415	6,179	716	5,463

Administrative cases					
U	199	96	295	36	259
Uz					
Other*					
Total	199	96	295	36	259
Non-litigation cases					
V	130	244	374	244	130
O	869	1,171	2,040	1,004	1,036
Other*					
Total	999	1,415	2,414	1,248	1,166
Registration of business subjects					
Reg	37	1,637	1,674	1,639	35
RegZ	0	2,897	2,897	2,897	0
F1	0	65	65	60	5
F2					
F3					
Other*					
Total	37	4,599	4,636	4,596	40
Land registry cases					
Dn	2,554	4,798	7,352	3,374	3,978
Nar	0	9,440	9,440	9,440	0
Rz	488	3,142	3,630	3,302	328
Kpu	365	573	938	422	516
Other*					
Total	3,407	17,953	21,360	16,538	4,822
Minor offense department					
Pr	2,009	2,226	4,235	2,187	2,048
Prz					
Pvlp					
Kv-l	16	1	17	0	17
Other*					
Total	2,025	2,227	4,252	2,187	2,065
Mediation	127	353	480	480	0
TOTAL	13,237	36,618	49,855	33,201	16,654

Table 60: Percentage ratio between the number of received, resolved and unresolved cases in the Basic Court

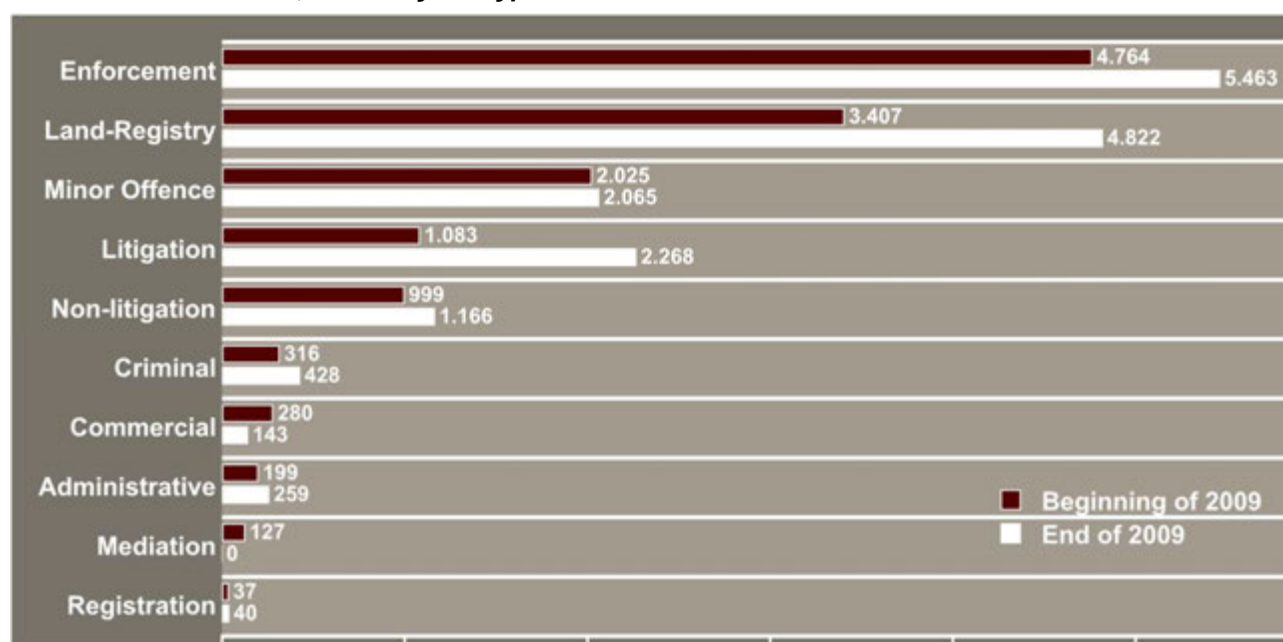
Department	Change in the status of unresolved cases *	Flow coefficient**	Number of years needed to eliminate unresolved cases ***
	I	II	III
Civil cases	109.42%	50.50%	1.9
Commercial cases	-48.93%	141.39%	0.3
Criminal cases	35.44%	98.08%	0.1
Enforcement cases	14.67%	50.60%	7.6
Administrative cases	30.15%	37.50%	7.2
Non-litigation cases	16.72%	88.20%	0.9
Reg. of business subjects	8.11%	99.93%	0.0
LR cases	41.53%	92.12%	0.3
Mediation	-100.00%	135.98%	0.0
Minor offense department	1.98%	98.20%	0.9
TOTAL	25.81%	90.67%	0.5

* The coefficient regarding the change in the status of unresolved cases (VI/I-1) represents the ratio of relative change in the number of unresolved cases in 2009. The positive percentages shown indicate an increase in the number of unresolved cases during 2009. On the contrary, the negative percentages indicate that there is a reduction in the number of unresolved cases.

* * The coefficient regarding the flow, column (IV/II) represents a ratio between the number of resolved cases compared to the number of cases received during 2009. Thus, the percentage coefficient of over 100% indicates that the number of resolved cases exceeds the number of received cases in 2009. Similarly, if the number of resolved cases is fewer than the number of received cases, the flow coefficient would stand below 100%.

* * * The coefficient regarding the number of years needed to eliminate unresolved cases (V/IV) represents a ratio of unresolved cases as of December 31, 2009, compared to the number of resolved cases during 2009. This approximate coefficient indicates the time needed for the disposal of unresolved cases as of December 31, 2009, provided that the dynamic of resolving cases would be the same as in 2009 and if the flow of cases in 2010 is not dealt with before the work on cases shown as unresolved as of December 31, 2009 is completed.

Graph 24: Breakdown of unresolved cases at the Basic Court of Brcko District of BiH as of January 1, 2009 and December 31, 2009 – by the types of cases.



Graph 25: Breakdown of received cases at the Basic Court of Brcko District of BiH during 2009 – by departments

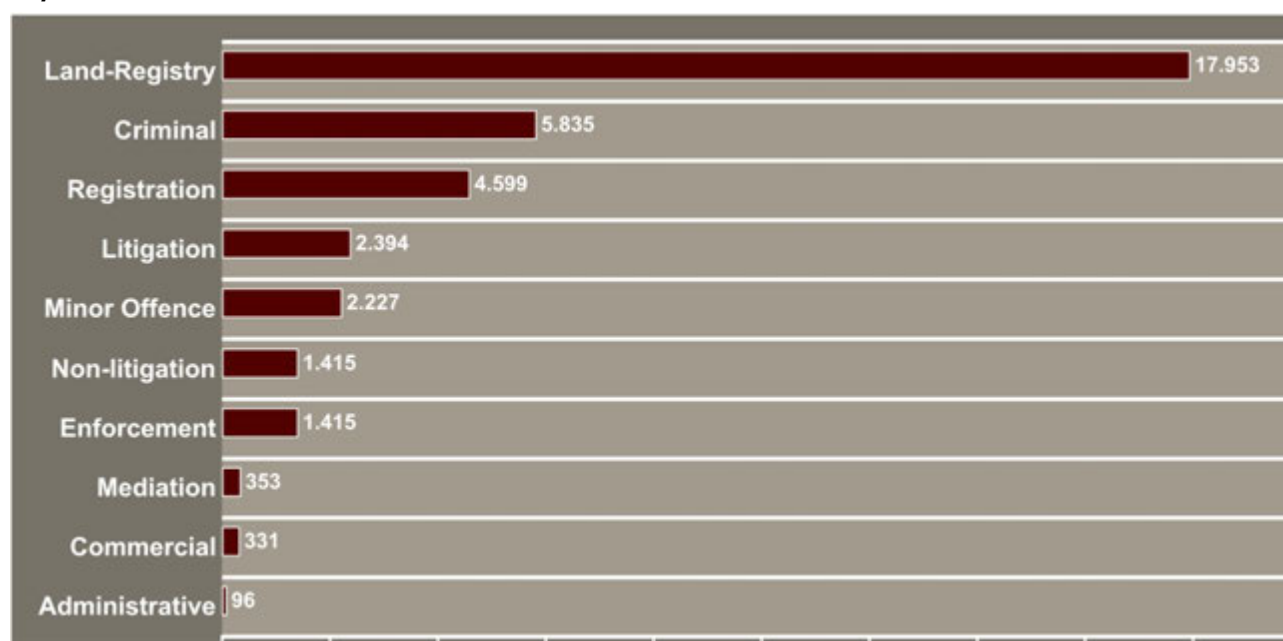


Table 61: Breakdown of the age of cases in the Basic Court of Brcko District of BiH by the years of opening of cases

Opening of cases by years	Percentage of a total number of unresolved cases as of December 31, 2009
2009	52.6%
2008	30.0%
2007	9.7%
2006	2.6%
2005	2.6%

2004	1.0%
2003	0.6%
2002	0.3%
2001	0.2%
2000	0.1%
1999 and earlier	0.2%
Total	100.0%

Table 62: Relative statute of limitations in initiating and conducting criminal and minor offense proceedings in the Brcko District Basic Court in 2009

Types of cases	Number of cases which, during the reporting period, have fallen under the <u>relative</u> statute of limitations as to the criminal prosecution, that is, initiating and conducting of minor offense proceedings			
	Number of cases received after the statute of limitations has run out	Unavailability of the accused or other procedural reasons	Other reasons	TOTAL
	I	II	III	IV=I+II+III
K	0	0	0	0
Km				
Total – criminal cases	0	0	0	0
Pr	0	0	0	0
TOTAL	0	0	0	0

Table 63: Absolute statute of limitations in initiating and conducting criminal and minor offense proceedings in the Brcko District Basic Court in 2009

Types of cases	Number of cases which, during the reporting period, have fallen under the <u>absolute</u> statute of limitations as to the criminal prosecution, that is, initiating and conducting of minor offense proceedings			
	Number of cases received after the statute of limitations has run out	Unavailability of the accused or other procedural reasons	Other reasons	TOTAL
	I	II	III	IV=I+II+III
K	0	3	0	3
Km				
Total – criminal cases	0	3	0	3
Pr	0	87	0	87
TOTAL	0	90	0	90

Table 64: Statute of limitations as to the enforcement of criminal and minor offense sanctions in The Basic Court of Brcko District in 2009

Types of cases	Number of cases received after the <u>relative</u> statute of limitations has run out for the enforcement of sanctions	Number of cases received after the <u>absolute</u> statute of limitations has run out for the enforcement of sanctions	TOTAL
Criminal cases - lks	0	1	1
Minor offense cases - lps	0	0	0
TOTAL	0	1	1

Table 65: Breakdown of unresolved cases as to the enforcement of criminal sanctions in the Basic Court of Brcko District of BiH.

Types of sanctions	Total number of unresolved cases in courts as of December 31, 2009	Reasons why the work on cases has not been finished					
		Postponed enforcement	Inability of placing a person in a correctional institution or other institution prescribed by law	Person is unavailable	Issued warrant		Other reasons
					Central	Intern.	
I	II	III	IV	V	VI		VII
Enforcement of prescribed imprisonment	61	2	0	24	12	10	35
Enforcement of juvenile imprisonment							
Enforcement of security measures – mandatory psychiatric treatment							
Enforcement of educational/correctional measures							
Disciplinary measure-juvenile imprisonment							
Institutional measures							
Total	0	0	0	0	0	0	0
Enforcement of punishment of fines (pronounced as a main punishment)							
Other sanctions							
Total	61	2	0	24	12	10	35

UTILITY CASES

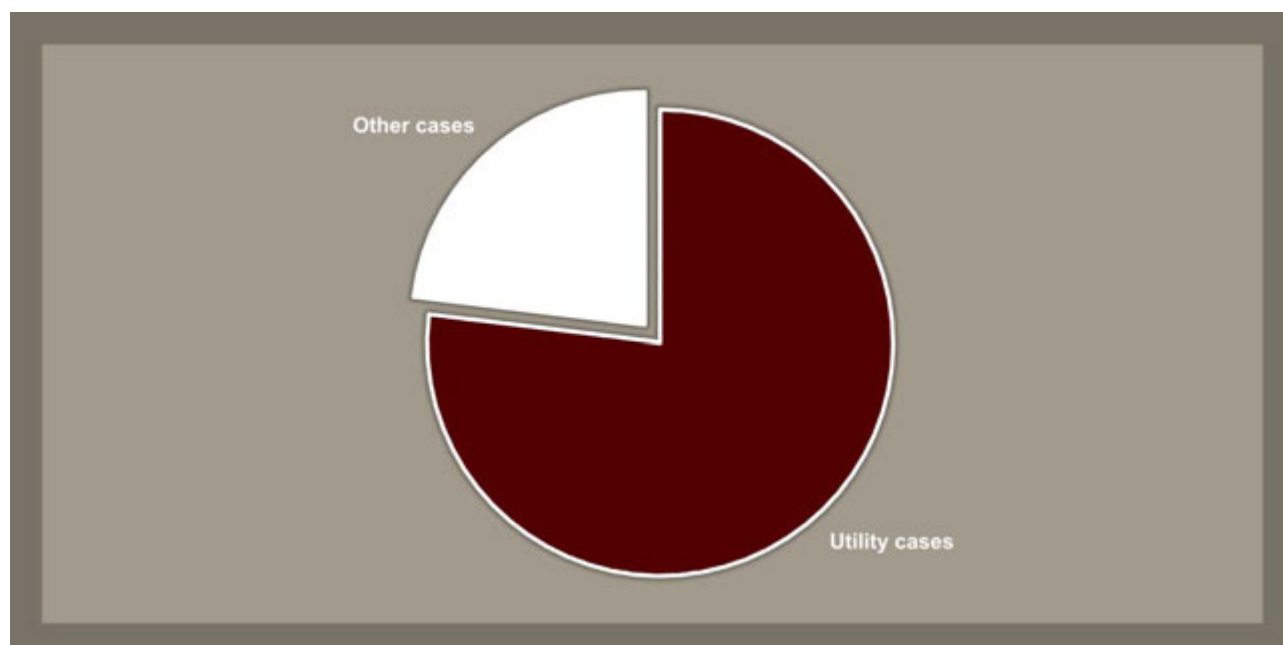
Table 66: Flow of utility cases in municipal and basic courts in 2009

Court	Number of unresolved cases as of January 1, 2009	Number of cases received during 2009	Total number of cases worked on during 2009	Number of resolved cases during 2009	Number of unresolved cases as of December 31, 2009
Municipal courts in the Federation of BiH					
Bihac	2,849	9,435	12,284	9,039	3,245
Bosanska Krupa	928	3,315	4,243	3,587	656
Bugojno	2,204	4,655	6,859	2,568	4,291
Capljina	1,912	9,995	11,907	9,753	2,154

Cazin	4,925	5,882	10,807	3,289	7,518
Gorazde	1,413	1,238	2,651	2,092	559
Gracanica	6,750	3,825	10,575	4,913	5,662
Gradacac	10,107	4,491	14,598	4,179	10,419
Kakanj	7,001	390	7,391	2,586	4,805
Kalesija	1,496	2,507	4,003	3,304	699
Kiseljak	16,801	519	17,320	2,867	14,453
Konjic	5,080	5,216	10,296	5,903	4,393
Livno	12,580	7,229	19,809	2,203	17,606
Ljubuski	16,358	7,579	23,937	9,968	13,969
Mostar	12,311	2,708	15,019	4,369	10,650
Orasje	6,654	4,295	10,949	5,784	5,165
Sanski Most	3,787	660	4,447	904	3,543
Sarajevo	975,545	135,318	1,110,863	205,845	905,018
Siroki Brijeg	17,286	9,484	26,770	5,026	21,744
Tesanj	8,141	854	8,995	468	8,527
Travnik	817	3,030	3,847	2,157	1,690
Tuzla	62,574	18,123	80,697	13,672	67,025
Velika Kladusa	6,648	4,282	10,930	334	10,596
Visoko	19,310	6,071	25,381	4,657	20,724
Zavidovici	17,625	1,960	19,585	5,214	14,371
Zenica	81,364	19,801	101,165	24,079	77,086
Zepce	7,442	5,872	13,314	4,570	8,744
Zivinice	13,221	3,427	16,648	5,246	11,402
Total for municipal courts in the Federation of BiH	1,323,129	282,161	1,605,290	348,576	1,256,714
Basic courts in RS					
Banja Luka	28,910	22,655	51,565	11,387	40,178
Bijeljina	52,728	29,393	82,121	19,599	62,522
Derventa	920	3,055	3,975	2,366	1,609
Doboj	7,960	4,409	12,369	2,043	10,326
Foca	2,392	2,742	5,134	1,242	3,892
Gradiska	8,540	10,857	19,397	488	18,909
Kotor Varos	8,964	4,809	13,773	700	13,073
Modrica	10,711	6,465	17,176	1,314	15,862
Mrkonjic Grad	6,884	3,867	10,751	3,064	7,687
Novi Grad	2,551	2,973	5,524	1,476	4,048
Prijedor	15,790	11,581	27,371	1,151	26,220
Prnjavor	4,294	2,672	6,966	261	6,705
Sokolac	9,955	7,947	17,902	1,886	16,016
Srebrenica	4,565	1,493	6,058	238	5,820
Teslic	5,229	2,443	7,672	421	7,251
Trebinje	9,251	1,387	10,638	2,838	7,800
Visegrad	4,924	4,921	9,845	2,079	7,766
Vlasenica	7,815	1,358	9,173	3,457	5,716
Zvornik	24,344	11,387	35,731	433	35,298
Total for basic courts in RS	216,727	136,414	353,141	56,443	296,698
Basic Court of Brcko District	23,632	14,726	38,358	6,603	31,755
Total for BiH	1,563,488	433,301	1,996,789	411,622	1,585,167

Table 67: Flow of cases relating to the collection of TV subscription and other utility services in municipal and basic courts in 2009

Court	Number of unresolved cases as of January 1, 2009	Number of cases received during 2009	Total number of cases worked on during 2009	Number of resolved cases during 2009	Number of unresolved cases as of December 31, 2009
Cases relating to collection of utility services					
Municipal courts in the Fed. of BiH	1,086,406	217,496	1,303,902	267,481	1036421
Basic courts in RS	20,630	20,367	40,997	12,910	28087
Basic Court of Brcko District of BiH	6,265	6,199	12,464	1,714	10750
TOTAL	1,113,301	244,062	1,357,363	282,105	1,075,258
Cases relating to the collection of TV subscription					
Municipal courts in the Fed. of BiH	236723	64665	301388	81095	220293
Basic courts in RS	196097	116047	312144	43533	268611
Basic Court of Brcko District of BiH	17367	8527	25894	4889	21005
TOTAL	450,187	189,239	639,426	129,517	509,909
GRAND TOTAL	1,563,488	433,301	1,996,789	411,622	1,585,167

Graph 26: Number of unresolved utility cases as of December 31, 2009, compared to the total number of other unresolved cases in all courts of BiH.

LIST OF ABBREVIATIONS AND TERMS USED IN ANNEX 2

First instance cases are categorised as follows:

Designations

I – Criminal Cases:

- 1 – Preliminary criminal procedure cases prior to an indictment being filed with the court: “Kpp”;
- 2 – Preliminary hearing cases presided over by the preliminary hearing judge: “Kps”;
- 3 – Criminal cases presided over either by a single judge or by a panel of the criminal department: “K”;
- 4 – Criminal cases against juveniles and minors: “Km”;
- 5 – Cases dealing with the enforcement of criminal sanctions: “Iks”;
- 6 – Panel cases in which decisions are rendered without the holding of a main hearing (non-litigation panel): “Kv”;
- 7 – Pardons: “Kp”;
- 8 – Various criminal cases: “Kr”;
- 9 – Witness protection cases: “Kzs”;
- 10 – Expunged judgments and termination of security-related measures: “Kbs”;
- 11 – Minor offence cases: “Pr”;
- 12 – Expunged minor offence convictions against persons: “Kv-I”;
- 13 – Letters rogatory in minor offence cases: “Prz”;
- 14 – Enforcement of minor offence sanctions: “Ips”;

II – Civil Cases:

- 1 – Civil Cases: “P”;
- 2 – Labour disputes: “Rs”;
- 3 – Small value disputes: “Mal”;
- 4 – Mediation: “M”;
- 5 – Various civil cases: “R”;

III – Commercial Cases:

- 1 – Commercial cases: “Ps”;
- 2 – Small value commercial disputes: “Mals”;
- 3 – Bankruptcy procedures: “St”;
- 4 – Liquidation cases: “L”;
- 5 – Business entity registration cases: “Reg”;
- 6 – Forced settlement cases: “Pp”;

- 7 – Ex officio liquidation procedures: “Ls”;
- 8 – Citizen association and political party registration: “F1”
- 9 – Registration of foundations: “F2”;
- 10 – Registration of foreign non-governmental organisations: “F3”;
- 11 – Various request for the registration of a business entity: “RegZ”;

IV – Enforcement:

- 1 – Enforcement cases: “I”;
- 2 – Business entity enforcement cases: “Ip”;

V – Non-Litigation Cases:

- 1 – Non-litigation: “V”;
- 2 – Probate hearings: “O”;
- 3 – Land registry log book cases: “Dn”;
- 4 – Excerpts, transcripts, certificates and confirmation records in the land registry office: “Nar”;
- 5 – Various land registry writs: “Rz”;
- 6 – Register of deposited contracts: “Kpu”;
- 7 – Certification of documents that are to be used abroad: “OV-i”;
- 8 – Document signature certification : “OV”
- 9 – Legal aid cases: “Pom”;

VI – Administrative Disputes:

- 1 – Administrative disputes: “U”;
- 2 – Request filed seeking the protection of rights and freedoms: “Uz”;
- 3 – Various administrative cases: “Ur”

Appeals shall be categorised as follows:

- 1 – Second instance criminal procedure cases: “Kž”;
- 2 – Second instance criminal procedure cases per specific hearing before an appellate department panel: “Kžk”
- 3 – Second instance criminal procedure against juveniles: “Kmž”;
- 4 – Second instance criminal procedures for the enforcement of criminal sanctions: “Iksž”;
- 5 – Second instance civil procedures: “Gž”;
- 6 – Second instance civil procedures in commercial cases: “Pž”;
- 7 – Second instance labour disputes: “Rsž”;
- 8 – Second instance minor offence procedures: “Pžp”
- 9 – Second instance minor offence procedures for setting hearings before the second instance court: “Pžp”;

- 10 – Second instance administrative cases: “UŽ”;
- 11 – Second instance cases for the protection of rights and freedoms: “UŽŽ”;
- 12 – Criminal procedures initiated based on an appeal filed against a second instance judgment: “KŽŽ”;

Cases pursuant to extraordinary legal remedies shall be categorised as follows:

- 1 – Retrials in civil cases: “Gvl”;
- 2 – Appeals to decisions on retrials in civil cases: “Gvlz”
- 3 – Revision cases: “Rev”;
- 4 – Re-trials in criminal cases: “Kvl”;
- 5 – Request filed for the protection of legality in criminal cases: “Kvlz”;
- 6 – Administrative disputes for requests for extraordinary reconsideration of court decisions: “Uvp”;
- 7 – Administrative disputes initiated for the purpose of retrial: “Uvl”;
- 8 – Appeals to decisions on retrials in administrative matters: “Uvlz”
- 9 – Minor offence retrials: “Pvlp”;

Note: Certain courts due to their specificity, along with the aforesaid abbreviations, also have separate designations for certain cases, as follows

- 1 – Extradition cases: “Ex”;
- 2 – Protected witness cases: “ZZS”
- 3 – Extradition cases and the handover of cases to the International Criminal Tribunal for the Former Yugoslavia in The Hague : “KiP”;
- 4 – Preliminary procedures before sections I & II of the Court of BiH: “KrN”;
- 5 – Administrative procedures: “Reg”;
- 6 – Minor offence retrials: “Pvl”;

Terms:

Flow coefficient – ratio between the number of resolved cases and the number of cases received by the court in one calendar year;

Quantity of court performance – a percentage expressing the level of the orientational quota that was reached by the court as a whole;

Quality of judge performance – a percentage expressing the ratio between the number of upheld decisions and the number of decisions in which a legal remedy has been filed;

Oriental quota – an approximate caseload that a judge or judicial associate should complete within a given period of time;

Case inflow – the number of cases a court receives within a given period of time.

ANNEX 3

PROSECUTOR'S OFFICES PERFORMANCE REPORT FOR THE PERIOD FROM JANUARY 1, 2009 TO DECEMBER 31, 2009

High Judicial and Prosecutorial Council of Bosnia and Herzegovina, in accordance with its legal obligation to present information regarding the state of the judiciary, regularly collects and processes statistics on the performance of judicial institutions.

The report on performance of prosecutor's offices is arranged in accordance with the prosecutorial system of Bosnia and Herzegovina:

- Prosecutor's Office of Bosnia and Herzegovina;
- Federal Prosecutor's Office of the Federation of Bosnia and Herzegovina and Republic Prosecutor's Office of Republika Srpska;
- Cantonal and district prosecutor's offices and
- Prosecutor's Office of Brcko District of Bosnia and Herzegovina.

The performance of prosecutors in 2009 is presented through reports on criminal reports, investigations, filed indictments, plea agreements, the prosecution of minors, work on other cases (KTA and Ktn) and cases of prosecutor's offices where the statute of limitations of criminal prosecution has run out prior to filing an indictment. All reports are presented by cases.

Annex 3 - Report on the performance of prosecutor's offices consists of two parts:

- a) First part: Breakdown of statistics as to the performance of prosecutors in which the trends noted in the work of prosecutors during the reporting period have been shown in a textual form;
- b) Second part: Breakdown of statistical data on the performance of prosecutors in which the trends noted in the work of prosecutors during the reporting period have been shown in the form of tables and diagrams;

REVIEW OF STATISTICAL DATA ON THE PERFORMANCE OF PROSECUTOR'S OFFICES

CUMULATIVE REPORT ON THE PERFORMANCE OF PROSECUTOR'S OFFICES

Table 1 depicts the flow of criminal reports in the prosecutor's offices in Bosnia and Herzegovina. In 2009, prosecutor's offices received a total of 23,829 criminal reports of which 60% were received by the cantonal prosecutor's offices 34.5%, 2.9% by the Prosecutor's Office of Bosnia and Herzegovina and 2.6% by the Prosecutor's Office of Brcko District. During 2009, a total of 22,984 reports were resolved or 3.55% less than the inflow.

Cummulative results as to the outcome of investigations are presented in Table 1. In 2009, a total of 8,923 unresolved investigations were carried over, while during 2009, a total number of 18,812 investigations were ordered. The total number of resolved investigation during 2009 exceeded the ordered investigations by 5%, thus reducing the number of uncompleted investigations during 2009, from 8,923 to 7,908 investigations. Similarly to criminal charges, 61% of investigations were launched by the cantonal prosecutor's offices,

35% by the district prosecutor's offices, the remaining investigations were initiated by the Prosecutor's Office of Bosnia and Herzegovina and the Prosecutor's Office of Brcko District.

Table 3 shows investigations by the types of crime or more specifically by general crimes, economic crimes or war crimes. As regards the breakdown of ordered investigations, dominating are those investigations conducted in the area of criminal offenses of general crime, or 94% of the total number of ordered investigations.

The age breakdown of unresolved investigations is presented in Table 4. The biggest number of investigations (40%) was initiated in 2009, whereas 17% of investigations were initiated in 2004 or earlier.

Data regarding the indictments are presented in Table 5. In 2009, prosecutor's offices filed 15,503 indictments, while in the same period the courts confirmed a total of 15,477 indictments. The cantonal prosecutor's offices filed 65% of the indictments, district prosecutor's offices filed 30%, while the remaining 5% were filed by the Prosecutor's Office of Bosnia and Herzegovina and the Prosecutor's Office of Brcko District.

Information related to the plea agreements are presented in Table 6. In 2009, a total of 1,677 plea agreements were proposed by the prosecutor's offices, while only 11 agreements were dismissed in the same period.

Case inflow of reports filed by the law enforcement agencies (KTA) is presented in Table 7. There were 25,884 of unresolved KTA cases at the beginning of the year. During 2009, a total of 17,724 cases were received and 17,102 cases were resolved of which number, 3,454 cases were carried over to the KT register or to the case register of known perpetrators who have committed specific criminal offenses.

Data on cases with unknown perpetrators of criminal offenses (KTN) are presented in Table 8. During 2009, prosecutor's offices carried over a total of 167,114 KTN cases. During 2009, a total of 25,455 cases were received and in the same period a total of 31,145 cases were resolved while the statute of limitations has run out for 21,306 cases, while 5,109 were carried over to the KT register.

Table 9 shows the data on the Kt and Ktm cases in which the statute of limitations of criminal prosecution has run out prior to filing an indictment. The statute of limitations of criminal prosecution has run out for 229 Kt cases, while no Ktm cases have fallen under the statute of limitations of criminal prosecution.

PROSECUTOR'S OFFICE OF BOSNIA AND HERZEGOVINA

During 2009, the Prosecutor's Office of Bosnia and Herzegovina, resolved a total of 704 KT reports, thus reducing the number of unresolved reports from 874, at the beginning of the year, to 854 at the end of the year. A detailed flow of criminal reports in the Prosecutor's Office of Bosnia and Herzegovina is shown in Table 10.

Contrary to the above trend, there was an increase in the backlog of reports filed by the law enforcement agencies (KTA), and reports related to the unknown perpetrators (KTN). Despite the fact that the Prosecutor's Office of Bosnia and Herzegovina resolved 960 of these cases during the reporting period, the number of pending cases of the type increased from 2,001, at the beginning of the year, to 2,253 at the end of the year. Table 14 shows the flow of the KTA and KTN cases.

Information regarding the investigations carried out in 2009, are presented in Table 11. In 2009, the Prosecutor's Office of Bosnia and Herzegovina resolved 346 investigations. Given the fact that during 2009, there were more investigations ordered than completed, the number of unresolved investigations increased from 538 to 597. As regards the breakdown of

unresolved investigations, most investigations have been initiated in the period from 2006 to 2007, or 44.7%.

During the reporting period, the Prosecutor's Office of Bosnia and Herzegovina filed 250 indictments, out of which 16.4% or 41 indictments were filed along with a warrant. It should also be noted that the Prosecutor's Office had 117 filed indictments carried over from the previous years in which judicial decisions had not been rendered. Table 12 shows data on indictments.

If we consider the structure of the indictments, we come to the conclusion that the economic and organised crime cases were in the focus of the Prosecutor's Office of Bosnia and Herzegovina in the past year, that is, 53.6% of the total number of filed indictments, followed by 38.8% of general crime cases and 7.6% of war crimes cases.

As far as the structure of prosecuted criminal offenses is concerned, the majority of indictments were filed for criminal offenses of money counterfeiting or 27.2% of the total number of indictments, followed by the unauthorized use of copyrights (14.6%) and trafficking (13.4%).

The breakdown of convicting decisions rendered by the Court of Bosnia and Herzegovina, as to the cases of the Prosecutor's Office of Bosnia and Herzegovina, is as follows: 61,1% of suspended sentences, 30,3% of prison sentences and 8,6% of fines.

During 2009, there was no statute of limitations of criminal prosecution in the cases of the Prosecutor's Office of Bosnia and Herzegovina.

FEDERAL PROSECUTOR'S OFFICE OF THE FEDERATION OF BOSNIA AND HERZEGOVINA AND REPUBLIC PROSECUTOR'S OFFICE OF REPUBLIKA SRPSKA

Republic Prosecutor's Office of Republika Srpska

During 2009, and in accordance with legally prescribed subject matter jurisdiction, the Republic Prosecutor's Office of Republika Srpska processed 118 appeals (KTZ) before the Republika Srpska Supreme Court. Out of the number, 102 cases were resolved, 95 at the panel's session and 7 cases upon the opening of a trial. As of December 31, 2009, a total of 17 KTZ cases remained unresolved.

During the reporting period, the Prosecutor's Office of Bosnia and Herzegovina worked on 95 KTA cases, of which number, 89 cases have been resolved and 6 are still pending.

During 2009, and in addition to the above cases, the Prosecutor's Office of Bosnia and Herzegovina received and completed 2 GT cases (extraordinary legal remedy in civil proceedings), 22 KTZ cases (extraordinary legal remedy in criminal proceedings), as well as 566 A cases (administrative cases).

Federal Prosecutor's Office of the Federation of Bosnia and Herzegovina

In accordance with the legally prescribed competences regarding the processing of criminal cases, during 2009, the Federal Prosecutor's Office of the Federation of Bosnia and Herzegovina processed 190 (Ktž) appealed cases before the Supreme Court of the Federation of Bosnia and Herzegovina, out of which a total of 189 cases were completely resolved.

The Prosecutor's Office processed 326 KTA cases during the reporting period, of which number 323 cases have been resolved and 3 are still pending.

Besides, the Prosecutor's Office received and completed 19 Ktž-K cases and 17 Ktž-KŽ cases during 2009.

Also, during 2009, the cases in the proceedings conducted by extraordinary legal remedies in the criminal (3 Ktz cases), administrative and minor offense sphere (3 Ut cases), civil sphere (2 Gt cases) and in the reopened proceedings (13 Pkp cases) were resolved.

In the reporting period, the Federal Prosecutor's Office resolved all cases labelled „Secret“ and „Confidential“ (3 cases) as well as all administrative cases (580 A cases).

CANTONAL AND DISTRICT PROSECUTOR'S OFFICES AND PROSECUTOR'S OFFICE OF BRCKO DISTRICT OF BOSNIA AND HERZEGOVINA

Cantonal prosecutor's offices

In 2009, the cantonal prosecutor's offices resolved 14,040 KT reports. Nevertheless, there was an increase in the number of unresolved criminal reports from 13,134 at the beginning of the year to 13,421 at the end of the year. Table 15 shows data on criminal reports.

Also, as presented in Tables 22 and 23, the number of unresolved KTA cases increased from 18,345 to 19,266, while the number of KTN cases increased from 106,490 to 107,547.

The opposite trend was noted in the prosecution of criminal investigations, of which 12,263 have been resolved, thus reducing the backlog by 798 cases and 4,138 is a total number of unresolved investigations. Of the total number of unresolved investigations, 26.3% of investigations were initiated in 2005 or earlier. Table 16 shows information on investigations.

Table 17 shows that during 2009, the cantonal prosecutor's offices filed 10,090 indictments. Of the total number of filed indictments, 42.9% were filed along with a warrant, and 3.4% with the proposed plea agreement.

Concerning the types of crimes, 9,799 indictments were filed for the committed criminal offenses of general crime, 285 of economic crime, and 6 indictments for criminal offenses of war crimes.

With reference to prosecution of certain criminal offenses, most indictments were filed for grand larceny, or 14.8% of the total number of indictments, followed by theft (9.1%), forest-theft (8.1%) and possessing and enabling the consummation of narcotic drugs (6.4%).

Table 19 shows that by processing the KTM cases, the cantonal prosecutor's offices initiated 818 preparatory proceedings, and made 10 correctional recommendations.

Table 21 shows data on court decisions regarding the KTM cases. The municipal courts, by acting in juvenile cases initiated by the cantonal prosecutor's offices, pronounced 228 non-institutional and 20 institutional-correctional measures, as well as 9 juvenile imprisonment punishments.

The following percentages show the breakdown of convicting verdicts rendered by the courts of the Federation of Bosnia and Herzegovina, in the cases of cantonal prosecutor's offices: 72% of suspended sentences, 14,2% prison sentences and 13,8% of fines.

Table 9 shows that during 2009, the statute of limitations of criminal prosecution has run out for a total of 169 Kt cases of the cantonal prosecutor's offices prior to the filing of an indictment. During the same period, there was no Ktm case that had fallen under the statute of limitations.

District prosecutor's offices

During 2009, district prosecutor's offices resolved 7,698 KT reports. Given that the number of resolved criminal reports was lower than the inflow, the number of unresolved criminal reports increased in 2009 from 3,510 to 4,017 cases. Detailed information on the flow of criminal reports can be seen in Table 15.

Contrary to the increasing trend of criminal reports, the number of unresolved KTA and KTN cases was reduced in 2009. As shown in Table 22, at the beginning of 2009, district prosecutor's offices had a total of 5,618 of unresolved KTA cases. With a total of 4,729 received cases and a total of 5,245 resolved cases, district prosecutors' offices ended the year with a total of 5,102 of unresolved KTA cases. Also, the number of the KTN cases decreased from 52,491 to 45,733 cases. The flow of KTN cases is shown in Table 23.

As shown in Table 16, during 2009, district prosecutor's offices ordered 6,406 investigations and completed 6,649 investigations, which led to a reduction in the number of uncompleted investigations from 3,121 to 2,878 investigations.

In 2009, district prosecutor's offices filed a total of 4,707 indictments or 49.8% indictments with a warrant, and 8.7% with the proposed plea agreements. Out of this number, 4,461 indictments were filed for the criminal offenses of general crime, 238 of economic crime, and 8 of war crimes. Data on the indictments are presented in Table 17.

Concerning the breakdown of individual offenses prosecuted, the majority of the indictments were raised for the criminal offenses of body injuries, or 10.7% of the total number of indictments, followed by theft (9.9%) and larceny as well as endangering public traffic with 8, 6%.

As regards the KTM cases, district prosecutor's offices initiated 328 preparatory proceedings, and rendered eight correctional recommendations. Acting in juvenile cases that were initiated by the district prosecutor's offices, the basic courts imposed 138 non-institutional and 2 institutional correctional measures. Information on the KTM cases are presented in Tables 19, 20 and 21.

The breakdown of convicting verdicts of the courts in Republika Srpska, as to the cases of district prosecutor's offices, is as follows: 63% of suspended sentences, 20.7% of fines and 16.3% of prison sentences.

Table 9 shows that during 2009, the statute of limitations of criminal prosecution has run out for a total of 60 Kt cases of the cantonal prosecutor's offices prior to filing an indictment. At the same time, no Ktm cases have fallen under the statute of limitations of criminal prosecution.

Special Prosecutor's Office for combating organised crime and most severe forms of economic crime (hereinafter referred to as: the Special Prosecutor's Office of Republika Srpska)

In early 2009, Special Prosecutor's Office had no unresolved KT reports, while 46 received reports were resolved during the year.

In 2009, the KTA and KTN backlog cases increased from 19 to 38. During the reporting period, 91 KTA and 2 KTN cases have been resolved.

Also, in addition to 40 completed criminal investigations, the backlog increased from 19 unresolved investigations at the beginning of the year to 25 at the end of the year.

The Special Prosecutor's Office filed 22 indictments last year, of which number, 11 indictments were raised with the proposed plea agreements. Of the total number of

indictments, the highest number or 36.4% were in connection to the criminal offense of organised crime.

Prosecutor's Office of Brcko District of Bosnia and Herzegovina

In 2009, the Prosecutor's Office of Brcko District of Bosnia and Herzegovina completed 542 KT reports. At the beginning of 2009, the Prosecutor's Office had no unresolved reports, while at the end of the year it was recorded that there were 71 unresolved reports. Information on criminal reports are shown in Table 15.

The backlog of the KTA and KTN reports has been slightly changed in 2009. The Prosecutor's Office of Brcko District has received 356 and resolved 349 KTA cases, which slightly increased the number of unresolved KTA cases from 204 to 211. In contrast, the number of KTN cases, after 969 received and 1,000 resolved cases, was slightly reduced. The flow of the KTA and KTN cases are presented in Tables 22 and 23.

During 2009, the Prosecutor's Office of Brcko District completed 569 investigations, whereupon, the number of unresolved investigations dropped from 283 to 250. Information on the investigations are presented in Table 16.

During the past year, the Prosecutor's Office of Brcko District of Bosnia and Herzegovina filed 456 indictments, of which number, 245 indictments were with a warrant and 8 indictments with proposed plea agreements. Information on indictments are presented in Table 17.

The largest number of processed cases as regards the structure of indictments, in the reporting period, relates to the general crime sphere with 448 indictments filed, while 6 indictments have been raised in connection to economic crimes, and 2 in connection to war crimes.

With reference to the prosecution of certain criminal offenses, the largest number of indictments have been filed in connection to the criminal offenses of theft, (18.2% of the total number of indictments), followed by minor physical injuries 12.3%, grand larceny (9.9%) and family violation (8.8%).

The Prosecutor's Office of Brcko District initiated 22 preparatory proceedings in juvenile crime cases (KTM) and rendered 35 correctional recommendations. Information on proceedings against juveniles are shown in Table 19.

Information on court decisions in the KTM cases are presented in Table 21. Acting in juvenile cases that were initiated by the Prosecutor's Office of Brcko District, the Basic Court of Brcko District of Bosnia and Herzegovina pronounced 25 non-institutional and 2 institutional measures, and 1 sentence of juvenile imprisonment.

The breakdown of convicting verdicts imposed by the courts of Brcko District of Bosnia and Herzegovina, as to the cases of the Prosecutor's Office of Brcko District, is as follows: 51,3% of suspended sentences, 28,8% of prison sentences and 19,9% of fines.

As one can see from Table 9, in 2009, the Prosecutor's Office of Brcko District had no Kt and Ktm cases in which the statute of limitations of criminal prosecution has run out prior to filing an indictment.

STATISTICAL REPORTS

CUMULATIVE REPORTS

Table 1: Flow of criminal reports in the prosecutor's offices in Bosnia and Herzegovina in 2009

Prosecutor's offices	Unresolved reports from the previous years	Received reports	Total in work	Resolved reports	Partly resolved reports	Unresolved reports as of Dec.31,2009
BIH	874	684	1,558	704	25	854
FBIH	13,134	14,327	27,461	14,040	11	13,421
RS	3,510	8,205	11,715	7,698	1	4,017
Brcko District	0	613	613	542	0	71
TOTAL	17,518	23,829	41,347	22,984	37	18,363

Tabela 2: Resolving investigations in the prosecutor's offices in Bosnia and Herzegovina in 2009

Prosecutor's offices	Unresolved investigations from the previous years	Ordered investigations	Total investigations in work	Resolved investigations	Partly resolved investigations	Number of unresolved investigations as at Dec.31,2009
BIH	538	405	943	346	35	597
FBIH	4,981	11,465	16,446	12,263	75	4,183
RS	3,121	6,406	9,527	6,649	2	2,878
Brcko District	283	536	819	569	0	250
TOTAL	8,923	18,812	27,735	19,827	112	7,908

Table 3: Resolving investigations in the prosecutor's offices in Bosnia and Herzegovina in 2009, by the case types

Type of the case	Unresolved investigations from the previous years	Ordered investigations	Total investigations in work	Resolved investigations	Partly resolved investigations	Number of unresolved investigations as of Dec.31,2009
General crime	6,888	17,687	24,575	18,507	85	6,068
Economic crime	839	1,073	1,912	1,032	10	880
War crimes	1,196	52	1,248	288	17	960
TOTAL	8,923	18,812	27,735	19,827	112	7,908

Diagram 1: Breakdown of unresolved investigations in the prosecutor's offices in Bosnia and Herzegovina in 2009 – by the types of crime

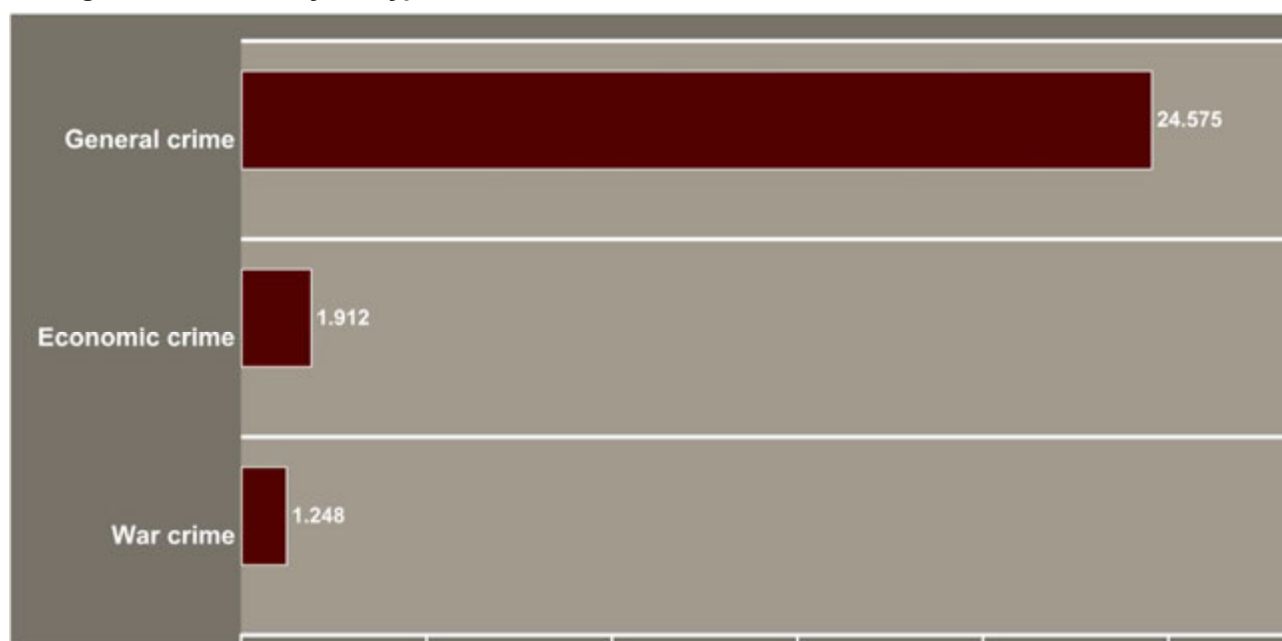


Diagram 2: Breakdown of ordered and resolved investigations in the prosecutor's offices in Bosnia and Herzegovina in 2009 – by the types of crime

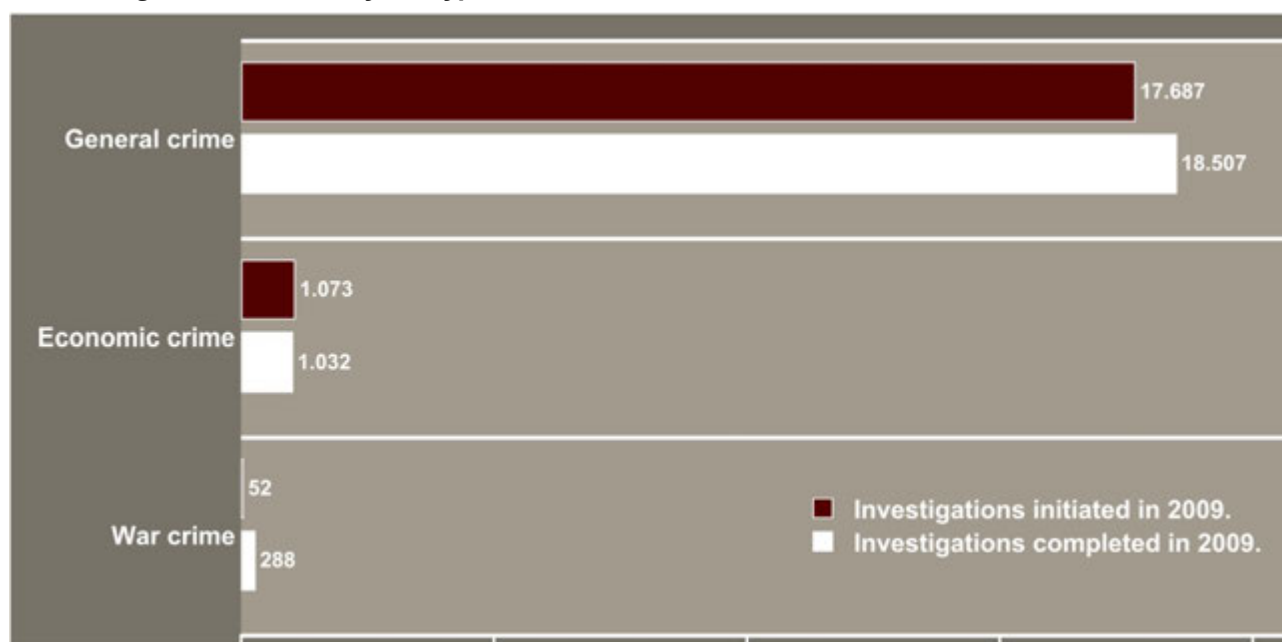


Table 4: Unresolved investigations before the prosecutor's offices in Bosnia and Herzegovina during 2009 - by their age

Prosecutor's offices	Age breakdown of unresolved investigations					Investigations ordered in 2009
	Unresolved investigations before January 1, 2005.	Investigations ordered in 2005	Investigations ordered in 2006	Investigations ordered in 2007	Investigations ordered in 2008	
BIH	28	39	102	165	97	166
FBIH	863	237	284	394	637	1768
RS	459	130	207	324	660	1095
Brcko District	30	26	13	15	27	139
TOTAL	1,380	432	606	898	1,421	3,168

Table 5: Indictments before the courts in Bosnia and Herzegovina during 2009

Prosecutor's offices	Total number of filed indictments	Total number of confirmed indictments	Number of indictments with rejected confirmation	Number of indictments withdrawn prior to passing the decision on confirmation	Number of raised, but unconfirmed indictments before courts as of Dec. 31, 2009
BIH	250	238	3	0	11
FBIH	10,090	10,155	34	1	519
RS	4,707	4,618	13	2	453
Brcko District	456	466	1	1	0
TOTAL	15,503	15,477	51	4	983

Table 6: Plea agreements concluded in 2009

Prosecutor's offices	Number of proposed plea agreements	Number of rejected plea agreements	Convicting judgments upon the plea bargaining agreement	Number of proposed plea agreements the courts have not decided
BIH	95	0	87	8
FBIH	649	10	547	123
RS	872	1	812	59
Brcko District	61	0	59	6
TOTAL	1,677	11	1,505	196

Table 7: Flow of the Kta cases in the prosecutor's offices in Bosnia and Herzegovina during 2009

Prosecutor's offices	Unresolved from previous years	Received during the year	Total in work	Resolved during the year			Total number of resolved cases at the end of the year	Unresolved at the end of the year
				Due to statute of limitations	Transferred into the KT Registry	Other method		
BIH	1717	938	2655	0	82	646	728	1,927
FBIH	18,345	11,701	30,046	3	2,511	8,266	10,780	19,266
RS	5,618	4,729	10,347	358	764	4,123	5,245	5,102
Brcko District	204	356	560	0	97	252	349	211
TOTAL	25,884	17,724	43,608	361	3,454	13,287	17,102	26,506

Table 8: Flow of the Ktn cases in the prosecutor's offices in Bosnia and Herzegovina during 2009

Prosecutor's offices	Unresolved from the previous years	Received during the year	Total in work	Resolved during the year			Total number of resolved cases at the end of the year	Unresolved at the end of the year
				Due to statute of limitations	Transferred into the KT register	Other method		
BIH	284	274	558	0	15	217	232	326
FBIH	106,490	18,018	124,508	9,039	3,571	4,351	16,961	107,547
RS	52,491	6,194	58,685	11,587	1,291	74	12,952	45,733
Brcko District	7,849	969	8,818	680	232	88	1,000	7,818
TOTAL	167,114	25,455	192,569	21,306	5,109	4,730	31,145	161,424

Table 9: Information on the Kt and Ktm cases in the prosecutor's offices in which the statute of limitations has run out during 2009

Prosecutor's offices	Type of the case	Number of cases where <u>absolute</u> statute of limitations of criminal prosecution has run out prior to filing an indictment	Number of cases where <u>relative</u> statute of limitations of criminal prosecution has run out prior to filing an indictment	TOTAL
	COLUMN =	I	II	III = I+II
Prosecutor's Office of BiH	Kt	0	0	0
	Ktm	0	0	0
	Total	0	0	0
Cantonal prosecutor's offices	Kt	86	83	169
	Ktm	0	0	0
	Total	86	83	169
District prosecutor's offices	Kt	23	37	60
	Ktm	0	0	0
	Total	23	37	60
Prosecutor's Office of Brcko District BiH	Kt	0	0	0
	Ktm	0	0	0
	Total	0	0	0
BiH TOTAL		109	120	229

PROSECUTOR'S OFFICE OF BOSNIA AND HERZEGOVINA

Table 10: Flow of criminal reports in the Prosecutor's Office of Bosnia and Herzegovina during 2009 by the type of cases

Type of the case	Unresolved reports from the previous years	Received reports in 2009	Total number of reports in work in 2009	Resolved reports in 2009	Partly resolved reports in 2009	Unresolved reports as of Dec. 31, 2009
General crime	204	203	407	211	6	196
Economic crime	399	387	786	436	14	350
War crimes	271	94	365	57	5	308
TOTAL	874	684	1,558	704	25	854

Diagram 3: Breakdown of ordered investigations in the Prosecutor's Office of Bosnia and Herzegovina in 2009 – by the type of crime

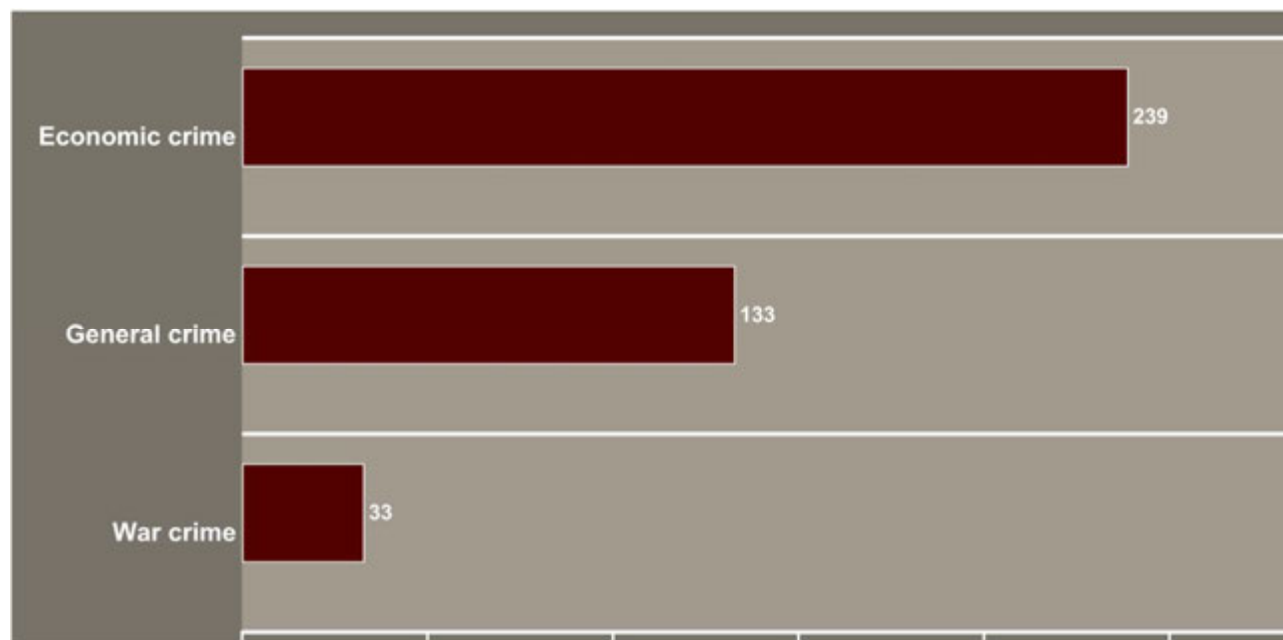


Table 11: Resolving investigations in the Prosecutor's Office of Bosnia and Herzegovina in 2009- by the type of cases

Type of the case	Unresolved investigations from the previous years	Ordered investigations during 2009	Total investigations in work during 2009	Resolved investigations during 2009	Partly resolved investigations during 2009	Number of unresolved investigations as of Dec.31,2009
General crime	108	133	241	116	9	125
Economic crime	131	239	370	191	10	179
War crimes	299	33	332	39	16	293
TOTAL	538	405	943	346	35	597

Table 12: Resolving upon filed indictments in the Prosecutor's Office of Bosnia and Herzegovina in 2009 - by the case type

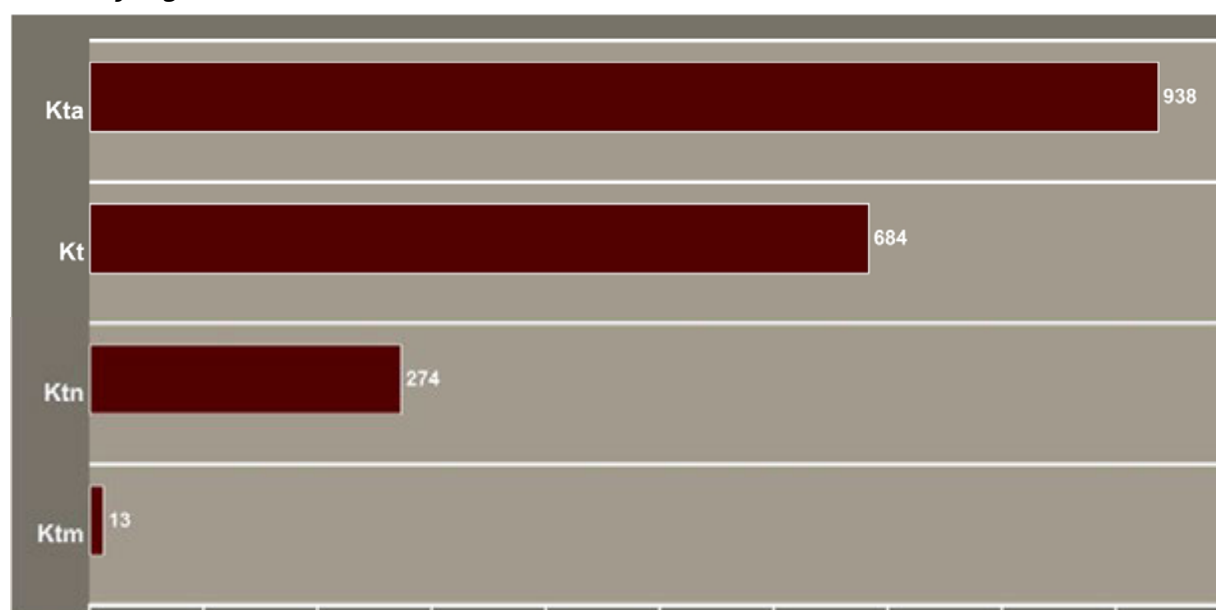
Type of the case	Total number of filed indictments in 2009	Total number of confirmed indictments in 2009	Number of indictments with rejected confirmation in 2009	Number of indictments withdrawn prior to passing the decision on confirmation in 2009	Number of raised, but unconfirmed indictments before the Court of Bosnia and Herzegovina as of Dec. 31, 2009
General crime	97	95	1	0	1
Economic crime	134	125	1	0	10
War crimes	19	18	1	0	0
TOTAL	250	238	3	0	11

Table 13: Plea agreements in 2009 by the case type

Type of the case	Number of proposed plea agreements	Number of rejected plea agreements	Convicting verdicts on plea agreements	Number of proposed plea agreements the courts are yet to decide
General crime	35	0	30	5
Economic crime	55	0	52	3
War crimes	5	0	5	0
TOTAL	95	0	87	8

Table 14: Flow of other cases in the Prosecutor's Office of Bosnia and Herzegovina in 2009

Type of the case	Unresolved from previous years	Received during the year	Total in work	Resolved during the year			Total number of resolved cases	Unresolved at the end of the year
				Due to statute of limitations	Transferred into the KT Registry	Other method		
Kta	1,717	938	2,655	0	82	646	728	1,927
Ktn	284	274	558	0	15	217	232	326
TOTAL	2,001	1,212	3,213	0	97	863	960	2,253

Diagram 4: Breakdown of received cases by the Prosecutor's Office of Bosnia and Herzegovina in 2009 – by registers

CANTONAL, DISTRICT AND PROSECUTOR'S OFFICE OF BRCKO DISTRICT OF BOSNIA AND HERZEGOVINA

Table 15: Resolving criminal reports in cantonal and district prosecutor's offices and the Prosecutor's Office of Brcko District Bosnia and Herzegovina in 2009

Prosecutor's offices	Type of the case	Unresolved from previous years	Received during the year	Total in work	Resolved reports in 2009	Partly resolved reports	Unresolved reports at the year end
Cantonal	General crime	11,884	13,381	25,265	13,338	6	11,927
	Economic crime	1,136	939	2,075	679	5	1,396
	War crimes	114	7	121	23	0	98
	TOTAL	13,134	14,327	27,461	14,040	11	13,421
District	General crime	2,976	7,581	10,557	7,052	1	3,505
	Economic crime	490	606	1,096	619	0	477
	War crimes	44	18	62	27	0	35
	TOTAL	3,510	8,205	11,715	7,698	1	4,017
Brcko District	General crime	0	571	571	516	0	55
	Economic crime	0	37	37	21	0	16
	War crimes	0	5	5	5	0	0
	TOTAL	0	613	613	542	0	71
TOTAL	General crime	14,860	21,533	36,393	20,906	7	15,487
	Economic crime	1,626	1,582	3,208	1,319	5	1,889
	War crimes	158	30	188	55	0	133
	TOTAL	16,644	23,145	39,789	22,280	12	17,509

Table 16: Resolving investigations in cantonal, district prosecutor's offices and the Prosecutor's Office of Brcko District of BiH in 2009

Prosecutor's offices	Type of the case	Unresolved from previous years	Received during the year	Total in work	Resolved reports in 2009	Partly resolved reports	Unresolved reports at the year end
Cantonal	General crime	4,277	11,064	15,341	11,769	75	3,572
	Economic crime	427	393	820	470	0	350
	War crimes	277	8	285	24	0	261
	TOTAL	4,981	11,465	16,446	12,263	75	4,183
District	General crime	2,281	5,977	8,258	6,067	1	2,191
	Economic crime	241	423	664	362	0	302
	War crimes	599	6	605	220	1	385
	TOTAL	3,121	6,406	9,527	6,649	2	2,878
Brcko District	General crime	222	513	735	555	0	180
	Economic crime	40	18	58	9	0	49
	War crimes	21	5	26	5	0	21
	TOTAL	283	536	819	569	0	250
TOTAL	General crime	6,780	17,554	24,334	18,391	76	5,943
	Economic crime	708	834	1,542	841	0	701
	War crimes	897	19	916	249	1	667
	TOTAL	8,385	18,407	26,792	19,481	77	7,311

Diagram 5: Breakdown of ordered and resolved investigations in cantonal, district prosecutor's offices and the Prosecutor's Office of Brcko District of Bosnia and Herzegovina in 2009 – by the type of crime

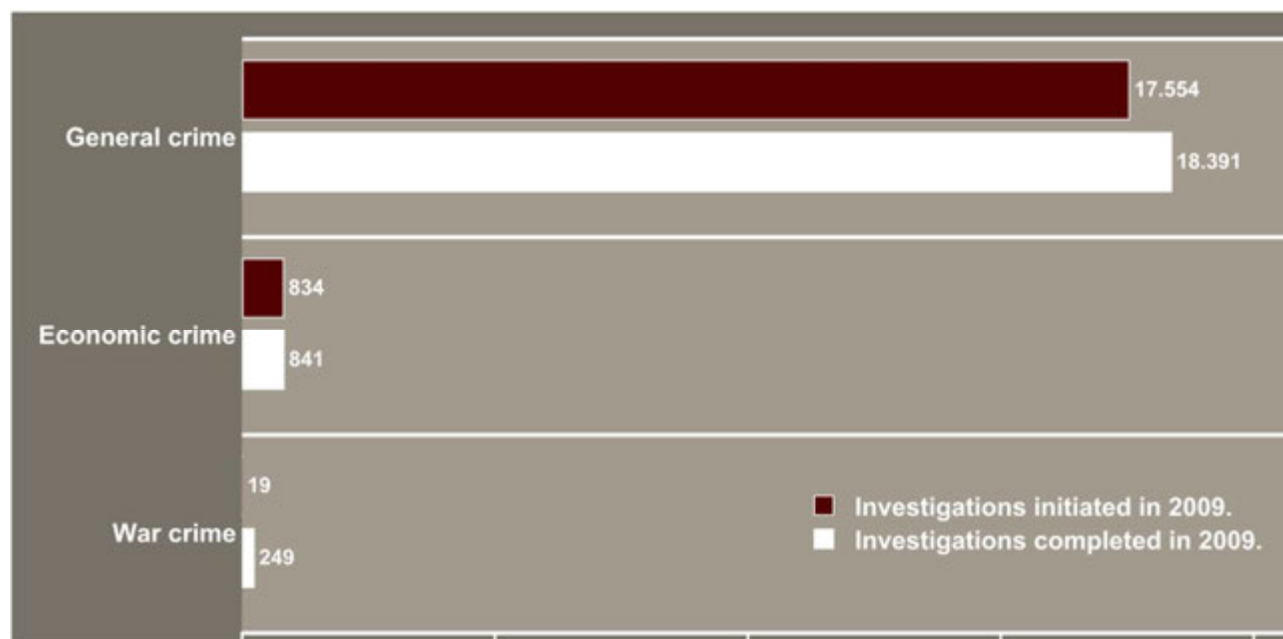


Table 17: Resolving indictments before the courts of BiH in 2009

Prosecutor's offices	Type of the case	Total number of filed indictments in 2009	Total number of confirmed indictments in 2009	Number of indictments with rejected confirmation	Number of indictments withdrawn prior to passing the decision on confirmation	Number of raised, but unconfirmed indictments
Cantonal	General crime	9799	9873	32	0	497
	Economic crime	285	278	2	1	19
	War crimes	6	4	0	0	3
	TOTAL	10,090	10,155	34	1	519
District	General crime	4461	4365	13	2	412
	Economic crime	238	246	0	0	35
	War crimes	8	7	0	0	6
	TOTAL	4,707	4,618	13	2	453
Brcko District	General crime	448	457	1	1	0
	Economic crime	6	7	0	0	0
	War crimes	2	2	0	0	0
	TOTAL	456	466	1	1	0
TOTAL	General crime	14,708	14,695	46	3	909
	Economic crime	529	531	2	1	54
	War crimes	16	13	0	0	9
	TOTAL	15,253	15,239	48	4	972

Table 18: Plea agreements in 2009

Prosecutor's offices	Type of the case	Plea agreements			
		Number of proposed plea agreements	Number of rejected plea agreements	Convicting judgments upon the plea bargaining agreement	Number of proposed plea agreements the courts have not decided
Cantonal	General crime	618	10	521	117
	Economic crime	31	0	26	6
	War crimes	0	0	0	0
	TOTAL	649	10	547	123
District	General crime	797	1	747	49
	Economic crime	75	0	65	10
	War crimes	0	0	0	0
	TOTAL	872	1	812	59
Brcko District	General crime	59	0	57	6
	Economic crime	2	0	2	0
	War crimes	0	0	0	0
	TOTAL	61	0	59	6
TOTAL	General crime	1,474	11	1,325	172
	Economic crime	108	0	93	16
	War crimes	0	0	0	0
	TOTAL	1,582	11	1,418	188

Diagram 6: Acceptance of proposed plea agreements

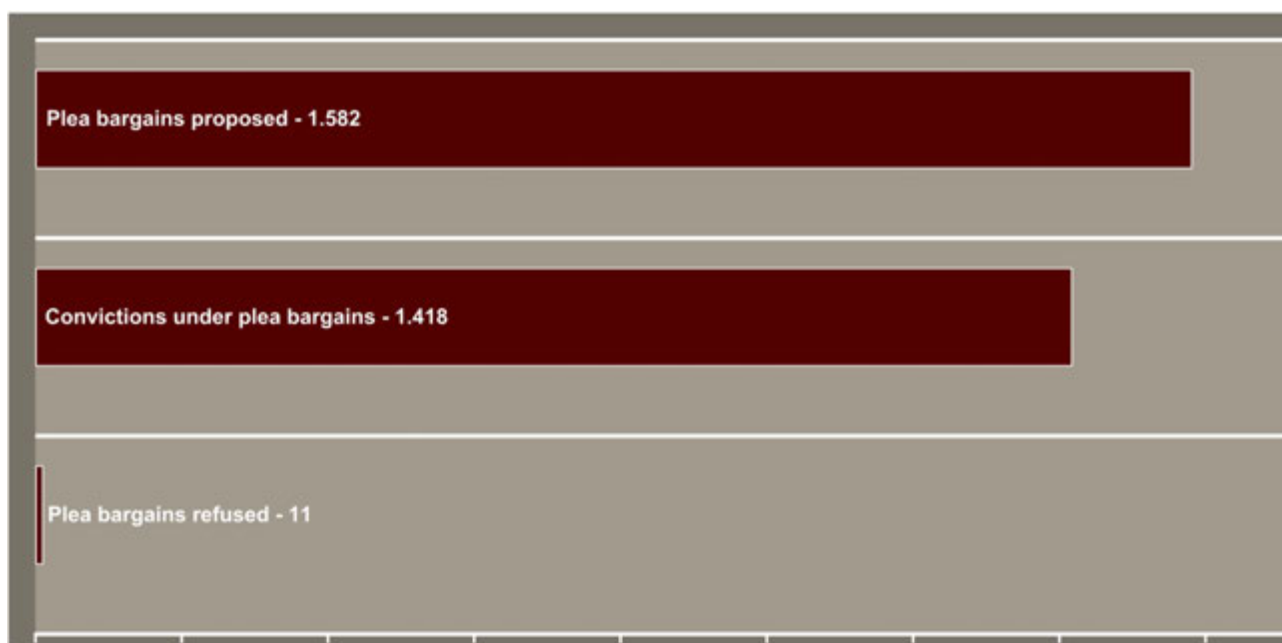


Table 19: Criminal reports and preparatory proceedings in the procedure against juveniles in Bosnia and Herzegovina in 2009

Prosecutor's offices	Unresolved reports from the previous years	Reports received during 2009	Total in work	Number of decisions not to initiate proceedings	Prosecutor's correctional recommendations	Preparatory proceedings		
						Unresolved from the previous years	Initiated during the year	Total
Cantonal	324	1175	1,499	325	10	887	818	1705
District	175	644	819	185	8	227	328	555
Brcko District	8	36	44	3	35	16	22	38
TOTAL	507	1,855	2,362	513	53	1,130	1,168	2,298

Table 20: Breakdown of motions to impose correctional measure/juvenile imprisonment during 2009

Prosecutor's offices	Number of proposals to impose correctional measure/imprisonment			Number of proposals to impose the sentence of juvenile imprisonment
	Institutional	Non-institutional	Total	
Cantonal	23	320	343	14
District	3	168	171	0
Brcko District	6	25	31	1
TOTAL	32	513	545	15

Table 21: Court decisions in proceedings against juveniles in 2009

Prosecutor's offices	Resolved in courts				Unresolved preparatory proceedings at the end of reporting period
	Correctional measures			Juvenile imprisonment sentences	
	Institutional	Non- institutional	Total		
Cantonal	20	228	248	9	763
District	2	138	140	0	283
Brcko District	2	25	27	1	13
TOTAL	24	391	415	10	1059

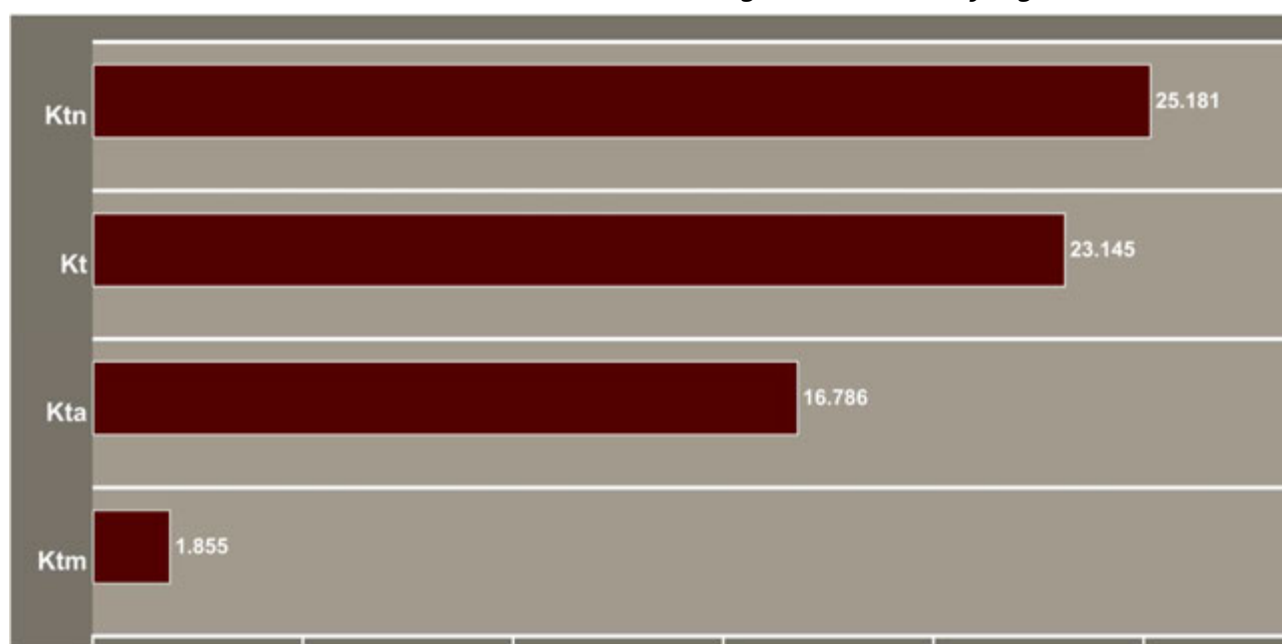
Table 22: Flow of Kta cases processed in cantonal and district prosecutor offices, and in the Prosecutor's Office of Brčko District of Bosnia and Herzegovina during 2009

Prosecutor's offices	Unresolved from previous years	Received during the year	Total in work	Total resolved during the year	Unresolved at the year end
Cantonal	18,345	11,701	30,046	10,780	19,266
District	5,618	4,729	10,347	5,245	5,102
Brcko District	204	356	560	349	211
TOTAL	24,167	16,786	40,953	16,374	24,579

Table 23: Flow of Ktn cases processed in cantonal and district prosecutor offices, and in the Prosecutor's Office of Brčko District of Bosnia and Herzegovina during 2009

Prosecutor's offices	Unresolved from previous years	Received during the year	Total in work	Total resolved during the year	Unresolved at the year end
Cantonal	106,490	18,018	124,508	16,961	107,547
District	52,491	6,194	58,685	12,952	45,733
Brcko District	7849	969	8,818	1000	7,818
TOTAL	166,830	25,181	192,011	30,913	161,098

Diagram 7: Breakdown of received cases in cantonal and district prosecutor's offices and the Prosecutor's Office of Brcko District of Bosnia and Herzegovina in 2009 – by registers



INDIVIDUAL REPORTS ON THE PERFORMANCE OF PROSECUTOR'S OFFICES

Cantonal prosecutor's offices

Table 24/1-17: Reports on the performance of individual prosecutor's offices

CANTONAL PROSECUTOR'S OFFICES OF THE UNA-SANA CANTON								
Type of the case	REPORTS		INVESTIGATIONS				INDICTMENTS	
	Total in work	Resolved	Total in work	Total resolved	Partly resolved	Number of unresolved at the year end	Total number of filed indictments	Total number of confirmed indictments
General crime	3687	1937	1898	1701	0	197	1473	1473
Economic crime	345	80	102	58	0	44	28	28
War crimes	22	16	69	7	0	62	0	0
TOTAL	4,054	2,033	2,069	1,766	0	303	1,501	1,501

CANTONAL PROSECUTOR'S OFFICE OF THE POSAVINA CANTON

Type of the case	REPORTS		INVESTIGATIONS				INDICTMENTS	
	Total in work	Resolved	Total in work	Total resolved	Partly resolved	Number of unresolved at the year end	Total number of filed indictments	Total number of confirmed indictments
General crime	477	286	351	264	0	87	243	216
Economic crime	26	10	19	3	0	16	3	3
War crimes	0	0	0	0	0	0	0	0
TOTAL	503	296	370	267	0	103	246	219

CANTONAL PROSECUTOR'S OFFICE OF THE TUZLA CANTON

Type of the case	REPORTS		INVESTIGATIONS				INDICTMENTS	
	Total in work	Resolved	Total in work	Total resolved	Partly resolved	Number of unresolved at the year end	Total number of filed indictments	Total number of confirmed indictments
General crime	3703	2920	3608	2695	74	913	2436	2458
Economic crime	207	97	115	67	0	48	34	36
War crimes	10	4	40	7	0	33	4	2
TOTAL	3,920	3,021	3,763	2,769	74	994	2,474	2,496

CANTONAL PROSECUTOR'S OFFICE OF THE ZENICA-DOBOJ CANTON

Types of the case	REPORTS		INVESTIGATIONS				INDICTMENTS	
	Total in work	Resolved	Total in work	Total resolved	Partly resolved	Number of unresolved at the year end	Total number of filed indictments	Total number of confirmed indictments
General crime	2759	1973	1919	1743	0	176	1594	1573
Economic crime	207	65	71	34	0	37	32	29
War crimes	0	0	19	4	0	15	0	0
TOTAL	2,966	2,038	2,009	1,781	0	228	1,626	1,602

CANTONAL PROSECUTOR'S OFFICE OF THE BOSNIA-PODRINJE CANTON

Types of the case	REPORTS		INVESTIGATIONS				INDICTMENTS	
	Total in work	Resolved	Total in work	Total resolved	Partly resolved	Number of unresolved at the year end	Total number of filed indictments	Total number of confirmed indictments
General crime	100	99	86	82	0	4	71	71
Economic crime	10	7	6	6	0	0	1	1
War crimes	0	0	0	0	0	0	0	0
TOTAL	110	106	92	88	0	4	72	72

CANTONAL PROSECUTOR'S OFFICE OF THE CENTRAL BOSNIA CANTON

Types of the case	REPORTS		INVESTIGATIONS				INDICTMENTS	
	Total in work	Resolved	Total in work	Total resolved	Partly resolved	Number of unresolved at the year end	Total number of filed indictments	Total number of confirmed indictments
General crime	1481	1295	1646	1243	1	403	1031	1042
Economic crime	135	85	132	65	0	67	34	29
War crimes	20	0	22	2	0	20	0	0
TOTAL	1,636	1,380	1,800	1,310	1	490	1,065	1,071

CANTONAL PROSECUTOR'S OFFICE OF THE HERZEGOVINA-NERETVA CANTON

Types of the case	REPORTS		INVESTIGATIONS				INDICTMENTS	
	Total in work	Resolved	Total in work	Total resolved	Partly resolved	Number of unresolved at the year end	Total number of filed indictments	Total number of confirmed indictments
General crime	1232	1113	1004	852	0	152	724	760
Economic crime	127	88	95	53	0	42	30	30
War crimes	35	1	52	2	0	50	1	1
TOTAL	1,394	1,202	1,151	907	0	244	755	791

CANTONAL PROSECUTOR OFFICE OF THE WEST HERZEGOVINA-NERETVA CANTON

Type of the case	REPORTS		INVESTIGATIONS				INDICTMENTS	
	Total in work	Resolved	Total in work	Total resolved	Partly resolved	Number of unresolved at the year end	Total number of filed indictments	Total number of confirmed indictments
General crime	386	337	323	287	0	36	255	251
Economic crime	45	40	67	48	0	19	33	33
War crimes	0	0	0	0	0	0	0	0
TOTAL	431	377	390	335	0	55	288	284

CANTONAL PROSECUTOR'S OFFICE OF THE SARAJEVO CANTON

Type of the case	REPORTS	INVESTIGATIONS	INDICTMENTS
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	Total in work	Resolved	Total in work	Total resolved	Partly resolved	Number of unresolved at the year end	Total number of filed indictments	Total number of confirmed indictments
General crime	11040	3014	4138	2557	0	1581	1655	1712
Economic crime	918	175	167	113	0	54	75	74
War crimes	28	0	67	0	0	67	0	0
TOTAL	11,986	3,189	4,372	2,670	0	1,702	1,730	1,786

CANTONAL PROSECUTOR'S OFFICE OF THE CANTON 10

Type of the case	REPORTS		INVESTIGATIONS				INDICTMENTS	
	Total in work	Resolved	Total in work	Total resolved	Partly resolved	Number of unresolved at the year end	Total number of filed indictments	Total number of confirmed indictments
General crime	400	364	368	345	0	23	317	317
Economic crime	55	32	46	23	0	23	15	15
War crimes	6	2	16	2	0	14	1	1
TOTAL	461	398	430	370	0	60	333	333

District prosecutor's offices

DISTRICT PROSECUTOR'S OFFICE IN BANJA LUKA								
Type of the case	REPORTS		INVESTIGATIONS				INDICTMENTS	
	Total in work	Resolved	Total in work	Total resolved	Partly resolved	Number of unresolved at the year end	Total number of filed indictments	Total number of confirmed indictments
General crime	5441	3521	4366	3360	1	1006	2040	2019
Economic crime	552	298	242	186	0	56	119	114
War crimes	8	6	17	4	0	13	4	4
TOTAL	6,001	3,825	4,625	3,550	1	1,075	2,163	2,137

DISTRICT PROSECUTOR'S OFFICE IN BIJELJINA

Type of the case	REPORTS		INVESTIGATIONS				INDICTMENTS	
	Total in work	Resolved	Total in work	Total resolved	Partly resolved	Number of unresolved at the year end	Total number of filed indictments	Total number of confirmed indictments
General crime	1192	1163	1237	921	0	316	794	700
Economic crime	104	97	118	55	0	63	44	45
War crimes	2	2	53	25	1	28	2	2
TOTAL	1,298	1,262	1,408	1,001	1	407	840	747

DISTRICT PROSECUTOR'S OFFICE IN DOBOJ

Type of the case	REPORTS		INVESTIGATIONS				INDICTMENTS	
	Total in work	Resolved	Total in work	Total resolved	Partly resolved	Number of unresolved at the year end	Total number of filed indictments	Total number of confirmed indictments
General crime	2242	1235	1498	959	0	539	798	847
Economic crime	220	116	179	49	0	130	34	46
War crimes	1	1	445	184	0	261	1	0
TOTAL	2,463	1,352	2,122	1,192	0	930	833	893

DISTRICT PROSECUTOR'S OFFICE IN EAST SARAJEVO

Type of the case	REPORTS		INVESTIGATIONS				INDICTMENTS	
	Total in work	Resolved	Total in work	Total resolved	Partly resolved	Number of unresolved at the year end	Total number of filed indictments	Total number of confirmed indictments
General crime	936	728	757	556	0	201	519	504
Economic crime	99	64	51	34	0	17	20	20
War crimes	35	18	51	7	0	44	1	1
TOTAL	1,070	810	859	597	0	262	540	525

DISTRICT PROSECUTOR'S OFFICE IN TREBINJE

Type of the case	REPORTS		INVESTIGATIONS				INDICTMENTS	
	Total in work	Resolved	Total in work	Total resolved	Partly resolved	Number of unresolved at the year end	Total number of filed indictments	Total number of confirmed indictments
General crime	729	388	382	257	0	125	301	286
Economic crime	92	15	27	12	0	15	8	8
War crimes	17	1	39	0	0	39	0	0
TOTAL	838	404	448	269	0	179	309	294

SPECIAL PROSECUTOR'S OFFICE OF THE DISTRICT PROSECUTOR'S OFFICE IN BANJA LUKA

Type of the case	REPORTS		INVESTIGATIONS				INDICTMENTS	
	Total in work	Resolved	Total in work	Total resolved	Partly resolved	Number of unresolved at the year end	Total number of filed indictments	Total number of confirmed indictments
General crime	17	17	18	14	0	4	9	9
Economic crime	29	29	47	26	0	21	13	13
War crimes	0	0	0	0	0	0	0	0
TOTAL	46	46	65	40	0	25	22	22

Prosecutor's Office of Brcko District of Bosnia and Herzegovina

PROSECUTOR'S OFFICE OF BRCKO DISTRICT OF BiH

Type of the case	REPORTS		INVESTIGATIONS				INDICTMENTS	
	Total in work	Resolved	Total in work	Total resolved	Partly resolved	Number of unresolved at the year end	Total number of filed indictments	Total number of confirmed indictments
General crime	37	21	735	555	0	180	448	457
Economic crime	5	5	58	9	0	49	6	7
War crimes	571	516	26	5	0	21	2	2
TOTAL	613	542	819	569	0	250	456	466

GLOSSARY OF CONCEPTS

ANNEX 3

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, being dealt with by the Police, and which require the Prosecutors' engagement
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 Prosecutors' engagement. The outcome of these cases mainly depends on the Police 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.