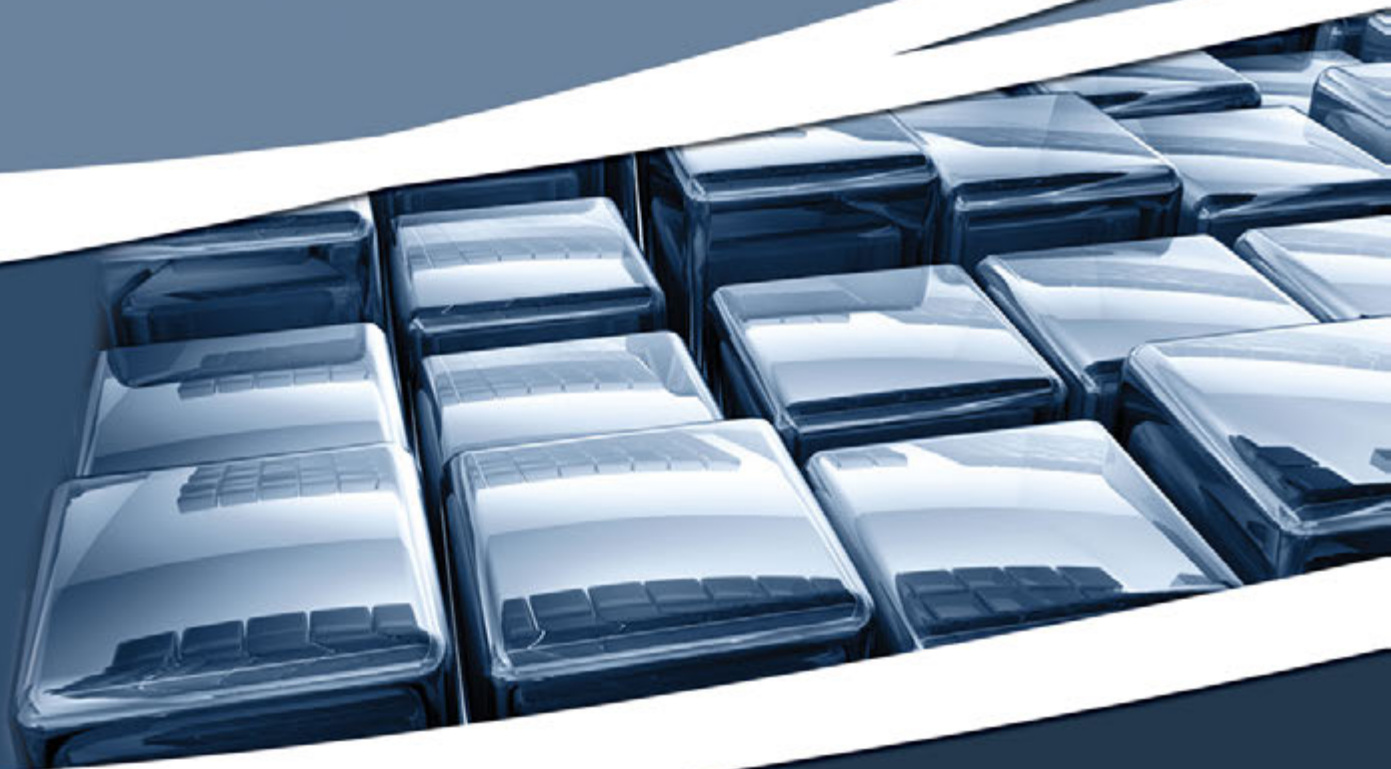




Visoko sudsko i tužilačko vijeće Bosne i Hercegovine  
Visoko sudbeno i tužiteljsko vijeće Bosne i Hercegovine  
Високи судски и тужилачки савјет Босне и Херцеговине  
High Judicial and Prosecutorial Council of Bosnia and Herzegovina



# ANNUAL REPORT



# 2011



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## **HIGH JUDICIAL AND PROSECUTORIAL COUNCIL OF BOSNIA AND HERZEGOVINA 2011 ANNUAL REPORT**

The 2011 Annual Report of the High Judicial and Prosecutorial Council was adopted at the session of the HJPC BiH held on April 25, 2012.

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## FOREWORD FROM THE HJPC PRESIDENT

Dear friends and colleagues,

In times of great trial it represents a true challenge to provide a brief overview of all of the achievements of 2011, while at the same time offer a vision for the tasks that lie ahead of the HJPC BiH, as well as the goals that we must attain. To lead the judiciary, a segment of society that needs to be responsible and efficient while at the same time independent and impartial, is a major duty of the HJPC BiH. It is the judiciary of a country that traces the path to betterment.

Last year was a year of great challenges but also of major action for the HJPC BiH. The year was marked by the Structured Dialogue on Justice between the European Union and Bosnia and Herzegovina in which the HJPC BiH is actively involved and offers valuable contribution. The aim of the process is to consolidate the rule of law and the identification of reform with the objective of establishing an efficient, impartial and responsible judicial system in our country. The Dialogue represents an exceptional opportunity to reach a level of mutual understanding as well as consensus on all issues of significance for the improvement of the judicial system as well as to preserve the basic principles of the judiciary. I am of the opinion that this process provides us with an true opportunity to actively look to the times ahead. European access to the dialogue and strengthening the rule of law are the priorities at this time.

Confirmation of our efforts and the support that we have received from the relevant national and international governments has given us additional incentive. Support from the judge and prosecutor associations, representatives of the international community in BiH and from international officials abroad for the preservation of our competences and our independence was ever present in 2011.

The Structured Dialogue has strengthened the importance of the inescapable role that the HJPC BiH has regarding the creation and design of all activities, as well as the definition of proposals and measures regarding the continued reform of the BiH judiciary.

The HJPC BiH has maintained the view that there is a need to establish further conditions for the continued development of an independent and fair judiciary in BiH. The independence of the judiciary and that of the judges cannot only be based on legislative guarantees. Our judiciary needs a constitutional proclamation on the general principles as well as the constitutional placement of the HJPC BiH. Of course, all of the above is set and determined with international standards which we refer to and which we wish to establish in our judicial system.

In the past we have made serious efforts towards defining amendments to the Law on the HJPC BiH in order to achieve an efficient Council structure as well as adequate internal organisation, a more transparent appointment process, an improved disciplinary procedure system, as well as establishing more precise normatives and the more efficient development of existing legal normatives and other activities. These amendments would need to precisely define membership for members who come from outside the professional judicial community, while Council members who are members of the professional community would need to be highly skilled individuals in their fields of choice with a proven performance background.

Aside from efforts towards ensuring for a stable and credible system, many challenges were faced in establishing a more efficient judiciary. The HJPC BiH continued with initiatives aimed at increasing efficiency through proposals for legislative changes, monitoring backlog reduction, changes to internal work processes in judicial institutions as well as through the reconstruction and modernisation of the courts and prosecutors offices. The HJPC BiH has for some time now been faced with large numbers of unresolved cases in the courts. The adoption of Instructions for the Drafting of Plans for the Resolution of Old Cases and for Judicial Efficiency, as well as



the establishment of a Standing Committee for monitoring the implementation of the Instructions in 2011 represented major steps taken by the Council towards resolving the issue. Regarding the improvement of efficiency of the judiciary, the HJPC BiH worked on the preparation of a Book of Rules on Orientational Measures for the Performance of Judges, Judicial Associates and Other Employees in the Courts of BiH, which will begin implementation in March 2012. The new method for measuring the performance of judges and judicial associates ensures that the system of orientational measures rewards greater efforts made by judges in the resolution of cases based on merits as compared to case resolution that is not on merits. The European Union expressed an interest and great support to this segment since the application of the measures will allow for the establishment of a transparent system which will set a standardised system for the calculation of quotas for all judges and judicial associates.

Better financing is required for the efficient functioning of the judiciary as well as improved procedures for the planning and adoption of judicial budgets with the active participation of the Council in the process for the proposal and disposal of budgets for all levels of judicial power. Throughout 2011, a range of meetings were held with representatives of the executive branch regarding the issue of adequate financing for courts and prosecutors offices. In part also as a result of these meetings, the total budgets of the courts and prosecutors offices continued with an upward trend in 2011 (5.6 increase compared to 2010). Even though it can be said that advancements were made in the field of financing, we are still unable to say that the courts and prosecutors offices have received sufficient funds for their unobstructed and efficient functioning, especially with reference to strengthening human resources and capital investments.

It must be stressed that in 2011, the HJPC BiH made significant steps towards the preparation of a legal framework to carry over standards of the European Commission for the Efficiency of Justice (CEPEJ) to the BiH judicial system regarding optimal and foreseeable deadlines for case resolution in judicial institutions.

One major task the HJPC BiH had in 2011, was to lead the judiciary in a professional environment, avoid polarisation within the professional community and at the same time achieve a consensus on major reform related issues. Regardless of the ever-present societal problems, we are optimistic of achieving this. We are fully convinced that the judiciary of BiH has the potential to provide significant, recognisable contributions for BiH's path towards European integration. Judges and prosecutors are, step by step, proving this on a daily basis.

At the HJPC BiH, we can note a serious, rational, objective and foremost decisive stand on all issues regarding society and the judicial system, with a true desire to overcome all problems for the betterment of the judicial system and society as a whole through new dynamics and qualities. We are aware that only such an approach is effective and leads to positive results. The HJPC BiH has a clear desire and is willing to lead the reform towards an ultimately more efficient system which would be consistent with European Union standards.

In writing this Foreword, it would be impossible not to mention our friends, donors from the international community, foremost from the European Union, the United States of America, Switzerland, Norway, Sweden, the United Kingdom, etc. We owe them our everlasting gratitude.

And ultimately, I wish to express special gratitude and commendations to our colleagues, the judges and prosecutors as well as to all employees within the professional judicial community, seeing as without their devoted and dedicated work and efforts we would not be able to actively and successfully carry out the reform of the judiciary.

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

## CHAPTER 1

### HJPC ACTIVITIES

#### 1.1. Efficiency

One of the key strategic objectives of the HJPC is aimed at achieving efficiency of the judiciary. Efficiency of the judiciary is defined as the relation between that which is invested into the judiciary and the results the judicial system achieves which primarily refers to the prompt resolution of court cases and ensuring that courts are current with their caseloads.

##### 1.1.1. Introduction

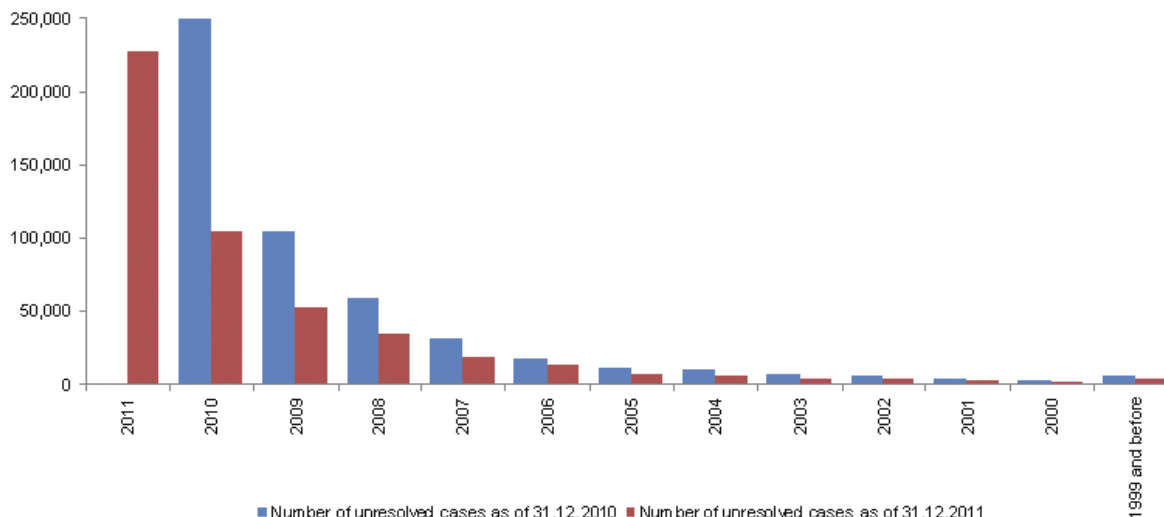
The HJPC has, in the past, undertaken numerous steps towards resolving the current problems of the judicial system of Bosnia and Herzegovina.

At year-end 2010, 50% of the number of unresolved cases were over one year old, while almost every tenth unresolved case was over five years old. Table 1.1.1. and the bar graph 1.1.1. provide an overview as to the breakdown of cases before the regular courts in BiH as on 31 December, 2010 (column I) and based on the year of the initial filing date,:

**Table 1.1.1: Age breakdown of the cases before the regular courts in BiH as of 31.12.2010 and 31.12.2011, based on year of initial filing date,**

	Number of unresolved cases as of 31.12.2010	Number of unresolved cases as of 31.12.2011	Difference - 31.12.2011 compared to 31.12.2010
I	II	III	IV=III-II
		227,415	227,415
2010	248,916	104,419	-144,497
2009	104,514	52,100	-52,414
2008	58,064	34,036	-24,028
2007	31,809	19,333	-12,476
2006	17,167	13,733	-3,434
2005	11,108	6,934	-4,174
2004	9,593	5,916	-3,677
2003	7,069	3,932	-3,137
2002	5,049	3,160	-1,889
2001	3,534	2,275	-1,259
2000	2,525	1,547	-978
1999 and before	5,554	3,243	-2,311
<b>Total</b>	<b>504,902</b>	<b>478,043</b>	<b>-26,859</b>

**Graph 1.1.1. Number of unresolved cases as of 31.12.2010 and 31.12.2011 based on year of initial filing date**



Keeping in mind the importance of resolving cases promptly as they arrive in court, throughout 2011, the HJPC initiated and implemented activities aimed at resolving the oldest cases in the BiH judiciary which is described in Chapter 4.1.2.2. Instructions for the resolution of old and backlogged cases.

It must be said that by implementing the activities on the resolution of the oldest cases that the total number of cases older than 2005 was reduced by 13,251 cases, the number of unresolved cases older than 2000 was reduced by 2311 which is visible in column IV 4.1: Age breakdown of cases in the regular courts in BiH based on the year of the initial filing date as of 31.12.2010 and 31.12.2011

Within the framework of the HJPC, a project was initiated through donor funding with activities, among other things, aimed at strengthening the efficiency of the judicial system of BiH through the reduction of the number of unresolved cases, improvement of the premises in the court and PO buildings and by reducing the number of old cases.<sup>1</sup>

As part of the activities of the Backlog Reduction Project, as stipulated in the Justice Sector Reform Strategy for BiH and in the HJPC Strategic Plan, amendments were initiated to legal regulations which would make enforcement procedures more efficient. Within the framework of Project activities, the Project recognised the great advantages of introducing e-communications between users and the courts, with reference to the delivery and processing of utilities cases. Particular attention was given to improving the efforts of court bailiffs as well as identifying optimal methods for the service of writs.

<sup>1</sup> The most significant project activities and achievements will be detailed in the section of the Annual Report dealing with projects.

Regarding amendments to legislation, in January, 2011, the HJPC adopted and then forwarded on a Proposal for Amendments to the Law on Enforcement Procedure<sup>2</sup>, as well as two draft books of rules regulating the responsibilities and the position of court bailiffs, the Book of Rules on the Status, Work, Responsibilities and Field Visit Expenditures for Court Bailiffs and the Book of Rules on Education and Professional Exams for Court Bailiffs and Heads of Court Bailiff Services. In proposing the amendments, the HJPC underlined the need to target special focus on the performance of court bailiffs. The general objective of the Book of Rules was to achieve consistent caselaw practices in the courts for court bailiffs in enforcement procedures. After the procedures for the adoption of amendments to the Law on Enforcement Procedure have been completed, the relevant ministries will have a basis in order to be able to pass the aforesaid books of rules.

Within the framework of the Instrument for Pre-accession Assistance of the European Union "Support for the Judiciary of Bosnia and Herzegovina" - IPA 2009 activities have been initiated at monitoring the resolution of old cases in the courts.<sup>3</sup> Throughout 2011, the HJPC Standing Committee for Monitoring the Implementation of the Instructions for the Drafting of Plans for the Resolution of Old Cases and for Judicial Efficiency<sup>4</sup> and the Judicial Efficiency Unit offered support in the development of plans for the resolution of old cases and performed ongoing supervision over the realisation of the plans by the courts. Such a method for monitoring the resolution of old cases was applied for the first time in the BiH judiciary and in 2011, thanks to these plans and the monitoring processes regarding their resolution, a total of 70,316 cases were resolved.

We also need to stress that activities were undertaken within the said Project towards improving the working conditions for court bailiffs. A Practicum for Court Bailiffs was developed in 2011 which will be used as training material for 16 trainings events to be held in 2012 for court bailiffs within the framework of the entity training centres which will be financed from the IPA 2009 Project. The objective behind the development of the training materials is the harmonisation of practices for enforcement procedures and will provide court bailiffs with essential answers and guidelines for a number of issues that they come across in their work. Apart from this, the application of the Practicum has the objective of expediting enforcement in the phase where court bailiff actions represent a key factor to the success of the enforcement. The fulfillment of this objective would lead to the strengthening of legal certainty for every individual seeing as the enforcement of court decisions would be more efficient.

Also, in order to ensure more material funds for court bailiff operations and for improving motivation, activities have been undertaken within the IPA 2009 Project to procure vehicles for court bailiffs. Accordingly, the HJPC has, after a detailed needs analysis for court bailiffs, passed a decision to deliver vehicles to 20 courts with delivery expected some time in 2012.

- 
- 2 In 2011, consideration was given to proposals/drafts of the Law on Enforcement Procedure and at the session of the House of Peoples, on 20 November, 2011, the Parliament of the Federation of Bosnia and Herzegovina adopted the Draft Law on Amendments to the Law on Enforcement Procedure. The said Draft was sent out for public debate after which its adoption is expected in accordance with the procedure for the adoption of laws. At its session held on 13 December, 2011, the National Assembly of Republika Srpska considered and adopted the draft Law on Amendments to the Law on Enforcement Procedure of Republika Srpska which differs in part to the proposal adopted by the HJPC.
  - 3 At its session held on 1 & 2 December, 2011, as part of its IPA 2009 activities the HJPC adopted the Instruction for the Development of a Plan for the Resolution of Old Cases based on which the courts were required to draft their own plans for the resolution of old cases which had to cover the oldest cases in the courts.
  - 4 The Standing Committee for monitoring the implementation of the Instruction was established on 16 December, 2010 as a permanent body of the HJPC with the objective of overseeing the implementation of the Instruction for drafting a plan for the resolution of old cases as well as the realisation of the Plans for the resolution of old cases.

The expectation is that court bailiffs will have better working conditions which specifically means that they will be more “mobile” and will not “have to” use their own vehicles for official business or other public transportation which has been the case thus far and which ultimately had a negative influence of the way the public viewed the performance of the courts and the rule of law in general.

## **1.1.2. Measures to increase judicial efficiency**

### **1.1.2.1. Orientational measures for overseeing case processing**

For a number of years now, Bosnia and Herzegovina has been faced with large numbers of unresolved cases. However evident the efforts of the courts are, the number of unresolved cases keeps growing and therefore, as is foreseen with the BiH Justice Sector Reform Strategy and with the HJPC Strategic Plan, measures need to be developed and completed for the courts and prosecutors offices in BiH. In 2011, with this in mind, the HJPC paid special attention to the development of measures to oversee the work of the courts with accent given to lagging case types and also aimed at simplifying the application of the measures in the courts.

In order to effect the objective, HJPC instigated a number of activities towards adopting a new system for determining judge performance quantity to replace the existing system.

The current system for measuring performance quantity for judges in Bosnia and Herzegovina is based on the concept of orientational quotas and encompasses the recording of the number of cases a judge completes within a certain period of time regardless of the complexity of the case. In order to achieve greater efficiency of the judiciary, in 2005 the HJPC initiated certain activities within the Justice Sector Development Project (“JSDP I”) which is financed by the United States Agency for International Development (USAID).

Throughout 2010, the HJPC carried out the so called pilot testing of the application of the framework measures for the performance of judges, legal associates and other employees in the regular courts of BiH (hereinafter: Book of Rules) in a certain number of courts of various levels, after which a conclusion was reached that the proposal Book of Rules needs to be refined and sent to the HJPC for adoption. An analysis of the results of the pilot testing in the courts showed that the Book of Rules had to be refined with reference to increasing court efficiency. Keeping in mind that the current method of measuring court performance did not produce the desired results with reference to greater efficiency and promptness, the same can also be said for the Book of Rules on Framework Measures based on the analysis of their pilot testing period, and so based on the Recommendation of the European Commission and the strategic objectives of the HJPC, a new method had to be identified to measure the performance of judges and legal associates, which would increase judicial efficiency in BiH.

In order to develop new measurements for the evaluation of performance quantity for a judge, a comparative analysis was compiled of the current orientational quotas and the proposed framework measures for standardising judge performance on all levels in BiH. The complexity and the scope of the analyses (250,000 resolved cases for the first six months of 2011) can be seen in the fact that an assessment has to be made regarding the implications of the framework measures regarding the number of unresolved cases and the time required for case resolution in the future multiple-year period and to propose new measures for which implementation should result in the courts of BiH achieving a level of being current with the caseloads.

In adopting the new standards, we expect to establish a transparent system for monitoring judge performance aimed at increasing court performance efficiency. In the event that the said system is not applied in the upcoming period, the situation will remain unchanged compared to

the past which means that the problem regarding unresolved cases would remain unresolved or get even worse.

### **1.1.2.2. Instruction for the resolution of old and backlogged cases**

According to the HJPC 2011 Annual Report, over 52% of the unresolved cases in the courts of BiH were over one year old, while 9% of the unresolved cases were initiated over five years ago and still remain unresolved. In recognising the gravity of the problem and keeping in mind that the protracted resolution of court cases may lead to the violation of human rights pursuant to Article 6 of the European Convention on Human Rights which proclaims the right of an individual to a fair trial within a reasonable period of time, in 2010 the HJPC adopted an "Instruction for the Development of a Plan for the Resolution of Old Cases based on the Initial Filing Date" (hereinafter: Instruction). The activity was realised as part of the IPA 2009 activities.

In its Instruction, the HJPC asked that all court presidents in BiH draft an analysis of the situation in their respective courts with reference to old unresolved cases along with an analysis as to the reasons for large numbers of unresolved old cases and that based on the results of the analyses they draft a Plan for the Resolution of Old Cases for all old cases except for the so-called "utilities" cases and urgent cases.

It must be said that the "age" of a case was determined by the date of the initial filing document, i.e. according to the time that a party to a proceedings has been waiting for their case to be resolved. The key criterion in determining the duty of a court to draft a plan for the resolution of old cases was the three-month quota of old cases per judge, taking into consideration the provisions of Article 5<sup>5</sup> and Article 14.<sup>6</sup> of the Instruction.

In order to ensure the proper application of the Instruction, the HJPC established a Standing Committee to Monitor the Implementation of the Instruction for the Development of a Plan for the Resolution of Old Cases and for the Efficiency of the Judiciary (Standing Committee) and the Judicial Efficiency Unit with the task of overseeing the implementation of the separate plans for the resolution of old cases in the courts in Bosnia and Herzegovina.

### **Development of CMS functionalities to allow for monitoring the realisation of the plan for the resolution of old cases**

In order to assist the courts in drafting and monitoring the realisation of the plans for the resolution of old cases through the CMS, within the IPA 2009 Project for Support to the BiH Judiciary, a detailed analysis was performed of the existing CMS reports. The results of the analysis showed that the current CMS functionalities for reporting were insufficient to provide the court management with support in drafting and monitoring the realisation of the plans for the resolution of old cases. In order to strengthen the management skills of the court presidents and offer "tools" for the development of working policies for court presidents and the HJPC, a new CMS module was developed to support the process for the drafting and monitoring of the implementation of the Plan. The following CMS reports were developed within the said module:

- Control reports for the identification of cases integrated in the plan for the resolution of old cases.

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5 Every court with a three month quota backlog of unresolved old cases per judge for any case type is required to pass a Plan for the Resolution of Old Cases for such case type.

6 The number of old cases that a judge needs to resolve during a month must amount to at least 40% of the monthly quota for the relevant cases.



- Complex master reports for monitoring the resolution of old cases for a set period of time which allows for:
- Reports on the full realisation of the plans of the courts, developed to allow HJPC and court management to compare courts with reference to Plan realisation.
- Reports on the implementation of the plan in courts for a set period of time. This type of report allows court presidents to follow implementation plans on monthly and weekly bases.
- Reports on the ratio of irresolvable and unresolved cases, developed so as to offer the HJPC and the court presidents information on the percentage of the total number of irresolvable and unresolved cases for each court. Thanks to the capabilities of the monitoring the implementation plans through the CMS, irresolvable cases in the judicial system have been identified and recorded for the first time.

### **Plan for the resolution of old cases**

Of the 72 regular courts in Bosnia and Herzegovina, 52 courts had, in accordance with the Instruction, identified the obligation to develop a plan for the resolution of old cases and thus through their plans for the resolution of old cases for 2011, they resolved 70,316 of the oldest cases. Of the total number of cases over 10 years old at year-end 2010, which was 8,079, with their plans the courts reduced this figure by 41% i.e. 4,790 cases.

It need be said that, based on the Instruction, 20 courts in Bosnia and Herzegovina were not required to develop a plan for the resolution of old cases in 2011, meaning that these courts were considered up-to-date in their activities according to the provisions of the Instruction.

Throughout the year, the Standing Committee and the Judicial Efficiency Unit monitored the realisation of the plans and their adherence with provision 7.<sup>7</sup> of the Instruction. On the basis of the analysis of the realisation of the Plans, a determination was made that the courts had, to the greatest extent resolved cases from the Plan that were initiated between 2006 – 2009. Accordingly, the courts were asked to provide separate explanations for the reasons why all cases over 20 years old were not resolved, since this would have enhanced promptness and efficiency of the courts in Bosnia and Herzegovina regarding the resolution of old cases and in doing so increased public confidence in the judiciary.

Apart from that, monthly disclosures were made throughout 2011 both on the HJPC website and on the judicial web portal regarding the cumulative percentage of realisation of the plans. This way we increased transparency and encouraged the courts to increase their efforts on the resolution of old cases which resulted in the establishment of a positive competitive spirit amongst the courts and more old cases resolved.

Even though a large number of old cases were resolved through the realisation of the plans (70,316), the resolution of old cases based on the plans did not achieve a 100% success rate in all of the courts, while reasons for non-fulfilment of the plans in the projected levels can be found in the fact that a number of courts did not set their plans on realistic grounds and incorporated a far higher number of cases than could conceivably be completed during a reporting year, as well as in the fact that this was the first year of implementation of the Instruction and that the courts still had certain doubts on it.

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<sup>7</sup> The number of old cases that a judge needs to resolve during a month must amount to at least 40% of the monthly quota for the relevant cases.

For reasons of achieving greater efficiency in the realisation of the plans in 2012, within the framework of IPA 2009, amendments were made to the Instruction simplifying the method for compiling plans by the courts in the second and third instances. Due to the specificity of their activities (resolution of cases on appeal or revision) they were able to compile quarterly plans not annual ones, since this would not be an efficient solution for these courts.

Thanks to activities on the development of the Plans for the resolution of old cases, 7 courts were considered up-to-date in 2011, based on the provisions of the instructions and will therefore not be required to develop a Plan for the resolution of old cases for 2012. These courts are:

- District Commercial Court Trebinje;
- Basic Court Mrkonjic Grad;
- Basic Court Novi Grad;
- Basic Court Prnjavor;
- Municipal Court Konjic;
- Municipal Court Ljubuski;
- Municipal Court Zepce.

Also, keeping in mind the provision of Article 14 which reads: “the number of old cases that a judge has to resolve in a months shall be at least 40% of the monthly quota for the cases the judges works on.” The Judicial Efficiency Unit drafted quarterly analyses on the realisation of quotas for old cases in 2011. The calculation of the estimate of the realised orientational quotas for following the performance of the judges was done based on the total aforesaid number of resolved cases. Information on resolved cases based on the plan was taken from the CMS. The results of the analysis were regularly presented to the Standing Committee and sent out to the court presidents. Based on the analyses, a determination was reached that certain courts did not follow the provisions of Article 14 of the Instructions and so were not reaching the necessary quota for the resolution of old cases, thus the Standing Committee regularly alerted the courts on the need to adhere to the provision in question.

In order to support the Standing Committee for Judicial Efficiency of the Council, the project staff of the Judicial Efficiency Unit has been following the implementation of the plans for the resolution of old cases, preparing quarterly reports on results and effects, as well as semi-annual reports on the results and effects of the performance of the judges who process old cases also presenting the percentage of the quota realised per judge, the case type and the average quota for every court.

### **1.1.2.3. Improving the system for the service of court writs**

An important factor that may influence the speed and efficiency of a court proceedings is the ability to improve the service of court writs by both court couriers and public postal operators. On one hand, we needed to improve the ability to access accurate information on parties, while at the same time making sure that court writs are served in accordance with current regulations.

As provided for with the Justice Sector Reform Strategy for BiH and the HJPC Strategic Plan, draft Instructions have been developed for the transfer and service of court writs through public postal operators (hereinafter: Instructions).

The Instructions represent a technological regulation for the functioning of postal traffic throughout Bosnia and Herzegovina, which in common fashion regulates the general terms for

performing postal services and general standards of universal postal service which allows for the more efficient and securer delivery of court writs throughout all of Bosnia and Herzegovina.

Through the Backlog Reduction Project for the courts, the HJPC initiated and established cooperation with the representatives of the Agency for Postal Traffic of Bosnia and Herzegovina, the three public postal operators present in Bosnia and Herzegovina, the representatives of the entity ministries of justice as well as a number of court presidents in order to draft the document. In accordance with its competences, the Council supported the text and the passing of the Instructions, considering that the text Proposal Instructions for the transfer and service of court writs through the public postal operators was harmonised with the representatives of the BiH Postal Traffic Agency, the postal operators in Bosnia and Herzegovina, the entity ministries of justice and that consultations were also carried out with other relevant authorities. The relevant ministries of justice also gave affirmative opinions to the proposed Instructions in 2011.

Seeing as the procedures for receiving/acquiring consent to the draft Instructions have been completed, further action towards adoption needs to be taken by the BiH Postal Traffic Agency after which the application of the Instructions would regulate the area covering the service of court writs through public postal operators.

Also, a major step towards the harmonisation of case law and the improvement of work processes for couriers would be to undertake certain training-related activities for court and postal couriers. Specifically, in August 2011, training was carried out for the postal couriers in Doboj, after which training was also organised for postmasters of the Zenica Municipality who subsequently relayed the knowledge they acquired on to the couriers of the post offices. Through the training, couriers were trained in the proper service of court writs.

Furthermore, here we also need to mention activities regarding the development of an illustrated manual for the service of court writs together with explanations and practical examples, which will be printed and distributed to the couriers.

All of the aforesaid activities will have an immediate positive influence regarding the improvement of the system for the service of court writs and at the same time lead to prompter and more efficient court proceedings.

#### **1.1.2.4. Greater efficiency in investigations and managerial processes in the prosecutors offices**

Within component A of the HJPC BiH Project "Support to the Judiciary of Bosnia and Herzegovina – Strengthening Prosecutor Capacities in the Criminal Justice System" a professional assessment was made together with the identification of the main obstacles for more efficient criminal investigations consisting of an assessment with practical recommendations for improvements. The efforts resulted in an expert paper titled "Report on objective and subjective circumstances that influence the efficiency of investigations and practical recommendations for improvements."

With the objective of realising the report, over 37 meetings were held with the representatives of all of the prosecutors offices and law enforcement agencies in BiH, as well as utilising normative sources, statistical data, documentation and analyses by HJPC BiH and the best practices of the judicial institutions of the Zurich Canton.

The final version of the report was compiled after consideration by the Working Group for enhancing the efficiency of prosecutors in conducting criminal investigations and after a two-day workshop held on 26-27 September, 2011 in Sarajevo which had 70 participants, representatives from all prosecutors offices and law enforcement agencies in BiH.

The analysis covered key investigation phases in accordance with the relevant laws, regulations and other documentation, mechanisms and techniques for carrying out the separate investigation phases, existing obstacles and bottlenecks in relation to more efficient investigations, objective and subjective circumstances that influence the efficiency of criminal investigations in BiH and practical recommendations for their improvement.

The recommendations, 66 in total, being the most important part of the paper, are grouped per field as follows: amendments to CPC (32 recommendations), CC (4 recommendations), other regulations (9 recommendations), training (12 recommendations) and other recommendations (9 recommendations).

As part of the Project a second expert analysis was carried out titled “Key challenges and obstacles in management and proposals for improving managerial processes in the prosecutors offices of BiH”.

The analysis covered managerial processes on all levels, as well as presenting the true status of key management-related challenges regarding the organisation of work processes, planning, resource management, management reporting and supervision (71 recommendations in total).

The final version of the document will serve as the basis for the continued development and determination of planned measures and tasks for the enhancement of investigation efficiency and management processes which will be continuously undertaken during the next two years in accordance with the strategic and operative plans of the prosecutors offices.

Both documents are in line with the priorities of the BiH Justice Sector Reform Strategy and deal with key challenges of the BiH judicial reform which would ultimately lead to improving the capacities of prosecutors and prosecutors offices in order to adapt to international standards and lead criminal investigations more efficiently.

#### **1.1.2.5. Improving cooperation between police officials and prosecutors for evidence related activities during investigations**

In order to ensure effective criminal investigations, cooperation between the police and prosecutors must be intensified, based on mutual trust and joint actions. The High Judicial and Prosecutorial Council of BiH has recognised that the current level of cooperation between the police and the prosecutors must be advanced in order to be more efficient regarding the discovery of perpetrators of criminal offences and in gathering all necessary data and facts of importance for successful processing.

With the project “Support for the BiH Judiciary – Strengthening Prosecutorial Capacities in the Criminal Justice System”, the HJPC BiH established a working group for component B for the continued development of defined instructions, operative manuals and police forms which was comprised of representatives of the police and the prosecutors offices. The field of focus of the working group covered activities designed to assess and supervise the application of the current Instructions on actions and cooperation between the police and the prosecutors in evidence-related activities during investigations and also drafted a report with recommendations for improving the level of use and applicability of the Instructions and accompanying forms. In 2011, the working group carried out a planned assessment and made a draft of amended Instructions with the objective of advancing and strengthening cooperation and coordination between the prosecution and the police in conducting investigations, in that the application of the Instructions attempted to remove various practical problems that occur in the day-to-day dealings between the police and prosecutors.

### **1.1.3. Renovation of court buildings and PO buildings**

#### **1.1.3.1. Introduction**

In the past years, the HJPC has actively participated in the implementation of projects towards improving the physical working conditions in the judicial institutions, such as the renovation of the building of the District Court in East Sarajevo and the branch office of the Sokolac court, as well as the renovation of the Sarajevo Palace of Justice building which accommodates the cantonal and municipal courts in Sarajevo.

Accordingly, the renovation of judicial buildings in BiH has been listed as one of the strategic programs of the Justice Sector Reform Strategy in BiH for 2009 – 2013 (JSRS) as well as in the HJPC Strategic Plan for 2010 – 2013.

Many of the current judicial buildings were built under standards that do not correspond with current court requirements or needs as well as considering that for some time now no significant renovation investments were made.

Insufficient courtrooms represent one of the main problems. Most courts have only one courtroom available regardless of the number of judges. Thus judges are forced to conduct most of their hearings in their, generally, small offices. Also, most courts in Bosnia and Herzegovina do not satisfy basic standards regarding judge safety, courtroom functionality, witness protection, appropriate offices for attorneys and their clients, access for disabled persons, and registries and archives.

#### **1.1.3.2. Activities and achievements in 2011**

##### **Renovation of the Small Value Disputes Department of the Municipal Court Sarajevo**

Near the end of 2010, the Government of the Kingdom of Norway secured funds amounting to 11,700.00KM for the drafting of project documentation for the renovation of the building accommodating the Small Value Disputes Department of the Municipal Court Sarajevo.

The renovation project for the building accommodating the department of the Municipal Court Sarajevo – Ilidza started in April and was finished in August 2011.

Through the renovation of the building, the court department received an additional 600m<sup>2</sup> of functional space. New offices were set up for judges and court employees to work in on the 2nd floor (offices, courtrooms, kitchen, storage and other). New offices were established on the 1st floor (registry, server room, storage and other), the comprehensive renovation of the existing sanitary facilities was carried out as well as the comprehensive renovation of the central heating system that goes through the boiler system of KJKP "Toplane" and the full reconstruction of the electrical installations. The value of the contract for the renovation of the building amounted to 260,952.65 KM. With the implementation of the project, the Municipal Court Sarajevo rounded off a system that would make it easier for citizens to access the court and contribute to strengthening the rule of law in Bosnia and Herzegovina which in turn contributes to greater efficiency of the judicial system of Bosnia and Herzegovina.





**Picture 1.1.1:** Ceremony marking the completion of the renovation of the Small Value Disputes Department of the Municipal Court Sarajevo



**Picture 1.1.2:** One of the renovated offices of the Small Value Disputes Department of the Municipal Court Sarajevo

### Renovation of the Modrica Basic Court Building

The building of the Basic Court Modrica was built in 1963 and was, prior to renovation, in deteriorating condition considering that no major renovation efforts had been undertaken thus far. The building of the BC Modrica represents one of the better examples of proper renovation and adaptation in order to improve functionality and service.



**Picture 1.1.3:** Basic Court Modrica before renovation

The Project covered the full reorganisation of the building layout together with new space (added floor and attic area) while major works were carried out regarding:

- Organisation of the registry on the ground floor,
- Organisation of a minimum of three modernly equipped courtrooms,
- Comprehensively redone façade with new hardware elements and
- Renewed infrastructure of heating, power, IT, plumbing and mechanical installations etc.



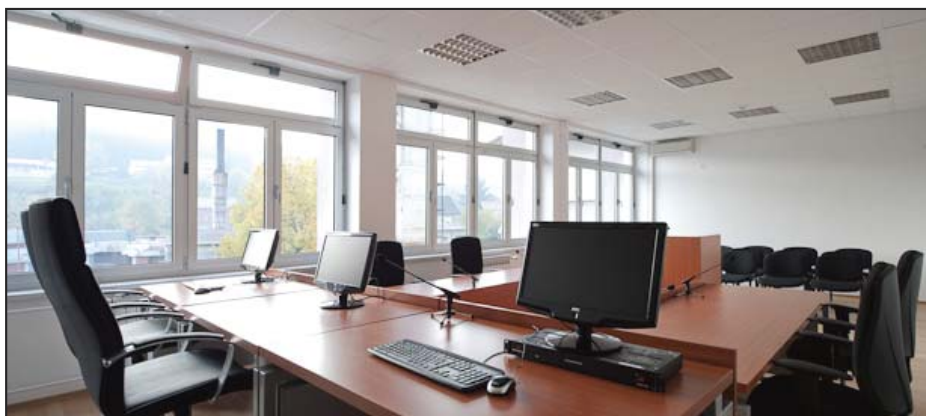
After the project documentation was completed and the tender for the works successfully finished, a memorandum of understanding was signed which regulated the responsibilities of all parties involved in the Project. The Memorandum was signed in June 2011 by the Ministry of Justice of Republika Srpska, the Government of the Kingdom of Norway, the High Judicial and Prosecutorial Council of Bosnia and Herzegovina and the Basic Court in Modrica.

Works on the renovation and construction of the building of the Basic Court Modrica were carried out fully in line with the project with appropriate structure reinforcements, new constructions and other works as covered in the project. The total value of the renovation project amounted to 952,189.24 KM of which the Government of the Kingdom of Norway provided financial support amounting to 643,791.79 KM and the Government of Republika Srpska provided 308,397.45 KM.

The renovation of the building of the Basic Court Modrica has created optimal working conditions for its employees, in turn also ensuring better service to the citizens of the municipalities under the jurisdiction of the Basic Court Modrica. With the renovation project, the interior of the building was fully renovated, a new floor was built and an attic which offered 750m<sup>2</sup> of new office space, with all offices being modernly equipped.



**Picture 1.1.4:** Basic Court Modrica after renovation



*Picture 1.1.5: A renovated courtroom of the Basic Court Modrica*

After four months of renovation works to the building of the Basic Court Modrica, a ceremony was organised marking the opening of the new court building which was held on December 13, 2011.



*Picture 1.1.6: Opening ceremony marking the renovation of the building of the Basic Court Modrica*

### **1.1.3.3. Other activities aimed at improving the condition of judicial buildings**

#### **Renovation of buildings in order to accommodate the implementation of CMS and TCMS in the courts and prosecutors offices**

During 2011 the HJPC finished renovation projects for registries and case storage areas in:

- The Court of BiH,
- The Cantonal Prosecutors Office Zenica,
- The Cantonal Prosecutors Office in Tuzla,
- The District Prosecutors Office in Banja Luka,
- The District Prosecutors Office in Doboje,
- The Cantonal Prosecutors Office of the Una-Sana Canton in Bihac,

As well as the renovation of the server room of the Cantonal Prosecutors Office of the Una-Sana Canton in Bihac.

Also, works were finished on the development of a local computer network in the department of the Municipal Court Bugojno in Jajce, the Municipal Court Zavidovici in Maglaj and the Special Prosecutors Office of Republika Srpska. The value of the works is estimated at 171,110 KM.

Within the framework of the Backlog Reduction Project as financed by the Government of the Kingdom of Norway, premises were constructed for storing items that were seized as part of enforcement proceedings in the Basic Court in Sokolac, the Basic Court in Derventa, the Municipal Court in Zavidovici and the Municipal Court in Velika Kladusa. The Project secured the support of the aforesaid courts for the establishment of a court depot for storing seized goods within enforcement proceedings, while other renovation works were also performed and shelves acquired for holding items that were seized through enforcement proceedings and shelves for holding CMS and TCMS files in the Municipal Court in Zenica, the Basic Court in Sokolac, the Municipal Court in Velika Kladusa, the Municipal Court in Zavidovici and the Municipal Court in Zivinice.

### **Renovation of the IV Primary School building that will accommodate the Municipal Court in Mostar**

The main problem of the Municipal Court in Mostar is the lack of adequate space for court offices, courtrooms, registry office, archive and judge offices. Since it was impossible to expand the building of the Municipal Court in Mostar, on the proposal of the HJPC, the Government of the HNC found an appropriate building to accommodate the Municipal Court in Mostar and thus proposed that the current school building of the IV Primary School in Mostar as owned by the City of Mostar, be renovated and handed over to the Municipal Court in Mostar.

The funding of the project was defined with the Memorandum of Understanding signed between the Government of the Kingdom of Norway, the High Judicial and Prosecutorial Council of Bosnia and Herzegovina, the Government of the Herzegovina – Neretva Canton, the City of Mostar and the Municipal Court in Mostar in July, 2011.

In order to realise the project, the HJPC undertook the necessary activities and secured funds amounting to 65,000 KM from the Government of the Kingdom of Norway for the development



of the project documentation. The documentation is planned to be completed by January 2012. Apart from providing for new office space, the works defined with the project documentation will create better working conditions in the Municipal Court in Mostar since along with having a bigger building, it will also ensure better conditions for work on a technical level.

**Picture 1.1.7:** Building of the IV Primary School in Mostar which is set to be the Municipal Court in Mostar

## **New floor extension and renovation of the premises of the Judicial Institutions Complex of BiH**

Considering that the Norwegian Government set aside the funds to finance the works and other related obligations regarding floor extensions and the renovation of the BiH Judicial Institution Complex in order to address the needs of the Court of BiH and the High Judicial and Prosecutorial Council of Bosnia and Herzegovina, thus a Memorandum of Understanding was signed in November 2011, regulating each sides tasks and duties with reference to financial, administrative and technical matters as well as covering issues on mutual cooperation for planning and carrying out the works for floor extensions and for the renovation of the building of the BiH Judicial Institutions Complex. The project will be implemented based on the agreed positions of the parties to the Memorandum with the objective of ensuring optimum working conditions for the users of the offices in the BiH Judicial Institutions Complex.

After a procurement procedure was carried out for the selection of the contractor and after the building permits were acquired, works began in December 2011. The value of the contract for the floor extensions and the renovation of the BiH Judicial Institutions Complex to address the needs of the Court of BiH and the HJPC BiH was 2,203,715.01 KM. The works are planned to be completed by March 2012.

## **1.1.4. Informatisation in order to increase judicial efficiency**

### **1.1.4.1. Development and implementation of the CMS module for scanning incoming documents and the CMS module for the delivery of documents via e-mail**

When introducing the Case Management System (CMS) a need was recognised to add digitalisation options (scanning) for all incoming documents to the existing system functionalities so that a case would be in full electronic form. This would significantly reduce the movement of actual casefiles through the institution and make it easier for judges and other staff to act in accordance with the case, which would ultimately reduce the time required for case resolution. Also, access to cases via the judicial web portal for attorneys and parties in proceedings will be all the more significant if all documents pertaining to a given case could be viewed in electronic form without the need to come to court, which is not possible without scanning all incoming documents. This way the transparency of the whole case resolution procedure before the courts would be increased which may serve as further incentive for judges and prosecutors to work more efficiently and effectively.

After the test phase of the module for scanning incoming documents was completed in 2010, 2011 saw the beginning of the large-scale implementation of the module in the courts and prosecutors offices that already had scanners. The development and implementation of the scanning module for incoming documents represents an activity that is evolving as part of the IPA 2009 program for support to the BiH judiciary as financed by the Delegation of the European Union. In 2011, 49 courts and 12 prosecutors offices completed training in the use of the said module. Of this number, 40 institutions have already initiated the establishment of comprehensive electronic files through scanning paper documents. The implementation of the module for scanning incoming documents will be continued in other institutions after the procurement of appropriate equipment as finance and realised by the Delegation of the European Union within the IPA 2009 and IPA 2010 projects.

The first reactions from users regarding the functionalities of the scanning module were positive while noting that proper use of the module contributes to:



- Simpler and quicker review of cases via the internet,
- A reduced need to bring out files from the case storage area,
- Smaller crowds in the intake offices for the review of cases, and
- Smaller chances for the loss of case documents.

Also in 2011, as part of the IPA 2009 Project, we saw the completion of functional specification and programming of changes to the CMS regarding the delivery of documents to parties via e-mail. The implementation of the module in the BiH Judiciary will be possible after the beginning of the practical application of the laws regulating the field of e-mail and e-business in Bosnia and Herzegovina. The implementation of the module will make it possible for parties in a proceedings to receive court writs via e-mail. The future full introduction of this system of communication will reduce expenses for postal services for both judicial institutions and the citizens of BiH.

#### **1.1.4.2. Establishment of a system for the electronic exchange of data between police agencies and prosecutors offices**

On 30 September, 2009, an Agreement was signed on the establishment of a system for the electronic exchange of data from the records of police authorities and prosecutors offices (hereinafter: Agreement). The Agreement was signed by the representatives of the Ministry of Security of BiH, the State Investigation and Protection Agency, the BiH Border Police, and the ministries of internal affairs on all levels. The signing and the implementation of the Agreement represented an important step for the Road Map of Bosnia and Herzegovina towards the liberalization of the visa regime.

Based on the above agreement, the HJPC adopted other regulations in 2011 that defined the content and method for the exchange of data from prosecutor records. Data from prosecutor records that will be subject to exchange are:

- Data on the initiation of an investigation,
- Data on investigations that have not been initiated,
- Data on discontinued investigations, and
- Data on indictments issued.

The exchange of data between police agencies and prosecutors offices will go both ways, which means that prosecutors of all prosecutors offices in Bosnia and Herzegovina will be able to based on the relevant police agency regulations review the electronic records that fall under the competence of the police agencies. This way, police agencies and prosecutors offices will have access to all relevant information that may be required to perform efficient quality investigations.

As part of IPA 2009 program for support to the judiciary of Bosnia and Herzegovina, a mechanism was developed in 2011 (web service) which allowed police agencies and other law enforcement agencies to access prosecutors office records that were generally maintained in the CMS. The police agencies will be able to follow the status of criminal reports filed by police that were delivered to prosecutors offices and filed in the CMS.

The completion of prosecutor records that are subject to data exchange were fully finished in 2011.

The activity is carried out in close cooperation with the IPA 2009 Project for support to the police reform which has the objective of fully implementing the said Agreement by establishing a central point for the exchange of data at the Directorate for coordination of police authorities of BiH and

connecting all signees of the Agreement to the system. After a number of meetings of the teams for the technical implementation of the Agreement and the representatives of the Working Group for drafting the technical instructions, installation of the necessary IT equipment at the central point started in September 2011, as well as at pilot locations of the HJPC and the Ministry of Internal Affairs of the Federation of Bosnia and Herzegovina. During the implementation process, a communication link was set up between the HJPC and the Directorate for Coordination of police authorities in BiH, the aforesaid web service for prosecutor records was integrated into the data exchange system. This way the HJPC BiH had fulfilled all of the technical conditions for the start to the exchange of data that is the subject matter of the Agreement.

#### **1.1.4.3. Equipping the courts with systems for the establishment of videoconferencing in order to allow for testimony from a distance and implement witness protection measures**

The introduction of videoconferencing into the judiciary as a means to create new possibilities in trials will definitely lead to greater efficiency (savings in time and money) as well as reducing crowds in court rooms and reducing security risks when moving accused persons.

The use of a videoconferencing system in the BiH judiciary will lead to:

- Savings in travel time for witness,
- Reduced travel expenses and other expenses for witnesses,
- Increased productivity seeing as it is possible to hold more meetings, consultations, negotiations via video link, and
- Better communication and more efficient team work for a variety of matters.

A feasibility study for system implementation of videoconferencing showed that current criminal procedure legislation on all levels in Bosnia and Herzegovina allow for the use of video link technology during investigations and court hearings. The study determined that there was sufficient flexibility in the judicial wide area network to utilise video links in every court.

Video conference systems will be used also as witness protection measures in the cantonal/district courts where it is not possible to organise separate rooms for protected witnesses. Protected witnesses who testify before such courts would be able to do so via video link and would be located in another cantonal/district court.

In 2011, the technical specification was prepared for the procurement of equipment which will be financed by the European Union out of IPA 2009 Project for support to the judiciary of Bosnia and Herzegovina. The technical implementation of the project is expected around mid 2012. The equipment will be installed in all cantonal and district courts in Bosnia and Herzegovina, as well as in the municipal/basic courts that are farthest from their respective cantonal/district courts.

In 2011, the ICT department prepared a project to redesign the judicial wide area network (WAN) as the first activity for the configuration of the network infrastructure to address videoconferencing. Changes to the configuration of the network equipment will be carried out as part of the process in order to ensure the appropriate quality levels for communication links for the introduction of a videoconferencing system.



#### **1.1.4.4. Optimisation and consolidation of resources of the HJPC Data Processing Centre**

Every new service that is introduced into the judicial information system increases the need for more space, energy and cooling systems for the data processing centre located at the HJPC. The application of modern technology virtualisation together with the appropriate hardware and software will lead to the optimisation and consolidation of the judicial information system servers located in the HJPC data processing centres.

Activities on the optimisation and consolidation of the judicial information system server are performed under the IPS 2009 Project for support to the judiciary of Bosnia and Herzegovina and began with the development of a design that included the following:

- Measuring the current performance of the servers in order to define which physical servers can be consolidated and virtualised;
- Developing a network infrastructure necessary for virtualisation;
- Developing virtual server infrastructure, as well as defining their minimum technical requirements and the number of required software licences for virtualisation;
- Designing data storage devices necessary for virtualisation;
- Defining the implementation methodology as well as the required amount of human and financial resources.

Upon completing the evaluation, technical specifications were made for the information technology equipment and software. The procurement will be financed and implemented by the Delegation of the European Union within the IPA 2009 Project. The technical implementation of the activities is expected to be carried out in the first half of 2012.

#### **1.1.4.5. Procurement and installation of required ICT equipment**

During 2011, minor investments were noted regarding the procurement of ICT equipment for the courts and prosecutors offices in Bosnia and Herzegovina. The reason for this lies in the fact that since the budget for this year was not adopted, capital investment plans were not realised through state budget funds. That is why the process of renewing obsolete and malfunctioning computers, printers and servers in the courts and prosecutors offices that were unable to respond to the requirements of the system was stopped.

This year, thanks to the ICT/CMS Project financed by the Governments of the Kingdoms of Sweden and the Netherlands an additional database server was procured which processes the CMS operations, as well as 4 other servers for the courts in BiH.

Additional licences were also procured for managing digital identities and software for overseeing the judicial data transfer network.

Funds from the Norwegian Project for support to the judiciary of Bosnia and Herzegovina were used to procure computers and audio/video equipment for recording court hearings in the renovated building of the Basic Court Modrica.

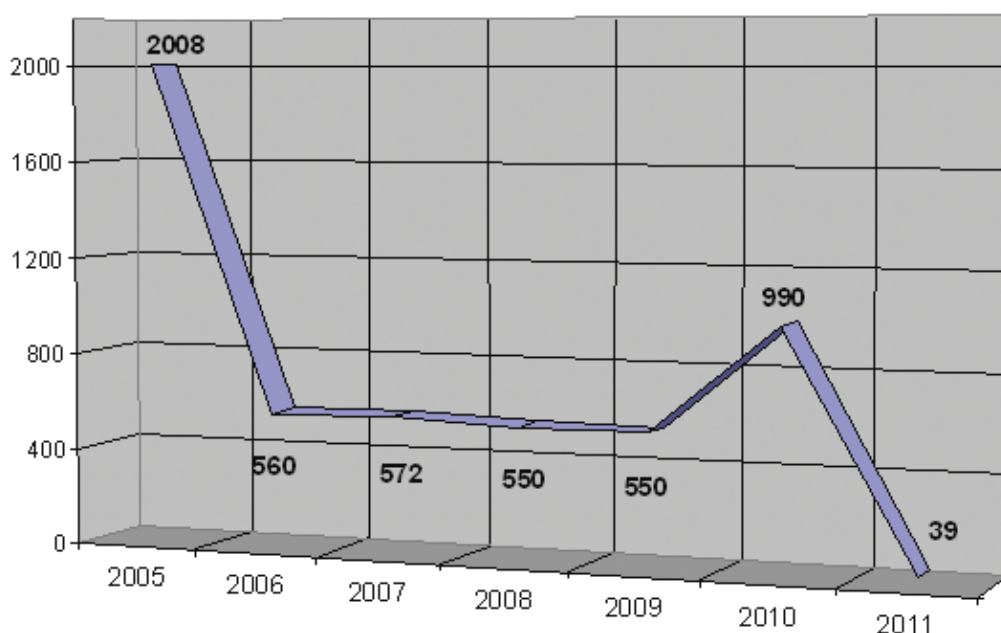
We must also mention the donation of 34 computers, 29 printers and 3 servers for prosecutors offices in Bosnia and Herzegovina which was realised through the Justice Sector Development Project II of the United States Agency for International Development (USAID JSDP II Project) in cooperation with the HJPC ICT Department.

An overview of ICT equipment that has been delivered to the courts and prosecutors offices is given in table 1.1.2.

**Table 1.1.2: Equipment delivered to the courts and prosecutors offices up to 31 December, 2011 based on funding source**

Funding source	2011			Total (2005 - 2011)		
	Work stations	Servers	Printers	Work stations	Servers	Printers
European Commission				2,670	139	1,036
ICITAP				755	30	695
HJPC Budget				1,445	72	340
Kingdom of the Netherlands	5	5		85	6	235
Kingdom of Norway			2		2	17
GTZ				270	50	
SIDA				10		
USAID JSDP	34	3	29	34	3	29
Total						
<b>(All sources)</b>	<b>39</b>	<b>8</b>	<b>31</b>	<b>5,269</b>	<b>302</b>	<b>2,352</b>

The graph showing the number of computers per year, shows that the judiciary of Bosnia and Herzegovina still has a large number of computers which due to age and frequent malfunctions are unable to meet the needs of the users of the judicial information system. That is why significant funds from all available sources need to be invested in the upcoming years towards the procurement of computers and networking equipment in the courts and prosecutors offices.

**Graph 1.1.2. The number of computers per year delivered**

#### **1.1.4.6. Electronic processing of utilities cases ready for enforcement**

Utilities cases represent a burning issue for the BiH judiciary considering the large numbers in the courts, while every year hundreds of thousands of more utilities cases are filed before the courts. In consideration of the above, we would need to make it possible to receive these cases in the courts with a minimum of effort from staff and maximum ICT utilisation.

The HJPC recognised the importance of information technology and so initiated the pilot project – System for the electronic processing of utilities cases in certain pilot courts (SOKOP). The system processes utilities cases and thanks to its application users can electronically submit enforcement motions with the courts, based on authentic documents by using precisely defined common forms.

The basic feature of the system is electronic communication between the claimant and the court, which requires the electronic receipt and processing of enforcement motions, other filings, grouped case processing, group scanning for all incoming documents and the optical recognition of delivery outcomes and court bailiff results. A judge is able to review a case without reviewing the physical case itself. This way major savings are made regarding material and human resources that are required for the manual entry of enforcement motions.

Based on the results achieved by SOKOP in the pilot courts (Municipal Court in Zenica and Basic Court in Doboj) and through a decision of the HJPC from January 2011, the SOKOP pilot project was expanded to include 9 more first instance courts in BiH.

Throughout 2011, the SOKOP system had a total of 77,628 cases in electronic form. As a comparison, the total number of cases in the SOKOP system in 2010 was 17,107, the total number of court writs created during the past period was 46,073, while over 64,000 court documents were created in 2011.

Also, in 2011, thanks to donor funds the HJPC provided assistance to the Municipal Court in Zenica and the Basic Court in Doboj for the entry of old cases in the SOKOP, with a total of 82,389 cases entered in Zenica and 10,826 old cases entered in the Basic Court in Doboj.

A training session was held for SOKOP users and representatives of all pilot courts in order to be better introduced to the SOKOP system, who then continued to provide support to court staff in the day-to-day operations with the system.

When mentioning utilities cases it must be stressed that the Municipal Court in Sarajevo continued its practice from past years and reduced the number of backlogged utilities cases. In 2011, a total of 101,794 cases were received through the system. Positive results in the resolution of these types of cases were achieved by the Court thanks to the system for the conversion to digital format and the electronic processing of backlogged utilities cases (KODIFEL) which covered scanning and the electronic conversion of data on backlogged utilities cases. As a result of the application of the system a new electronic database was made, which for the first time allowed for a rational, clear and realistic overview of the situation regarding utilities cases.

Since 2008 when implementation of the system started in the Municipal Court in Sarajevo a major reduction in the number of so called “utilities cases” has occurred. As a comparison, before the KODIFEL system, this Court on average resolved some 70,000 cases annually, while for 2011 the figure has significantly gone up based on the system and amounted to 104,711 resolved cases.

Also, if we were to view the period since the beginning of the application of the KODIFEL system, (2008) up to the end of 2011, the Municipal Court in Sarajevo had received 463,422 and resolved a total of 552,378 cases, which means that the system has allowed for the resolution of the full case influx as well as reducing the number of backlogged utilities cases by 88,956 cases.

#### **1.1.4.7. Establishment of an electronic system for receiving and processing small value utilities cases**

Thanks to the results achieved through the application of KODIFEL and SOKOP in 2011, as part of the IPA 2009 Project financed by the European Commission, HJPC started the development of an electronic system for processing small value disputes, so called “utilities cases” and established a Working Group to draft guidelines for the development of a system for the electronic filing and processing of small value disputes so called “utilities cases”.

The development of the system would allow for the electronic receipt and processing of civil cases with a small value, expedite work on such cases and assist the courts in more efficiently resolving small value disputes. The system is based on the current Case Management System (CMS) and on SOKOP which is applied for cases that are created through a motion for enforcement based on an authentic document.

Within the system, users will be able to electronically communicate with the court which will allow for separate or group filing of complaints in small value cases (based on the law these are all cases that do not exceed 3,000 KM in value), while the basic advantages for developing such a system are in abandoning paper use and significant savings in time for system users, as well as the more efficient resolution of these problems.

The application of the system for electronically receiving and processing utilities cases of a small value will allow for:

- Electronic communication of users with the court, which allows for electronic filing of claims and their processing in a realistic timeframe;
- Group filing of claims;
- Electronic procedures without the need to review the actual papers of the casefile;
- Ensuring that claims that are sent to the court are “in order”, thanks to in advance defined, common claims forms;
- The ability to create and dispatch large amounts of court writs daily;
- Quicker and more efficient resolution of these problems.

This type of communication will contribute towards major savings of material and human resources required for recording and processing cases as they arrive in court.

### **1.1.5. Judicial Administration**

#### **1.1.5.1. Reporting on court and prosecutors office performance**

The HJPC regularly collects statistical data on the performance of courts and prosecutors offices. Extensive data is gathered annually, including data on the flow of all case types, age breakdowns for unresolved cases, performance quality of the courts, types of court decisions and statute of limitations regarding criminal and minor offence cases. Regarding prosecutors offices, data is regularly collected on the processing of all types of crimes through all criminal procedure phases, the breakdown of crime and statute of limitation for prosecution up to issuing indictments. In accordance with Article 20, item 3 of the Law on the HJPC, the HJPC discloses information of the performance of courts and prosecutors offices in attachments to the HJPC Annual Report thus providing insight into the situations of the courts and prosecutors offices.

In 2011, the HJPC continued its practice of gathering statistical data for the preparation of annual reports on the performances of the courts and prosecutors offices. In order to prepare

semi-annual reports data was gathered from all judicial institutions that was necessary for monitoring the realisation of HJPC policies and objectives, as well as data on the number of unresolved cases, age breakdown of unresolved cases and the number of cases for which statute of limitations came into effect.

Apart from regular reporting activities, the HJPC gathers data and prepares specific reports based on its internal requirements, requests from other institutions in Bosnia and Herzegovina and international institutions such as the European Commission, the Council of Europe and United Nations agencies.

It must be said that after the successful implementation of the Case Management System in courts (CMS) and prosecutors offices (TCMS), the HJPC started gathering data on the performance of the courts and prosecutors offices directly from the CMS/TCMS. Statistical data gathered this way is considered to be official data and is presented in all reports dealing with the performances of the courts and prosecutors offices.

All data on the performance of the courts and prosecutors offices that the HJPC has at its disposal is presented in the HJPC annual reports, which are available to the general public through the HJPC web portal.

#### **1.1.5.2. Analysis of the court network in Bosnia and Herzegovina**

The current court network is established within the framework of the reform of the BiH judicial system, as a result of an extensive analysis made by the Independent Judicial Commission (IJC).

While developing the analysis, the IJC was guided by the relevant criteria such as: the number of cases, the population in a particular place, geographical position (distance from the nearest court), political boundaries and infrastructural conditions.

In accordance with the Law on Courts in the Federation of Bosnia and Herzegovina, a restructured court network together with branch offices was established in 2005 based on the analysis and proposal of the Independent Judicial Commission. Subsequently, the Federation Ministry of Justice adopted the Decision on places identified for the minor offence departments outside the seat of municipal courts, which came into force on November 30, 2006. Pursuant to the Decision, twelve (12) minor offence departments outside the court seats were established.

Also, the BiH Federation Parliament adopted the Law on Amendments to the Law on Courts of the Federation of BiH whereby four new courts were established as follows: the Municipal Court Lukavac, Municipal Court Banovici, Municipal Court Jajce and the Municipal Court Citluk. The above-mentioned courts will start working after the HJPC BiH makes an assessment that conditions for their normal functioning are met. The Parliament of the Federation of BiH, at its session held on September 13, 2010, adopted the conclusion whereby the HJPC BiH and the Federation Ministry of Justice were tasked to carry out a comprehensive analysis on the courts network of the Federation of BiH.

In order to analyse the justification of the establishment of the court network, the HJPC BiH has decided to use criteria based on which the existing courts network has been established or that the establishment of the court is justified if there is a sufficient number of cases for a minimum engagement of five judges (two in the case of branch offices), if the population of the territory of the court jurisdiction exceed 55,000 or 20,000 for the branch office where the court or the branch office should be at least 45 kilometres away from the nearest larger court or the court seat. In addition to the above, it is necessary to consider other criteria such as the existence of organized public transport, the existence of adequate court premises etc. The HJPC BiH during 2011, completed the process of collecting necessary data and it is expected that a comprehensive

analysis of the network of courts of the Federation will be completed and submitted to the BiH Parliament for consideration in the first quarter of 2012.

When it comes to the court network of Republika Srpska, activities were carried out during 2011, regarding the amendments to the Law on Courts of Republika Srpska which, among other things, define the court network. The RS Ministry of Justice within the public debate, and in accordance with the Conclusion of the National Assembly of Republika Srpska, no. 01-1004/11, published in the "Official Gazette of Republika Srpska" no. 66/11, submitted to the HJPC BiH a draft Law on Courts of Republika Srpska, which provided the establishment of new courts in Srbac, Kozarska Dubica, Lopare, Nevesinje, Brod, Rogatica and Samac.

Taking into account the above criteria, the number of cases, the population in the court's area and geographic location of the court, the HJPC BiH made an analysis on the justification of the establishment of new courts in Republika Srpska. The analysis of the criteria has shown that the establishment of new courts is partially justified only in Kozarska Dubica and Samac. The influx of cases in those courts justifies the engagement of five judges, making them, together with the basic courts Novi Grad and Srebrenica, the smallest courts in Republika Srpska.

The influx of cases in Srbac and Nevesinje (provided that the Basic Court Nevesinje is competent for the municipalities of Nevesinje, Gacko and East Mostar) is sufficient for the engagement of only three judges, while the overall influx of cases in Rogatica, Brod and Lopare could be resolved by one judge. Therefore, the establishment of the courts is unjustified.

The opinion of the HJPC BiH, which is based on the results of the analysis, is sent to the Ministry of Justice of Republika Srpska.

#### **1.1.5.3. Systematisation of judicial office holders in the prosecutor's offices**

Pursuant to the strategic program 1.8.1 of the BiH Justice Sector Reform Strategy, the HJPC BiH is obliged to conduct an analysis of the required number of prosecutors. Accordingly, the Working Group for the systematisation of the judicial office holders estimated the required number of prosecutors for all prosecutor's offices<sup>8</sup> on the basis of analyses of the inflow of criminal cases between 2006 and 2009, the number of unresolved cases on December 31, 2009, and based on required resources for the implementation of the National War Crimes Strategy. In this regard and upon the recommendation of the Working Group, the HJPC BiH, at its session held on December 15, 2010, adopted the preliminary draft of expanded systematisation for the prosecutor's offices and informed the relevant ministries of this and started a consultation process in accordance with the Law on HJPC BiH after which the ultimate adoption of the new systematisation will take place.

According to the adopted preliminary proposal presented in Table 1.1.3. it is shown which prosecutor's offices will have an increase in the number of prosecutorial positions.

The HJPC BiH, at the beginning of 2011, and after the completion of consultations with the competent entity authorities, rendered a decision approving an increase in the number of prosecutors in the Republic Prosecutor's Office of RS and the Federation Prosecutor's Office of the Federation of BiH. Also, a decision is rendered to increase the number of prosecutors in the Cantonal Prosecutor's Office of the West - Herzegovina Canton.

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8 Except in the Prosecutor's Office of BiH



**Table 1.1.3: Expanded systematisation for prosecutorial positions**

	<b>2004 Systematisation</b>	<b>Expanded systematisation</b>	<b>Increase in prosecutors' positions</b>
	<b>I</b>	<b>II</b>	<b>III=II-I</b>
FBiH Federation Prosecutor's Office	9	11	2
RS Republic PO	4	6	2
BD BiH Prosecutor's Office	10	10	0
Cantonal prosecutor's offices	173	208	35
District prosecutor's offices	77	102	25
<b>TOTAL</b>	<b>273</b>	<b>337</b>	<b>64</b>

In the second half of 2011, the consultations were conducted to expand the systemisation of prosecutorial positions with the competent cantonal ministries of justice and finance of the Tuzla Canton, Zenica-Doboj Canton and the Canton of Sarajevo. Final adoption of the expanded systematisation for prosecutor's offices in the mentioned Cantons will take place in early 2012.

The completion of the consultation process on the expansion of the systematisation for cantonal prosecutor's offices in the Una-Sana Canton and Central Bosnia Canton, as well as for the district prosecutors' offices of RS is expected in the course of 2012.

#### **1.1.5.4. Requests for the appointment of reserve judges**

On the basis of Article 48 of the Law on HJPC, the Council may temporarily appoint individuals to perform the duties of reserve judges in order to provide assistance to courts in reducing their backlogs or if due to the protracted absence of a judge there is a need for reserve judges in the relevant court. The HJPC BiH may appoint reserve judges on the request of the court president, under the condition that the request also has attached proof of the need for the appointment of a reserve judge as well as that there are funds available for such appointment.

In 2011, the HJPC BiH considered 26 requests for the extension of 49 reserve judge mandates in order to provide assistance to courts in reducing their backlogs. After determining whether the legal prerequisites were met with, HJPC passed decisions extending the said mandates.

Apart from the above, the HJPC BiH, after finding that legal requirements pertaining to Article 50 of the Law on HJPC have not been met, rejected a request for the temporary transfer of a judge to another court to assist in reducing backlogs.

#### **1.1.5.5. The foreseeable deadlines for resolving cases in courts and prosecutor's offices**

In accordance with the strategic program 1.3.2. of the BiH Justice Sector Reform Strategy, the HJPC BiH is obliged to develop the system of foreseeable deadlines for resolving cases in accordance with the CEPEJ recommendations. The HJPC BiH has established a Working Group to monitor the judicial timeframes in courts and to establish timeframes for case processing within the Prosecutor's Office of Bosnia and Herzegovina. Its task is, with technical assistance rendered by the USAID Justice Sector Development Project II, to develop a draft Book of Rules on judicial timeframes for the courts and prosecutor's offices in BiH in order to update the CMS/TCMS records.

The working group stepped up its activities in 2011. The optimal deadlines for dealing with cases in courts and prosecutor's offices and the methodology for determining the foreseeable deadlines at the level of each court and prosecutor's office to deal with certain types of cases were defined. The draft Book of Rules on timeframes for dealing with cases in courts and prosecutor's offices is to be finalised and submitted to the HJPC for adoption.

Purpose of determining the optimal and foreseeable deadlines is to provide an adequate duration of procedures that enables the efficient and professional processing of cases by courts and prosecutor's offices, which are based on the principles of objectivity, impartiality, transparency, equality and the right to a fair trial.

Determining the optimum and foreseeable timeframes and monitoring their compliance is aimed at unifying standards for the deployment of resources in the courts and prosecutor's offices in a manner that will ensure timely processing of cases in all courts and prosecutor's offices in Bosnia and Herzegovina.

#### **1.1.5.6. The European Commission for the Efficiency of Justice (CEPEJ)**

In the course of 2011, the HJPC adopted the analysis of the 4th Report on European Judicial Systems – 2010 edition, which was published by the European Commission for the Efficiency of Justice (CEPEJ) in October 2010. The analysis was published on the HJPC website. Also, the HJPC considered the analysis of results derived from responses given in the context of legislation and the functioning of the judiciary of Bosnia and Herzegovina, from the Questionnaire developed by the CEPEJ, with indicators for improving the quality of the operation of courts and the judiciary as a whole. All standing committees and working groups of the HJPC will take into consideration the Questionnaire when reviewing issues from their scope of activities.

During 2011, the HJPC, upon the request of CEPEJ, filled in the Questionnaire on the basis of legislation and available information on the work of judicial institutions in Bosnia and Herzegovina in 2010. Representatives of all member states of the Council of Europe were obligated to fill in the Questionnaire in order for CEPEJ to develop the 5th Report on European Judicial Systems - 2012 edition.

Under the auspices of the Council of Europe and the European Commission, every year all member states of the Council of Europe mark the European Day of Civil Justice. The central event marking the European Day of Civil Justice in Bosnia and Herzegovina was held on October 27, 2011 in the Basic Court of Brcko District BiH under the organisation of the Court and HJPC. As part of the event, the court organised a doors open day and a professional advisory session on free legal aid. The European Day of Civil Justice was also marked in the Cantonal Court Novi Travnik where a round table a doors open day were organised.

The HJPC has already appointed its representatives in the CEPEJ, a member and a national correspondent, who directly participate in the activities of this body. Also, the Cantonal Court Novi Travnik has been participating for several years in the activities of the CEPEJ Pilot Courts Network.

## **1.2. Quality**

The European Commission for the Efficiency of Justice (CEPEJ) deals with the issues related to the quality of justice, which aims to promote the quality of judicial systems of member states of the Council of Europe, highlighting the integral factors that contribute to enhancing the quality

of justice<sup>9</sup>. These factors, among other things, relate to the provision of adequate resources and improvement of working conditions in the courts and prosecutor's offices, including the provision of IT infrastructure and other practical tools that are of great help in everyday's work. In addition, adequate training of judges and prosecutors has a key role in raising the quality of justice in general, since it enables judicial office holders to improve their knowledge and skills.

### **1.2.1. Activities to improve functionality and content of the web page of the Judicial Documentation Centre in accordance with the judicial community needs**

Disclosure of reliable legal information via the Internet, and particularly applicable regulations, selected court decisions and professional publications, can help judicial office holders in processing specific cases.

A web site that provides information of this type is the web site of the Judicial Documentation Centre of the HJPC of Bosnia and Herzegovina ([www.pravosudje.ba/csd](http://www.pravosudje.ba/csd)), which was the most visited web page in 2011 within the judicial web portal. The reason for this is considerably improved quality of the content that is available on the web page and technical improvements that enabled users to quickly reach required information.

Pursuant to the Justice Sector Reform Strategy in BiH, continuous update of the available content has been performed. Most of the disclosed news relate to information about newly adopted laws at the state and entity levels, texts of selected regulations, including regulations of the former SFRY. In addition, updated information on the caselaw of the Constitutional Court of BiH and the European Court of Human Rights in cases against Bosnia and Herzegovina are also published. The content, along with the database of court decisions, legal stands of the supreme courts' criminal and civil departments, caselaw bulletins, model acts and other useful documents, make this web page a unique web page throughout Bosnia and Herzegovina.

All contents were developed based on the needs of the judiciary and in cooperation with users. Due to the limited human and financial resources of the Judicial Documentation Centre, all requests could not be responded to. Thus, for example, requests related to information on the work of the entity constitutional courts, as well as information that would facilitate tasks regarding international legal aid are challenges that should be tackled in the incoming period.

### **1.2.2. Information about the current caselaw in cooperation with the highest instance courts**

The database of court decisions is a particularly useful part of the web page for judges, prosecutors and judicial associates. Selected decisions of the Court of BiH, the Supreme Court and of the Appellate Court of Brcko District (hereinafter referred to as partner courts) rendered from 2004 to 2011, are available in the database. Contrary to bulletins and other professional publications, the full text of court decisions is disclosed. The lower instance decisions of the respective cases are also available in the database as well as decisions of the BiH Constitutional Court, if appealed. The ability to view all decisions rendered in the respective case is the value

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9 Document adopted by CEPEJ at 11th plenary session (Strasbourg, 2-3 July 2008).

of the database from the standpoint of judges, prosecutors and judicial associates. In their opinion, a complete picture of the case can only be created in this manner. The individual legal position can not be considered separately without considering specific procedural, legal and factual circumstances at all decision-making levels. In accordance with the need to protect personal data, these decisions are available in the so-called anonymized form. This fact does not preclude the understanding of the positions taken, but requires an additional commitment to carry out personal data anonymization.

Currently, more than 8200 decisions are available through the database. In 2011, 2400 decisions, selected by the courts were published due to their distinction and relevance for judicial sectors, which is approximately 20% more than last year. An increase in the number of entered decisions, among other things, occurred due to the simplified system of merging decisions in a single case that resulted from the continuous technical improvements of the database.

In the course of 2011, collecting data from certain areas was established as a need. Thus, the partner courts were requested to deliver all final decisions in war crime cases. This contributed to the implementation of the European Commission's preliminary recommendation made within the Structured Dialogue on Justice, by which all branches of power were expected to intensify their efforts with respect to the harmonisation of caselaw in the prosecution of war crimes.

In order to define the role of the partner courts and of the Judicial Documentation Centre in the process of publication of court decisions in line with European standards, the HJPC adopted the Policy on the publication of court decisions in Bosnia and Herzegovina in September 2011. The Policy supports the development of the JDC's database of court decisions as a central forum for information about court decisions of the highest instance in BiH, as well as more intensive cooperation with the courts.

When it comes to the availability of judicial decisions as one of the preconditions for strengthening public confidence in the work of the courts, it is suggested, through the Policy, to the higher judicial instances to disclose final and binding court decisions on their respective websites for the purpose of public information. The Policy also points out that the publication enables studying of court decisions, which can contribute to the uniform processing of court cases under same or similar factual and legal situation, with no intention to limit the freedom of the courts in the decision-making process.

The European Court of Human Rights has discussed the effect of contradictory legal opinions on the principle of a fair trial, and concluded in several cases<sup>10</sup> that the lack of harmonisation of caselaw may result in a violation of the right to legal security as one of the basic elements of the rule of law. The Court stated that violations may exist when in the court of last resort made contradictory decisions in the same or similar cases, no adequate explanation for the deviation from previous practice, and that doing so there is no mechanism that would provide consistency in decision making.

### **1.2.3. Advisory and supervisory roles in the training process of judges, prosecutors, legal associates and trainees in BiH**

Among other things, the judiciary in Bosnia and Herzegovina tries to respond to challenges it faces through an adequate training of judges and prosecutors, as well as through a customized system of induction training of future judicial office holders.

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10 Beian v. Romania, no. 30658/05 of 6 December 2007, Vusic v. Croatia, no. 48101/07 of 1 July 2007.

These challenges are, inter alia, related to the frequent legislation changes, lack of caselaw in some fields, lack of available official gazettes and technical literature, application of new technologies and a number of requirements arising from the process of the European Union accession.

The legal framework regulating the training of judges and prosecutors in BiH is contained in the regulations at state and entity levels. The Law on High Judicial and Prosecutorial Council prescribes the role of the Council in the process in a way to monitor the training of judges and prosecutors and advises the Entity Judicial and Prosecutorial Training Centres and the Judicial Commission of Brcko District on the adoption of programs of professional training of judges and prosecutors. In addition, the HJPC defines the minimum scope of professional development that every judge and prosecutor has to achieve during the year, determines induction training for persons who have been appointed as judges or prosecutors and supervises the exercise of such training.

The quality of the training, inter alia, is based on a well-designed training program, Training programs are made on the basis of the proposals of the BiH judicial community, academic community, professional associations and international organizations that provide training, and the proposals by the training centres and trainers. In developing the program, the current strategy and international and national documents that create certain obligations towards the Training Centres are taken into account.

For the drafting purposes of the 2012 training program, the HJPC suggested to the Training Centres some topics from the fields that are primarily related to the budget projection process for judicial institutions, and proposals related to the training topics that stem from the various projects supported by the HJPC, as well as training proposals that are related to different phases of the Case Management System. Additionally, the HJPC has ensured that the recommendations of the European Commission, arising from the second phase of the Structured Dialogue, be promptly engaged in the professional development programs.

Furthermore, the HJPC, monitoring other activities on the development of the work program through regular contacts with the Judicial and Prosecutorial Training Centres gave its approval for the 2012 training programs in December 2011. The programs consist of seminars which will be conducted independently by Judicial and Prosecutorial Training Centres, and of seminars that will be implemented by both Training Centres and the Judicial Commission of Brcko District. In addition to the seminars, training will be held through round tables, thematic consultations and conferences.

In light of the monitoring of the training programs implementation, the HJPC approved annual reports of the Training Centres and of the Judicial Commission of Brcko District in part related to the training of judges and prosecutors in 2010. It was recommended to the Training Centres by the HJPC to develop thematic reports in order to present the information on the specific training aspects more systematically.

Also, overseeing the implementation of training for the current year was conducted through a periodic review of the 2011 program implementation. In an effort to perform this role, as transparent as possible, the HJPC held, through its Standing Committee on Education, several meetings with the Training Centres' representatives, resulting in an agreement on the work improvement measures.



#### **1.2.4. Mid-term Strategy for Induction Training and Professional Development of Judges and Prosecutors**

The implementation of the new Mid-term Strategy for Induction Training and Professional Development, which should resolve many issues, especially in terms of compulsory induction training and professional development, selection and work of trainers, development and availability of educational materials, development of distance learning and many other issues will significantly influence the quality of the future training.

In accordance with the BiH Justice Sector Reform Strategy, activities on the development of a new Medium-term Strategy for the Induction Training and Professional Development began in May 2010. The identification of strategic policy for the training is provided by the European Commission for the Efficiency of Justice (CEPEJ) documents.

The whole process related to creating a new Medium-term Strategy for the Induction Training and Professional Development actively involved the representatives of the Training Centres, the Judicial Commission of Brcko District of BiH and the HJPC representatives. Currently, the Strategy is in the final stage, consistent with the conclusion of the HJPC, which was adopted in November 2011.

#### **1.2.5. Training of prosecutors and authorised official persons**

As part of the HJPC Project titled the "Support to the Judiciary in BiH - Strengthening the Capacity of Prosecutors" supported by the Swiss Agency for Cooperation and Development, the assessment and identification of prosecutors and police aimed at joint training in the field of conducting complex investigations and specific training needs for prosecutors have been carried out. Organising various forms of training through the Project, would enable prosecutors to exchange experience and good practices and to use knowledge and experience from the engaged national and international experts, primarily from the prosecutor's offices of the Canton of Zurich as a partner in the Project.

The identification of needs was based on the research in the prosecutorial community, and the EU guidelines where they emphasize the following topics: special investigations, research and research capabilities, cyber crime (money laundering and financial investigations), the criminal procedure against legal persons and the immunity of witnesses.

The aim of the above topics is to inform the prosecutors on the latest trends in terms of working methods, and to provide training that will contribute to better capabilities of prosecutors, as well as to overcome the existing problems in the work. The experts specialized in the above fields are engaged in the Project to develop training modules that will be used for training within the above topics.

During 2011, preparatory activities were carried out in relation to the organisation of a number of seminars, conferences and other events important to the training of prosecutors and the authorised officials. Planned activities for 2012 will be carried out by the Training Centres.

In addition, the Project hired an expert to develop a program analysis and training methods for prosecutors. The analysis will include recommendations for upgrading the entire system of training. This systematic approach's ultimate goal is to provide high-quality personnel and therefore the successful reform of the judiciary.

### **1.2.6. Improving relations between the prosecutor's offices, the public and the media**

An increasing number of prosecutors face, on a daily basis, issues regarding the efficiency and status of certain cases, therefore the HJPC, through the activities of the Project, initiated in 2011 the professionalisation of communication policy of the prosecutors, the public and the media. Aimed at improving public perception of the BiH prosecutors, in October 2011, the conference titled "The freedom of access to information concerning the work of prosecutors - relations with the media and the NGOs" was held.

The conference enabled the exchange of information on international standards and best practices on freedom of access to information concerning the work of prosecutors and the improved prosecutorial skills and knowledge in the public relations. Presenters at the event were the prosecutors and the spokesmen of the Supreme Prosecutor's Office of the Canton of Zurich, Switzerland, of the Supreme State Prosecutor's Office of Montenegro, of the Croatian State Attorney's Office, of the War Crimes Prosecutor's Office of the Republic of Serbia, as well as prosecutors and spokespersons from Bosnia and Herzegovina.

The result of the conference was to underline the necessity of ensuring a balance between the legal obligations to protect the interests of the criminal proceedings on the one hand, and the needs and rights of the public to timely and accurate information on the other side. Also, the need to adopt policies that will regulate the responsibilities and duties of police and prosecutors in the process of informing the public is highlighted. There is a need for additional training of prosecutors in the field of media relations and communications, as well as training of the media representatives aimed at respecting the principle of the presumption of innocence. A general conclusion is that all actors involved with the public are required to be guided by the principles of professionalism, ethics and social responsibility.

As a practical form of learning and sharing experiences, a meeting with the prosecutors and spokespersons from the Canton of Zurich was held in October 2011 in Sarajevo on the "methods of communication" aimed at developing capacities to implement the new communications/public relations policy. Furthermore, trainings for acquiring knowledge and practical skills for the implementation of the Communication / Public Relations Strategy for the chief prosecutors and prosecutors. The first in a planned series of workshops was held in December 2011 in Mostar, which was attended by chief prosecutors, prosecutors and secretaries of the Cantonal Prosecutor's Office Mostar, Cantonal Prosecutor's Office Siroki Brijeg and the District Prosecutor's Office Trebinje.

### **1.2.7. Project activities of the HJPC related to the improvement of the performance quality of the courts and prosecutor's offices in the area of war crimes**

#### **1.2.7.1. Establishing appropriate physical and technical conditions in the courts for the implementation of witness protection measures**

During 2011, the HJPC continued implementation of the Project titled the "Support to the Judiciary in BiH - IPA 2009" financed by the European Union. The project aims at strengthening the capacity of judicial institutions and creating conditions for better performance quality of the courts and prosecutors' offices, and also achieving greater efficiency in their work.

The Project has been implemented through three separate, but mutually coordinated and related components of which the first component aims at strengthening the technical and

physical capacities of the BiH courts so they can implement witness protection measures.

The implementation of activities under the first project component will provide the appropriate physical and technical conditions in the 10 cantonal / district courts, as well as in the Basic Court of Brcko District, the application of witness protection in the prosecution of war crimes. It involves the reconstruction of the courtrooms and witness protection premises as well as the equipping of the courts with suitable equipment and techniques necessary to implement technical measures for witness protection.

In accordance with the standards for the application of witness protection measures in the BiH courts, which were adopted in 2010 by the HJPC, necessary technical documentation, architectural layouts with preliminary designs and technical specifications of the audio and video equipment used for the protection of witnesses during trials that take place at separate localities and via video-conferencing to support the court proceedings in the BiH judiciary, were developed.

Since the Project has been implemented in partnership with the Delegation of the European Union to Bosnia and Herzegovina, technical documentation made by the HJPC was delivered to the Delegation of the European Union with the aim of announcing a public tender to select a best bidder to carry out reconstruction works and equipping courts covered by the Project.

The cooperation between judicial institutions and the courts to be reconstructed and equipped will significantly contribute to the successful implementation of the Project.

The implementation of all project activities is expected to take place in the course of 2012.

#### **1.2.7.2. The Book of Rules on the Protection of Witnesses and Operational Manual**

Through the implementation of the IPA 2009 Project, the HJPC will contribute to creating conditions in the courts for the implementation of witness protection measures in the segment relating to the infrastructure needs of the courts. At the same time, the War Crimes Strategy foresees that the courts, based on relevant witness protection laws, adopt an internal Rules of Procedure that will enable proper witnesses protection in accordance with the applicable laws throughout BiH.

During 2011, and with the support of the British Embassy in BiH, the HJPC implemented the project titled "Support to the BiH judiciary in the prosecution of war crimes" with the aim of drafting the Rules of Procedure on the implementation of witness protection measures and accompanying operational manual that would present the best international practices in the area and that would be available on a daily basis to the judicial office holders in implementing witness protection measures.

The draft Rules of Procedure on the implementation of witness protection measures was developed through the project with the involvement of international experts in the field of witness protection, but with full respect for the specific national regulations, and it was also presented to the local professional community that made its contribution to the development of the document. The climax of the project cooperation between the HJPC and professional community was a two-day conference which was held in March 2011, with the aim of determining the final content of the Rules of Procedure on the implementation of witness protection measures and the operational manual. The representatives of the International Criminal Tribunal for the Former Yugoslavia (ICTY) and representatives of other relevant organisations working in the field participated in the work of the conference in addition to a number of court presidents and chief prosecutors giving its contribution to the development of the Manual and the Rules of Procedure.

The new functionalities of the Case Management System (CMS) in courts and prosecutor's offices have also been developed through the Project, enabling an integration of information from the War

Crimes Database, currently being administered and used by the Prosecutor's Office of BiH, into the CMS. Through the development of the CMS functionalities, it is expected to have a facilitated transfer of war crimes cases from the Court of BiH to the Entity judicial institutions responsible for the processing of war crimes cases.

#### **1.2.7.3. Specialised training and development of training modules in the area of witness protection measures**

With a full appreciation of the results achieved during 2011, the HJPC initiated, as a logical continuation of the previously implemented projects, the project titled the "Improvement of witness protection" financed by the British Embassy and aimed at improving the system for witness protection.

The project goal was to design training modules that would contribute to developing a sustainable system of training in the field of witness protection. Also, in the course of the Project a specialised training for judges and prosecutors, as well as of other relevant actors working in the field of witness protection was introduced. Through the specialised training, the members of the court police, of the social welfare centres and of non-governmental organisations providing psychological support to witnesses in the court proceedings would be encompassed.

The project was launched in November 2011, and the implementation period was from January to March 2012.

In this way, the British Embassy has once again recognised the responsibility and leadership of the HJPC in implementing projects aimed at improving the BiH justice system.

#### **1.2.7.4. Cooperation with the UNDP to establish adequate witness/victim support and protection mechanisms during court proceedings**

The United Nations Development Programme (UNDP BiH) has established a partnership with the HJPC within the project titled the "Support to the processing of war crimes cases in BiH" in order to jointly contribute to the establishment of a functional mechanism of support and protection of witnesses / victims in BiH, and to raise awareness of this important issue.

Within the Project, an assessment of the state, needs and capacities of the cantonal / district courts and prosecutor's offices in the area of support and protection of witnesses / victims in the war crimes cases was carried out providing a detailed insight into the current situation and taking into account current activities of prosecutor's offices, courts and non-governmental organisations in this regard. The analysis resulted in the Report titled the "Assessment of the status and needs of cantonal / district courts and prosecutor's offices in the field of support and protection of witnesses / victims in the war crimes cases in Bosnia and Herzegovina," which contains specific recommendations as a starting basis for the establishment of adequate mechanisms of support and protection of witnesses / victims during the court proceedings in BiH, aimed at preventing further negative consequences, repeated pain or trauma to potential witnesses / victims.

During 2011 and within the project, judicial associates - psychologists were hired to work with witnesses / victims of crime in the selected pilot courts and prosecutor's offices. Based on the HJPC decision regarding institutions which initially implemented the project, Sarajevo Cantonal Court and Cantonal Prosecutor's Office, Banja Luka District Court and District Prosecutor's Office were selected.

The ultimate goal of the above activities is that the positions of judicial associates - psychologists be included in a permanent organisation and systematisation of positions within the judicial institutions in order to create sustainable mechanisms of support to witnesses in court proceedings.

The project was successfully completed in November 2011, with the intention of expanding activities to other judicial institutions in the future.

#### **1.2.7.5. Hiring support staff to assist in dealing with the most complex war crime cases**

The OSCE/ODIHR implemented a project to support the transfer of knowledge and documentation from the International Criminal Tribunal for the former Yugoslavia to the national judiciary in war crime cases. The Project was conducted in partnership with the International Criminal Tribunal and the United Nations Interregional Crimes and Justice Research Institute (UNICRI).

In the period October 2010 - November 2011, the Project contributed, inter alia, to an increased capacity of project beneficiaries (entity Judicial and Prosecutorial Training Centres - JPTCs, district and cantonal prosecutors' offices).

Within the framework of the Project and based on the Memorandum of Understanding, the OSCE/ODIHR and the HJPC established a partnership to increase the institutional capacity of project beneficiaries (entity JPTCs, district and cantonal prosecutor's offices) in dealing with complex war crime cases by hiring the support staff in these institutions through the HJPC.

In this way, during the project life cycle, the Judicial and Prosecutorial Training Centres in the BiH Federation and Republika Srpska and the district and cantonal prosecutor's offices employed five legal associates in order to get support in dealing with war crime cases, and two legal associates to support the projects related to humanitarian law.

Based on the successful results achieved through the engagement of additional support staff within the framework of the War Crimes Justice Project, as well as through the contribution to the beneficiary institutions, the HJPC launched another project in 2011, which represented a logical sequence of activities aimed at creating a sustainable system of support to judicial institutions dealing with the war crime cases.

With the financial support of the British Embassy in BiH provided to the beneficiary institutions in the course of the War Crimes Justice Project, the engagement of professional legal associates would be extended in order to enable continued support to the institutions dealing with the war crime cases.

It is anticipated that the project should be implemented in the period from January to March 2012, while seven legal associates would be engaged through the project, of whom two in the Judicial and Prosecutorial Training Centres and five legal associates to deal with the war crimes cases in the district / cantonal prosecutor's offices in the Cantons of Tuzla, Una-Sana, Herzegovina-Neretva and the prosecutor's offices in East Sarajevo and Banja Luka.

#### **1.2.8. Access of courts and prosecutor's offices to the Internet**

The ICT Department has begun activities on introducing the Internet access for the courts and prosecutor's offices in Bosnia and Herzegovina. The users in the judiciary gain the Internet access through the wide area network and internet connections in the HJPC data centres in Sarajevo and



Banja Luka. Thus, the judicial office holders, in addition to the content published on the website of Judicial Documentation Centre, would have an easier access to the caselaw of neighbouring countries and of the European Union countries, professional literature, access to the websites of other authorities, international organisations and professional associations, as well as all other sources of information.

The HJPC adopted the rules governing the principles of Internet access, thereby defining acceptable and unacceptable use and measures to prevent the misuse of the Internet by users of the judicial information system. For this purpose, appropriate equipment was installed to enable technical implementation of the aforesaid Book of Rules.

Currently, judicial office holders and employees of around 80 courts and prosecutor's offices in Bosnia and Herzegovina have access to the Internet. The remaining 13 institutions will be connected to the Internet access centre in the first quarter of 2012.

### **1.2.9. Organisation of the ICT user support in the judiciary of BiH**

The user-support function plays a particularly important role in the smooth functioning of the judicial information system. The support is organised in a way that a timely response to users requests is provided and various technical problems are professionally solved. In this respect, the HJPC Help Desk has been established as a support to end users, including the following positions and groups:

- Local ICT staff (LocICT) are located in each court and prosecutor's office and primarily work as a first-level support and contact persons for end users in courts and prosecutor's offices. They resolve problems reported by their end-users, depending on their level of knowledge and experience. Their job description includes the administration of hardware. In 2011, additional number of ICT staff was employed.
- Regional ICT administrators (RegICT) cover wider areas, regions such as Sarajevo, Banja Luka, Mostar and Tuzla. They are responsible for the system administration tasks and work as a second-level support. They deal with the problems the local ICT staff are unable to resolve.
- A group for the system administration, which includes four system administrators, is responsible for the overall administration of judicial WAN (wide area network), active directory, e-mail, infrastructure and management services.
- A group for the database provides support and development of the CMS system, web portals, the Registry of Fines, and all servers running the application systems.

The HJPC is currently working with two levels of support to the CMS, web portal and Register of Fines (RoF): local ICT officers as the first level of support and a group for the database as a second level of support.

There are three levels of support for the system/network administration tasks: local ICT officers as the first level of support, regional ICT administrators as the second one, and a group for the system administration as the third level.

Since June 2011, a help desk software has been in use to track the status of user requests. It is used by all ICT staff in the judiciary involved in the process of support to the users. This help desk software meets the ITIL standards for (IT Infrastructure Library) service support and management of the user problem solving process.

To meet the requirements of expertise in the process of user support, IT staff in the judiciary of BiH have been constantly developing information and communication technologies and attending appropriate training. In June and July 2011, 80 officers attended the ICT course for

the management of a new Windows Server platform that will soon be used in the judiciary. In 2011, the system, network and database administrators in the ICT Department of the HJPC also attended advanced courses in the area of software solutions the judicial information system is based on.

## **1.3. Responsibility**

### **1.3.1. Informatisation of the judiciary**

#### **1.3.1.1. Activity regarding the connection of district court branch offices/ prosecutorial branch offices to the judicial network enabling data transfer and entry of all cases into the CMS**

Efforts continued in 2011 on establishing necessary information infrastructure in branch offices/departments outside the seat of municipal and basic courts or regional offices of the cantonal/district prosecutor's offices. The branches are connected to the data transmission judicial network, meaning that technical conditions to start implementation of the CMS have been established. Thus, the training of users and the entry of cases in the CMS were conducted during 2011 in all branch and regional offices, except in the Srbac branch office of the Gradiska Municipal Court, which due to the insufficient number of computers failed to start using the system.

Through the Project for Support to the BiH Judiciary - IPA 2009, the continuation of the activities carried out within the ICT/CMS Project was foreseen. The Project, financed by the governments of Sweden and the Netherlands, related to the completion of the CMS records on all pending cases in the courts and prosecutors' offices. In early 2011, the analysis was developed regarding the current state of courts and prosecutor's offices with regard to the implementation of the HJPC decision on an obligation to register all pending cases in the CMS/TCMS. The above decision on the obligation to register cases in the CMS excludes the entry of utility cases in the courts and KTN and KTA cases in the prosecutor's offices. The analysis revealed that out of 73 courts in BiH, 19 courts failed to implement the obligation to register all cases in the CMS by the end of 2010. When it comes to the prosecutor's offices, of a total of 19 prosecutor's offices, nine prosecutor's offices failed to implement the activities in the period. The analysis shows that all courts, using their own capacities, can implement activities within three months, except the Municipal Court Tuzla, which has been obligated to register around 21,000 cases. Using funds from the IPA 2009 project a total of 25 individuals have been hired to complete the entry of cases in the CMS (13 880 cases). The rest of the cases, about 6,000 are minor offence cases that will be recorded in early 2012, since the implementation of the system in the Minor Offence Department of the Municipal Court Tuzla was only completed in late 2011.

Following the analysis regarding the current state in the prosecutor's offices, the HJPC has concluded that all prosecutor's offices are obligated to register all cases in the TCMS - in starting from 1 January, 2011, and that all KT cases and war crimes cases from the previous period have to be recorded.

Following the implementation of activities, by the end of 2011, it was found that:

- the entry of all cases in the CMS, in all courts in Bosnia and Herzegovina and in four branch offices outside the seat of municipal/basic courts is completed, while the completion of the process in the remaining five branch offices is expected in the first half of 2012.
- the entry of all cases in all prosecutor's offices and their branch offices in Bosnia and Herzegovina into the CMS is completed, except in the Prosecutor's Office of Bosnia and

Herzegovina, which completion is expected in the first half of 2012.

By implementing the entry of pending cases in the courts and prosecutor's offices into the CMS, a complete transition from a manual to automated case management will be achieved, contributing to the:

- easier and faster recording of cases in the courts and prosecutor's offices;
- simplified access to cases by employees and parties in proceedings;
- better and more efficient monitoring of the backlog implementation plans with special emphasis on old cases;
- simpler and faster development of reports on the work of courts and prosecutor's offices;
- uniform measurement of performance indicators in the courts and prosecutor's offices in BiH.

In the course of 2011, the CMS has registered a total of:

- 649 443 court cases;
- 66 600 prosecutorial cases;
- 2 030 cases of the Office of the Disciplinary Counsel.

#### **1.3.1.2. Implementation of digital identity management system in the BiH judiciary**

The application of electronic (digital) signature in the work of judicial institutions is required to allow court submissions in electronic form, electronic delivery of court decisions and electronic signature of all written documents that originate in the internal operations of the courts and prosecutor's offices. A qualified electronic signature makes a basis for electronic operations that is a substitute for a handwritten signature. Qualified electronic signature is an electronic signature that guarantees the identification of the signer with the help of cryptographic measures of electronic security.

The following is achieved by the introduction and application of digital signatures in BiH judiciary:

- official communication of judicial institutions and clients is accelerated;
- efficiency of case resolution is increased;
- significant financial savings are achieved, both in the courts and prosecutor's offices, parties in proceedings and their proxies.

In order to determine the feasibility of digital signature applications in the BiH judiciary, a feasibility study has been conducted aimed at assessing all aspects of the application of digital signature in the BiH judiciary, including legal basis, technical preconditions and human and financial resources for its implementation.

The following phases of introducing digital signature in the judicial information system are specified by the feasibility study.

**1 phase:** Preparation of system and network infrastructure for the implementation of issuing digital certificates that will be used only for the internal use in the judicial information system. Their use will improve the safety of the user identity verification process. These certificates will not be used in electronic communication between the courts and parties to the proceedings.

**2 phase:** Pilot implementation of the qualified digital signatures which are issued by state certificate authorities or its trusted certificate authorities. After completing this phase, parties to the proceedings will be able to submit petitions or other documents to the judicial institutions electronically. This will require purchase of qualified digital certificates by state certificate authorities or its trusted certificate authorities, as well as change rules and procedures regulating work of the registry offices in courts

**3 phase:** Full implementation of digital signature in the judicial information system. It will eliminate the need to print and sign documents in paper format and will activate the use of electronic signatures in the BiH judiciary.

Bearing in mind the fact that not all conditions are created for the full implementation of the law governing the field of electronic signature and electronic operations at the level of Bosnia and Herzegovina, currently only first phase of introduction of digital signatures in the judiciary can be implemented.

Within the IPA 2009 Project, which relates to the support for the BiH judiciary, the preparation of the IKT infrastructure for the use of digital signature in the BiH judiciary through the implementation of the digital identity management system has started. One of the components of the identity management system is a local certifier of digital signature, Certificate Authority, that will issue digital certificates mentioned in the first phase.

By the end of 2011, the ICT Department implemented the identity management system in 64 out of 92 judicial institutions. The system will be introduced in the remaining judicial institutions in the first quarter of 2012.

A prerequisite for the start of the second phase is full implementation of the Law on Electronic Signature in Bosnia and Herzegovina through the establishment of the Office for Supervision and Accreditation of Certifiers under the Ministry of Transport and Communications of Bosnia and Herzegovina. The Office is an institution that can check whether the certificates issued by the state issuing bodies or by other bodies can be considered fully qualified for electronic communications.

#### **1.3.1.3. Evaluation of compliance between the judicial information system and international ISO information security standard**

In order to provide an appropriate degree of integrity and security of data stored in the judicial information system under the IPA 2009 Project - support to the BiH judiciary – a process of evaluating its compliance with the ISO 27001 information standard has been launched in 2011. In this way, all aspects of data security will be respected, including non-electronic information resources (such as operating procedures and documents).

The compliance evaluation between the judicial information system and the ISO 27001 information security standard has been initiated by the engagement of a local company through the procurement procedure.

The ICT security experts of the selected company, in close cooperation with the IPA 2009 project staff and the ICT Department, have completed three evaluation stages as follows:

- Phase I – Preparatory steps and establishment of an implementation team according to the ISO 27001 standard;
- Phase II – An analysis and information property inventory;
- Phase III – Risk assessment and risk management plan.

All the risks to the security of information stored in the judicial information system are identified and evaluated in the final phase. They are then classified into several categories depending on potential risks and on effects in case the risks arise.

The activity has been completed following the development of the risk management plan, including recommendations made by the IT information security experts concerning controls and organisational and technical measures that ISO 27001 standard provides for the reduction of impact of each identified risk. The plan will be used as a roadmap for the future activities in the planning area of information security system, especially for the planning of investments for the IT equipment and software solutions.

In order to implement controls from the risk management plan, it will be necessary to amend or supplement the existing ones and develop new procedures for the following areas:

- Organisation of information security;
- Management of IT equipment;
- Safety of human resources;
- Physical and environmental security;
- Communications and Operations Management;
- Access Control;
- Deployment, development and maintenance of information system;
- Incidents Management in the area of information security;
- Business Continuity Management.

Significant funding is required for the full implementation of the above controls. Therefore, the implementation will be carried out in phases depending on identified priorities.

#### **1.3.1.4. Establishment of a Judicial Web Portal and launching of new web sites of the courts and prosecutor's offices**

In the framework of IPA 2009, and in accordance with the BiH Justice Sector Reform Strategy and the HJPC Strategic Plan, the activities were undertaken to launch the new web site in the courts and prosecutors' offices, as well as the programming of a new functionality within the web portal. Activities included the following:

- to develop web portals for 14 judicial institutions and provision of necessary technical equipment.
- to conduct training for web administrators and render support during their work.
- to amend and redesign the central station of judicial portal ([www.pravosudje.ba](http://www.pravosudje.ba)).
- to develop technical specifications for the development of additional functionality of web portals,
- the programming and testing of new functionalities,
- to develop and distribute Instruction for use of new functionalities of the web portal,

In the process of programming and developing new functionalities. the web portal is improved with the following contents:

- web press corner,
- electronic notice board,



- address book of court experts and certified court interpreters,
- improved version of "access to court cases via the Internet."

#### **1.3.1.5. Implementation of the CMS in the Office of the Disciplinary Counsel**

Implementation of the CMS in the Office of the Disciplinary Counsel (hereinafter the: "ODC") has been launched through technical modification of the CMS to the needs of this institution. Technical modifications included the following:

- modification of code books in the CMS to the needs of the ODC,
- modification of procedures that are different if compared to the existing CMS procedures,
- modification of reports on the ODC operation,
- connecting to the CMS database of judicial office holders,
- development of the Draft Book of Rules on the CMS for the ODC.

Training to use the CMS functionalities was carried out at the midyear for all ODC employees. Test cases were used during the training, and the activity for entering old cases/receiving new cases in the CMS was initiated.

Having completed the training, support to users continued in order for the users to be fully capable of working independently with the CMS.

In the course of rendering support to the users, the entry of all old cases in the CMS, except the cases that were in the stage of completion, was completed.

Through the implementation of the CMS in the ODC, a transition from the manual to the automatic case management system was carried out resulting in the:

- Automatic assignment of cases to the disciplinary prosecutors,
- Systematic monitoring of individual case processing,
- Monitoring of the case processing plan and sequence of case processing,
- Coordination of work between the ODC and the courts and prosecutor's offices,
- Availability of the electronic data exchange with the courts and prosecutor's offices.

Resulting from the said activities was the full implementation of the HJPC Strategic Plan for the period 2010-2013, (5.4.) aimed at improving efficiency of the ODC and creating a greater public confidence in the judicial disciplinary system.

#### **1.3.1.6. Development of an ex officio defence monitoring CMS module**

Development of an ex officio defence monitoring CMS module has been initiated through the development of an analysis of the current legislation, court practices and proposals of new CMS solutions. The analysis and proposed solutions are presented to the Working Group for the CMS / TCMS, which is responsible for coordinating and directing all changes in the CMS / TCMS. The Working Group has adopted and supported the proposed technical solutions from the analysis and conclusions focusing its future activities on the development of the Module.

The conclusion of the analysis is that for the functional and quality development of the Module, a unique list of lawyers needs to be created in the CMS / TCMS, which will be the basis for the assignment of ex officio defence counsels and for the development of statistical reports on the

issue. The HJPC has submitted a letter to the bar associations of the Federation and of Republika Srpska indicating the importance and objectives of the activities carried out and asking them to submit the lists of all licensed lawyers.

Based on the submitted data, a separate register of lawyers has been created within the CMS/TCMS, enabling the development of the module. The following is being achieved by the Module:

- the possibility of creating a list of lawyers who have agreed to be hired as *ex officio* defence counsels in a particular region,
- the possibility of assigning an *ex officio* defence counsel on the basis of the legally prescribed procedures,
- the development of reports on the number of assigned or denied *ex officio* defences for each lawyer individually,
- the amount of funds earmarked for the *ex officio* defence for each case or for each lawyer individually or collectively.

The module is currently undergoing testing and a manual for users is being developed to be available to all courts and prosecutor's offices through the introduction of a new version of the CMS / TCMS in early 2012.

The implementation of the said activity is fully contributing to the realisation of the Justice Sector Reform Strategy as well as by the continuation of the judicial informatisation process, (1.2.5.), and by increasing level of access to information on the court performance.

## **1.3.2. Evaluation of judicial office holders**

### **1.3.2.1. Criteria for evaluating judicial office holders**

The HJPC concluded that there was a need to improve the existing criteria for evaluating performance of the judicial office holders, aimed at ensuring that the evaluation of their work is based on transparent and measurable parameters.

Accordingly, the HJPC carried out a comparative analysis of the evaluation criteria in BiH with that of other countries in the region and within EU.

In the course of preparing amendments to the criteria, special attention was paid to removing the performance evaluation elements from the existing criteria, which could make the evaluation process dependent on the subjective evaluation of the performance evaluators. Thus, the objective criteria relating to the quantity (in relation to orientational quota) and performance quality (in relation to the number of confirmed, modified and reversed decisions) will be given greater importance through the amended criteria.

Draft criteria have been developed and consultations have been conducted with the judicial community, whose suggestions will be taken into account when drafting the criteria.

The finalisation of amended criteria for the evaluation of judicial office holders represents one of the major priorities in the operation of the HJPC in the field of judicial administration in the course of 2012.

Also, in the context of monitoring the process of evaluation of judges and court presidents, the HJPC has pointed to the need to improve the normative framework for the evaluation of judges and court presidents, especially in terms of extending the period for which performance evaluation is done from one to three years. In this regard, the HJPC has submitted to the

competent ministries of justice an initiative to start the legislative procedure for prescribing or amending the regulations referring to the evaluation of judges and court presidents in the Law on the Court of BiH, the Law on Courts in the Federation of BiH, the Law on Courts in Republika Srpska and the Law on Courts in the Brcko District of BiH.

### 1.3.2.2. Evaluation of judge and prosecutor performance

On the basis of Article 17, item 22 of the Law on the HJPC, the Council determines the criteria for the evaluation of judge and prosecutor performance. Based on such criteria, court presidents and chief prosecutors perform annual evaluations of judicial office holders in the courts and prosecutors' offices.

The criteria includes a number of elements based on which assessments are made on quantity (in relation to orientational quotas) and quality of performance, professionalism, promptness, attitude at work and other. The criteria for the evaluation of judges is applied, by analogy, to the evaluation of the performance of judicial associates in the courts in the municipal and basic courts.

The presidents of higher courts evaluate the presidents of the lower level courts based on criteria for the evaluation of court presidents established by the HJPC. The criteria cover various aspects of court performance for which the president is accountable (i.e., collective quota levels, and quality of court performance, processing old cases etc.).

Also, the HJPC established criteria for the evaluation of prosecutors performance, which includes job performance capacity/competence and other standards for the assessment of quality and efficiency in performing prosecutorial function (in relation to the quality, quantity, deadlines, etc.).

Any objection that judicial office holders may have regarding the evaluation of their performance is reviewed by the HJPC on the proposal of the Standing Committee for Judicial Administration.

The following tables show an overview of the average performance evaluations received by judicial office holders for 2010:

**Table 1.3.1: Performance of Court Presidents**

Courts	General score
Cantonal courts	4.9
District courts	5.0
High Commercial Court Banja Luka	5.0
District Commercial Courts	4.8
Basic Court BD BiH	5.0
Basic Courts	4.9
Municipal Courts	4.6

**Table 1.3.2: Judge Performances (in addition to the general score, the average scores for two evaluation elements are shown, i.e., quota and performance quality)**

Courts	Quota	Performance quality	General score
Appellate Court BD BiH	-	-	5.0
RS Supreme Court	-	-	5.0
FBiH Supreme Court	-	-	5.0
Cantonal Courts	3.7	3.5	4.7
District Courts	3.4	3.1	4.7
High Commercial Court Banja Luka	3.0	2.5	4.0
District Commercial Courts	3.7	2.7	4.8
Basic Court BD BiH	3.2	2.8	4.3
Basic Courts	3.3	3.2	4.5
Municipal Courts	3.5	3.3	4.7

**Table 1.3.3: Performance of Judicial Associates in Courts**

Courts	General score
Municipal Courts	4.6
Basic Courts	4.4

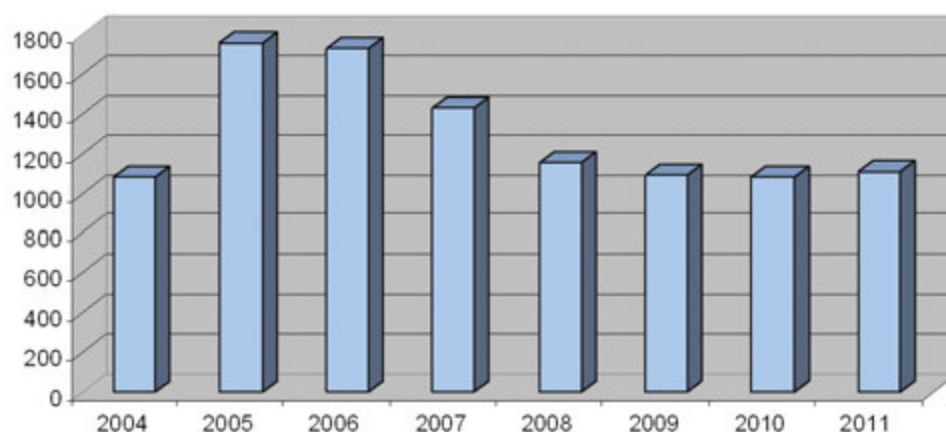
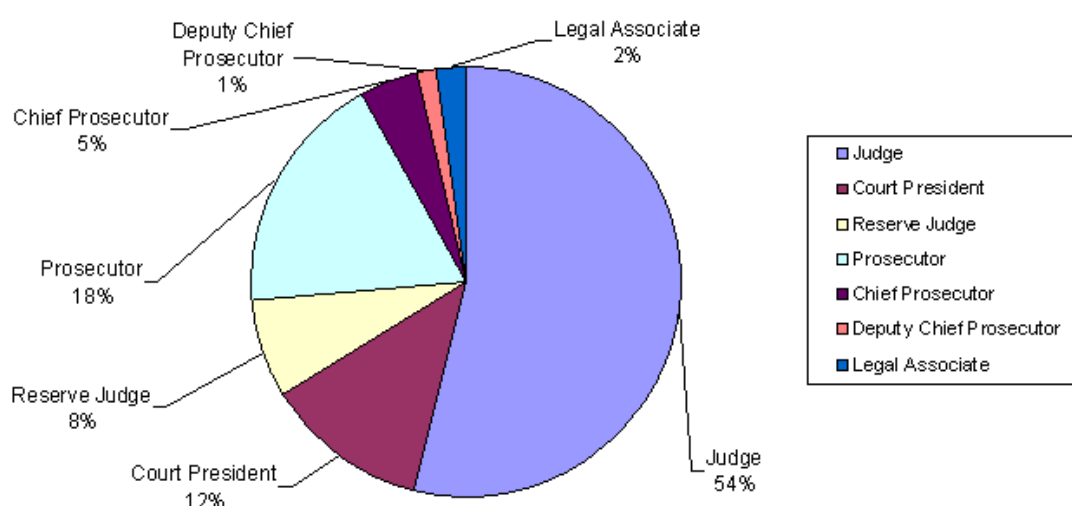
**Table 1.3.4: Performance of prosecutors**

Prosecutor's offices	General score
Prosecutor's Office of BiH	4.8
Republic PO of RS	4.9
PO of BD BiH	4.0
Cantonal prosecutor's offices	4.7
District prosecutor's offices	4.6

### 1.3.3. Disciplinary accountability of judicial office holders

#### 1.3.3.1. Complaints

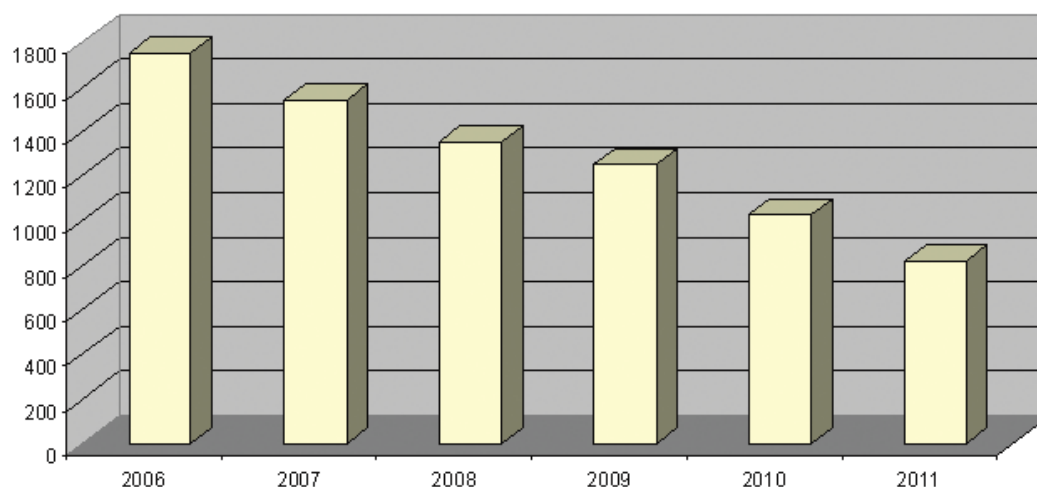
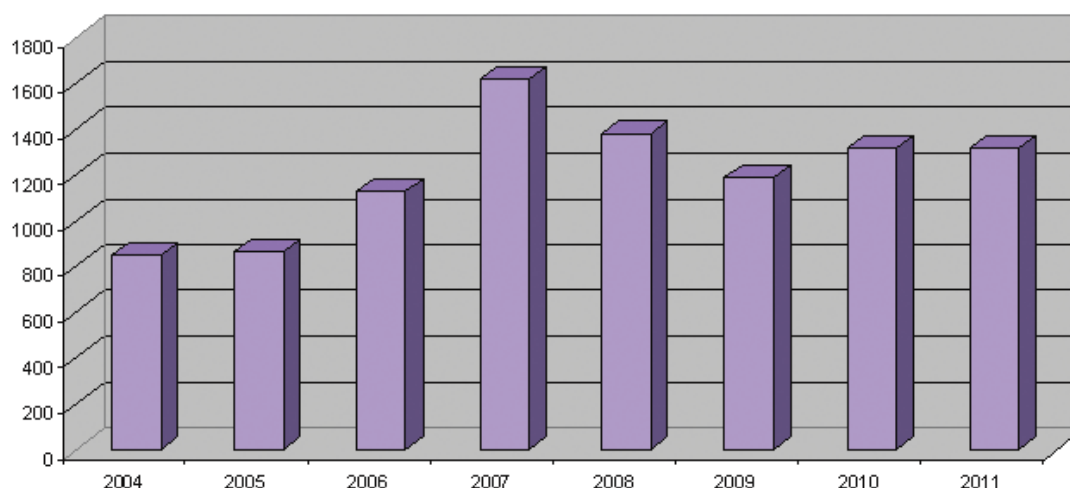
**A slight increase in the number of received complaints. Increase in the number of complaints against prosecutors.** In 2011, an average of 92.6 complaints per month was received by the ODC, or 1,111 in total for the year. It represents a slight increase of 2.3% compared to last year, thereby continuing an established level of inflow of complaints in the last four years. The bulk of received complaints dealt with judges (75%), but it should be noted that an increase in the number of complaints against prosecutors was recorded in the previous year. Thus, approximately 24% of complaints dealt with the prosecutors, an increase compared to the last year when the proportion of complaints against prosecutors amounted to around 20%. During the year, the number doubled compared to 2004, when the ratio was around 12%.

**Graph 1.3.1: Yearly inflow of complaints****Graph 1.3.2: Structure of complaints received in 2011**

**The total number of open complaints was reduced by 20%.** The ODC has continued its success in 2011 regarding the reduction in the number of unresolved cases, meaning that the number of open complaints was for the first time significantly lower than the annual influx. Thus, the downward trend for unresolved cases continued and by the end of 2011, the number of open complaints was 819, which was 205 cases less than at the end of 2010. It should be noted that complaints from 2009 were recorded within the number of unfinished complaints, whereas only 210 complaints originated from 2010. The promptness significantly improved resulting in 542 open cases from 2009 by the end of 2010, while in 2011, the number of cases older than one year was reduced by 61% compared to the previous year.

Efficient performance is reflected in shortening time period between the receipt of a complaint and submission of a disciplinary complaint by 28% compared to 2010 (from 530 to 379 days per complaint, on average). The data is certainly of greater relevance if one takes into account that the time period was reduced by 44% compared to 2009, and that in the year, it approximately took 675 days per complaint to the submission of a disciplinary action.



**Graph 1.3.3: The number of unresolved complaints at the end of each year****Graph 1.3.4: Resolved complaints by year**

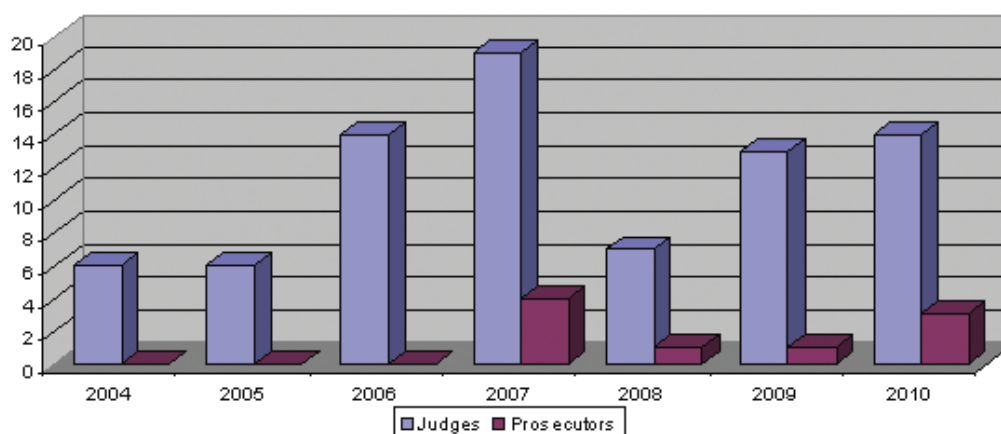
A significant number of complaints resolved in 2010 was dismissed due to unawareness of the ODC subject matter jurisdiction. Neither the ODC nor the HJPC are appellate instances and cannot replace a court/prosecutor decision, nor can they offer legal advice to individuals or intervene in a case on anyone's behalf. Even though the ODC continued its public awareness campaign regarding its competences, it is obvious that there is still a strong need for continued efforts towards public awareness on the issue in order that the number of ungrounded complaints could be reduced.

**Increase in the number of open *ex officio* investigations.** In accordance with available resources, the ODC attempts to have a proactive role in the establishment of public confidence in the judiciary. This specifically means that the ODC attempts not only to act on complaints but also *ex officio*, based on its own knowledge regarding potentially committed disciplinary violations. Thus, in 2011, the ODC mainly opened cases *ex officio*, based on the information regarding the cases in which the statute of limitation have come into effect, as well as regarding the BiH Constitutional Court decisions establishing the violations of the right to render a decision within reasonable time. Thus, during 2011, in a total of 130 cases investigations were initiated *ex officio*, that is an increase of 56% compared to 2010, when a total of 83 cases were opened and if compared to 2009 it represents an increase of 36%, which further emphasizes the importance of the increase in 2011.

### 1.3.3.2. Disciplinary proceedings

**The number of disciplinary complaints increased from 17 in 2010 to 19 in 2011.** In 2011, the ODC processed 1,319 complaints, the same number as last year, 19 of which resulted in disciplinary actions being initiated. In particular, it should be noted that the ODC filed six disciplinary complaints against prosecutors, which is the highest annual number of disciplinary complaints against prosecutors since the establishment of the ODC and twice the number from the previous year. The ODC also initiated five proceedings involving suspension from office.

**Graph 1.3.5: Disciplinary complaints filed in the period 2004 to 2011**



In 2011, 20 disciplinary proceedings were completed, 8 of which were initiated in 2010, and 12 in 2011.

**Table 1.3.5: Initiated and validly concluded proceedings in 2011**

The position of the defendant	Proceedings initiated in 2011	Proceedings validly concluded in 2011
Judge	12	13
Court President	0	2
Reserve Judge	1	2
Prosecutor	5	3
Chief Prosecutor	1	0
Total	19	20

In 2011, there were no disciplinary complaint validly rejected by any of the HJPC's disciplinary panels. Apart from that, the total number of rejected disciplinary complaints in the period 2006 to 2010 was seven, which on average accounted for less than 10% of disciplinary complaints.

The number of imposed disciplinary measures increased. In 2011, there was a total of 19 final disciplinary measures the breakdown of which was as follows: nine written and three public reprimands, six reductions in pay and one removal from office. Also, as at 31 December 2011, there were seven ongoing disciplinary proceedings before the HJPC.

**Table 1.3.6: Disciplinary measures and resignations in the period 2007 to 2011**

Disciplinary measures	2007	2008	2009	2010	2011
Written reprimand	3	3	2	3	9
Public reprimand	10	3	9	4	3
Reduction in pay	9	4	4	3	6
Removal	1	2	0	0	1
Special measures	0	0	1	0	0
<b>Total</b>	<b>23</b>	<b>12</b>	<b>16</b>	<b>10</b>	<b>19</b>
Resignation <sup>11</sup>	3	0	2	0	1

### 1.3.3.3. Types of disciplinary offences in respect of which disciplinary measures were imposed

It is noticeable that certain disciplinary offences repeat from year to year. On the basis of disciplinary decisions from 2011, committed disciplinary offences can be classified as follows<sup>12</sup>:

- Article 56, item 10 of the Law on HJPC: unjustified delays in issuing decisions or any other act related to the exercise of judicial functions (9 cases);
- Article 56, item 8 of the Law on HJPC: neglect or careless exercise of official duties (6 cases);
- Article 56, item 9 of the Law on HJPC: issuing decisions in patent violation of the law or persistent and unjustified violation of procedural rules (2 cases);
- Article 56, item 23 of the Law on HJPC: behaviour that represents a serious breach of official duties or that compromises the public confidence in the impartiality or credibility of the judiciary (2 cases);
- Article 56, item 13 of the Law on HJPC: interfering in the jurisdictional activity of a judge or prosecutor with the intention of obstructing their activities or demeaning them (1 case);
- Article 57, item 8 of the Law on HJPC: neglect or careless exercise of official duties (1 case);
- Article 57, item 19 of the Law on HJPC: providing 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 (1 case);
- Article 57, item 22 of the Law on HJPC: behaviour inside or outside the office that demeans the dignity of the prosecutor (1 case).

### 1.3.3.4. ODC and public relations

The Law on the HJPC stipulates the principle of confidentiality of all proceedings and actions undertaken within the framework of investigation of misconduct or inability to perform the duties of the office, which are preceding the filing of the disciplinary complaint by the ODC. It is in line with these stipulations that the ODC communicates with the public, while at the same time striving

<sup>11</sup> Although the resignations do not constitute disciplinary measures, for the purpose of this report they are included in the tables in the context of disciplinary proceedings.

<sup>12</sup> Note: in four cases judicial office holders were found liable for committing more than one disciplinary offence.

to have the principles of the disciplinary system and the competences of the ODC understood as best as possible.

The HJPC's website [www.hjpc.ba](http://www.hjpc.ba) contains relevant information related to the work of the ODC and the disciplinary system. The website also allows for electronic filing of complaints, which further facilitates communication and information sharing for the purpose of investigating allegations of possible disciplinary offences. In accordance with the decision of the Council from 2011, final disciplinary decisions are published on the website immediately after being rendered. Decisions are published in full with anonymised personal data about the parties, their legal representatives, proxies and witnesses in accordance with the Council's Instruction on Anonymisation of Court Decisions. The disclosure of disciplinary decisions proved to be a relevant source of information, both for the public, including media outlets, and for judicial office holders.

In addition to that, the ODC regularly distributes a special brochure in which the functioning of the disciplinary system, including all stages of the proceedings, is explained in a reader-friendly manner. Each complainant is provided with a copy of the brochure along with a notification letter confirming that his/her complaint is received and registered. Also, the copies of the brochure can be found in all courts and prosecutor's offices throughout BiH, and are thus made available to the parties to proceedings and other interested persons.

Last year, the ODC held several presentations on disciplinary system for the representatives of the judicial community in BiH and took part in major expert forums held in countries of the region (Croatia, Romania). In 2011, similarly to previous years, the ODC had active cooperation with the representatives of the governmental and non-governmental, national and international organisations and institutions, particularly in the context of considering ways to improve the existing disciplinary system.

Within the framework of monitoring a visa-free regime, in October 2011, the ODC received a visit from an EU delegation to discuss the work of the ODC and of the judicial community in BiH, as well as the institutional arrangements for an effective system of verification and disciplinary sanctioning of judges and prosecutors, and other important matters related to the BiH judiciary. On that occasion, the parallels were drawn between the disciplinary system in BiH and European standards, and the results made by the ODC in the previous period were presented.

It should be mentioned that in the EC 2011 Progress Report on BiH, under the chapter *Judicial System*, it was particularly stressed that as regards the accountability of judges and prosecutors, *"the work of the ODC improved"* and *"the number of outstanding cases was further reduced"*.

In addition to its annual and special reports, the ODC also delivers regular quarterly reports to the Council. Also, special reports are prepared when the ODC, within the framework of its regular activities, finds certain anomalies or particularities that require a decision or position of the Council, as well as when the Council or its working bodies request such a report. The ODC monitors the application of regulations governing disciplinary proceedings and makes recommendations on actions to be taken in order to remedy noted deficiencies.

## 1.4. Independence

### 1.4.1. Appointment of judicial office holders

Judges and prosecutors should act independently, based on the law and their own assessment of facts while at the same time upholding the independence of the judiciary, both from the individual and institutional aspect. The independence of the judiciary is a prerequisite for the rule of law which every citizen has the right to.

Judges and prosecutors are free to decide cases fairly and impartially, relying on the facts and the law, and without any pressure or interference. It is the duty of a judge or prosecutor to uphold and defend judicial independence, not as a privilege, but as a constitutionally guaranteed right for every person to have his/her case decided by an impartial judge or prosecutor.

#### **1.4.1.1. HJPC BiH jurisdiction in respect of the appointment of judicial office holders**

Pursuant to the Law on the HJPC BiH, the HJPC BiH is an independent and autonomous body tasked with ensuring independent, impartial and professional judiciary in which the public will have confidence. As the standards of independence and impartiality are applied by judges and prosecutors themselves, the HJPC BiH must ensure that the most competent and high-quality candidates able to make impartial and lawful decisions are appointed to judicial office.

In the domain of appointment of judicial office holders, the HJPC BiH has the authority to:

- appoint judges, including court presidents, lay judges and reserve judges at the state, entity, cantonal, district, basic and municipal level in Bosnia and Herzegovina, including Brcko District of Bosnia and Herzegovina, with the exception of entities' constitutional courts,
- appoint chief prosecutors, deputy chief prosecutors and prosecutors in all prosecutor's offices in Bosnia and Herzegovina, including Brcko District of Bosnia and Herzegovina,
- appoint judicial associates in courts at basic/municipal level, in district courts in Republika Srpska and senior judicial associates in the RS Supreme Court,
- make proposals to the relevant authorities in relation to their proposal and election of judges to the Constitutional Court of Republika Srpska and their nomination of judges to the Constitutional Court of the Federation of Bosnia and Herzegovina.

The appointment of judges, prosecutors and legal associates is carried out in a manner pursuant to the procedure prescribed for the appointment of judicial office holders, as defined by the Law on the HJPC BiH, the Rules of Procedure of the HJPC BiH and the Book of Rules on the Procedure for Selection and Appointment of Judicial Office Holders in BiH.

Once the need for filling vacant positions in courts or prosecutor's offices arises, the HJPC BiH announces a public competition in the three dailies with the highest circulation in BiH, on the HJPC BiH website and in the BiH Official Gazette.

When applying, all applicants are required to use standard application forms, as prescribed by the Law and the Rules of Procedures of the HJPC BiH.

Forms and statements are developed by the HJPC BiH. The application form contains a statement that any false or misleading information may result in the elimination of a candidate from consideration or in disciplinary action.

In order to meet the criteria of fairness, transparency and objectivity, the HJPC BiH seeks to appoint judges and prosecutors on the basis of the system which determines whether candidates possess the critical skills that a judge or prosecutor should have.

In addition, it is very important that the HJPC BiH determines whether the candidate is able to act independently, conscientiously, diligently, vigorously and responsibly, as well as to have an insight into his/her conduct outside the office, and his/her impartiality and professional reputation.



Since the beginning of judicial reform, the HJPC BiH has been making constant efforts to improve the process and identify the skills that are necessary in order for a person to be appointed to judicial office.

In order to assess the ability of a candidate, the HJPC BiH generally employs the following indicators:

- the knowledge of laws and the ability to interpret and apply them to specific factual situation;
- management of proceedings, setting work priorities and the ability to act in the course of proceedings within optimal timeframes;
- concise, clear and substantiated oral and written expression;
- readiness to acquire new skills and knowledge, to enhance own capabilities and good motivation;
- impartiality, adherence to ethical standards, a sense of responsibility and moral courage;
- the ability of representing oneself;
- possessing personal integrity, the ability to make decisions independently, being honest, trustworthy, unconceited and not self-promotional, arrogant or arbitrary.

From the foregoing, it is clear that throughout the process of verification of application data the HJPC BiH checks the integrity (eligibility) of each candidate for the position of a judge, prosecutor or legal associate until the moment of his/her taking up of office.

#### **1.4.1.2. The first version of the software for written testing**

When it comes to the selection and appointment, it is evident that this is a long process because the procedure stipulated by the Law on the HJPC is a very complex one. The HJPC BiH is making every effort to expedite all phases of the process to the extent reasonably possible. However, the process is still being slowed down by a large number of applicants, as well as by the fact that the majority of applicants apply for several advertised positions at the same time.

A particular problem for the HJPC BiH remains the inability to fill vacant judicial positions in accordance with the constitutional provision stipulating equal rights and fair representation of the constituent peoples and Others, where the HJPC BiH often finds itself in a situation to have to repeatedly advertise some positions, which directly affects the efficiency of the entire justice system.

Due to the inability to fill certain positions, some 60 to 70 positions had to be re-advertised for several times, which certainly slowed down the appointment process and demanded a far greater commitment of the HJPC's human and material resources.

Pursuant to the Law on the HJPC BiH, no person shall be eligible for appointment as a judge or prosecutor without having been interviewed. The current process of competency assessment of candidates by the HJPC BiH against the criteria laid down in Article 43 of the Law on the HJPC BiH is interview-based. However, pursuant to Article 39 of the Law on the HJPC ("Official Gazette of BiH", No. 25/04, 93/05, 48/07 and 15/08), the HJPC BiH may introduce a competitive written examination of applicants.

Having in mind the abovementioned legal possibility, in its 2010-2013 Strategic Plan the HJPC BiH has foreseen the introduction of written testing as one of its strategic objectives. This document underlines the need for introducing a written entrance exam for judicial candidates at the basic level, i.e. judges, prosecutors and legal associates entering the judiciary for the first

time. This would certainly contribute to a more objective assessment of candidates on the one hand, and on the other, the appointment process itself would be shorter, improved and more transparent.

Given the activities foreseen in the Strategic Plan, in 2010, the HJPC in cooperation with the Justice Sector Development Project II (hereinafter: the JSDP II) established a Working Group to improve the HJPC's examination procedures for judicial and prosecutorial positions. The Working Group was tasked with developing a proposal written test, as well as a proposal for improved verbal tests for judicial and prosecutorial positions, and to organise a public campaign to present developed proposals.

Following its establishment and identification of required administrative and professional support, in 2011 the Working Group stepped up its efforts to implement the tasks foreseen in the Strategic Plan and relevant decisions of the Council.

To achieve set objectives, the Working Group identified the need to develop and introduce contemporary models of standardised written tests for all candidates under the same terms and criteria and using ICT.

The first version of the software that also included the functionality of multi-phased testing was developed and presented to the Working Group, and the final version will be developed once the test procedure is fully defined. Written examination will be tested in practice next year already.

#### **1.4.1.3. Financing of Courts and Prosecutor's Offices**

Adequate financing is one of the most important conditions for the efficient performance of regular judicial and prosecutorial activities, independent functioning of judicial institutions, as well as for the reform of the judicial system.<sup>13</sup> All expenditures are financed from the budgets that are under the jurisdiction of legislative and executive authorities, except for the part financed from donations which are mainly intended to finance various reform projects.

Courts and prosecutor's offices in Bosnia and Herzegovina are financed from 14 different sources of funding. The Court of BiH and the Prosecutor's Office of BiH are financed from the budget of the state institutions of BiH. Judicial institutions in Republika Srpska are financed from the budget of Republika Srpska. The funding for the Supreme Court of the Federation of BiH and the Prosecutor's Office of the Federation of BiH is provided from the budget of the Federation of BiH, and other judicial institutions in the Federation of BiH are funded from their respective cantonal budgets. The funding of judicial institutions of Brcko District BiH is under the authority of the executive and legislative branches of the District.

The Law on the HJPC BiH<sup>14</sup> stipulates that the HJPC BiH shall "participate, at the Council's discretion, in the drafting process of annual budgets for the courts and prosecutors offices", and entities' laws on courts<sup>15</sup> explicitly state that:

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13 Adequate funding is one of the mid-term priorities from the European Partnership with Bosnia and Herzegovina (EU Council Decision 2008/2011/EC).

14 Article 17, paragraph 15 and 16 of the Law on the HJPC ("Official Gazette of BiH", No. 25/04; 93/05, 48/07 and 15/08).

15 The Law on Courts in the Federation of BiH ("Official Gazette of FBiH", 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).

- all courts shall submit their respective budget requests to the HJPC, and the HJPC shall submit its comments, if any, to the competent Ministry of Justice together with the budget request,
- in the event that the competent Ministry of Justice disagrees with the proposed court budget, it shall notify the HJPC thereof, and
- the competent Ministry of Finance, that is the Government, shall consult the HJPC before amending the proposal.

Pursuant to the above listed competences stipulated in the Law on HJPC BiH, the HJPC applies the same procedures to prosecutor's offices as well.

In the process of adopting budgets of courts and prosecutor's offices, the HJPC BiH has the legal authority to:

- make proposals, in its sole discretion, in relation to annual budgets for courts and prosecutor's offices proposed by the state bodies and/or governments;
- make and present proposals, in its sole discretion, in relation to modification of budgets proposed by the state bodies and/or governments and/or by the Judicial Commission of Brcko District to the relevant legislative authorities;

#### **1.4.1.4. The analysis of laws governing budgets of courts and prosecutor's offices**

The Implementation Action Plan for the BiH Justice Sector Reform Strategy, within the framework of the strategic program 1.1.1. "Develop and implement formal mechanisms for preparing, adopting and executing budgets of the judicial institutions in BiH which ensure the independence of the judiciary", foresees the following activity: "Conduct an analysis of the current regulations regarding the process of budget preparation, adoption and execution, as well as to what extent these are applied, and provide concrete suggestions as to preparation, adoption and execution of budgets for the courts and prosecutor's offices in BiH."

In 2011, the HJPC BiH passed the above analysis including the recommendations regarding the improvement of financing of judicial institutions, which would ensure a greater degree of independence of judicial institutions in the budgeting process.

The key point of the analysis was that the existing legal framework did not provide a sufficient degree of independence for judicial institutions in the budgeting process. Through the process of budget preparation, approval and execution, or actually by declining to approve sufficient amount of funds, the relevant ministries may try to influence the work of judicial institutions. Even the limited powers of the HJPC BiH were not consistently implemented in practice. In the process of budget preparation, approval and execution, the relevant ministries rarely consulted or took into account the opinion of the HJPC BiH with regard to the required amount of funds for courts and prosecutor's office throughout BiH.

In addition to the issue pertaining to existing powers of judicial institutions, there was an apparent problem associated with fragmented financing of judicial institutions that impeded equal access to justice, the implementation of state-level strategies and put the courts and prosecutor's offices in BiH into a disadvantaged position.

Adopted recommendations were related to legal empowerment of the HJPC BiH in the budgeting process as indicated in the Implementation Action Plan for the BiH Justice Sector Reform Strategy. A legislative solution applied in Brcko District under which the Judicial

Commission of the Brcko District was proposing the budget for the courts and prosecutor's office of the District directly to the legislators, with no possibility given to executive authorities to alter the budget proposal, could be the basis for future solutions regarding the budget process. The recommendations also aimed at reducing fragmentation in the financing of judicial institutions by introducing a single funding source for all courts and prosecutor's offices in the Federation of BiH, that is the funding from the budget of the Federation of BiH, as a transitional phase towards having a single funding system for all courts and prosecutor's offices in BiH.

#### **1.4.1.5. Budgets for courts and prosecutor's offices approved in 2011**

Pursuant to the powers set out in the Law on the HJPC BiH, in 2010, the HJPC BiH issued the guidelines for the preparation of budget proposals for 2011 intended for courts and prosecutor's offices. The HJPC's guidelines were designed to assist judicial institutions in preparing their respective budget requests and they also contained the HJPC's estimates of funds needed for smooth operation of a specific institution.

Key assumptions underlying the guidelines for courts and prosecutor's offices:

- human capacity building of courts and prosecutor's offices in order to address the large backlog of pending cases;
- technical capacity building through the procurement of ICT equipment required for smooth operation of the existing automated case management system;
- the estimation of necessary funds for expenditures for goods and services was made based on actual costs incurred in 2008 and 2009, the approved budget for 2010, the number of solved cases, and the expected inflation rate.

Apart from its participation in the preparation of budget proposals for courts and prosecutor's offices in BiH, in the course of 2011, the HJPC BiH organised a series of meetings with the executive and legislative authorities in an attempt to secure adequate funding resources for 2011 and 2012 budgets, within the scope of its powers.

Table 1.4.1. contains a comparison between the HJPC's guidelines and the 2010 and 2011 adopted budgets of judicial institutions that are subject to budget guidelines issued by the HJPC BiH<sup>16</sup>.

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16 The table does not contain the data for the Court of BiH and Prosecutor's Office of BiH because at the time when the report was prepared, there was no data available regarding approved budget for 2011.

**Table 1.4.1: HJPC Budget Guidelines vs. approved 2010 and 2011 budgets in KM**

Economic code	2010 approved budget	JPC guidelines for 2011	2011 approved budget	Amendments to 2011 budget	2011 approved budget/ HJPC guidelines	Budget amendments/ 2011 approved budget
	I	II	III	IV	VI=III/II	VII=IV/III
<b>Republika Srpska</b>						
Gross salaries and allowances	43,551,100	51,750,797	44,558,000	48,457,500	-13.9%	8.8%
Materials and services	9,506,100	14,652,042	8,572,000	11,352,400	-41.5%	32.4%
Capital expenditure	325,800	3,374,098	223,000	227,100	-93.4%	1.8%
<b>Total</b>	<b>53,383,000</b>	<b>69,776,937</b>	<b>53,353,000</b>	<b>60,037,000</b>	<b>-23.5%</b>	<b>12.5%</b>
<b>BiH Federation</b>						
Gross salaries and allowances	91,245,657	108,295,501	94,876,890	93,979,836	-12.4%	-0.9%
Materials and services	20,001,529	24,864,195	20,054,071	21,123,354	-19.3%	5.3%
Capital expenditure	1,187,964	6,652,675	1,508,738	1,303,069	-77.3%	-13.6%
<b>Total</b>	<b>112,435,150</b>	<b>139,812,370</b>	<b>116,439,699</b>	<b>116,406,259</b>	<b>-16.7%</b>	<b>0.0%</b>
<b>Brcko District</b>						
Gross salaries and allowances	4,831,046	4,461,472	4,955,855	4,955,855	11.1%	0.0%
Materials and services	1,194,000	1,243,983	1,074,000	1,234,000	-13.7%	14.9%
Capital expenditure	230,000	285,273	40,000	40,000	-86.0%	0.0%
<b>Total</b>	<b>6,255,046</b>	<b>5,990,728</b>	<b>6,069,855</b>	<b>6,229,855</b>	<b>1.3%</b>	<b>2.6%</b>

The originally approved budgets in Republika Srpska were kept at the level of 2010 budget. It should be noted that the budgets of commercial courts were increased by 23.7% (about 900,000 KM) as compared to 2010, while the budgets of other judicial institutions were decreased by approximately the same amount. The increase of funds for commercial courts was explained by the fact that in 2010 the commercial courts functioned for full 8 months, while the funds for 2011 were planned on the basis of full 12 months. It should be noted that the obligations amounting to approximately 3.6 million KM, which incurred as part of normal operations of courts and prosecutor's offices in 2010, could not be paid from the 2010 budget due to insufficient funds provided in the budget, and these were mainly related to costs in criminal proceedings. Despite the above, the budget approved for goods and services related to these obligations was decreased by 9.8% (about 930,000 KM) as compared to 2010.

The approved 2011 budget for courts and prosecutor's offices in Republika Srpska was 23.5% less than the funding requirements estimation of the HJPC BiH. A key reason for this discrepancy lay in the fact that human resource capacity building involving an increase in the number of judges and support staff members, except for commercial courts and other individual cases, generally was not financially supported by the executive authorities. In 2011, the courts in Republika Srpska were for a certain period denied postal services due to non-payment, and there were also significant delays in payment of obligations, mainly of those associated with the costs of criminal proceedings.

In late 2011, budgetary amendments were approved through which the courts were granted funds to "cover expenses for the repayment of outstanding obligations from earlier years". These obligations mainly relate to outstanding payments to lawyers and witness experts from earlier



years. Also, all budget beneficiaries were granted additional funds in order to ensure sufficient means for payment of increased tax rates and salary contributions that became effective as of the beginning of 2011. For that purpose, through budgetary amendments, the budget was increased by 12.5% compared to the originally approved budget. This enlarged budget alleviated the discrepancy between the approved funding and the HJPC guidelines by 14%.

In the Federation of Bosnia and Herzegovina, the approved 2011 budget was increased by 4 million KM (3.6%) compared to 2010. The 2010 outstanding obligations, which could not be covered by the 2010 budget due to insufficiently budgeted funds for that year, amounted to 3.2 million KM. Even so, the funds approved for expenditures for goods and services, to which mentioned obligations mainly relate, in 2011 were maintained at the level of 2010. Mentioned human resource capacity building efforts in courts were partly supported by only few cantons. In 2011, the HJPC was informed about irregular payment of obligations incurred with respect to utility services and costs of criminal proceedings in some judicial institutions, and there were also cases where basic office supplies were lacking, thus jeopardising the basic functioning of the institutions.

Through budgetary amendments, the funds provided for courts and prosecutor's offices were retained at approximately the same level as compared to the originally approved budget.

Both entities approved minimum funding for capital expenditures and only for a small number of judicial institutions.

The approved 2011 budget for judicial institutions of Brcko District BiH was increased by 1.3% compared to 2010. It should be noted that these funds were higher by 1.3% than those stipulated under the HJPC guidelines. An increase in the number of judges proposed by the HJPC was mainly supported through court budgets. Through budgetary amendments, additional funds were approved for expenditures on goods and services (14.9%) so that the total funding was 2.6% higher compared to the originally approved budget. The funds approved through amendments were approximate to the level of necessary funds stipulated under the guidelines.

Regarding the funding of judicial institutions of Brcko District, it could be regarded as satisfactory over the given time period.

#### **1.4.1.6. HJPC Budget**

The HJPC is financed from the budget of the BiH institutions and from donor funds.

##### **Funding of the HJPC from the budget of BiH institutions**

Total funds allocated to the HJPC from the BiH budget amounted to 4,415,472 KM. Budget execution in respect of current expenditures as at 31 December 2011 amounted to 4,414,526 KM, that is 98.99%. In 2011, there were no capital expenditures funded from the budget of BiH institutions.

##### **Funding of the HJPC from donor funds**

Pursuant to Article 15, paragraph 9 of the Law on the HJPC, the HJPC may receive donations from international donors to its operational budget and for special judicial reform projects outside the operational budget of the HJPC. The funds, kept at the donor accounts opened with the BiH Central Bank, are spent in accordance with the donor agreement via the Financial Management Information System of the BiH Ministry of Finance and Treasury.

In 2011, the HJPC implemented the projects with the contract value of 9,654,806 KM of which 6,409,033 KM or 66.38% was spent for the implementation of the following projects:

- HJPC Information and Communication Strategy – the Netherlands and Sweden;
- Support for the Establishment of the Judicial Documentation Centre – Spain;
- BiH Judicial Reform – Norway;
- Strengthening the role of prosecutors in the criminal justice system – Switzerland;
- Support to the BiH judiciary in the prosecution of war crimes – UK
- Support to the BiH Judiciary – European Commission
- Support for transfer of know-how and materials from the ICTY to the national judicial systems – OSCE/ODIHR

The remaining unexpended funds amounting to 3,245,767 KM were to be transferred into the following fiscal year for the purpose of continuation and implementation of multi-year projects.

### **Audits**

In 2011, the Audit Office of the BiH institutions made a final audit of financial operations of the HJPC for 2010, as well as a preliminary audit of the HJPC's financial statements for 2011, as at 31 September 2011 inclusive. In both cases, the HJPC received a positive opinion of the Audit Office of BiH institutions since there were no deficiencies noted during the course of the audit which could affect the financial statements or the regularity of operations. The Audit Office audits the financial statements of the HJPC irrespective of the sources of funding, including donor funds as well.

In addition to audits made by the Audit Office, most donors require the opinion of an independent auditor, which is delivered to the donor along with the final project implementation report and the project financial report. In 2011, independent auditors audited five projects and their findings confirmed the positive opinion of the Audit Office.

### **Procurement**

In 2011, the public procurement procedures were carried out in accordance with:

- The Law on Public Procurement of Bosnia and Herzegovina ("Official Gazette of BiH", No. 49/04, 19/05, 52/05, 95/05, 8/06, 24/06, 70/06, 12/09 and 60/10) – for all procurements that were not exempted from the Law and
- EU's contract award rules (defined in the Practical Guide to Contract Procedures for EU External Action) – where the donor agreement provided for their application.

In 2011, there were 67 procedures carried out with 73 lots (not including direct grants).

## **1.4.2. Examples of attacks on judicial independence**

Last year, the HJPC faced challenges to its authority, as well as direct threats to its independence and judicial independence in general. Among the rhetorical and political challenges to the HJPC and judiciary as a whole, there were three issues that were dominant in 2011.

#### **1.4.2.1. Proposed referendum in Republika Srpska concerning the functioning of the Court of BiH and Prosecutor's Office of BiH**

On 13 March 2011, the National Assembly of Republika Srpska passed the decision on holding a referendum to determine whether the citizens of this Entity supported the work of the Court of BiH and Prosecutor's Office of BiH. This was coupled with the strong political rhetoric criticising the work of these judicial institutions and arguing that they were biased in the prosecution of war crimes. It remained unclear what would be the consequences for this institution and for the rule of law in Bosnia and Herzegovina and in Republika Srpska had the referendum been held on 13 June and successful. However, the OHR, EU and OSCE, as well as a number of domestic stakeholders severely criticised the decision to hold a referendum.

The matter was resolved in a way that the authorities of Republika Srpska gave up the referendum and agreed to have their complaints addressed within the framework of the Structured Dialogue on Justice organised by the EU, which was launched mid-year.

#### **1.4.2.2. Decision of the President of FBiH on the appointment of Constitutional Court judges**

On 3 February 2011, the President of the BiH Federation appointed a candidate outside the list of those proposed by the HJPC as candidates for the three judge positions in the FBiH Constitutional Court. A unilateral decision of the President was not in accordance with the Constitution of FBiH, supplemented by the provisions of Amendment LVI, comprising part of the OHR decision, based on which the President of the Federation of BiH was to appoint judges based on proposals of the HJPC BiH.

This was a topical issue for several years as the President of the Federation of BiH since 2008 refused to elect candidates proposed by the HJPC BiH. The Communiqué of the Peace Implementation Council Steering Board of 26 March 2009 addressed this issue where a strong concern was expressed over the fact that such actions constituted an attack on state-level institutions and the fundamental principle of independence of the judiciary from political interference.

With regard to that, a prompt reaction by the HJPC BiH followed in 2011 urging the competent authorities of FBiH to respect the constitutional and statutory jurisdiction of this state-level institution in appointing judges to the FBiH Constitutional Court.

The intervention of the HJPC BiH was supported by the OHR and the appointment was reversed. However, by 31 December 2011, the situation remained unchanged since the President of FBiH refused to appoint candidates from the list provided by the HJPC BiH.

#### **1.4.2.3. Draft Law on Courts of Republika Srpska**

In 2011, the HJPC BiH was engaged in extensive communication with the RS Ministry of Justice in the process of preparing a Draft Law on Courts of Republika Srpska.

On 9 September, the HJPC BiH issued its second and more comprehensive opinion to the Draft Law on Courts of Republika Srpska.

The opinion emphasised that the Draft Law included the provisions clearly weakening the role and the position of the HJPC BiH, thus undermining the independence of judiciary of Republika Srpska and Bosnia and Herzegovina. A particular reference was made to the provisions directly contravening the applicable Law on the HJPC BiH. In its opinion the HJPC also addressed the

issue of specific legal arrangements and responsibilities previously transferred to the state level pursuant to the Power Transfer Agreement and through the establishment of the HJPC BiH.

In its opinion the HJPC BiH assessed as problematic the following issues:

- the proposed involvement of the RS Ministry of Justice with regard to the use of ICT in courts;
- the repetition of legal requirements for holding judicial office;
- the proposed involvement of the RS Ministry of Justice in the process of appointment of reserve judges;
- limitation of the role of the HJPC BiH in the process of preparing court budgets;
- establishing new basic courts without justified reasons.

It should be noted that the abovementioned opinion of the HJPC BiH was supported by the OSCE Mission to BiH and the associations of judges of the Federation of BiH and of Republika Srpska.

In its accompanying letter to the RS Ministry of Justice, the HJPC BiH also stressed that it would be desirable to establish direct communication in line with the recommendation of the earlier launched EU-BiH Structured Dialogue on Justice, which required that “all institutions engage in a constructive dialogue with a view to identifying measures to further strengthen independence, professionalism and accountability throughout the sector” in order to discuss possible amendments to the RS Law on Courts that would be acceptable to everyone.

After that, the recommendations from the second meeting of the EU-BiH Structured Dialogue on Justice categorically demanded that the Draft Law should be “fully coherent with the prerogatives and recommendations of the HJPC”. However, despite the recommendations of the Structured Dialogue and the subsequent written recommendations of the EUSR and the OSCE to reconsider its legislative proposal, at its 14th session held in December 2011, the RS National Assembly passed the Law in question.

In that regard, at its session held on 21 December 2011, the HJPC expressed its preparedness to vigorously and argumentatively defend its legal authority and sought that its prerogatives and recommendations be respected. This reaction reiterated the objections and possible alterations to the law, as it was stated in the letter to the RS Ministry of Justice.

Although this does not fall under the 2011 activities, it should be noted that this extremely difficult situation was satisfactorily resolved at the beginning of 2012, when the HJPC negotiators led by president Novkovic met in Brussels with the Minister of Justice of Republika Srpska at the meeting organised by the Director for Western Balkans, Mr. Pierre Mirel. The parties agreed on the amendments and minister Selman accepted to submit amendments to the RS National Assembly for adoption.

To sum up, an effective response by the HJPC BiH to political attacks against it and judiciary of BiH was reflected in the statement made by the members of the HJPC Presidency during the meeting with the High Representative to BiH, which was held on 1 September 2011.

On that occasion, the members of the HJPC Presidency stated that the institution would remain outside the latest political developments respecting the principles of independence and impartiality, and that its priority was the establishment of the rule of law which it consistently insisted on. Improving the work of the HJPC and BiH judiciary was said to be the only way to respond to repeated attacks on this institution and the judiciary, stressing that the HJPC expected the support of the international community with regard to adoption of legislation limiting the authority and weakening the position of the HJPC and undermining the principle of independence. It was also stated that the HJPC was ready for the EU-BiH Structured Dialogue

on Justice, and to that end it established a Working Group to discuss all relevant issues pertaining to this dialogue. The HJPC is prepared to address all of the deficiencies in the judicial community including the attempts by individuals to jeopardise the independence of justice from political interference and everyday politics, concluded the members of the HJPC Presidency.

## CHAPTER 2

### EUROPEAN INTEGRATION

#### 2.1. EC Enlargement Strategy and Main Challenges

##### 2.1.1. EC 2011 Progress Report on Bosnia and Herzegovina

The Enlargement Strategy and Main Challenges 2011-2012 (CoM (2011.) 666) and 2011 Progress Report for BiH are the European Commission's documents which underline the rule of law as a major challenge and one of the requirements for countries aspiring to become members of the EU.

It is important to note that all countries part of the accession process are required to build an independent and efficient judiciary.

The 2011 Progress Report for BiH covers the period October 2010 September 2011. The overall progress made by BiH is measured against decisions taken, legislation adopted and measures implemented.

A chapter titled "Political Criteria" examines the progress made by BiH towards meeting political criteria in terms of stability of institutions guaranteeing the rule of law, democracy, respect for human rights, as well as the area of judicial reform. In this chapter it was stated that "limited progress was made"<sup>17</sup>.

Among other things, the report stated that "the political authorities of Bosnia and Herzegovina, as well as representatives from judicial institutions at various levels, have engaged in a Structured Dialogue on Justice with the EU. This dialogue was launched in June 2011 within the framework of the Stabilisation and Association Process to facilitate the revision of legislation and functioning of institutions in line with relevant European standards and aiming at ensuring an independent, effective, impartial and accountable judicial system".<sup>18</sup> It was also stated that "independence of the judicial system is not yet ensured."<sup>19</sup>

The report also addresses the issue of increased political pressure and verbal attacks on the judiciary. The report stated that: "The legitimacy and role of the High Judicial and Prosecutorial Council (HJPC), the Court and the Prosecutor's Office of Bosnia and Herzegovina have been challenged by political representatives, particularly from Republika Srpska. The attempt to undermine the independence of the judicial system remains an issue of serious concern. The complexities of four separate judicial systems (the State-level, Republika Srpska, the Federation and its ten Cantons, the Brcko District) continued to pose challenges to the proper functioning of the entire judicial system. Harmonisation of budgetary procedures and streamlining of competences amongst the fourteen responsible authorities continued to be an issue seriously

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17 European Commission's 2011 Progress Report for BiH – Chapter "Political Criteria"

18 Idem

19 Idem



affecting the independence of the judiciary. In 2010, the financial resources allocated for Courts and Prosecutors' Offices represented approximately 0.79% of the GDP.<sup>20</sup>

As regards **accountability**, the work of the Office of the Disciplinary Counsel improved and the number of outstanding cases was further reduced. In June, the Chief Prosecutor of Bosnia and Herzegovina was suspended and an Acting Chief Prosecutor appointed. In Republika Srpska, the Chief Prosecutor was appointed following a two-year delay. The Federation Constitutional Court remained short of three out of nine judges.

Concerning **efficiency**, there was moderate progress achieved in addressing the backlog. The HJPC continued to support courts across the country in their efforts to tackle this issue effectively, including through the establishment of a special Judicial Efficiency Unit.

With regard to the prosecution of war crimes, the report stated that "moderate progress was achieved"<sup>21</sup> in this segment, as well as "some progress"<sup>22</sup> in implementing the National War Crimes Strategy.

In that context, the report assessed that: "The processing of war crime cases by the Court of Bosnia and Herzegovina has continued to be satisfactory. However, the processing of war crime cases in the Cantonal and Brcko District courts remains limited and uneven. The ability of the Entities and the Brcko District to prosecute war crime cases continues to be hindered by the lack of human resources in the various Prosecutors' Offices, as well as by limited facilities and lack of adequate witness protection and support services. Moreover, diverging practices on the applicability of different criminal codes between courts at different levels remains an issue to be addressed in order to guarantee equality of citizens before the law."<sup>23</sup>

In addition, the Council adopted a Decision regarding regular and reserve judges increasing the number of posts. However, due to the lack of financial resources only few of the positions created by the HJPC were filled. The HJPC adopted measures to reduce the backlog of cases related to claims for unpaid utility bills and of business registry cases. In the Federation, the backlog was reduced. However, the backlog remained high throughout the country, with approximately 2 million cases still pending, the majority of which were court cases related to unpaid utility bills.

It is important to note that progress continued in the consolidation of information technology resources in courts and prosecutors' offices. Judicial staff in courts and prosecutors' offices throughout Bosnia and Herzegovina had access to the respective case management systems. The judicial web portal was fully accessible and provided access to a substantial number of court decisions in addition to legal opinions issued by the Entities' Supreme Courts. Furthermore, digital access to case files improved in most courts and is being used extensively. The Care of Court Users Strategy, which encompassed outreach activities, was in place in most courts throughout the country. The condition of a number of courts and prosecutors' offices throughout the country improved owing to reconstruction efforts. During 2010, despite the different assessment by the HJPC, amendments to the Law on Courts were adopted in the BiH Federation providing for reopening of some municipal courts that were previously closed. However, reopening of those courts did not yet take place. Training for the judiciary was provided by the Judicial and Prosecutorial Training Centres (JPTCs) of the two Entities.

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20 Idem

21 Idem

22 Idem

23 Idem

**By analysing the report, it can be concluded that the judicial reform and development of an independent, efficient and impartial judiciary in line with European standards is still at an early stage. The Progress Report stated that: “The implementation of the Justice Sector Reform Strategy and of the National War Crimes Strategy needs to be stepped up”<sup>24</sup>. One of the main problems, identified by the HJPC BiH and confirmed in the Progress Report, in the process of building an independent judiciary is a fragmented legal framework across all jurisdictions placing significant legislative and financial burdens on the judiciary. The report further underlined that “the lack of streamlined budgetary responsibilities”<sup>25</sup>, seriously affected the independence and effectiveness of the judiciary. Finally, the report concluded that the frequent political attacks on the judiciary and the backlog of cases remained causes for serious concern.**

### **2.1.2. EU – BiH Structured Dialogue on Justice**

The Enlargement Strategy and Main Challenges 2011-2012 document stated that: “the overall pace of reforms has been very limited”, and that Bosnia and Herzegovina decided to engage with the EU in a Structured Dialogue on Justice within the framework of the Stabilisation and Association Process. The Structured Dialogue aims at ensuring an independent, effective, impartial and accountable judicial system in BiH.

From the point of view of the HJPC BiH, this institution is well positioned in the Structured Dialogue and ready to join dialogue on an equal footing with all relevant stakeholders in BiH and in the EU.

In view of the fact that in June 2011 the political leadership decided to engage with the EU in a Structured Dialogue on Justice within the framework of the Stabilisation and Association Process, the HJPC BiH took a serious approach to this process.

Consequently, at its session held on 13 July 2011, the HJPC BiH rendered a decision establishing the Structured Dialogue Commission for the BiH Judiciary. The Commission was tasked with preparing and submitting to the HJPC a common position paper of the BiH judiciary concerning all matters to be discussed within the framework of the Structured Dialogue on Justice between the European Union and Bosnia and Herzegovina.

The following persons were appointed as members of the Commission: President of the HJPC BiH as Chairman, President of the Court of BiH, Chief Prosecutor of the Prosecutor’s Office of BiH, President of the Supreme Court of the Federation of Bosnia and Herzegovina, President of the Supreme Court of Republika Srpska, President of the Appellate Court of Brcko District of Bosnia and Herzegovina, President of the Sarajevo Cantonal Court, President of the Banja Luka District Court, President of the Municipal Court Sarajevo, President of the Basic Court Banja Luka, Chief Prosecutor of the Prosecutor’s Office of Republika Srpska, Chief Prosecutor of the Prosecutor’s Office of the Federation of Bosnia and Herzegovina, Chief Prosecutor of the Prosecutor’s Office of Brcko District of Bosnia and Herzegovina, Chief Prosecutor of the Cantonal Prosecutor’s Office Sarajevo and Chief Prosecutor of the District Prosecutor’s Office Banja Luka.

The Commission held five meetings and made specific conclusions regarding its methodology of work and essential matters relating to the role and participation of the representatives of the judiciary in the Structured Dialogue, the amendments to the Law on the HJPC BiH, the Law on

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24 Idem

25 Idem

Court of BiH, the implementation of a backlog reduction plan, war crimes prosecution, regional cooperation, etc. All relevant information regarding the work of the Commission are available at [www.pravosudje.ba](http://www.pravosudje.ba).

As a basis for the continuation of the Structured Dialogue, the European Commission issued the first set of preliminary recommendations. In August, the BiH institutions, including the HJPC BiH, provided their first answers to the Technical Information Questionnaire that they received at the inaugural meeting of the Structured Dialogue held on 6 and 7 July 2011.

The second meeting of the EU – BiH Structured Dialogue on Justice was held on 10 and 11 November in Sarajevo. On behalf of the European Union, the meeting was chaired by the Director for Western Balkans, Mr. Pierre Mirel. The meeting was concluded with a number of detailed recommendations.

The analysis of all recommendations showed that the HJPC BiH was assigned a very prominent role in the whole process, as well as significant obligations and responsibilities in determining and proposing appropriate solutions for identified problems, as well as the proposals for improving the justice system in BiH.

In the first set of preliminary recommendations, the European Commission underlined the importance of the HJPC BiH in establishing the rule of law and encouraged technical talks aimed at consolidating the functions of the HJPC BiH by securing adequate balance between independence and accountability.

In the second set of recommendations, the HJPC BiH was encouraged to continue initiatives to increase efficiency through proposals for backlog reduction. Also, a very important role was given to the HJPC BiH in war crimes processing. All competent authorities in both entities were recommended to maintain a constructive dialogue with the HJPC in the area of functioning of judicial institutions, structural resources, etc. The HJPC was requested to coordinate activities between the Court of BiH and other judicial instances in BiH. These recommendations expressed the expectation that the RS Ministry of Justice would continue close cooperation with the HJPC in conjunction with the Draft Law on Courts of Republika Srpska, and that the mentioned Law would be mindful of judicial independence and fully coherent with the prerogatives and recommendations of the HJPC. On the consolidation of HJPC functions, pursuant to recommendations the HJPC was expected to provide a set of draft legislative amendments in order to ameliorate its working procedures, as well as to further consolidate its functionality, independence and accountability. All recommendations from both Structured Dialogue meetings are available via judicial web portal [www.pravosudje.ba](http://www.pravosudje.ba)<sup>26</sup>.

The HJPC believes that the Structured Dialogue provides a very good opportunity for representatives of the executive, legislative and judicial branches to reach common understanding and consensus on fundamental issues in terms of improving reform processes in the justice sectors and finding best ways of developing an independent and accountable judicial system.

In the context of the first meeting of the Structured Dialogue Commission of the BiH Judiciary, Ambassador Peter Sorensen, Head of EU Delegation to BiH and Special Representative of the European Union, visited the HJPC on 9 November 2011 and addressed the members of the Commission.

President of the HJPC BiH and Chair of the Commission, Mr. Milorad Novkovic, informed Ambassador Sorensen about the primary task of the Committee that being the preparation and

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26 <http://pravosudje.ba/vstv/faces/kategorije.jsp?ins=10001&modul=7693&kat=10144&kolona=10147>

submission to the HJPC of a common position paper of the BiH judiciary concerning all matters to be discussed within the framework of the Structured Dialogue on Justice between the European Union and Bosnia and Herzegovina. Regarding the role of the HJPC BiH in the Structured Dialogue, President Novkovic said: "It is the objective of the HJPC to preserve and maintain the fundamental principles of the judiciary – independence, impartiality, competence and professionalism, that is a completely depoliticised judiciary."

Ambassador Sorensen supported the efforts of the Structured Dialogue Commission aimed at having a streamlined contribution by all institutions of the BiH judiciary in the preparations for the upcoming meeting. It was pointed out that it would be very important for the judiciary to have a common position in the Structured Dialogue as it would make a valuable contribution to enduring efforts aimed at consolidating the rule of law and identifying reforms which should result in an efficient, impartial and accountable judicial system throughout the country, ultimately benefiting all citizens.

In his address Ambassador Sorensen pointed out that it was very important to make it clear that key principles such as the existence of judicial bodies and judicial independence were not negotiable and went on to say that we were all aware of the necessity of reform – based on objective needs, relevant standards and the EU's *acquis communautaire*.

It is important to note that the HJPC BiH was actively engaged in preparing appropriate answers and information about the judiciary of Bosnia and Herzegovina, based on the EU questionnaire presented by Commissioner Stefan Füle during the inaugural meeting of the Structured Dialogue held in Banja Luka on 6 and 7 July this year.

The HJPC BiH has been actively involved in the Structured Dialogue and has high expectations from this dialogue in terms of further promoting both judicial independence and the efficiency of justice. The HJPC BiH believes that the Structured Dialogue provides a unique opportunity for all stakeholders of the BiH judiciary – executive, legislative and judicial branch, together with the European Union, to identify the existing weaknesses in the justice sector and find best ways to eliminate them and further develop independence of the judiciary.

Also, with a view to implementing specific recommendations from the first meeting of the Structured Dialogue, on 4 November 2011, the HJPC BiH, with the financial support of the EU, organised an international conference titled "Caselaw in Application of Substantive Criminal Law in the Prosecution of War Crimes in BiH and in the Region". The existing caselaw in the application of criminal legislation in war crime cases was presented at the conference by the representatives of the BiH Constitutional Court, the Court of BiH, the entities' supreme courts, the Appellate Court of Brcko District and the representative of the Belgrade High Court.

With a view to implementing recommendations of the Structured Dialogue, the President of the HJPC, in his capacity as Chairman of the National War Crimes Strategy Supervisory Body<sup>27</sup>, organised 6 (six) meetings to discuss different aspects of functioning and work of various bodies (police, courts and prosecutor's offices) in charge of war crimes prosecution. Structured Dialogue recommendations were specifically discussed at these meetings and relevant conclusions made.

In that sense, the issue of harmonisation of caselaw in war crime cases was specifically discussed in order to provide legal certainty and equality of citizens before the law. With a view to addressing the issue of equality of citizens before the law, the National War Crimes Strategy Supervisory Body organised a conference "Caselaw in Application of Substantive Criminal Law in the Prosecution of War Crimes in BiH and in the Region", which was held in Sarajevo on 4

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27 The National War Crimes Strategy was adopted on 29 December 2008 at the 71st session of the Council of Minister of Bosnia and Herzegovina

November 2011. In its recommendations from the Structured Dialogue meeting held on 10 and 11 November in Sarajevo, the Delegation of the European Union to BiH praised the Supervisory Body for taking the lead in launching systematic consultations, open for all levels of the judiciary, the academic and legal community and, as well as for international and EU experts.

Having in mind that the Supervisory Body is required to undertake further activities and meetings towards resolving this issue, and having particular regard to the strategic objective of "Harmonisation of Caselaw", there was a meeting organised in Banja Luka on 16 December 2011 where this topic was discussed and significant progress achieved. The Supervisory Body is continuing this practice, and all the meetings are attended by the President of the Court of BiH, the presidents of supreme courts of FBiH and the RS, the President of the Appellate Court of Brcko District BiH, and the judges of these courts dealing with war crime cases.

It is important to note that the HJPC BiH is going to continue with its active involvement in the Structured Dialogue and making constructive proposals in the context of further reform of the BiH judiciary.

## **2.2. Implementation of the BiH Justice Sector Reform Strategy**

The Justice Sector Reform Strategy (JSRS) for Bosnia and Herzegovina was adopted in June 2008, as a common framework for development and reform of the justice sector in the period 2009 - 2013. In accordance with the Strategy, all justice sector institutions committed themselves to undertake a number of actions towards further reform of the judiciary and of the entire justice sector, and harmonisation with relevant EU standards.

In December 2008, with the adoption of the Strategy Implementation Action Plan, the prerequisites for successful implementation of the JSRS were created. From the beginning of its implementation until the time of writing this report, the Action Plan underwent two revisions, and in 2011 the third revision was initiated with the primary purpose of harmonising it with the recommendations arising from the Structured Dialogue.

As a reminder, the Strategy was divided into five pillars:

- Pillar 1: Judiciary
- Pillar 2: Enforcement of Criminal Sanctions
- Pillar 3: Access to Justice
- Pillar 4: Support to Economic Growth
- Pillar 5: Coordinated, Well-managed and Responsible Sector.

Although the activities of the HJPC were of great importance for all reform processes in the justice sector, the major contribution of the HJPC as a lead institution of the BiH judiciary was evidenced within the Pillar 1 (Judiciary), where the activities and initiatives of the HJPC were key to implementation of the majority of strategic programs. Under this Pillar, out of 73 activities the implementation of which was planned for 2011, the HJPC was solely responsible or had a shared responsibility with other relevant institutions for 51 activities (70%), of which:

- 38 (75%) of activities were fully implemented or were being implemented consistently and smoothly,
- (14%) were implemented partly or their implementation was underway without any major difficulties, and



- (11%) were not implemented on time.

Out of 6 activities not implemented on time, one was proposed to be deleted as unnecessary in the upcoming review of the Action Plan. The HJPC initiated and finalised its part of the job in relation to the following two activities - harmonisation of rules for service of judicial documents through the public postal operators, and integration of the CMS with the Business Register and the Register of Fines. Further course of implementation of these activities depended entirely on other responsible institutions. For the remaining three activities not implemented on time (two activities related to the introduction of performance time measurements for judges and prosecutors and drafting of amendments to the Law on HJPC in the part relating to the disciplinary responsibility of judges and prosecutors), in the review of the Action Plan the HJPC asked for an extension of deadline due to the large-scale and complexity of the process.

Detailed information regarding implementation of specific strategic programs that were under the responsibility of the HJPC under Pillar 1 are provided in the relevant sections of the report.

Within the framework of activities under Pillar 3 of the Strategy, the HJPC participated in the implementation of activities from Strategic Sub-Area 3.1. "International Legal Assistance" and in the Strategic Sub-Area 3.3. "Care of Court Users and Role of Civil Society". In the framework of the Strategic Program 3.1.1. "Establish mechanisms that ensure targeted professional development programmes in international legal aid and cooperation for judges and prosecutors in BiH, as well as for civil servants in the bodies that have a role in providing international legal aid and cooperation". The HJPC implemented in full the activity in relation to "Identification of court departments in larger courts that would be primarily responsible for international legal aid".

Within the framework of Activity 3.3.1.1 "Develop a Strategy Implementation Action Plan for strategy-related activities requiring additional funding" an overview of implementation of the programs contained in the Care of Court Users Strategy was prepared, both across individual courts and across specific strategic programs, with the preliminary review of funding required to complete the implementation of the remaining strategic programs. A draft Implementation Action Plan for the Care of Court Users Strategy was prepared as well, where the activities that were deemed questionable in terms of their feasibility in all courts were identified.

Within the framework of the Strategic Program 3.3.2. "Increase the level of information accessible on organisation and work of the courts and prosecutor's offices in BiH to the wider BiH public" the HJPC implemented the activities in relation to:

- the application of standards, access to open hearings, access to court information, informing the public and annual reports in all courts in BiH;
- drafting and implementation of a Public Relations and Information Strategy in all courts and prosecutor's offices;
- regular coordination meetings of the spokespersons from MoJs and other judicial institutions regarding the practical implementation of the Freedom of Access to Information Act

Under Pillar 4, the HJPC actively participated in the work of the Working Group tasked with identifying problems in relation to registration of business entities and drafting proposals for amendments of relevant legislation. Also, the HJPC took part in activities falling under the scope of the following strategic programs: "Promoting the Benefits of Alternative Case Resolution" and "Capacity Building of Commercial Departments in FBiH Courts and RS Commercial Courts".

Within the scope of its competencies, the HJPC contributed to implementation of activities from strategic sub-areas falling under Pillar 5: Coordination of Competencies, Strategic Planning and Policy Development, Donor Coordination and European Integration.



## CHAPTER 3

### PERFORMANCE REPORTS OF THE COURTS AND PROSECUTORS OFFICES

#### 3.1. PERFORMANCE REPORTS FOR THE COURT OF BiH AND THE SUPREME COURTS

##### COURT OF BOSNIA AND HERZEGOVINA

Table 3.1.1. Caseflow

Case type	Unresolved cases – 1.1.2011	Received cases	Total number of ongoing cases	Resolved cases	Unresolved cases – 31.12.2011
	I	II	III=I+II	IV	V=III-IV
<b>Criminal Division Section I – War Crimes</b>					
K	22	20	42	17	25
Kpp	40	234	274	272	2
Kps	21	28	49	40	9
Other *	10	347	357	285	72
Total	93	629	722	614	108
<b>Criminal Division Section II – Organised Crime, Economic Crime and Corruption</b>					
K	24	94	118	83	35
Kpp	64	121	185	168	17
Kps	23	99	122	92	30
Other *	108	445	553	484	69
Total	219	759	978	827	151
<i>Organised crime offences</i>	6	14	20	14	6
<i>Corruption</i>	7	7	14	9	5
<b>Criminal Division Section III - Other criminal offences under the jurisdiction of the Court</b>					
K	38	127	165	137	28
Kpp	22	105	127	119	8
Kps	45	108	153	119	34
Other *	69	377	446	323	123
Total	174	717	891	698	193

Case type	Unresolved cases – 1.1.2011	Received cases	Total number of ongoing cases	Resolved cases	Unresolved cases – 31.12.2011
	I	II	III=I+II	IV	V=III-IV
<b>Appellate Division - Section I</b>					
Kž	8	8	16	9	7
Kžk	6	4	10	9	1
Kžž	0	1	1	1	0
Other	0	154	154	152	2
Total	14	167	181	171	10
<b>Appellate Division - Section II</b>					
Kž	12	30	42	34	8
Kžk	1	5	6	4	2
Kžž	0	2	2	1	1
Other	0	126	126	125	1
Total	13	163	176	164	12
<i>Organised crime offences</i>	1	20	21	19	2
<i>Corruption Offences</i>	0	14	14	12	2
<b>Appellate Division - Section III</b>					
Kž	3	28	31	25	6
Kžk	2	3	5	4	1
Kžž	0	2	2	2	0
Other	8	32	40	37	3
Total	13	65	78	68	10
<b>Administrative Division</b>					
Administrative Division 1st instance	3,033	3,363	6,396	3,067	3,329
Administrative Division 2nd instance	107	932	1039	923	116
<b>Total Administrative Division</b>	<b>3,140</b>	<b>4,295</b>	<b>7,435</b>	<b>3,990</b>	<b>3,445</b>
<b>TOTAL</b>	<b>3,666</b>	<b>6,795</b>	<b>10,461</b>	<b>6,532</b>	<b>3,929</b>
<b>Performance quality (court decisions)</b>			Upheld <b>88%</b>	Modified <b>8%</b>	Reversed <b>4%</b>

**Table 3.1.3. Implementation of the Backlog Reduction Plan**

	Case Initiation Year						Total
	2010	2009-2006	2005-2001	2000-1996	1995-1991	1990	
Plan	0	0	0	0	0	0	0
Implementation of the plan	0	0	0	0	0	0	0
Plan implementation rate	0	0	0	0	0	0	0

Quota achieved for old cases:

Average number of resolved old cases from the plan per judge/legal associate:

**Table 3.1.4. Staffing capacities**

31.12.2011	
The number of regular judges appointed	50
The average age of regular judges	55.3
The number of reserve judges appointed	1
The number of judicial associates appointed	0
The number of permanently employed administrative staff members	146
The number of fixed-term employees	4
The number of trainees/volunteers	16/3

Regular judges					
Ethnic breakdown			Gender breakdown		
Serbs	17	34%	M	28	56%
Croats	9	18%	F	22	44%
Bosniaks	23	46%			
Other	1	2%			

**Table 3.1.5. Disciplinary proceedings**

Initiated	Completed	Judicial office holders sanctioned
0	0	0

**Table 3.1.6. Budget approved**

Salaries and allowances	Employer contributions	Goods and services	Purchase of fixed assets	TOTAL
9,099,241	0	3,020,178	0	12,119,419

**SUPREME COURT OF THE FEDERATION OF BIH****Table 3.1.7. Caseflow**

Case type	Unresolved cases – 1.1.2011	Received cases	Total number of ongoing cases	Resolved cases	Unresolved cases – 31.12.2011
	I	II	III=I+II	IV	V=III-IV
Civil Department	2,362	2,404	4,766	2,696	2,070
Criminal Department	125	718	843	743	100
War Crimes	5	12	17	13	4
Organised Crime	2	3	5	3	2
Corruption	12	10	22	13	9
Administrative Department	1,210	964	2,174	903	1,271
<b>TOTAL</b>	<b>3,697</b>	<b>4,086</b>	<b>7,783</b>	<b>4,342</b>	<b>3,441</b>

**Table 3.1.8. Implementation of the Backlog Reduction Plan**

	Case initiation year						Total
	2010	2009-2006	2005-2001	2000-1996	1995-1991	1990 or earlier	
Plan	6	1,035	605	120	17	26	1,809
Implementation of the plan	6	1,033	599	119	17	26	1,800
Plan implementation rate	100%	100%	99%	99%	100%	100%	100%

Quota achieved for old cases:

Average number of resolved old cases from the plan per judge/legal associate: 46

**Table 3.1.9. Staffing capacities**

31.12.2011	
The number of regular judges appointed	26
The average age of regular judges	57.9
The number of reserve judges appointed	8
The number of permanently employed administrative staff members	42
The number of fixed-term employees	0
The number of trainees/volunteers	0/0

Judges					
Ethnic breakdown			Gender breakdown		
Serbs	4	15.4%	M	11	42.3%
Croats	5	19.2%	F	15	57.7%
Bosniaks	17	65.4%			
Other	0	0%			

**Table 3.1.10. Disciplinary proceedings**

Initiated	Completed	Judicial office holders sanctioned
0	0	0

**Table 3.1.11. Budget approved**

Salaries and allowances	Employer contributions	Goods and services	Purchase of fixed assets	TOTAL
3,976,351	397,547	274,911	30,000	4,678,809

**SUPREME COURT OF REPUBLIKA SRPSKA****Table 3.1.12. Caseflow**

Case type	Unresolved cases – 1.1.2011	Received cases	Total number of ongoing cases	Resolved cases	Unresolved cases – 31.12.2011
	I	II	III=I+II	IV	V=III-IV
Civil Department	1,045	1,300	2,345	1,148	1,197
Criminal Department	59	483	542	486	56
War Crimes	2	7	9	6	3
Organised Crime	6	11	17	16	1
Corruption	2	4	6	6	0
Administrative Department	352	488	840	445	395
<b>Total</b>	<b>1,456</b>	<b>2,271</b>	<b>3,727</b>	<b>2,079</b>	<b>1,648</b>

**Table 3.1.13. Implementation of the Backlog Reduction Plan**

	Case initiation year						Total
	2010	2009-2006	2005-2001	2000-1996	1995-1991	1990 or earlier	
Plan	9	301	173	27	3	7	520
Implementation of the plan	9	301	172	27	3	7	519
Plan implementation rate	100%	100%	99%	100%	100%	100%	100%

Quota achieved for old cases:

Average number of resolved old cases from the plan per judge/legal associate: 23

**Table 3.1.14. Staffing capacities**

31.12.2011	
The number of regular judges appointed	19
The average age of regular judges	53.8
The number of reserve judges appointed	1
The number of permanently employed administrative staff members	29
The number of fixed-term employees	3
The number of trainees/volunteers	2/0

Judges					
Ethnic breakdown			Gender breakdown		
Serbs	11	57.9%	M	8	42.1%
Croats	2	10.5%	F	11	57.9%
Bosniaks	4	21.1%			
Other	2	10.5%			

**Table 3.1.15. Disciplinary proceedings**

Initiated	Completed	Judicial office holders sanctioned
0	0	0

**Table 3.1.16. Budget approved**

Personal income	Goods and services	Debt repayment	Capital expenditures	TOTAL
2,334,000	244,000	0	0	2,578,000

## 3.2. PERFORMANCE REPORTS OF THE CANTONAL COURTS

### CANTONAL COURT BIHAC

**Table 3.2.1. Caseflow**

Case type	Unresolved cases – 1.1.2011	Received cases	Total number of ongoing cases	Resolved cases	Unresolved cases – 31.12.2011
	I	II	III=I+II	IV	V=III-IV
Civil Department	2,811	2,099	4,910	2,696	2,214
Criminal Department	126	815	941	812	129
War Crimes	5	5	10	8	2
Organised Crime	0	0	0	0	0
Corruption	3	8	11	8	3
Administrative Department	729	644	1,373	453	920
<b>Total</b>	<b>3,666</b>	<b>3,558</b>	<b>7,224</b>	<b>3,961</b>	<b>3,263</b>
Collective quota achieved:					<b>145,7 %</b>
Performance quality (court decisions)			Upheld	Modified	Reversed
			60%	25%	15%

**Table 3.2.2. Statute of limitations**

Case type	Relative statute of limitations	Absolute statute of limitations	Total
Criminal	0	0	0
Minor offence	0	4	4
<b>Total</b>	<b>0</b>	<b>4</b>	<b>4</b>

**Table 3.2.3. Implementation of the Backlog Reduction Plan**

	Case initiation year						Total
	2010.	2009.-2006.	2005.-2001.	2000.-1996.	1995.-1991.	1990 and earlier	
Plan	207	361	607	69	5	13	1,262
Implementation of the plan	137	283	575	66	4	13	1,078
Plan implementation rate	66%	78%	95%	96%	80%	100%	85%

Quota achieved for old cases: 37,8%

Average number of resolved old cases from the plan per judge/legal associate: 72



**Table 3.2.4. Staffing capacities**

31.12.2011		Judges					
The number of regular judges appointed	14	Ethnic breakdown			Gender breakdown		
The average age of regular judges	54.2	Serbs	2	14.3%	M	5	35.7%
The number of reserve judges appointed	3	Croats	1	7.1%	F	9	64.3%
The number of permanently employed administrative staff members	37	Bosniaks	11	78.6%			
The number of fixed-term employees	0	Other	0	0%			
The number of trainees/volunteers	0/5						

**Table 3.2.5. Disciplinary proceedings**

Initiated	Completed	Judicial office holders sanctioned
0	0	0

**Table 3.2.6. Budget approved**

Salaries and allowances	Employer contributions	Goods and services	Purchase of fixed assets	TOTAL
1,861,894	175,245	425,528	25,000	2,487,667

**CANTONAL COURT IN ODZAK****Table 3.2.7. Caseload**

Case type	Unresolved cases – 1.1.2011	Received cases	Total number of ongoing cases	Resolved cases	Unresolved cases – 31.12.2011
	I	II	III=I+II	IV	V=III-IV
Civil Department	1	229	230	230	0
Criminal Department	7	188	195	187	8
War Crimes	0	0	0	0	0
Organised Crime	0	0	0	0	0
Corruption	0	0	0	0	0
Administrative Department	7	69	76	74	2
<b>Total</b>	<b>15</b>	<b>486</b>	<b>501</b>	<b>491</b>	<b>10</b>
Collective quota achieved:					<b>104.2 %</b>
Performance quality (court decisions)			Upheld	Modified	Reversed
			75%	10%	15%

**Table 3.2.8. Statute of limitations**

Case type	Relative statute of limitations	Absolute statute of limitations	Total
Criminal	0	0	0
Minor offence	0	0	0
<b>Total</b>	<b>0</b>	<b>0</b>	<b>0</b>

**Table 3.2.9. Implementation of the Backlog Reduction Plan**

	Case initiation year						Total
	2010	2009-2006	2005-2001	2000-1996	1995-1991	1990. and earlier	
Plan	0	0	0	0	0	0	0
Implementation of the plan	0	0	0	0	0	0	0
Plan implementation rate	0	0	0	0	0	0	0

Quota achieved for old cases:

Average number of resolved old cases from the plan per judge/legal associate:

**Table 3.2.10. Staffing capacities**

31.12.2011	
The number of regular judges appointed	4
The average age of regular judges	55.8
The number of reserve judges appointed	0
The number of permanently employed administrative staff members	11
The number of fixed-term employees	0
The number of trainees/volunteers	0/4

Judges						
Ethnic breakdown				Gender breakdown		
Serbs	1	25%		M	2	50%
Croats	2	50%		F	2	50%
Bosniaks	1	25%				
Other	0	0%				

**Table 3.2.11. Disciplinary proceedings**

Initiated	Completed	Judicial office holders sanctioned
0	0	0

**Table 3.2.12. Budget approved**

Salaries and allowances	Employer contributions	Goods and services	Purchase of fixed assets	TOTAL
432,500	39,900	90,400	3,300	566,100

**CANTONAL COURT IN TUZLA****Table 3.2.13. Caseflow**

Case type	Unresolved cases – 1.1.2011	Received cases	Total number of ongoing cases	Resolved cases	Unresolved cases – 31.12.2011
	I	II	III=I+II	IV	V=III-IV
Civil Department	2,515	3,615	6,130	2,823	3,307
Criminal Department	197	2,026	2,223	1,910	313
War Crimes	1	1	2	1	1
Organised Crime	1	0	1	1	0
Corruption	5	13	18	12	6
Administrative Department	919	683	1,602	777	825
<b>Total</b>	<b>3,631</b>	<b>6,324</b>	<b>9,955</b>	<b>5,510</b>	<b>4,445</b>
Collective quota achieved:	<b>141.5 %</b>				
Performance quality (court decisions)			Upheld	Modified	Reversed
			82%	12%	6%

**Table 3.2.14. Statute of limitations**

Case type	Relative statute of limitations	Absolute statute of limitations	Total
Criminal	0	1	1
Minor offence	2	14	16
<b>Total</b>	<b>2</b>	<b>15</b>	<b>17</b>

**Table 3.2.15. Implementation of the Backlog Reduction Plan**

	Case initiation year						Total
	2010	2009-2006	2005-2001	2000-1996	1995-1991	1990 and earlier	
Plan	2,537	385	31	4	8	0	2,965
Implementation of the plan	1,819	385	31	4	8	0	2,247
Plan implementation rate	72%	100%	100%	100%	100%	0%	76%

Quota achieved for old cases: 69,0%

Average number of resolved old cases from the plan per judge/legal associate: 112

**Table 3.2.16. Staffing capacities**

31.12.2011	
The number of regular judges appointed	20
The average age of regular judges	56.5
The number of reserve judges appointed	2
The number of permanently employed administrative staff members	47
The number of fixed-term employees	0
The number of trainees/volunteers	0/3

Judges					
Ethnic breakdown			Gender breakdown		
Serbs	3	15%	M	3	15%
Croats	3	15%	F	17	85%
Bosniaks	14	70%			
Other	0	0%			

**Table 3.2.17. Disciplinary proceedings**

Initiated	Completed	Judicial office holders sanctioned
0	0	0

**Table 3.2.18. Budget approved**

Salaries and allowances	Employer contributions	Goods and services	Purchase of fixed assets	TOTAL
2,191,476	212,388	683,245	0	3,087,109

**CANTONAL COURT IN ZENICA****Table 3.2.19. Caseflow**

Case type	Unresolved cases – 1.1.2011	Received cases	Total number of ongoing cases	Resolved cases	Unresolved cases – 31.12.2011
	I	II	III=I+II	IV	V=III-IV
Civil Department	1,536	2,685	4,221	2,952	1,269
Criminal Department	189	1,255	1,444	1,275	169
War Crimes	0	0	0	0	0
Organised Crime	0	6	6	4	2
Corruption	3	8	11	7	4
Administrative Department	299	560	859	651	208
<b>Total</b>	<b>2,024</b>	<b>4,500</b>	<b>6,524</b>	<b>4,878</b>	<b>1,646</b>
Collective quota achieved:	<b>148.0 %</b>				
Performance quality (court decisions)			Upheld	Modified	Reversed
			90%	4%	6%

**Table 3.2.20. Statute of limitations**

Case type	Relative statute of limitations	Absolute statute of limitations	Total
Criminal	0	1	1
Minor offence	1	5	6
<b>Total</b>	<b>1</b>	<b>6</b>	<b>7</b>

**Table 3.2.21. Implementation of the Backlog Reduction Plan**

	Case initiation year						Total
	2010	2009-2006	2005-2001	2000-1996	1995-1991	1990 and earlier	
Plan	103	275	83	12	0	3	476
Implementation of the plan	101	269	82	12	0	3	467
Plan implementation rate	98%	98%	99%	100%	0%	100%	98%

Quota achieved for old cases: 14,2%

Average number of resolved old cases from the plan per judge/legal associate: 26

**Table 3.2.22. Staffing capacities**

31.12.2011		Judges					
The number of regular judges appointed	18	Ethnic breakdown			Gender breakdown		
The average age of regular judges	52.2	Serbs	4	22.2%	M	9	50%
The number of reserve judges appointed	2	Croats	3	16.7%	F	9	50%
The number of permanently employed administrative staff members	41	Bosniaks	11	61.1%			
The number of fixed-term employees	1	Other	0	0%			
The number of trainees/volunteers	0/0						

**Table 3.2.23. Disciplinary proceedings**

Initiated	Completed	Judicial office holders sanctioned
1	0	0

**Table 3.2.24. Budget approved**

Salaries and allowances	Employer contributions	Goods and services	Purchase of fixed assets	TOTAL
1,882,215	184,395	344,872	0	2,411,482

**CANTONAL COURT IN GORAZDE****Table 3.2.25. Caseflow**

Case type	Unresolved cases – 1.1.2011	Received cases	Total number of ongoing cases	Resolved cases	Unresolved cases – 31.12.2011
	I	II	III=I+II	IV	V=III-IV
Civil Department	6	229	235	235	0
Criminal Department	1	66	67	65	2
War Crimes	0	0	0	0	0
Organised Crime	0	0	0	0	0
Corruption	0	0	0	0	0
Administrative Department	13	45	58	53	5
<b>Total</b>	<b>20</b>	<b>340</b>	<b>360</b>	<b>353</b>	<b>7</b>
Collective quota achieved:					<b>83.0 %</b>
Performance quality (court decisions)			Upheld	Modified	Reversed
			79%	11%	10%

**Table 3.2.26. Statute of limitations**

Case type	Relative statute of limitations	Absolute statute of limitations	Total
Criminal	0	0	0
Minor offence	0	0	0
<b>Total</b>	<b>0</b>	<b>0</b>	<b>0</b>

**Table 3.2.27. Implementation of the Backlog Reduction Plan**

	Case initiation year						Total
	2010	2009-2006	2005-2001	2000-1996	1995-1991	1990 and earlier	
Plan	0	0	0	0	0	0	0
Implementation of the plan	0	0	0	0	0	0	0
Plan implementation rate	0	0	0	0	0	0	0

Quota achieved for old cases:

Average number of resolved old cases from the plan per judge/legal associate:



**Table 3.2.28. Staffing capacities**

31.12.2011		<b>Judges</b>					
The number of regular judges appointed	4	Ethnic breakdown			Gender breakdown		
The average age of regular judges	56.8	Serbs	1	25%	M	2	50%
The number of reserve judges appointed	0	Croats	0	0%	F	2	50%
The number of permanently employed administrative staff members	9	Bosniaks	3	75%			
The number of fixed-term employees	0	Other	0	0%			
The number of trainees/volunteers	0/0						

**Table 3.2.29. Disciplinary proceedings**

Initiated	Completed	Judicial office holders sanctioned
0	0	0

**Table 3.2.30. Budget approved**

Salaries and allowances	Employer contributions	Goods and services	Purchase of fixed assets	TOTAL
391,160	38,500	20,500	5,000	455,160

**CANTONAL COURT IN NOVI TRAVNIK****Table 3.2.31. Caseflow**

Case type	Unresolved cases – 1.1.2011	Received cases	Total number of ongoing cases	Resolved cases	Unresolved cases – 31.12.2011
	I	II	III=I+II	IV	V=III-IV
Civil Department	734	1,443	2,177	1,591	586
Criminal Department	180	846	1,026	820	206
War Crimes	0	1	1	0	1
Organised Crime	0	0	0	0	0
Corruption	3	9	12	8	4
Administrative Department	337	587	924	646	278
<b>Total</b>	<b>1,251</b>	<b>2,876</b>	<b>4,127</b>	<b>3,057</b>	<b>1,070</b>
Collective quota achieved:	<b>142.0 %</b>				
Performance quality (court decisions)			Upheld	Modified	Reversed
			78%	9%	13%

**Table 3.2.32. Statute of limitations**

Case type	Relative statute of limitations	Absolute statute of limitations	Total
Criminal	1	1	2
Minor offence	0	5	5
<b>Total</b>	<b>1</b>	<b>6</b>	<b>7</b>

**Table 3.2.33. Implementation of the Backlog Reduction Plan**

	Case initiation year						Total
	2010	2009-2006	2005-2001	2000-1996	1995-1991	1990 and earlier	
Plan	77	287	87	5	3	2	461
Implementation of the plan	77	287	87	5	3	2	461
Plan implementation rate	100%	100%	100%	100%	100%	100%	100%

Quota achieved for old cases: 77,0%

Average number of resolved old cases from the plan per judge/legal associate: 104

**Table 3.2.34. Staffing capacities**

31.12.2011		Judges					
The number of regular judges appointed	11	Ethnic breakdown			Gender breakdown		
The average age of regular judges	54.1	Serbs	1	9.1%	M	5	45.5%
The number of reserve judges appointed	3	Croats	4	36.4%	F	6	54.5%
The number of permanently employed administrative staff members	23	Bosniaks	6	54.5%			
The number of fixed-term employees	4	Other	0	0%			
The number of trainees/volunteers	6/2						

**Table 3.2.35. Disciplinary proceedings**

Initiated	Completed	Judicial office holders sanctioned
0	1	1

**Table 3.2.36. Budget approved**

Salaries and allowances	Employer contributions	Goods and services	Purchase of fixed assets	TOTAL
1,406,400	136,000	367,800	40,000	1,950,200

**CANTONAL COURT IN MOSTAR****Table 3.2.37. Caseflow**

Case type	Unresolved cases – 1.1.2011	Received cases	Total number of ongoing cases	Resolved cases	Unresolved cases – 31.12.2011
	I	II	III=I+II	IV	V=III-IV
Civil Department	2,122	2,900	5,022	1,799	3,223
Criminal Department	103	659	762	657	105
War Crimes	0	3	3	1	2
Organised Crime	0	0	0	0	0
Corruption	4	7	11	7	4
Administrative Department	368	965	1,333	1,089	244
<b>Total</b>	<b>2,593</b>	<b>4,524</b>	<b>7,117</b>	<b>3,545</b>	<b>3,572</b>
Collective quota achieved:	<b>126.0 %</b>				
Performance quality (court decisions)			Upheld	Modified	Reversed
			81%	14%	5%

**Table 3.2.38. Statute of limitations**

Case type	Relative statute of limitations	Absolute statute of limitations	Total
Criminal	0	0	0
Minor offence	0	1	1
<b>Total</b>	<b>0</b>	<b>1</b>	<b>1</b>

**Table 3.2.39. Implementation of the Backlog Reduction Plan**

	Case initiation year						Total
	2010	2009-2006	2005-2001	2000-1996	1995-1991	1990 and earlier	
Plan	82	1,372	298	18	0	1	1,771
Implementation of the plan	26	477	204	5	0	1	713
Plan implementation rate	32%	35%	68%	28%	0%	100%	40%

Quota achieved for old cases: 39,5%

Average number of resolved old cases from the plan per judge/legal associate: 71

**Table 3.2.40. Staffing capacities**

31.12.2011		<b>Judges</b>					
The number of regular judges appointed	15	Ethnic breakdown			Gender breakdown		
The average age of regular judges	57.2	Serbs	2	13.3%	M	5	33.3%
The number of reserve judges appointed	0	Croats	6	40%	F	10	66.7%
The number of permanently employed administrative staff members	35	Bosniaks	6	40%			
The number of fixed-term employees	0	Other	1	6.7%			
The number of trainees/volunteers	2/8						

**Table 3.2.41. Disciplinary proceedings**

Initiated	Completed	Judicial office holders sanctioned
0	0	0

**Table 3.2.42. Budget approved**

Salaries and allowances	Employer contributions	Goods and services	Purchase of fixed assets	TOTAL
1,715,000	165,000	146,095	0	2,026,095

**CANTONAL COURT IN SIROKI BRIJEG****Table 3.2.43. Caseflow**

Case type	Unresolved cases – 1.1.2011	Received cases	Total number of ongoing cases	Resolved cases	Unresolved cases – 31.12.2011
	I	II	III=I+II	IV	V=III-IV
Civil Department	76	777	853	765	88
Criminal Department	46	232	278	243	35
War Crimes	0	0	0	0	0
Organised Crime	0	0	0	0	0
Corruption	2	3	5	3	2
Administrative Department	194	348	542	429	113
<b>Total</b>	<b>316</b>	<b>1,357</b>	<b>1,673</b>	<b>1,437</b>	<b>236</b>
Collective quota achieved:					<b>175.8 %</b>
Performance quality (court decisions)			Upheld	Modified	Reversed
			78%	7%	15%

**Table 3.2.44. Statute of limitations**

Case type	Relative statute of limitations	Absolute statute of limitations	Total
Criminal	0	0	0
Minor offence	0	0	0
<b>Total</b>	<b>0</b>	<b>0</b>	<b>0</b>

**Table 3.2.45. Implementation of the Backlog Reduction Plan**

	Case initiation year						Total
	2010	2009-2006	2005-2001	2000-1996	1995-1991	1990 and earlier	
Plan	0	0	0	0	0	0	0
Implementation of the plan	0	0	0	0	0	0	0
Plan implementation rate	0	0	0	0	0	0	0

Quota achieved for old cases:

Average number of resolved old cases from the plan per judge/legal associate:

**Table 3.2.46. Staffing capacities**

31.12.2011		Judges					
The number of regular judges appointed	5	Ethnic breakdown			Gender breakdown		
The average age of regular judges	58.0	Serbs	0	0%	M	2	40%
The number of reserve judges appointed	0	Croats	5	100%	F	3	60%
The number of permanently employed administrative staff members	11	Bosniaks	0	0%			
The number of fixed-term employees	0	Other	0	0%			
The number of trainees/volunteers	1/0						

**Table 3.2.47. Disciplinary proceedings**

Initiated	Completed	Judicial office holders sanctioned
0	0	0

**Table 3.2.48. Budget approved**

Salaries and allowances	Employer contributions	Goods and services	Purchase of fixed assets	TOTAL
555,000	53,500	59,000	2,000	669,500

**CANTONAL COURT IN SARAJEVO****Table 3.2.49. Caseflow**

Case type	Unresolved cases – 1.1.2011	Received cases	Total number of ongoing cases	Resolved cases	Unresolved cases – 31.12.2011
	I	II	III=I+II	IV	V=III-IV
Civil Department	11,009	5,468	16,477	4,334	12,143
Criminal Department	373	2,013	2,386	2,028	358
War Crimes	2	1	3	2	1
Organised Crime	0	0	0	0	0
Corruption	12	10	22	7	15
Administrative Department	3,188	2,055	5,243	1,672	3,571
<b>Total</b>	<b>14,570</b>	<b>9,536</b>	<b>24,106</b>	<b>8,034</b>	<b>16,072</b>
Collective quota achieved:	<b>157.7 %</b>				
Performance quality (court decisions)			Upheld	Modified	Reversed
			89%	6%	5%

**Table 3.2.50. Statute of limitations**

Case type	Relative statute of limitations	Absolute statute of limitations	Total
Criminal	0	0	0
Minor offence	0	35	35
<b>Total</b>	<b>0</b>	<b>35</b>	<b>35</b>

**Table 3.2.51. Implementation of the Backlog Reduction Plan**

	Case initiation year					Total	
	2010	2009-2006	2005-2001	2000-1996	1995-1991	1990 and earlier	
Plan	3	966	856	212	15	21	2,073
Implementation of the plan	3	865	778	184	15	20	1,865
Plan implementation rate	100%	90%	91%	87%	100%	95%	90%

Quota achieved for old cases: 32,7%

Average number of resolved old cases from the plan per judge/legal associate: 67



**Table 3.2.52. Staffing capacities**

31.12.2011	
The number of regular judges appointed	29
The average age of regular judges	57.3
The number of reserve judges appointed	7
The number of permanently employed administrative staff members	88
The number of fixed-term employees	3
The number of trainees/volunteers	3/12

Judges					
Ethnic breakdown			Gender breakdown		
Serbs	8	27.6%	M	5	17.2%
Croats	2	6.9%	F	24	82.8%
Bosniaks	15	51.7%			
Other	4	13.8%			

**Table 3.2.53. Disciplinary proceedings**

Initiated	Completed	Judicial office holders sanctioned
0	0	0

**Table 3.2.54. Budget approved**

Salaries and allowances	Employer contributions	Goods and services	Purchase of fixed assets	TOTAL
3,896,400	376,800	1,544,200	10,000	5,827,400

**CANTONAL COURT IN LIVNO****Table 3.2.55. Caseflow**

Case type	Unresolved cases – 1.1.2011	Received cases	Total number of ongoing cases	Resolved cases	Unresolved cases – 31.12.2011
	I	II	III=I+II	IV	V=III-IV
Civil Department	388	685	1,073	725	348
Criminal Department	19	264	283	233	50
War Crimes	0	2	2	2	0
Organised Crime	0	0	0	0	0
Corruption	2	5	7	6	1
Administrative Department	192	227	419	183	236
<b>Total</b>	<b>599</b>	<b>1,176</b>	<b>1,775</b>	<b>1,141</b>	<b>634</b>
Collective quota achieved:	<b>173.7 %</b>				
Performance quality (court decisions)			Upheld	Modified	Reversed
			92%	1%	7%

**Table 3.2.56. Statute of limitations**

Case type	Relative statute of limitations	Absolute statute of limitations	Total
Criminal	0	1	1
Minor offence	0	0	0
<b>Total</b>	<b>0</b>	<b>1</b>	<b>1</b>

**Table 3.2.57. Implementation of the Backlog Reduction Plan**

	Case initiation year						Total
	2010	2009-2006	2005-2001	2000-1996	1995-1991	1990 and earlier	
Plan	90	187	127	14	5	3	426
Implementation of the plan	85	165	121	14	4	3	392
Plan implementation rate	94%	88%	95%	100%	80%	100%	92%

Quota achieved for old cases: 43.1%

Average number of resolved old cases from the plan per judge/legal associate: 78

**Table 3.2.58. Staffing capacities**

31.12.2011		Judges					
The number of regular judges appointed	5	Ethnic breakdown			Gender breakdown		
The average age of regular judges	54.4	Serbs	1	20%	M	3	60%
The number of reserve judges appointed	0	Croats	2	40%	F	2	40%
The number of permanently employed administrative staff members	8	Bosniaks	2	40%			
The number of fixed-term employees	0	Other	0	0%			
The number of trainees/volunteers	0/0						

**Table 2.2.59. Disciplinary proceedings**

Initiated	Completed	Judicial office holders sanctioned
0	0	0

**Table 3.2.60. Budget approved**

Salaries and allowances	Employer contributions	Goods and services	Purchase of fixed assets	TOTAL
572,162	55,930	107,638	15,000	750,730

### 3.3. PERFORMANCE REPORTS OF THE DISTRICT COURTS

#### DISTRICT COURT IN BANJA LUKA

**Table 3.3.1. Caseflow**

Case type	Unresolved cases – 1.1.2011	Received cases	Total number of ongoing cases	Resolved cases	Unresolved cases – 31.12.2011
	I	II	III=I+II	IV	V=III-IV
Civil Department	1,158	8,138	9,296	7,020	2,276
Criminal Department	312	2,500	2,812	2,345	467
War Crimes	0	2	2	1	1
Organised Crime	8	8	16	12	4
Corruption	2	18	20	18	2
Administrative Department	1,112	1,803	2,915	1,139	1,776
<b>Total</b>	<b>2,582</b>	<b>12,441</b>	<b>15,023</b>	<b>10,504</b>	<b>4,519</b>
Collective quota achieved:	<b>198.1 %</b>				
Performance quality (court decisions)			Upheld	Modified	Reversed
			75%	16%	9%

**Table 3.3.2. Statute of limitations**

Case type	Relative statute of limitations	Absolute statute of limitations	Total
Criminal	0	2	2
Minor offence	1	28	29
<b>Total</b>	<b>1</b>	<b>30</b>	<b>31</b>

**Table 3.3.3. Implementation of the Backlog Reduction Plan**

	Case initiation year						Total
	2010	2009-2006	2005-2001	2000-1996	1995-1991	1990 and earlier	
Plan	0	0	0	0	0	0	0
Implementation of the plan	0	0	0	0	0	0	0
Plan implementation rate	0	0	0	0	0	0	0

Quota achieved for old cases:

Average number of resolved old cases from the plan per judge/legal associate:

**Table 3.3.4. Staffing capacities**

31.12.2011		Judges					
The number of regular judges appointed	30	Ethnic breakdown			Gender breakdown		
The average age of regular judges	52.8	Serbs	19	63.3%	M	11	36.7%
The number of reserve judges appointed	3	Croats	3	10%	F	19	63.3%
The number of legal associates appointed	8	Bosniaks	6	20%			
The number of permanently employed administrative staff members	58	Other	2	6.7%			
The number of fixed-term employees	6						
The number of trainees/volunteers	0/0						

**Table 3.3.5. Disciplinary proceedings**

Initiated	Completed	Judicial office holders sanctioned
0	0	0

**Table 3.3.6. Budget approved**

Salaries and allowances	Employer contributions	Goods and services	Purchase of fixed assets	TOTAL
3,493,000	492,800	511,200	0	4,497,000

**DISTRICT COURT IN BIJELJINA****Table 3.3.7. Caseflow**

Case type	Unresolved cases – 1.1.2011	Received cases	Total number of ongoing cases	Resolved cases	Unresolved cases – 31.12.2011
	I	II	III=I+II	IV	V=III-IV
Civil Department	186	1,371	1,557	1,458	99
Criminal Department	85	828	913	832	81
War Crimes	3	1	4	1	3
Corruption	2	14	16	12	4
Administrative Department	96	474	570	454	116
<b>Total</b>	<b>367</b>	<b>2,673</b>	<b>3,040</b>	<b>2,744</b>	<b>296</b>
Collective quota achieved:	<b>132.5 %</b>				
Performance quality (court decisions)			Upheld	Modified	Reversed
			63%	20%	17%

**Table 3.3.8. Statute of limitations**

Case type	Relative statute of limitations	Absolute statute of limitations	Total
Criminal	0	0	0
Minor offence	3	1	4
<b>Total</b>	<b>3</b>	<b>1</b>	<b>4</b>

**Table 3.3.9. Implementation of the Backlog Reduction Plan**

	Case initiation year						Total
	2010	2009-2006	2005-2001	2000-1996	1995-1991	1990 and earlier	
Plan	0	0	0	0	0	0	0
Implementation of the plan	0	0	0	0	0	0	0
Plan implementation rate	0	0	0	0	0	0	0

Quota achieved for old cases:

Average number of resolved old cases from the plan per judge/legal associate:

**Table 3.3.10. Staffing capacities**

31.12.2011		Judges					
The number of regular judges appointed	11	Ethnic breakdown			Gender breakdown		
The average age of regular judges	55.3	Serbs	7	63.6%	M	7	63.6%
The number of reserve judges appointed	1	Croats	1	9.1%	F	4	36.4%
The number of permanently employed administrative staff members	20	Bosniaks	3	27.3%			
The number of fixed-term employees	0	Other	0	0%			
The number of trainees/volunteers	0/0						

**Table 3.3.11. Disciplinary proceedings**

Initiated	Completed	Judicial office holders sanctioned
0	1	1

**Table 3.3.12. Budget approved**

Salaries and allowances	Employer contributions	Goods and services	Purchase of fixed assets	TOTAL
1,251,000	204,300	198,700	0	1,654,000

**DISTRICT COURT IN DOBOJ****Table 3.3.13. Caseflow**

Case type	Unresolved cases – 1.1.2011	Received cases	Total number of ongoing cases	Resolved cases	Unresolved cases – 31.12.2011
	I	II	III=I+II	IV	V=III-IV
Civil Department	181	1,211	1,392	1,222	170
Criminal Department	79	738	817	759	58
War Crimes	0	1	1	0	1
Corruption	0	6	6	6	0
Administrative Department	173	300	473	362	111
<b>Total</b>	<b>433</b>	<b>2,249</b>	<b>2,682</b>	<b>2,343</b>	<b>339</b>
Collective quota achieved:					<b>151.0 %</b>
Performance quality (court decisions)			Upheld	Modified	Reversed
			68%	19%	13%

**Table 3.3.14. Statute of limitations**

Case type	Relative statute of limitations	Absolute statute of limitations	Total
Criminal	0	1	1
Minor offence	0	2	2
<b>Total</b>	<b>0</b>	<b>3</b>	<b>3</b>

**Table 3.3.15. Implementation of the Backlog Reduction Plan**

	Case initiation year						Total
	2010	2009-2006	2005-2001	2000-1996	1995-1991	1990 and earlier	
Plan	0	0	0	0	0	0	0
Implementation of the plan	0	0	0	0	0	0	0
Plan implementation rate	0	0	0	0	0	0	0

Quota achieved for old cases:

Average number of resolved old cases from the plan per judge/legal associate:



**Table 3.3.16. Staffing capacities**

31.12.2011	
The number of regular judges appointed	10
The average age of regular judges	55.8
The number of reserve judges appointed	0
The number of permanently employed administrative staff members	22
The number of fixed-term employees	0
The number of trainees/volunteers	1/1

Judges						
Ethnic breakdown				Gender breakdown		
Serbs	6	60%	M	3	30%	
Croats	2	20%	F	7	70%	
Bosniaks	2	20%				
Other	0	0%				

**Table 3.3.17. Disciplinary proceedings**

Initiated	Completed	Judicial office holders sanctioned
0	0	0

**Table 3.3.18. Budget approved**

Salaries and allowances	Employer contributions	Goods and services	Purchase of fixed assets	TOTAL
1,179,000	169,900	401,100	0	1,750,000

**DISTRICT COURT IN TREBINJE****Table 3.3.19. Caseflow**

Case type	Unresolved cases – 1.1.2011	Received cases	Total number of ongoing cases	Resolved cases	Unresolved cases – 31.12.2011
	I	II	III=I+II	IV	V=III-IV
Civil Department	333	618	951	580	371
Criminal Department	31	357	388	363	25
War Crimes	0	1	1	0	1
Corruption	2	3	5	4	1
Administrative Department	99	194	293	190	103
<b>Total</b>	<b>463</b>	<b>1,169</b>	<b>1,632</b>	<b>1,133</b>	<b>499</b>
Collective quota achieved:	<b>161.5 %</b>				
Performance quality (court decisions)			Upheld	Modified	Reversed
			72%	20%	8%

**Table 3.3.20. Statute of limitations**

Case type	Relative statute of limitations	Absolute statute of limitations	Total
Criminal	0	0	0
Minor offence	1	4	5
<b>Total</b>	<b>1</b>	<b>4</b>	<b>5</b>

**Table 3.3.21. Implementation of the Backlog Reduction Plan**

	Case initiation year						Total
	2010	2009-2006	2005-2001	2000-1996	1995-1991	1990 and earlier	
Plan	0	0	0	0	0	0	0
Implementation of the plan	0	0	0	0	0	0	0
Plan implementation rate	0	0	0	0	0	0	0

Quota achieved for old cases:

Average number of resolved old cases from the plan per judge/legal associate:

**Table 3.3.22. Staffing capacities**

31.12.2011		Judges					
The number of regular judges appointed	5	Ethnic breakdown			Gender breakdown		
The average age of regular judges	60.0	Serbs	3	60%	M	5	100%
The number of reserve judges appointed	0	Croats	0	0%	F	0	0%
The number of permanently employed administrative staff members	13	Bosniaks	1	20%			
The number of fixed-term employees	0	Other	1	20%			
The number of trainees/volunteers	0/1						

**Table 3.3.23. Disciplinary proceedings**

Initiated	Completed	Judicial office holders sanctioned
0	0	0

**Table 3.3.24 Budget approved**

Salaries and allowances	Employer contributions	Goods and services	Purchase of fixed assets	TOTAL
606,000	151,600	47,400	0	805,000

**DISTRICT COURT IN EAST SARAJEVO****Table 3.3.25. Caseflow**

Case type	Unresolved cases – 1.1.2011	Received cases	Total number of ongoing cases	Resolved cases	Unresolved cases – 31.12.2011
	I	II	III=I+II	IV	V=III-IV
Civil Department	231	748	979	748	231
Criminal Department	47	403	450	404	46
War Crimes	1	2	3	0	3
Corruption	1	11	12	8	4
Administrative Department	138	297	435	315	120
<b>Total</b>	<b>416</b>	<b>1,448</b>	<b>1,864</b>	<b>1,467</b>	<b>397</b>
Collective quota achieved:	<b>127.4 %</b>				
Performance quality (court decisions)			Upheld	Modified	Reversed
			52%	22%	26%

**Table 3.3.26. Statute of limitations**

Case type	Relative statute of limitations	Absolute statute of limitations	Total
Criminal	0	2	2
Minor offence	0	5	5
<b>Total</b>	<b>0</b>	<b>7</b>	<b>7</b>

**Table 3.3.27. Implementation of the Backlog Reduction Plan**

	Case initiation year						Total
	2010	2009-2006	2005-2001	2000-1996	1995-1991	1990 and earlier	
Plan	0	0	0	0	0	0	0
Implementation of the plan	0	0	0	0	0	0	0
Plan implementation rate	0	0	0	0	0	0	0

Quota achieved for old cases:

Average number of resolved old cases from the plan per judge/legal associate:

**Table 3.3.28. Staffing capacities**

31.12.2011		<b>Judges</b>					
The number of regular judges appointed	7	Ethnic breakdown			Gender breakdown		
The average age of regular judges	53.4	Serbs	3	42.9%	M	3	42.9%
The number of reserve judges appointed	1	Croats	1	14.3%	F	4	57.1%
The number of permanently employed administrative staff members	17	Bosniaks	3	42.9%			
The number of fixed-term employees	0	Other	0	0%			
The number of trainees/volunteers	0/0						

**Table 3.3.29. Disciplinary proceedings**

Initiated	Completed	Judicial office holders sanctioned
0	1	1

**Table 3.3.30. Budget approved**

Salaries and allowances	Employer contributions	Goods and services	Purchase of fixed assets	TOTAL
883,000	159,500	208,500	0	1,251,000

## 3.4. PERFORMANCE REPORTS FOR COMMERCIAL COURTS

### HIGH COMMERCIAL COURT IN BANJA LUKA

**Table 3.4.1. Caseflow**

Case type	Unresolved cases – 1.1.2011	Received cases	Total number of ongoing cases	Resolved cases	Unresolved cases – 31.12.2011
	I	II	III=I+II	IV	V=III-IV
Civil Department					
Civil Department – Пж	302	1.130	1.432	1.157	275
Civil Department – Other	2	26	28	26	2
<b>Total</b>	<b>304</b>	<b>1,156</b>	<b>1,460</b>	<b>1,183</b>	<b>277</b>
Collective quota achieved:					<b>81.3%</b>
Performance quality (court decisions)			Upheld	Modified	Reversed
			69%	12%	19%

**Table 3.4.2. Implementation of the Backlog Reduction Plan**

	Case initiation year						Total
	2010	2009-2006	2005-2001	2000-1996	1995-1991	1990 and earlier	
Plan	0	0	0	0	0	0	0
Implementation of the plan	0	0	0	0	0	0	0
Plan implementation rate	0	0	0	0	0	0	0

Quota achieved for old cases:

Average number of resolved old cases from the plan per judge/legal associate:

**Table 3.4.3. Staffing capacities**

31.12.2011		Judges					
The number of regular judges appointed	7	Ethnic breakdown			Gender breakdown		
The average age of regular judges	52.3	Serbs	5	71.4%	M	4	57.1%
The number of reserve judges appointed	0	Croats	1	14.3%	F	3	42.9%
The number of permanently employed административних Радника	16	Bosniaks	1	14.3%			
The number of fixed-term employees	0	Other	0	0.0%			
The number of trainees/volunteers	0/1						

**Table 3.4.4. Disciplinary proceedings**

Initiated	Completed	Judicial office holders sanctioned
0	0	0

**Table 3.4.5. Budget approved**

Salaries and allowances	Employer contributions	Goods and services	Purchase of fixed assets	TOTAL
753,500	157,500	0	0	911,000

**DISTRICT COMMERCIAL COURT IN BANJA LUKA****Table 3.4.6. Caseflow**

Case type	Unresolved cases – 1.1.2011	Received cases	Total number of ongoing cases	Resolved cases	Unresolved cases – 31.12.2011
	I	II	III=I+II	IV	V=III-IV
Commercial	11,854	4,662	16,516	5,290	11,226
Enforcement	43	704	747	489	258
Non-litigation	7	107	114	98	16
Business entity registration	426	4,609	5,035	3,870	1,165
<b>Total</b>	<b>12,330</b>	<b>10,082</b>	<b>22,412</b>	<b>9,747</b>	<b>12,665</b>
Collective quota achieved:	<b>274.0 %</b>				
Performance quality (court decisions)			Upheld	Modified	Reversed
			77%	11%	12%

**Table 3.4.7. Implementation of the Backlog Reduction Plan**

	Case initiation year						Total
	2010	2009-2006	2005-2001	2000-1996	1995-1991	1990 and earlier	
Plan	0	2,020	1,075	9	0	0	3,104
Implementation of the plan	0	985	587	6	0	0	1,578
Plan implementation rate	0%	49%	55%	67%	0%	0%	51%

Quota achieved for old cases: 49.2%

Average number of resolved old cases from the plan per judge/legal associate: 132

**Table 3.4.8. Staffing capacities**

31.12.2011	
The number of regular judges appointed	15
The average age of regular judges	40.2
The number of reserve judges appointed	0
The number of legal associates appointed	0
The number of permanently employed administrative staff members	36
The number of fixed-term employees	0
The number of trainees/volunteers	1/3

Regular Judges						
Ethnic breakdown				Gender breakdown		
Serbs	10	66.7%		M	5	33.3%
Croats	1	6.7%		F	10	66.7%
Bosniaks	3	20%				
Other	1	6.7%				

**Table 3.4.9. Disciplinary proceedings**

Initiated	Completed	Judicial office holders sanctioned
0	0	0



**Table 3.4.10 Budget approved**

Salaries and allowances	Employer contributions	Goods and services	Purchase of fixed assets	TOTAL
1,509,000	297,000	0	50,000	1,856,000

**DISTRICT COMMERCIAL COURT IN BIJELJINA****Table 3.4.11. Caseflow**

Case type	Unresolved cases – 1.1.2011	Received cases	Total number of ongoing cases	Resolved cases	Unresolved cases – 31.12.2011
	I	II	III=I+II	IV	V=III-IV
Commercial	806	1,115	1,921	966	955
Enforcement	8	282	290	100	190
Non-litigation	2	12	14	13	1
Business entity registration	63	2,497	2,560	1,996	564
<b>Total</b>	<b>879</b>	<b>3,906</b>	<b>4,785</b>	<b>3,075</b>	<b>1,710</b>
Collective quota achieved:	<b>168.7 %</b>				
Performance quality (court decisions)			Upheld	Modified	Reversed
			68%	17%	15%

**Table 3.4.12. Implementation of the Backlog Reduction Plan**

	Case initiation year						Total
	2010	2009-2006	2005-2001	2000-1996	1995-1991	1990 and earlier	
Plan	0	184	48	8	0	0	240
Implementation of the plan	0	107	26	5	0	0	138
Plan implementation rate	0%	58%	54%	63%	0%	0%	58%

Quota achieved for old cases: 18,4%

Average number of resolved old cases from the plan per judge/legal associate: 35

**Table 3.4.13. Staffing capacities**

31.12.2011	
The number of regular judges appointed	5
The average age of regular judges	54.8
The number of reserve judges appointed	0
The number of legal associates appointed	0
The number of permanently employed administrative staff members	10
The number of fixed-term employees	1
The number of trainees/volunteers	0/0

Regular Judges						
Ethnic breakdown				Gender breakdown		
Serbs	4	80%	M	1	20%	
Croats	0	0%	F	4	80%	
Bosniaks	1	20%				
Other	0	0%				

**Table 3.4.14. Disciplinary proceedings**

Initiated	Completed	Judicial office holders sanctioned
0	0	0

**Table 3.4.15. Budget approved**

Salaries and allowances	Employer contributions	Goods and services	Purchase of fixed assets	TOTAL
462,000	179,000	0	30,000	671,000

**DISTRICT COMMERCIAL COURT IN DOBOJ****Table 3.4.16. Caseflow**

Case type	Unresolved cases – 1.1.2011	Received cases	Total number of ongoing cases	Resolved cases	Unresolved cases – 31.12.2011
	I	II	III=I+II	IV	V=III-IV
Commercial	1,136	980	2,116	1,391	725
Enforcement	18	343	361	213	148
Non-litigation	3	23	26	14	12
Business entity registration	12	2,618	2,630	2,493	137
<b>Total</b>	<b>1,169</b>	<b>3,964</b>	<b>5,133</b>	<b>4,111</b>	<b>1,022</b>
Collective quota achieved:					<b>196.8 %</b>
Performance quality (court decisions)			Upheld	Modified	Reversed
			68%	14%	18%

**Table 3.4.17. Implementation of the Backlog Reduction Plan**

	Case initiation year						Total
	2010	2009-2006	2005-2001	2000-1996	1995-1991	1990 and earlier	
Plan	0	0	0	0	0	0	0
Implementation of the plan	0	0	0	0	0	0	0
Plan implementation rate	0	0	0	0	0	0	0

Quota achieved for old cases:

Average number of resolved old cases from the plan per judge/legal associate:

**Table 3.4.18. Staffing capacities**

31.12.2011		Regular Judges					
The number of regular judges appointed	5	Ethnic breakdown			Gender breakdown		
The average age of regular judges	48.0	Serbs	3	60%	M	1	20%
The number of reserve judges appointed	0	Croats	1	20%	F	4	80%
The number of legal associates appointed	0	Bosniaks	1	20%			
The number of permanently employed administrative staff members	13	Other	0	0%			
The number of fixed-term employees	0						
The number of trainees/volunteers	0/2						

**Table 3.4.19. Disciplinary proceedings**

Initiated	Completed	Judicial office holders sanctioned
0	0	0

**Table 3.4.20. Budget approved**

Salaries and allowances	Employer contributions	Goods and services	Purchase of fixed assets	TOTAL
493,000	113,000	0	30,000	636,000

**ОКРУЖНИ ПРИВРЕДНИ СУД У ТРЕБИЊУ****Table 3.4.21. Caseflow**

Case type	Unresolved cases – 1.1.2011	Received cases	Total number of ongoing cases	Resolved cases	Unresolved cases – 31.12.2011
	I	II	III=I+II	IV	V=III-IV
Commercial	480	444	924	707	217
Enforcement	9	184	193	88	105
Non-litigation	6	16	22	18	4
Business entity registration	0	1,279	1,279	1,160	119
<b>Total</b>	<b>495</b>	<b>1,923</b>	<b>2,418</b>	<b>1,973</b>	<b>445</b>
Collective quota achieved:					<b>259.9 %</b>
Performance quality (court decisions)			Upheld	Modified	Reversed
			64%	14%	22%

**Table 3.4.22. Implementation of the Backlog Reduction Plan**

	Case initiation year						Total
	2010	2009-2006	2005-2001	2000-1996	1995-1991	1990 and earlier	
Plan	0	69	24	69	1	0	163
Implementation of the plan	0	49	22	69	1	0	141
Plan implementation rate	0%	71%	92%	100%	100%	0%	87%

Quota achieved for old cases: 37.8%

Average number of resolved old cases from the plan per judge/legal associate: 47

**Table 3.4.23. Staffing capacities**

31.12.2011		Regular Judges					
		Ethnic breakdown			Gender breakdown		
The number of regular judges appointed	3	Serbs	2	66.7%	M	1	33.3%
The average age of regular judges	48.0	Croats	0	0%	F	2	66.7%
The number of reserve judges appointed	0	Bosniaks	1	33.3%			
The number of legal associates appointed	0	Other	0	0%			
The number of permanently employed administrative staff members	10						
The number of fixed-term employees	1						
The number of trainees/volunteers	0/0						

**Table 3.4.24. Disciplinary proceedings**

Initiated	Completed	Judicial office holders sanctioned
0	0	0

**Table 3.4.25. Budget approved**

Salaries and allowances	Employer contributions	Goods and services	Purchase of fixed assets	TOTAL
347,000	159,000	0	30,000	536,000

**DISTRICT COMMERCIAL COURT IN EAST SARAJEVO****Table 3.4.26. Caseflow**

Case type	Unresolved cases – 1.1.2011	Received cases	Total number of ongoing cases	Resolved cases	Unresolved cases – 31.12.2011
	I	II	III=I+II	IV	V=III-IV
Commercial	749	750	1,499	864	635
Enforcement	38	434	472	243	229
Non-litigation	26	12	38	37	1
Business entity registration	15	2,144	2,159	2,072	87
<b>Total</b>	<b>828</b>	<b>3,340</b>	<b>4,168</b>	<b>3,216</b>	<b>952</b>
Collective quota achieved:					<b>253.0 %</b>
Performance quality (court decisions)			Upheld	Modified	Reversed
			67%	10%	23%

**Table 3.4.27. Implementation of the Backlog Reduction Plan**

	Case initiation year						Total
	2010	2009-2006	2005-2001	2000-1996	1995-1991	1990 and earlier	
Plan	0	0	0	0	0	0	0
Implementation of the plan	0	0	0	0	0	0	0
Plan implementation rate	0	0	0	0	0	0	0

Quota achieved for old cases:

Average number of resolved old cases from the plan per judge/legal associate:

**Table 3.4.28. Staffing capacities**

31.12.2011	
The number of regular judges appointed	4
The average age of regular judges	51.0
The number of reserve judges appointed	0
The number of legal associates appointed	0
The number of permanently employed administrative staff members	16
The number of fixed-term employees	0
The number of trainees/volunteers	0/3

Regular Judges					
Ethnic breakdown			Gender breakdown		
Serbs	1	25%	M	1	25%
Croats	0	0%	F	3	75%
Bosniaks	2	50%			
Other	1	25%			

**Table 3.4.29. Disciplinary proceedings**

Initiated	Completed	Judicial office holders sanctioned
0	0	0

**Table 3.4.30. Budget approved**

Salaries and allowances	Employer contributions	Goods and services	Purchase of fixed assets	TOTAL
480,000	265,000	0	30,000	775,000

## 3.5. PERFORMANCE REPORTS FOR MUNICIPAL COURTS

### MUNICIPAL COURT IN BIHAC

**Table 3.5.1. Caseflow**

Case type	Unresolved cases – 1.1.2011	Received cases	Total number of ongoing cases	Resolved cases	Unresolved cases – 31.12.2011
	I	II	III=I+II	IV	V=III-IV
Civil	3,590	2,121	5,711	2,279	3,432
Small value disputes <sup>28</sup>	941	685	1,626	591	1,035
Commercial	1,466	1,367	2,833	1,394	1,439
Criminal	540	1,033	1,573	1,033	540
Corruption	8	8	16	12	4
Enforcement	1,802	1,970	3,772	1,793	1,979
Non-litigation	1,209	1,037	2,246	1,340	906
Business entity registration	19	2,691	2,710	2,677	33
Land registry	304	9,596	9,900	9,740	160
Minor Offence Department	1,120	2,179	3,299	1,798	1,501
<b>Total</b>	<b>10,050</b>	<b>21,994</b>	<b>32,044</b>	<b>22,054</b>	<b>9,990</b>
Collective quota achieved:	<b>159.0 %</b>				
Performance quality (court decisions)			Upheld	Modified	Reversed
			78%	5%	17%

28 Note: In the table under Caseflow, for municipal and basic courts, the row marked Civil shows the caseflow for civil cases. The values expressed in the row cover the following case types: P – civil cases, Rs – labour disputes and Mal – small value disputes.

The row marked Mal cases separately shows the caseflow values for small value disputes in order to show more comprehensively the work performed by the courts regarding civil cases.



**Table 3.5.2. Statute of limitations**

Case type	Relative statute of limitations	Absolute statute of limitations	Total
Criminal	0	10	10
Minor offence	0	7	7
Criminal sanction enforcement	0	0	0
<b>Total</b>	<b>0</b>	<b>17</b>	<b>17</b>

**Table 3.5.3. Implementation of the Backlog Reduction Plan**

	Case initiation year					Total	
	2010	2009-2006	2005-2001	2000-1996	1995-1991	1990 and earlier	
Plan	0	1,874	424	125	4	6	2,433
Implementation of the plan	0	1,221	241	56	2	5	1,525
Plan implementation rate	0%	65%	57%	45%	50%	83%	63%

Quota achieved for old cases: 22.1%

Average number of resolved old cases from the plan per judge/legal associate: 69

**Table 3.5.4. Staffing capacities**

31.12.2011		Regular Judges					
The number of regular judges appointed	23	Ethnic breakdown			Gender breakdown		
The average age of regular judges	48.4	Serbs	5	21.7%	M	8	34.8%
The number of reserve judges appointed	0	Croats	1	4.3%	F	15	65.2%
The number of legal associates appointed	3	Bosniaks	17	73.9%			
The number of permanently employed administrative staff members	69	Other	0	0%			
The number of fixed-term employees	0						
The number of trainees/volunteers	0/11						

**Table 3.5.5. Disciplinary proceedings**

Initiated	Completed	Judicial office holders sanctioned
1	1	1

**Table 3.5.6. Budget approved**

Salaries and allowances	Employer contributions	Goods and services	Purchase of fixed assets	TOTAL
2,669,850	247,108	572,532	47,809	3,537,299

**MUNICIPAL COURT IN BOSANSKA KRUPA****Table 3.5.7. Caseflow**

Case type	Unresolved cases – 1.1.2011	Received cases	Total number of ongoing cases	Resolved cases	Unresolved cases – 31.12.2011
	I	II	III=I+II	IV	V=III-IV
Civil	616	647	1,263	645	618
Small value disputes	46	215	261	155	106
Criminal	146	752	898	706	192
Corruption	1	2	3	2	1
Enforcement	759	732	1,491	630	861
Non-litigation	305	447	752	549	203
Land registry	5	4,694	4,699	4,678	21
Minor Offence Department	129	790	919	600	319
<b>Total</b>	<b>1,960</b>	<b>8,062</b>	<b>10,022</b>	<b>7,808</b>	<b>2,214</b>
Collective quota achieved:					<b>164.4 %</b>
Performance quality (court decisions)			Upheld	Modified	Reversed
			71%	10%	19%

**Table 3.5.8. Statute of limitations**

Case type	Relative statute of limitations	Absolute statute of limitations	Total
Criminal	0	2	2
Minor offence	0	0	0
Criminal sanction enforcement	0	0	0
<b>Total</b>	<b>0</b>	<b>2</b>	<b>2</b>

**Table 3.5.9. Implementation of the Backlog Reduction Plan**

	Case initiation year					Total 1990 and earlier	
	2010	2009-2006	2005-2001	2000-1996	1995-1991		
Plan	2	78	48	11	1	4	144
Implementation of the plan	2	44	24	4	0	4	78
Plan implementation rate	100%	56%	50%	36%	0%	100%	54%

Quota achieved for old cases: 5.5%

Average number of resolved old cases from the plan per judge/legal associate: 13

**Table 3.5.10. Staffing capacities**

31.12.2011		Regular Judges					
The number of regular judges appointed	8	Ethnic breakdown			Gender breakdown		
The average age of regular judges	53.0	Serbs	2	25%	M	4	50%
The number of reserve judges appointed	0	Croats	0	0%	F	4	50%
The number of legal associates appointed	1	Bosniaks	6	75%			
The number of permanently employed administrative staff members	29	Other	0	0%			
The number of fixed-term employees	0						
The number of trainees/volunteers	0/6						

**Table 3.5.11. Disciplinary proceedings**

Initiated	Completed	Judicial office holders sanctioned
0	0	0

**Table 3.5.12. Budget approved**

Salaries and allowances	Employer contributions	Goods and services	Purchase of fixed assets	TOTAL
1,060,173	103,482	249,076	30,000	1,442,731

**MUNICIPAL COURT IN CAZIN****Table 3.5.13. Caseflow**

Case type	Unresolved cases – 1.1.2011	Received cases	Total number of ongoing cases	Resolved cases	Unresolved cases – 31.12.2011
	I	II	III=I+II	IV	V=III-IV
Civil	2,268	953	3,221	1,376	1,845
Small value disputes	809	463	1,272	434	838
Criminal	355	563	918	545	373
Corruption	4	2	6	2	4
Enforcement	1,441	1,328	2,769	704	2,065
Non-litigation	1,354	601	1,955	776	1,179
Land registry	492	6,417	6,909	6,534	375
Minor Offence Department	945	1,261	2,206	1,557	649
<b>Total</b>	<b>6,855</b>	<b>11,123</b>	<b>17,978</b>	<b>11,492</b>	<b>6,486</b>
Collective quota achieved:	<b>140.6 %</b>				
Performance quality (court decisions)			Upheld	Modified	Reversed
			64%	17%	19%

**Table 3.5.14. Statute of limitations**

Case type	Relative statute of limitations	Absolute statute of limitations	Total
Criminal	0	6	6
Minor offence	7	4	11
Criminal sanction enforcement	0	7	7
<b>Total</b>	<b>7</b>	<b>17</b>	<b>24</b>

**Table 3.5.15. Implementation of the Backlog Reduction Plan**

	Case initiation year					Total	
	2010	2009-2006	2005-2001	2000-1996	1995-1991	1990 and earlier	
Plan	48	654	923	267	0	1	1,893
Implementation of the plan	16	210	460	200	0	0	886
Plan implementation rate	33%	32%	50%	75%	0%	0%	47%

Quota achieved for old cases: 22,2%

Average number of resolved old cases from the plan per judge/legal associate: 81

**Table 3.5.16. Staffing capacities**

31.12.2011		Regular Judges					
The number of regular judges appointed	8	Ethnic breakdown			Gender breakdown		
The average age of regular judges	47.1	Serbs	1	12.5%	M	5	62.5%
The number of reserve judges appointed	1	Croats	0	0%	F	3	37.5%
The number of legal associates appointed	2	Bosniaks	6	75%			
The number of permanently employed administrative staff members	30	Other	1	12.5%			
The number of fixed-term employees	0						
The number of trainees/volunteers	0/3						

**Table 3.5.17. Disciplinary proceedings**

Initiated	Completed	Judicial office holders sanctioned
1	1	1

**Table 3.5.18. Budget approved**

Salaries and allowances	Employer contributions	Goods and services	Purchase of fixed assets	TOTAL
1,171,180	115,488	343,054	21,000	1,650,722

**MUNICIPAL COURT IN SANSKI MOST****Table 3.5.19. Caseflow**

Case type	Unresolved cases – 1.1.2011	Received cases	Total number of ongoing cases	Resolved cases	Unresolved cases – 31.12.2011
	I	II	III=I+II	IV	V=III-IV
Civil	1,667	983	2,650	741	1,909
Small value disputes	177	165	342	29	313
Criminal	196	660	856	666	190
Corruption	0	1	1	0	1
Enforcement	1,957	819	2,776	907	1,869
Non-litigation	491	818	1,309	597	712
Land registry	30	8,635	8,665	8,633	32
Minor Offence Department	306	744	1,050	606	444
<b>Total</b>	<b>4,647</b>	<b>12,659</b>	<b>17,306</b>	<b>12,150</b>	<b>5,156</b>
Collective quota achieved:	<b>184.4 %</b>				
Performance quality (court decisions)			Upheld	Modified	Reversed
			70%	12%	18%

**Table 3.5.20. Statute of limitations**

Case type	Relative statute of limitations	Absolute statute of limitations	Total
Criminal	1	2	3
Minor offence	0	0	0
Criminal sanction enforcement	0	3	3
<b>Total</b>	<b>1</b>	<b>5</b>	<b>6</b>

**Table 3.5.21. Implementation of the Backlog Reduction Plan**

	Case initiation year						Total
	2010	2009-2006	2005-2001	2000-1996	1995-1991	1990 and earlier	
Plan	4	681	115	10	2	3	815
Implementation of the plan	2	387	44	3	0	3	439
Plan implementation rate	50%	57%	38%	30%	0%	100%	54%

Quota achieved for old cases: 22.7%

Average number of resolved old cases from the plan per judge/legal associate: 88

**Table 3.5.22. Staffing capacities**

31.12.2011		Regular Judges					
The number of regular judges appointed	7	Ethnic breakdown			Gender breakdown		
The average age of regular judges	49.4	Serbs	2	28.6%	M	3	42.9%
The number of reserve judges appointed	0	Croats	1	14.3%	F	4	57.1%
The number of legal associates appointed	1	Bosniaks	4	57.1%			
The number of permanently employed administrative staff members	30	Other	0	0%			
The number of fixed-term employees	0						
The number of trainees/volunteers	0/0						

**Table 3.5.23. Disciplinary proceedings**

Initiated	Completed	Judicial office holders sanctioned
0	0	0

**Table 3.5.24. Budget approved**

Salaries and allowances	Employer contributions	Goods and services	Purchase of fixed assets	TOTAL
1,103,589	102,207	234,340	47,000	1,487,136

**MUNICIPAL COURT IN VELIKA Kladusa****Table 3.5.25. Caseflow**

Case type	Unresolved cases – 1.1.2011	Received cases	Total number of ongoing cases	Resolved cases	Unresolved cases – 31.12.2011
	I	II	III=I+II	IV	V=III-IV
Civil	2,293	826	3,119	1,187	1,932
Small value disputes	75	220	295	125	170
Criminal	846	864	1,710	1,072	638
Corruption	2	4	6	3	3
Enforcement	1,631	572	2,203	680	1,523
Non-litigation	836	380	1,216	379	837
Land registry	1,770	4,162	5,932	4,079	1,853
Minor Offence Department	1,178	523	1,701	749	952
<b>Total</b>	<b>8,554</b>	<b>7,327</b>	<b>15,881</b>	<b>8,146</b>	<b>7,735</b>
Collective quota achieved:					<b>182.9 %</b>
Performance quality (court decisions)			Upheld	Modified	Reversed
			83%	4%	13%

**Table 3.5.26. Statute of limitations**

Case type	Relative statute of limitations	Absolute statute of limitations	Total
Criminal	0	12	12
Minor offence	3	37	40
Criminal sanction enforcement	0	0	0
<b>Total</b>	<b>3</b>	<b>49</b>	<b>52</b>

**Table 3.5.27. Implementation of the Backlog Reduction Plan**

	Case initiation year						Total
	2010	2009-2006	2005-2001	2000-1996	1995-1991	1990 and earlier	
Plan	0	1,311	606	71	2	9	1,999
Implementation of the plan	0	930	458	58	2	9	1,457
Plan implementation rate	0%	71%	76%	82%	100%	100%	73%

Quota achieved for old cases: 38.7%

Average number of resolved old cases from the plan per judge/legal associate: 146

**Table 3.5.28. Staffing capacities**

31.12.2011		Regular Judges					
The number of regular judges appointed	7	Ethnic breakdown			Gender breakdown		
The average age of regular judges	50.7	Serbs	1	14.3%	M	3	42.9%
The number of reserve judges appointed	2	Croats	0	0%	F	4	57.1%
The number of legal associates appointed	2	Bosniaks	6	85.7%			
The number of permanently employed administrative staff members	29	Other	0	0%			
The number of fixed-term employees	0						
The number of trainees/volunteers	0/0						

**Table 3.5.29. Disciplinary proceedings**

Initiated	Completed	Judicial office holders sanctioned
1	1	1

**Table 3.5.30. Budget approved**

Salaries and allowances	Employer contributions	Goods and services	Purchase of fixed assets	TOTAL
1,080,819	101,778	327,832	58,300	1,568,729



**MUNICIPAL COURT IN ORASJE****Table 3.5.31 Caseflow**

Case type	Unresolved cases – 1.1.2011	Received cases	Total number of ongoing cases	Resolved cases	Unresolved cases – 31.12.2011
	I	II	III=I+II	IV	V=III-IV
Civil	656	518	1,174	721	453
Small value disputes	228	153	381	217	164
Commercial	191	139	330	224	106
Criminal	484	783	1,267	840	427
Corruption	1	3	4	0	4
Enforcement	810	624	1,434	420	1,014
Non-litigation	524	793	1,317	875	442
Business entity registration	1	683	684	684	0
Land registry	99	5,648	5,747	5,703	44
Minor Offence Department	1,618	1,039	2,657	1,670	987
<b>Total</b>	<b>4,383</b>	<b>10,227</b>	<b>14,610</b>	<b>11,137</b>	<b>3,473</b>
Collective quota achieved:	<b>174.0 %</b>				
Performance quality (court decisions)			Upheld	Modified	Reversed
			74%	11%	15%

**Table 3.5.32. Statute of limitations**

Case type	Relative statute of limitations	Absolute statute of limitations	Total
Criminal	0	10	10
Minor offence	0	12	12
Criminal sanction enforcement	0	3	3
<b>Total</b>	<b>0</b>	<b>25</b>	<b>25</b>

**Table 3.5.33. Implementation of the Backlog Reduction Plan**

	Case initiation year						Total
	2010	2009-2006	2005-2001	2000-1996	1995-1991	1990 and earlier	
Plan	8	980	95	11	4	3	1,101
Implementation of the plan	6	789	66	9	4	3	877
Plan implementation rate	75%	81%	69%	82%	100%	100%	80%

Quota achieved for old cases: 22.0%

Average number of resolved old cases from the plan per judge/legal associate: 80

**Table 3.5.34. Staffing capacities**

31.12.2011		Regular Judges					
The number of regular judges appointed	9	Ethnic breakdown			Gender breakdown		
The average age of regular judges	46.2	Serbs	1	11.1%	M	6	66.7%
The number of reserve judges appointed	0	Croats	7	77.8%	F	3	33.3%
The number of legal associates appointed	2	Bosniaks	1	11.1%			
The number of permanently employed administrative staff members	30	Other	0	0%			
The number of fixed-term employees	0						
The number of trainees/volunteers	0/5						

**Table 3.5.35. Disciplinary proceedings**

Initiated	Completed	Judicial office holders sanctioned
0	0	0

**Table 3.5.36. Budget approved**

Salaries and allowances	Employer contributions	Goods and services	Purchase of fixed assets	TOTAL
946,000	88,000	369,500	1,600	1,405,100

**MUNICIPAL COURT IN GRACANICA****Table 3.5.37. Caseflow**

Case type	Unresolved cases – 1.1.2011	Received cases	Total number of ongoing cases	Resolved cases	Unresolved cases – 31.12.2011
	I	II	III=I+II	IV	V=III-IV
Civil	408	563	971	470	501
Small value disputes	83	182	265	116	149
Criminal	431	712	1,143	611	532
Corruption	4	0	4	1	3
Enforcement	1,707	640	2,347	387	1,960
Non-litigation	252	610	862	553	309
Land registry	22	10,505	10,527	10,506	21
Minor Offence Department	620	805	1,425	570	855
<b>Total</b>	<b>3,440</b>	<b>13,835</b>	<b>17,275</b>	<b>13,097</b>	<b>4,178</b>
Collective quota achieved:	<b>185.2 %</b>				
Performance quality (court decisions)			Upheld	Modified	Reversed
			72%	15%	13%

**Table 3.5.38. Statute of limitations**

Case type	Relative statute of limitations	Absolute statute of limitations	Total
Criminal	0	3	3
Minor offence	0	1	1
Criminal sanction enforcement	0	0	0
<b>Total</b>	<b>0</b>	<b>4</b>	<b>4</b>

**Table 3.5.39. Implementation of the Backlog Reduction Plan**

	Case initiation year						Total
	2010	2009-2006	2005-2001	2000-1996	1995-1991	1990 and earlier	
Plan	0	1,244	53	2	0	0	1,299
Implementation of the plan	0	406	16	1	0	0	423
Plan implementation rate	0%	33%	30%	50%	0%	0%	33%

Quota achieved for old cases: 14.1%

Average number of resolved old cases from the plan per judge/legal associate: 60

**Table 2.5.40. Staffing capacities**

31.12.2011		Regular Judges					
		Ethnic breakdown			Gender breakdown		
The number of regular judges appointed	4	Serbs	1	25%	M	1	25%
The average age of regular judges	44.5	Croats	0	0%	F	3	75%
The number of reserve judges appointed	0	Bosniaks	3	75%			
The number of legal associates appointed	2	Other	0	0%			
The number of permanently employed administrative staff members	18						
The number of fixed-term employees	0						
The number of trainees/volunteers	0/2						

**Table 3.5.41 Disciplinary proceedings**

Initiated	Completed	Judicial office holders sanctioned
0	0	0

**Table 3.5.42. Budget approved**

Salaries and allowances	Employer contributions	Goods and services	Purchase of fixed assets	TOTAL
612,211	57,970	224,336	0	894,517

**MUNICIPAL COURT IN GRADACAC****Table 3.5.43. Caseflow**

Case type	Unresolved cases – 1.1.2011	Received cases	Total number of ongoing cases	Resolved cases	Unresolved cases – 31.12.2011
	I	II	III=I+II	IV	V=III-IV
Civil	1,606	626	2,232	835	1,397
Small value disputes	471	44	515	195	320
Criminal	991	1,176	2,167	1,202	965
Corruption	7	4	11	3	8
Enforcement	3,643	1,268	4,911	572	4,339
Non-litigation	1,530	1,213	2,743	1,386	1,357
Land registry	0	10,345	10,345	10,345	0
Minor Offence Department	327	1,909	2,236	1,654	582
<b>Total</b>	<b>8,097</b>	<b>16,537</b>	<b>24,634</b>	<b>15,994</b>	<b>8,640</b>
Collective quota achieved:	<b>154.2 %</b>				
Performance quality (court decisions)			Upheld	Modified	Reversed
			71%	11%	18%

**Table 3.5.44. Statute of limitations**

Case type	Relative statute of limitations	Absolute statute of limitations	Total
Criminal	0	42	42
Minor offence	1	0	1
Criminal sanction enforcement	0	0	0
<b>Total</b>	<b>1</b>	<b>42</b>	<b>43</b>

**Table 3.5.45. Implementation of the Backlog Reduction Plan**

	Case initiation year						Total
	2010	2009-2006	2005-2001	2000-1996	1995-1991	1990 and earlier	
Plan	0	1,122	447	115	0	2	1,686
Implementation of the plan	0	483	283	96	0	2	864
Plan implementation rate	0%	43%	63%	83%	0%	100%	51%

Quota achieved for old cases: 21.2%

Average number of resolved old cases from the plan per judge/legal associate: 77

**Table 3.5.46. Staffing capacities**

31.12.2011		Regular Judges					
The number of regular judges appointed	8	Ethnic breakdown			Gender breakdown		
The average age of regular judges	51.9	Serbs	1	12.5%	M	1	12.5%
The number of reserve judges appointed	2	Croats	1	12.5%	F	7	87.5%
The number of legal associates appointed	3	Bosniaks	6	75%			
The number of permanently employed administrative staff members	32	Other	0	0%			
The number of fixed-term employees	1						
The number of trainees/volunteers	0/2						

**Table 3.5.47. Disciplinary proceedings**

Initiated	Completed	Judicial office holders sanctioned
0	0	0

**Table 3.5.48. Budget approved**

Salaries and allowances	Employer contributions	Goods and services	Purchase of fixed assets	TOTAL
1,152,352	109,154	336,811	0	1,598,317

**MUNICIPAL COURT IN KALESIJA****Table 3.5.49. Caseflow**

Case type	Unresolved cases – 1.1.2011	Received cases	Total number of ongoing cases	Resolved cases	Unresolved cases – 31.12.2011
	I	II	III=I+II	IV	V=III-IV
Civil	466	733	1,199	752	447
Small value disputes	119	165	284	193	91
Criminal	327	714	1,041	726	315
Corruption	2	1	3	1	2
Enforcement	395	382	777	452	325
Non-litigation	219	555	774	622	152
Land registry	4	2,801	2,805	2,801	4
Minor Offence Department	270	581	851	611	240
<b>Total</b>	<b>1,681</b>	<b>5,766</b>	<b>7,447</b>	<b>5,964</b>	<b>1,483</b>
Collective quota achieved:					<b>208.5 %</b>
Performance quality (court decisions)			Upheld	Modified	Reversed
			67%	18%	15%

**Table 3.5.50. Statute of limitations**

Case type	Relative statute of limitations	Absolute statute of limitations	Total
Criminal	0	1	1
Minor offence	1	1	2
Criminal sanction enforcement	0	0	0
<b>Total</b>	<b>1</b>	<b>2</b>	<b>3</b>

**Table 3.5.51. Implementation of the Backlog Reduction Plan**

	Case initiation year						Total
	2010	2009-2006	2005-2001	2000-1996	1995-1991	1990 and earlier	
Plan	0	0	0	0	0	0	0
Implementation of the plan	0	0	0	0	0	0	0
Plan implementation rate	0	0	0	0	0	0	0

Quota achieved for old cases:

Average number of resolved old cases from the plan per judge/legal associate:

**Table 3.5.52. Staffing capacities**

31.12.2011	
The number of regular judges appointed	5
The average age of regular judges	49.2
The number of reserve judges appointed	0
The number of legal associates appointed	1
The number of permanently employed administrative staff members	20
The number of fixed-term employees	0
The number of trainees/volunteers	0/2

Regular Judges					
Ethnic breakdown			Gender breakdown		
Serbs	1	20%	M	1	20%
Croats	0	0%	F	4	80%
Bosniaks	4	80%			
Other	0	0%			

**Table 3.5.53. Disciplinary proceedings**

Initiated	Completed	Judicial office holders sanctioned
0	0	0

**Table 2.5.54. Budget approved**

Salaries and allowances	Employer contributions	Goods and services	Purchase of fixed assets	TOTAL
600,448	57,439	180,177	0	838,063

**MUNICIPAL COURT IN TUZLA****Table 3.5.55. Caseflow**

Case type	Unresolved cases – 1.1.2011	Received cases	Total number of ongoing cases	Resolved cases	Unresolved cases – 31.12.2011
	I	II	III=I+II	IV	V=III-IV
Civil	10,054	3,948	14,002	5,997	8,005
Small value disputes	4,597	1,678	6,275	2,644	3,631
Commercial	4,297	2,207	6,504	2,151	4,353
Criminal	2,493	4,902	7,395	4,734	2,661
Corruption	27	6	33	10	23
Enforcement	12,038	4,779	16,817	2,457	14,360
Non-litigation	6,298	2,820	9,118	2,970	6,148
Business entity registration	187	6,106	6,293	5,338	955
Land registry	799	22,273	23,072	22,275	797
Minor Offence Department	1,990	3,333	5,323	3,593	1,730
<b>Total</b>	<b>38,156</b>	<b>50,368</b>	<b>88,524</b>	<b>49,515</b>	<b>39,009</b>
Collective quota achieved:	<b>137.7 %</b>				
Performance quality (court decisions)			Upheld	Modified	Reversed
			78%	8%	14%

**Table 3.5.56. Statute of limitations**

Case type	Relative statute of limitations	Absolute statute of limitations	Total
Criminal	0	26	26
Minor offence	1	55	56
Criminal sanction enforcement	0	0	0
<b>Total</b>	<b>1</b>	<b>81</b>	<b>82</b>

**Table 3.5.57. Implementation of the Backlog Reduction Plan**

	Case initiation year						Total
	2010	2009-2006	2005-2001	2000-1996	1995-1991	1990 and earlier	
Plan	478	2,661	1,273	526	53	52	5,043
Implementation of the plan	384	1,842	417	171	20	33	2,867
Plan implementation rate	80%	69%	33%	33%	38%	63%	57%

Quota achieved for old cases: 26.8%

Average number of resolved old cases from the plan per judge/legal associate: 67



**Table 3.5.58. Staffing capacities**

31.12.2011	
The number of regular judges appointed	34
The average age of regular judges	51.1
The number of reserve judges appointed	13
The number of legal associates appointed	9
The number of permanently employed administrative staff members	119
The number of fixed-term employees	0
The number of trainees/volunteers	0/10

Regular Judges						
Ethnic breakdown				Gender breakdown		
Serbs	6	17.6%	M	9	26.5%	
Croats	4	11.8%	F	25	73.5%	
Bosniaks	23	67.6%				
Other	1	2.9%				

**Table 3.5.59. Disciplinary proceedings**

Initiated	Completed	Judicial office holders sanctioned
4	4	4

**Table 3.5.60. Budget approved**

Salaries and allowances	Employer contributions	Goods and services	Purchase of fixed assets	TOTAL
4,555,553	435,899	1,422,934	0	6,414,386

**MUNICIPAL COURT IN ZIVINICE****Table 3.5.61. Caseflow**

Case type	Unresolved cases – 1.1.2011	Received cases	Total number of ongoing cases	Resolved cases	Unresolved cases – 31.12.2011
	I	II	III=I+II	IV	V=III-IV
Civil	1,994	1,370	3,364	1,514	1,850
Small value disputes	343	441	784	483	301
Criminal	1,353	1,876	3,229	1,794	1,435
Corruption	12	5	17	2	15
Enforcement	2,278	1,202	3,480	986	2,494
Non-litigation	1,023	980	2,003	944	1,059
Land registry	397	9,236	9,633	9,399	234
Minor Offence Department	1,191	1,562	2,753	1,455	1,298
<b>Total</b>	<b>8,236</b>	<b>16,226</b>	<b>24,462</b>	<b>16,092</b>	<b>8,370</b>
Collective quota achieved:					<b>135.6 %</b>
Performance quality (court decisions)			Upheld	Modified	Reversed
			75%	15%	10%

**Table 3.5.62. Statute of limitations**

Case type	Relative statute of limitations	Absolute statute of limitations	Total
Criminal	0	21	21
Minor offence	1	27	28
Criminal sanction enforcement	0	0	0
<b>Total</b>	<b>1</b>	<b>48</b>	<b>49</b>

**Table 3.5.63 Implementation of the Backlog Reduction Plan**

	Case initiation year						Total
	2010	2009-2006	2005-2001	2000-1996	1995-1991	1990 and earlier	
Plan	0	2,988	324	76	17	19	3,424
Implementation of the plan	0	1,702	128	31	4	8	1,873
Plan implementation rate	0%	57%	40%	41%	24%	42%	55%

Quota achieved for old cases: 24.8%

Average number of resolved old cases from the plan per judge/legal associate: 94

**Table 3.5.64. Staffing capacities**

31.12.2011		Regular Judges					
The number of regular judges appointed	14	Ethnic breakdown			Gender breakdown		
The average age of regular judges	49.9	Serbs	1	7.1%	M	7	50%
The number of reserve judges appointed	2	Croats	2	14.3%	F	7	50%
The number of legal associates appointed	4	Bosniaks	11	78.6%			
The number of permanently employed administrative staff members	52	Other	0	0%			
The number of fixed-term employees	2						
The number of trainees/volunteers	0/5						

**Table 3.5.65. Disciplinary proceedings**

Initiated	Completed	Judicial office holders sanctioned
0	0	0

**Table 3.5.66. Budget approved**

Salaries and allowances	Employer contributions	Goods and services	Purchase of fixed assets	TOTAL
1,840,714	172,946	571,548	0	2,585,208

**MUNICIPAL COURT IN KAKANJ****Table 3.5.67. Caseflow**

Case type	Unresolved cases – 1.1.2011	Received cases	Total number of ongoing cases	Resolved cases	Unresolved cases – 31.12.2011
	I	II	III=I+II	IV	V=III-IV
Civil	808	451	1,259	639	620
Small value disputes	338	58	396	140	256
Criminal	177	539	716	529	187
Corruption	1	2	3	2	1
Enforcement	506	601	1,107	552	555
Non-litigation	706	655	1,361	776	585
Land registry	1,333	7,531	8,864	8,797	67
Minor Offence Department	706	1,040	1,746	1,065	681
<b>Total</b>	<b>4,236</b>	<b>10,817</b>	<b>15,053</b>	<b>12,358</b>	<b>2,695</b>
Collective quota achieved:	<b>169,0 %</b>				
Performance quality (court decisions)			Upheld	Modified	Reversed
			76%	13%	11%

**Table 3.5.68. Statute of limitations**

Case type	Relative statute of limitations	Absolute statute of limitations	Total
Criminal	0	0	0
Minor offence	1	0	1
Criminal sanction enforcement	0	0	0
<b>Total</b>	<b>1</b>	<b>0</b>	<b>1</b>

**Table 3.5.69. Implementation of the Backlog Reduction Plan**

	Case initiation year						Total
	2010	2009-2006	2005-2001	2000-1996	1995-1991	1990 and earlier	
Plan	2	804	211	78	23	24	1,142
Implementation of the plan	2	411	137	62	20	21	653
Plan implementation rate	100%	51%	65%	79%	87%	88%	57%

Quota achieved for old cases: 25.8%

Average number of resolved old cases from the plan per judge/legal associate: 109

**Table 3.5.70. Staffing capacities**

31.12.2011		Regular Judges				
The number of regular judges appointed	6	Ethnic breakdown			Gender breakdown	
The average age of regular judges	45.2	Serbs	0	0%	M	3 50%
The number of reserve judges appointed	1	Croats	1	16.7%	F	3 50%
The number of legal associates appointed	1	Bosniaks	4	66.7%		
The number of permanently employed administrative staff members	20	Other	1	16.7%		
The number of fixed-term employees	1					
The number of trainees/volunteers	2/2					

**Table 3.5.71. Disciplinary proceedings**

Initiated	Completed	Judicial office holders sanctioned
0	0	0

**Table 3.5.72. Budget approved**

Salaries and allowances	Employer contributions	Goods and services	Purchase of fixed assets	TOTAL
651,915	61,960	213,949	0	927,824

**MUNICIPAL COURT IN TESANJ****Table 3.5.73. Caseflow**

Case type	Unresolved cases – 1.1.2011	Received cases	Total number of ongoing cases	Resolved cases	Unresolved cases – 31.12.2011
	I	II	III=I+II	IV	V=III-IV
Civil	320	815	1,135	768	367
Small value disputes	0	297	297	270	27
Criminal	285	599	884	584	300
Corruption	3	1	4	1	3
Enforcement	2,000	898	2,898	1,412	1,486
Non-litigation	420	723	1,143	769	374
Land registry	30	4,609	4,639	4,605	34
Minor Offence Department	685	909	1,594	821	773
<b>Total</b>	<b>3,740</b>	<b>8,553</b>	<b>12,293</b>	<b>8,959</b>	<b>3,334</b>
Collective quota achieved:	<b>155.2 %</b>				
Performance quality (court decisions)			Upheld	Modified	Reversed
			80%	6%	14%

**Table 3.5.74. Statute of limitations**

Case type	Relative statute of limitations	Absolute statute of limitations	Total
Criminal	0	1	1
Minor offence	0	1	1
Criminal sanction enforcement	0	0	0
<b>Total</b>	<b>0</b>	<b>2</b>	<b>2</b>

**Table 3.5.75. Implementation of the Backlog Reduction Plan**

	Case initiation year						Total
	2010	2009-2006	2005-2001	2000-1996	1995-1991	1990 and earlier	
Plan	0	1,017	243	116	25	29	1,430
Implementation of the plan	0	249	88	52	5	17	411
Plan implementation rate	0%	24%	36%	45%	20%	59%	29%

Quota achieved for old cases: 12.6%

Average number of resolved old cases from the plan per judge/legal associate: 46

**Table 3.5.76. Staffing capacities**

31.12.2011	
The number of regular judges appointed	6
The average age of regular judges	54.0
The number of reserve judges appointed	1
The number of legal associates appointed	3
The number of permanently employed administrative staff members	25
The number of fixed-term employees	0
The number of trainees/volunteers	0/1

Regular Judges						
Ethnic breakdown				Gender breakdown		
Serbs	1	16.7%		M	4	66.7%
Croats	1	16.7%		F	2	33.3%
Bosniaks	4	66.7%				
Other	0	0%				

**Table 3.5.77. Disciplinary proceedings**

Initiated	Completed	Judicial office holders sanctioned
0	0	0

**Table 3.5.78. Budget approved**

Salaries and allowances	Employer contributions	Goods and services	Purchase of fixed assets	TOTAL
832,995	78,240	187,615	0	1,098,850

**MUNICIPAL COURT IN VISOKO****Table 3.5.79. Caseflow**

Case type	Unresolved cases – 1.1.2011	Received cases	Total number of ongoing cases	Resolved cases	Unresolved cases – 31.12.2011
	I	II	III=I+II	IV	V=III-IV
Civil	1,522	2,469	3,991	1,881	2,110
Small value disputes	556	1,481	2,037	864	1,173
Criminal	309	914	1,223	821	402
Corruption	2	1	3	2	1
Enforcement	5,366	2,194	7,560	2,027	5,533
Non-litigation	1,048	1,289	2,337	1,381	956
Land registry	5,315	19,943	25,258	20,543	4,715
Minor Offence Department,	626	1,290	1,916	1,093	823
<b>Total</b>	<b>14,186</b>	<b>28,099</b>	<b>42,285</b>	<b>27,746</b>	<b>14,539</b>
Collective quota achieved:	<b>201.0 %</b>				
Performance quality (court decisions)			Upheld	Modified	Reversed
			84%	9%	7%

**Table 3.5.80. Statute of limitations**

Case type	Relative statute of limitations	Absolute statute of limitations	Total
Criminal	0	2	2
Minor offence	0	0	0
Criminal sanction enforcement	2	1	3
<b>Total</b>	<b>2</b>	<b>3</b>	<b>5</b>

**Table 3.5.81. Implementation of the Backlog Reduction Plan**

	Case initiation year						Total
	2010	2009-2006	2005-2001	2000-1996	1995-1991	1990 and earlier	
Plan	0	2,373	486	51	0	0	2,910
Implementation of the plan	0	2,228	324	41	0	0	2,593
Plan implementation rate	0%	94%	67%	80%	0%	0%	89%

Quota achieved for old cases: 28.7%

Average number of resolved old cases from the plan per judge/legal associate: 216

**Table 3.5.82. Staffing capacities**

31.12.2011	
The number of regular judges appointed	14
The average age of regular judges	48.2
The number of reserve judges appointed	0
The number of legal associates appointed	4
The number of permanently employed administrative staff members	41
The number of fixed-term employees	2
The number of trainees/volunteers	0/0

Regular Judges						
Ethnic breakdown				Gender breakdown		
Serbs	1	7.1%		M	4	28.6%
Croats	2	14.3%		F	10	71.4%
Bosniaks	10	71.4%				
Other	1	7.1%				

**Table 3.5.83. Disciplinary proceedings**

Initiated	Completed	Judicial office holders sanctioned
0	0	0

**Table 3.5.84. Budget approved**

Salaries and allowances	Employer contributions	Goods and services	Purchase of fixed assets	TOTAL
1,469,985	136,885	392,195	0	1,999,065

**MUNICIPAL COURT IN ZAVIDOVICI****Table 3.5.85. Caseflow**

Case type	Unresolved cases – 1.1.2011	Received cases	Total number of ongoing cases	Resolved cases	Unresolved cases – 31.12.2011
	I	II	III=I+II	IV	V=III-IV
Civil	876	740	1,616	917	699
Small value disputes	129	244	373	241	132
Criminal	393	714	1,107	647	460
Corruption	2	1	3	1	2
Enforcement	2,549	1,446	3,995	1,018	2,977
Non-litigation	229	742	971	619	352
Land registry	57	8,845	8,902	5,511	3,391
Minor Offence Department	2,184	1,321	3,505	1,786	1,719
<b>Total</b>	<b>6,288</b>	<b>13,808</b>	<b>20,096</b>	<b>10,498</b>	<b>9,598</b>
Collective quota achieved:	<b>165.0 %</b>				
Performance quality (court decisions)			Upheld	Modified	Reversed
			75%	10%	15%



**Table 3.5.86. Statute of limitations**

Case type	Relative statute of limitations	Absolute statute of limitations	Total
Criminal	0	2	2
Minor offence	14	230	244
Criminal sanction enforcement	0	2	2
<b>Total</b>	<b>14</b>	<b>234</b>	<b>248</b>

**Table 3.5.87. Implementation of the Backlog Reduction Plan**

	Case initiation year						Total
	2010	2009-2006	2005-2001	2000-1996	1995-1991	1990 and earlier	
Plan	57	777	213	42	23	9	1,121
Implementation of the plan	31	381	62	16	17	9	516
Plan implementation rate	54%	49%	29%	38%	74%	100%	46%

Quota achieved for old cases: 18.1%

Average number of resolved old cases from the plan per judge/legal associate: 52

**Table 3.5.88. Staffing capacities**

31.12.2011		Regular Judges					
		Ethnic breakdown			Gender breakdown		
The number of regular judges appointed	8	Serbs	1	12.5%	M	2	25%
The average age of regular judges	50.8	Croats	0	0%	F	6	75%
The number of reserve judges appointed	1	Bosniaks	6	75%			
The number of legal associates appointed	3	Other	1	12.5%			
The number of permanently employed административних радника	32						
The number of fixed-term employees	1						
The number of trainees/volunteers	0/2						

**Table 3.5.89. Disciplinary proceedings**

Initiated	Completed	Judicial office holders sanctioned
0	0	0

**Table 3.5.90. Budget approved**

Salaries and allowances	Employer contributions	Goods and services	Purchase of fixed assets	TOTAL
1,997,865	93,680	291,734	0	1,383,279

**MUNICIPAL COURT IN ZENICA****Table 3.5.91. Caseflow**

Case type	Unresolved cases – 1.1.2011	Received cases	Total number of ongoing cases	Resolved cases	Unresolved cases – 31.12.2011
	I	II	III=I+II	IV	V=III-IV
Civil	4,428	2,307	6,735	3,210	3,525
Small value disputes	2,320	1,015	3,335	1,649	1,686
Commercial	2,631	1,511	4,142	2,330	1,812
Criminal	659	2,141	2,800	2,152	648
Corruption	4	3	7	5	2
Enforcement	4,698	2,771	7,469	1,595	5,874
Non-litigation	2,333	1,719	4,052	2,380	1,672
Business entity registration	48	4,570	4,618	4,407	211
Land registry	3,939	19,610	23,549	21,640	1,909
Minor Offence Department	1,775	3,084	4,859	2,710	2,149
<b>Total</b>	<b>20,511</b>	<b>37,713</b>	<b>58,224</b>	<b>40,424</b>	<b>17,800</b>
Collective quota achieved:	<b>163.6 %</b>				
Performance quality (court decisions)			Upheld	Modified	Reversed
			86%	4%	10%

**Table 3.5.92. Statute of limitations**

Case type	Relative statute of limitations	Absolute statute of limitations	Total
Criminal	0	5	5
Minor offence	3	6	9
Criminal sanction enforcement	0	0	0
<b>Total</b>	<b>3</b>	<b>11</b>	<b>14</b>

**Table 3.5.93. Implementation of the Backlog Reduction Plan**

	Case initiation year						Total
	2010	2009-2006	2005-2001	2000-1996	1995-1991	1990 and earlier	
Plan	3	4,851	981	181	42	5	6,063
Implementation of the plan	3	3,311	519	109	22	2	3,966
Plan implementation rate	100%	68%	53%	60%	52%	40%	65%

Quota achieved for old cases: 22.4%

Average number of resolved old cases from the plan per judge/legal associate: 102

**Table 3.5.94. Staffing capacities**

31.12.2011		Regular Judges				
The number of regular judges appointed	25	Ethnic breakdown			Gender breakdown	
The average age of regular judges	45.0	Serbs	4	16%	M	5 20%
The number of reserve judges appointed	7	Croats	4	16%	F	20 80%
The number of legal associates appointed	5	Bosniaks	15	60%		
The number of permanently employed administrative staff members	96	Other	2	8%		
The number of fixed-term employees	19					
The number of trainees/volunteers	0/10					

**Table 3.5.95. Disciplinary proceedings**

Initiated	Completed	Judicial office holders sanctioned
0	0	0

**Table 3.5.96. Budget approved**

Salaries and allowances	Employer contributions	Goods and services	Purchase of fixed assets	TOTAL
3,236,850	303,310	671,226	0	4,211,386

**MUNICIPAL COURT IN ZEPCE****Table 3.5.97. Caseflow**

Case type	Unresolved cases – 1.1.2011	Received cases	Total number of ongoing cases	Resolved cases	Unresolved cases – 31.12.2011
	I	II	III=I+II	IV	V=III-IV
Civil	519	183	702	429	273
Small value disputes	274	68	342	277	65
Criminal	120	293	413	274	139
Corruption	0	3	3	1	2
Enforcement	610	307	917	192	725
Non-litigation	178	417	595	456	139
Land registry	89	1,256	1,345	1,314	31
Minor Offence Department	1,202	661	1,863	870	993
<b>Total</b>	<b>2,718</b>	<b>3,117</b>	<b>5,835</b>	<b>3,535</b>	<b>2,300</b>
Collective quota achieved:					<b>205.0 %</b>
Performance quality (court decisions)			Upheld	Modified	Reversed
			84%	6%	10%

**Table 3.5.98. Statute of limitations**

Case type	Relative statute of limitations	Absolute statute of limitations	Total
Criminal	0	1	1
Minor offence	0	1	1
Criminal sanction enforcement	0	0	0
<b>Total</b>	<b>0</b>	<b>2</b>	<b>2</b>

**Table 3.5.99. Implementation of the Backlog Reduction Plan**

	Case initiation year						Total
	2010	2009-2006	2005-2001	2000-1996	1995-1991	1990 and earlier	
Plan	0	100	40	7	0	0	147
Implementation of the plan	0	60	27	3	0	0	90
Plan implementation rate	0%	60%	68%	43%	0%	0%	61%

Quota achieved for old cases: 9.3%

Average number of resolved old cases from the plan per judge/legal associate: 30

**Table 3.5.100. Staffing capacities**

31.12.2011		Regular Judges				
The number of regular judges appointed	4	Ethnic breakdown		Gender breakdown		
The average age of regular judges	45.5	Serbs	0	0%	M	2 50%
The number of reserve judges appointed	0	Croats	1	25%	F	2 50%
The number of legal associates appointed	0	Bosniaks	2	50%		
The number of permanently employed administrative staff members	14	Other	1	25%		
The number of fixed-term employees	0					
The number of trainees/volunteers	0/0					

**Table 3.5.101. Disciplinary proceedings**

Initiated	Completed	Judicial office holders sanctioned
0	0	0

**Table 3.5.102. Budget approved**

Salaries and allowances	Employer contributions	Goods and services	Purchase of fixed assets	TOTAL
449,495	41,210	116,727	0	607,432

**MUNICIPAL COURT IN GORAZDE****Table 3.5.103. Caseflow**

Case type	Unresolved cases – 1.1.2011	Received cases	Total number of ongoing cases	Resolved cases	Unresolved cases – 31.12.2011
	I	II	III=I+II	IV	V=III-IV
Civil	345	637	982	622	360
Small value disputes	145	440	585	342	243
Commercial	76	59	135	92	43
Criminal	46	263	309	271	38
Corruption	0	3	3	3	0
Enforcement	471	765	1,236	587	649
Non-litigation	143	842	985	801	184
Business entity registration	7	242	249	241	8
Land registry	9	1,706	1,715	1,707	8
Minor Offence Department	184	488	672	465	207
<b>Total</b>	<b>1,281</b>	<b>5,002</b>	<b>6,283</b>	<b>4,786</b>	<b>1,497</b>
Collective quota achieved:					<b>125.6 %</b>
Performance quality (court decisions)			Upheld	Modified	Reversed
			85%	5%	10%

**Table 3.5.104. Statute of limitations**

Case type	Relative statute of limitations	Absolute statute of limitations	Total
Criminal	0	0	0
Minor offence	0	0	0
Criminal sanction enforcement	0	1	1
<b>Total</b>	<b>0</b>	<b>1</b>	<b>1</b>

**Table 3.5.105. Implementation of the Backlog Reduction Plan**

	Case initiation year						Total
	2010	2009-2006	2005-2001	2000-1996	1995-1991	1990 and earlier	
Plan	0	0	0	0	0	0	0
Implementation of the plan	0	0	0	0	0	0	0
Plan implementation rate	0	0	0	0	0	0	0

Quota achieved for old cases:

Average number of resolved old cases from the plan per judge/legal associate:

**Table 3.5.106. Staffing capacities**

31.12.2011	
The number of regular judges appointed	7
The average age of regular judges	53.9
The number of reserve judges appointed	0
The number of legal associates appointed	1
The number of permanently employed administrative staff members	22
The number of fixed-term employees	0
The number of trainees/volunteers	2/0

Regular Judges						
Ethnic breakdown				Gender breakdown		
Serbs	2	28.6%	M	4	57.1%	
Croats	0	0%	F	3	42.9%	
Bosniaks	4	57.1%				
Other	1	14.3%				

**Table 3.5.107. Disciplinary proceedings**

Initiated	Completed	Judicial office holders sanctioned
0	0	0

**Table 3.5.108. Budget approved**

Salaries and allowances	Employer contributions	Goods and services	Purchase of fixed assets	TOTAL
749,020	72,000	158,303	5,000	984,323

**MUNICIPAL COURT IN BUGOJNO****Table 3.5.109. Caseflow**

Case type	Unresolved cases – 1.1.2011	Received cases	Total number of ongoing cases	Resolved cases	Unresolved cases – 31.12.2011
	I	II	III=I+II	IV	V=III-IV
Civil	2,157	2,437	4,594	3,202	1,392
Small value disputes	171	1,254	1,425	843	582
Criminal	661	1,028	1,689	947	742
Corruption	4	9	13	7	6
Enforcement	7,334	3,563	10,897	5,523	5,374
Non-litigation	867	1,697	2,564	1,507	1,057
Land registry	53	21,881	21,934	20,880	1,054
Minor Offence Department	2,385	2,234	4,619	3,456	1,163
<b>Total</b>	<b>13,457</b>	<b>32,840</b>	<b>46,297</b>	<b>35,515</b>	<b>10,782</b>
Collective quota achieved:	<b>185.1 %</b>				
Performance quality (court decisions)			Upheld	Modified	Reversed
			71%	17%	12%

**Table 3.5.110. Statute of limitations**

Case type	Relative statute of limitations	Absolute statute of limitations	Total
Criminal	0	7	7
Minor offence	0	0	0
Criminal sanction enforcement	0	0	0
<b>Total</b>	<b>0</b>	<b>7</b>	<b>7</b>

**Table 3.5.111. Implementation of the Backlog Reduction Plan**

	Case initiation year						Total
	2010	2009-2006	2005-2001	2000-1996	1995-1991	1990 and earlier	
Plan	3	2,300	188	55	4	17	2,567
Implementation of the plan	3	1,148	88	40	3	16	1,298
Plan implementation rate	100%	50%	47%	73%	75%	94%	51%

Quota achieved for old cases: 25.6%

Average number of resolved old cases from the plan per judge/legal associate: 93

**Table 3.5.112. Staffing capacities**

31.12.2011		Regular Judges				
		Ethnic breakdown			Gender breakdown	
The number of regular judges appointed	13	Serbs	2	15.4%	M	7
The average age of regular judges	43.5	Croats	5	38.5%	F	6
The number of reserve judges appointed	0	Bosniaks	6	46.2%		
The number of legal associates appointed	2	Other	0	0%		
The number of permanently employed administrative staff members	58					
Број запосл. на одређено вријеме	0					
The number of trainees/volunteers	2/10					

**Table 3.5.113. Disciplinary proceedings**

Initiated	Completed	Judicial office holders sanctioned
0	0	0

**Table 3.5.114. Budget approved**

Salaries and allowances	Employer contributions	Goods and services	Purchase of fixed assets	TOTAL
1,593,300	148,800	493,500	230,000	2,465,600



**MUNICIPAL COURT IN KISELJAK****Table 3.5.115. Caseflow**

Case type	Unresolved cases – 1.1.2011	Received cases	Total number of ongoing cases	Resolved cases	Unresolved cases – 31.12.2011
	I	II	III=I+II	IV	V=III-IV
Civil	475	545	1,020	508	512
Small value disputes	83	320	403	231	172
Criminal	303	471	774	487	287
Corruption	1	4	5	2	3
Enforcement	1,304	796	2,100	608	1,492
Non-litigation	399	598	997	638	359
Land registry	1	3,813	3,814	3,813	1
Minor Offence Department	255	542	797	537	260
<b>Total</b>	<b>2,737</b>	<b>6,765</b>	<b>9,502</b>	<b>6,591</b>	<b>2,911</b>
Collective quota achieved:	<b>134.0 %</b>				
Performance quality (court decisions)			Upheld	Modified	Reversed
			70%	11%	19%

**Table 3.5.116. Statute of limitations**

Case type	Relative statute of limitations	Absolute statute of limitations	Total
Criminal	0	1	1
Minor offence	0	0	0
Criminal sanction enforcement	0	2	2
<b>Total</b>	<b>0</b>	<b>3</b>	<b>3</b>

**Table 3.5.117. Implementation of the Backlog Reduction Plan**

	Case initiation year						Total
	2010	2009-2006	2005-2001	2000-1996	1995-1991	1990 and earlier	
Plan	0	189	292	28	0	3	512
Implementation of the plan	0	107	188	18	0	3	316
Plan implementation rate	0%	57%	64%	64%	0%	100%	62%

Quota achieved for old cases: 8.2%

Average number of resolved old cases from the plan per judge/legal associate: 32

**Table 3.5.118. Staffing capacities**

31.12.2011		Regular Judges					
The number of regular judges appointed	7	Ethnic breakdown			Gender breakdown		
The average age of regular judges	44.0	Serbs	1	14.3%	M	2	28.6%
The number of reserve judges appointed	1	Croats	3	42.9%	F	5	71.4%
The number of legal associates appointed	2	Bosniaks	3	42.9%			
The number of permanently employed administrative staff members	27	Other	0	0%			
The number of fixed-term employees	4						
The number of trainees/volunteers	0/0						

**Table 3.5.119. Disciplinary proceedings**

Initiated	Completed	Judicial office holders sanctioned
0	0	0

**Table 3.5.120. Budget approved**

Salaries and allowances	Employer contributions	Goods and services	Purchase of fixed assets	TOTAL
921,100	86,000	284,000	280,000	1,571,100

**MUNICIPAL COURT IN TRAVNIK****Table 3.5.121. Caseflow**

Case type	Unresolved cases – 1.1.2011	Received cases	Total number of ongoing cases	Resolved cases	Unresolved cases – 31.12.2011
	I	II	III=I+II	IV	V=III-IV
Civil	3,314	3,427	6,741	3,540	3,201
Small value disputes	2,241	2,554	4,795	2,504	2,291
Commercial	775	968	1,743	1,248	495
Criminal	1,281	1,483	2,764	1,353	1,411
Corruption	6	5	11	6	5
Enforcement	7,978	3,567	11,545	1,036	10,509
Non-litigation	640	2,023	2,663	1,934	729
Business entity registration	91	3,234	3,325	3,079	246
Land registry	235	10,994	11,229	10,979	250
Minor Offence Department	2,379	2,944	5,323	2,922	2,401
<b>Total</b>	<b>16,693</b>	<b>28,640</b>	<b>45,333</b>	<b>26,091</b>	<b>19,242</b>
Collective quota achieved:	<b>151.9 %</b>				
Performance quality (court decisions)			Upheld	Modified	Reversed
			77%	6%	17%

**Table 3.5.122. Statute of limitations**

Case type	Relative statute of limitations	Absolute statute of limitations	Total
Criminal	21	1	22
Minor offence	0	0	0
Criminal sanction enforcement	8	0	8
<b>Total</b>	<b>29</b>	<b>1</b>	<b>30</b>

**Table 3.5.123. Implementation of the Backlog Reduction Plan**

	Case initiation year						Total
	2010	2009-2006	2005-2001	2000-1996	1995-1991	1990 and earlier	
Plan	54	3,240	356	0	0	1	3,651
Implementation of the plan	53	1,860	219	0	0	1	2,133
Plan implementation rate	98%	57%	62%	0%	0%	100%	58%

Quota achieved for old cases: 19.5%

Average number of resolved old cases from the plan per judge/legal associate: 74

**Table 3.5.124. Staffing capacities**

31.12.2011		Regular Judges					
The number of regular judges appointed	21	Ethnic breakdown			Gender breakdown		
The average age of regular judges	46.1	Serbs	0	0%	M	8	38.1%
The number of reserve judges appointed	4	Croats	9	42.9%	F	13	61.9%
The number of legal associates appointed	7	Bosniaks	10	47.6%			
The number of permanently employed administrative staff members	69	Other	2	9.5%			
The number of fixed-term employees	12						
The number of trainees/volunteers	5/15						

**Table 3.5.125. Disciplinary proceedings**

Initiated	Completed	Judicial office holders sanctioned
0	0	0

**Table 3.5.126. Budget approved**

Salaries and allowances	Employer contributions	Goods and services	Purchase of fixed assets	TOTAL
2,532,200	236,100	855,000	250,000	3,873,300

**MUNICIPAL COURT IN CAPLJINA****Table 3.5.127. Caseflow**

Case type	Unresolved cases – 1.1.2011	Received cases	Total number of ongoing cases	Resolved cases	Unresolved cases – 31.12.2011
	I	II	III=I+II	IV	V=III-IV
Civil	553	1,655	2,208	1,363	845
Small value disputes	254	824	1,078	854	224
Criminal	139	324	463	351	112
Corruption	0	1	1	1	0
Enforcement	577	1,100	1,677	504	1,173
Non-litigation	312	661	973	772	201
Land registry	2,062	5,861	7,923	7,169	754
Minor Offence Department	240	888	1,128	803	325
<b>Total</b>	<b>3,883</b>	<b>10,489</b>	<b>14,372</b>	<b>10,962</b>	<b>3,410</b>
Collective quota achieved:					<b>136.0 %</b>
Performance quality (court decisions)			Upheld	Modified	Reversed
			79%	13%	8%

**Table 3.5.128. Statute of limitations**

Case type	Relative statute of limitations	Absolute statute of limitations	Total
Criminal	0	2	2
Minor offence	0	1	1
Criminal sanction enforcement	0	2	2
<b>Total</b>	<b>0</b>	<b>5</b>	<b>5</b>

**Table 3.5.129. Implementation of the Backlog Reduction Plan**

	Case initiation year						Total
	2010	2009-2006	2005-2001	2000-1996	1995-1991	1990 and earlier	
Plan	0	0	0	0	0	0	0
Implementation of the plan	0	0	0	0	0	0	0
Plan implementation rate	0	0	0	0	0	0	0

Quota achieved for old cases:

Average number of resolved old cases from the plan per judge/legal associate:

**Table 3.5.130. Staffing capacities**

31.12.2011		Regular Judges					
The number of regular judges appointed	9	Ethnic breakdown			Gender breakdown		
The average age of regular judges	52.3	Serbs	1	11.1%	M	1	11.1%
The number of reserve judges appointed	0	Croats	5	55.6%	F	8	88.9%
The number of legal associates appointed	2	Bosniaks	3	33.3%			
The number of permanently employed administrative staff members	30	Other	0	0%			
The number of fixed-term employees	0						
The number of trainees/volunteers	1/2						

**Table 3.5.131. Disciplinary proceedings**

Initiated	Completed	Judicial office holders sanctioned
0	0	0

**Table 3.5.132. Budget approved**

Salaries and allowances	Employer contributions	Goods and services	Purchase of fixed assets	TOTAL
1,135,000	105,600	186,140	0	1,426,740

**MUNICIPAL COURT IN KONJIC****Table 3.5.133. Caseflow**

Case type	Unresolved cases – 1,1,2011	Received cases	Total number of ongoing cases	Resolved cases	Unresolved cases – 31,12,2011
	I	II	III=I+II	IV	V=III-IV
Civil	759	1,185	1,944	749	1,195
Small value disputes	290	544	834	286	548
Criminal	291	583	874	630	244
Corruption	3	5	8	2	6
Enforcement	1,732	830	2,562	570	1,992
Non-litigation	253	839	1,092	873	219
Land registry	94	9,159	9,253	9,220	33
Minor Offence Department	656	1,018	1,674	1,175	499
<b>Total</b>	<b>3,785</b>	<b>13,614</b>	<b>17,399</b>	<b>13,217</b>	<b>4,182</b>
Collective quota achieved:	<b>140.0 %</b>				
Performance quality (court decisions)			Upheld	Modified	Reversed
			66%	17%	17%

**Table 3.5.134. Statute of limitations**

Case type	Relative statute of limitations	Absolute statute of limitations	Total
Criminal	0	2	2
Minor offence	0	1	1
Criminal sanction enforcement	0	2	2
<b>Total</b>	<b>0</b>	<b>5</b>	<b>5</b>

**Table 3.5.135. Implementation of the Backlog Reduction Plan**

	Case initiation year						Total
	2010	2009-2006	2005-2001	2000-1996	1995-1991	1990 and earlier	
Plan	0	869	233	17	0	0	1,119
Implementation of the plan	0	479	143	11	0	0	633
Plan implementation rate	0%	55%	61%	65%	0%	0%	57%

Quota achieved for old cases: 20.0%

Average number of resolved old cases from the plan per judge/legal associate: 126

**Table 3.5.136. Staffing capacities**

31.12.2011		Regular Judges					
The number of regular judges appointed	9	Ethnic breakdown			Gender breakdown		
The average age of regular judges	49.6	Serbs	0	0%	M	3	33.3%
The number of reserve judges appointed	0	Croats	3	33.3%	F	6	66.7%
The number of legal associates appointed	2	Bosniaks	6	66.7%			
The number of permanently employed administrative staff members	31	Other	0	0%			
The number of fixed-term employees	0						
The number of trainees/volunteers	0/5						

**Table 3.5.137. Disciplinary proceedings**

Initiated	Completed	Judicial office holders sanctioned
0	0	0

**Table 3.5.138. Budget approved**

Salaries and allowances	Employer contributions	Goods and services	Purchase of fixed assets	TOTAL
1,105,800	105,600	203,830	0	1,415,230

**MUNICIPAL COURT IN MOSTAR****Table 3.5.139. Caseflow**

Case type	Unresolved cases – 1,1,2011	Received cases	Total number of ongoing cases	Resolved cases	Unresolved cases – 31,12,2011
	I	II	III=I+II	IV	V=III-IV
Civil	12,175	4,150	16,325	5,082	11,243
Small value disputes	2,249	681	2,930	779	2,151
Commercial	1,796	1,047	2,843	1,131	1,712
Criminal	526	1,466	1,992	1,479	513
Corruption	5	5	10	4	6
Enforcement	6,619	2,738	9,357	783	8,574
Non-litigation	2,116	1,893	4,009	2,327	1,682
Business entity registration	113	1,228	1,341	1,112	229
Land registry	9,361	28,175	37,536	33,118	4,418
Minor Offence Department	1,649	2,267	3,916	2,894	1,022
<b>Total</b>	<b>34,355</b>	<b>42,964</b>	<b>77,319</b>	<b>47,926</b>	<b>29,393</b>
Collective quota achieved:					<b>167.7 %</b>
Performance quality (court decisions)			Upheld	Modified	Reversed
			73%	18%	9%

**Table 3.5.140. Statute of limitations**

Case type	Relative statute of limitations	Absolute statute of limitations	Total
Criminal	1	2	3
Minor offence	10	22	32
Criminal sanction enforcement	0	3	3
<b>Total</b>	<b>11</b>	<b>27</b>	<b>38</b>

**Table 3.5.141. Implementation of the Backlog Reduction Plan**

	Case initiation year						Total
	2010	2009-2006	2005-2001	2000-1996	1995-1991	1990 and earlier	
Plan	1,893	7,867	924	80	9	0	10,773
Implementation of the plan	1,701	4,578	306	35	6	0	6,626
Plan implementation rate	90%	58%	33%	44%	67%	0%	62%

Quota achieved for old cases: 59.6%

Average number of resolved old cases from the plan per judge/legal associate: 214

**Table 3.5.142. Staffing capacities**

31.12.2011		Regular Judges					
The number of regular judges appointed	22	Ethnic breakdown			Gender breakdown		
The average age of regular judges	49.9	Serbs	4	18.2%	M	6	27.3%
The number of reserve judges appointed	2	Croats	9	40.9%	F	16	72.7%
The number of legal associates appointed	7	Bosniaks	9	40.9%			
The number of permanently employed administrative staff members	85	Other	0	0%			
The number of fixed-term employees	0						
The number of trainees/volunteers	0/6						

**Table 3.5.143. Disciplinary proceedings**

Initiated	Completed	Judicial office holders sanctioned
1	1	1

**Table 3.5.144. Budget approved**

Salaries and allowances	Employer contributions	Goods and services	Purchase of fixed assets	TOTAL
3,012,000	286,000	582,700	0	3,880,700

**MUNICIPAL COURT IN LJUBUSKI****Table 3.5.145. Caseflow**

Case type	Unresolved cases – 1.1.2011	Received cases	Total number of ongoing cases	Resolved cases	Unresolved cases – 31.12.2011
	I	II	III=I+II	IV	V=III-IV
Civil	619	899	1,518	783	735
Small value disputes	150	218	368	145	223
Criminal	206	374	580	413	167
Corruption	3	3	6	1	5
Enforcement	953	544	1,497	746	751
Non-litigation	299	745	1,044	729	315
Land registry	25	4,366	4,391	4,381	10
Minor Offense Department	436	518	954	748	206
<b>Total</b>	<b>2,538</b>	<b>7,446</b>	<b>9,984</b>	<b>7,800</b>	<b>2,184</b>
Collective quota achieved:					<b>138.9 %</b>
Performance quality (court decisions)			Upheld	Modified	Reversed
			78%	10%	12%



**Table 3.5.146. Statute of limitations**

Case type	Relative statute of limitations	Absolute statute of limitations	Total
Criminal	0	0	0
Minor offence	1	8	9
Criminal sanction enforcement	0	1	1
<b>Total</b>	<b>1</b>	<b>9</b>	<b>10</b>

**Table 3.5.147. Implementation of the Backlog Reduction Plan**

	Case initiation year						Total
	2010	2009-2006	2005-2001	2000-1996	1995-1991	1990 and earlier	
Plan	0	351	34	3	0	0	388
Implementation of the plan	0	262	25	1	0	0	288
Plan implementation rate	0%	75%	74%	33%	0%	0%	74%

Quota achieved for old cases: 11.4%

Average number of resolved old cases from the plan per judge/legal associate: 58

**Table 3.5.148. Staffing capacities**

31.12.2011		Regular Judges					
The number of regular judges appointed	6	Ethnic breakdown			Gender breakdown		
The average age of regular judges	40.7	Serbs	0	0%	M	2	33.3%
The number of reserve judges appointed	0	Croats	6	100%	F	4	66.7%
The number of legal associates appointed	3	Bosniaks	0	0%			
The number of permanently employed administrative staff members	22	Other	0	0%			
The number of fixed-term employees	0						
The number of trainees/volunteers	0/3						

**Table 3.5.149. Disciplinary proceedings**

Initiated	Completed	Judicial office holders sanctioned
0	0	0

**Table 3.5.150. Budget approved**

Salaries and allowances	Employer contributions	Goods and services	Purchase of fixed assets	TOTAL
763,000	70,000	156,500	3,000	992,500

**MUNICIPAL COURT IN SIROKI BRIJEG****Table 3.5.151. Caseflow**

Case type	Unresolved cases – 1,1,2011	Received cases	Total number of ongoing cases	Resolved cases	Unresolved cases – 31,12,2011
	I	II	III=I+II	IV	V=III-IV
Civil	689	477	1,166	600	566
Small value disputes	123	106	229	79	150
Commercial	343	327	670	465	205
Criminal	139	357	496	350	146
Corruption	0	2	2	1	1
Enforcement	1,112	571	1,683	149	1,534
Non-litigation	527	620	1,147	798	349
Business entity registration	32	1,998	2,030	2,012	18
Land registry	1,014	3,427	4,441	3,573	868
Minor Offence Department	1,162	874	2,036	1,072	964
<b>Total</b>	<b>5,018</b>	<b>8,651</b>	<b>13,669</b>	<b>9,019</b>	<b>4,650</b>
Collective quota achieved:	<b>231.2 %</b>				
Performance quality (court decisions)			Upheld	Modified	Reversed
			75%	6%	19%

**Table 3.5.152. Statute of limitations**

Case type	Relative statute of limitations	Absolute statute of limitations	Total
Criminal	5	3	8
Minor offence	2	1	3
Criminal sanction enforcement	7	1	8
<b>Total</b>	<b>14</b>	<b>5</b>	<b>19</b>

**Table 3.5.153. Implementation of the Backlog Reduction Plan**

	Case initiation year						Total
	2010	2009-2006	2005-2001	2000-1996	1995-1991	1990 and earlier	
Plan	0	1,288	80	10	8	20	1,406
Implementation of the plan	0	1,106	57	8	8	15	1,194
Plan implementation rate	0%	86%	71%	80%	100%	75%	85%

Quota achieved for old cases: 34.7%

Average number of resolved old cases from the plan per judge/legal associate: 149

**Table 3.5.154. Staffing capacities**

31.12.2011		Regular Judges					
The number of regular judges appointed	8	Ethnic breakdown			Gender breakdown		
The average age of regular judges	39.8	Serbs	0	0%	M	3	37.5%
The number of reserve judges appointed	1	Croats	8	100%	F	5	62.5%
The number of legal associates appointed	3	Bosniaks	0	0%			
The number of permanently employed административних радника	26	Other	0	0%			
The number of fixed-term employees	0						
The number of trainees/volunteers	0/4						

**Table 3.5.155. Disciplinary proceedings**

Initiated	Completed	Judicial office holders sanctioned
0	0	0

**Table 3.5.156. Budget approved**

Salaries and allowances	Employer contributions	Goods and services	Purchase of fixed assets	TOTAL
855,000	80,500	104,500	3,000	1,043,000

**MUNICIPAL COURT IN SARAJEVO****Table 3.5.157. Caseflow**

Case type	Unresolved cases – 1,1,2011	Received cases	Total number of ongoing cases	Resolved cases	Unresolved cases – 31,12,2011
	I	II	III=I+II	IV	V=III-IV
Civil	20,662	10,320	30,982	10,943	20,039
Small value disputes	10,905	1,500	12,405	1,631	10,774
Commercial	2,761	2,156	4,917	2,418	2,499
Criminal	2,585	6,821	9,406	7,170	2,236
Corruption	12	21	33	14	19
Enforcement	21,314	9,858	31,172	14,091	17,081
Non-litigation	4,661	7,286	11,947	9,101	2,846
Business entity registration	446	11,424	11,870	11,541	329
Land registry	327	94,811	95,138	95,044	94
Minor Offence Department	9,200	8,305	17,505	11,114	6,391
<b>Total</b>	<b>61,956</b>	<b>150,981</b>	<b>212,937</b>	<b>161,422</b>	<b>51,515</b>
Collective quota achieved:	<b>209.1 %</b>				
Performance quality (court decisions)			Upheld	Modified	Reversed
			83%	8%	9%

**Table 3.5.158. Statute of limitations**

Case type	Relative statute of limitations	Absolute statute of limitations	Total
Criminal	0	19	19
Minor offence	0	15	15
Criminal sanction enforcement	0	8	8
<b>Total</b>	<b>0</b>	<b>42</b>	<b>42</b>

**Table 2.5.159. Implementation of the Backlog Reduction Plan**

	Case initiation year						Total
	2010	2009-2006	2005-2001	2000-1996	1995-1991	1990 and earlier	
Plan	430	5,304	4,001	1,112	14	23	10,883
Implementation of the plan	290	2,962	1,954	621	7	15	5,849
Plan implementation rate	67%	56%	49%	56%	50%	65%	54%

Quota achieved for old cases: 20.2%

Average number of resolved old cases from the plan per judge/legal associate: 68

**Table 3.5.160. Staffing capacities**

31.12.2011		Regular Judges					
The number of regular judges appointed	100	Ethnic breakdown			Gender breakdown		
The average age of regular judges	48.5	Serbs	24	24%	M	19	19%
The number of reserve judges appointed	11	Croats	11	11%	F	81	81%
The number of legal associates appointed	29	Bosniaks	53	53%			
The number of permanently employed administrative staff members	337	Other	12	12%			
The number of fixed-term employees	62						
The number of trainees/volunteers	10/64						

**Table 3.5.161. Disciplinary proceedings**

Initiated	Completed	Judicial office holders sanctioned
1	1	1

**Table 3.5.162. Budget approved**

Salaries and allowances	Employer contributions	Goods and services	Purchase of fixed assets	TOTAL
13,189,300	1,265,100	3,400,800	10,000	17,865,200

**MUNICIPAL COURT IN LIVNO****Table 3.5.163. Caseflow**

Case type	Unresolved cases – 1,1,2011	Received cases	Total number of ongoing cases	Resolved cases	Unresolved cases – 31,12,2011
	I	II	III=I+II	IV	V=III-IV
Civil	1,782	968	2,750	1,343	1,407
Small value disputes	250	189	439	270	169
Commercial	358	252	610	324	286
Criminal	678	992	1,670	1,158	512
Corruption	20	10	30	12	18
Enforcement	1,966	853	2,819	839	1,980
Non-litigation	1,989	2,017	4,006	2,711	1,295
Business entity registration	11	759	770	761	9
Land registry	412	8,232	8,644	8,261	383
Minor Offence Department	207	1,417	1,624	1,264	360
<b>Total</b>	<b>7,403</b>	<b>15,490</b>	<b>22,893</b>	<b>16,661</b>	<b>6,232</b>
Collective quota achieved:	<b>175.7 %</b>				
Performance quality (court decisions)			Upheld	Modified	Reversed
			60%	16%	24%

**Table 3.5.164. Statute of limitations**

Case type	Relative statute of limitations	Absolute statute of limitations	Total
Criminal	0	33	33
Minor offence	0	0	0
Criminal sanction enforcement	0	0	0
<b>Total</b>	<b>0</b>	<b>33</b>	<b>33</b>

**Table 3.5.165. Implementation of the Backlog Reduction Plan**

	Case initiation year						Total
	2010	2009-2006	2005-2001	2000-1996	1995-1991	1990 and earlier	
Plan	674	2,521	664	162	2	4	4,027
Implementation of the plan	542	1,782	506	145	2	4	2,981
Plan implementation rate	80%	71%	76%	90%	100%	100%	74%

Quota achieved for old cases: 53.1%

Average number of resolved old cases from the plan per judge/legal associate: 198

**Table 2.5.166. Staffing capacities**

31.12.2011		Regular Judges					
The number of regular judges appointed	11	Ethnic breakdown			Gender breakdown		
The average age of regular judges	49.6	Serbs	1	9.1%	M	6	54.5%
The number of reserve judges appointed	1	Croats	7	63.6%	F	5	45.5%
The number of legal associates appointed	4	Bosniaks	3	27.3%			
The number of permanently employed административних радника	40	Other	0	0.0%			
The number of fixed-term employees	1						
The number of trainees/volunteers	1/2						

**Table 3.5.167. Disciplinary proceedings**

Initiated	Completed	Judicial office holders sanctioned
0	0	0

**Table 3.5.168. Budget approved**

Salaries and allowances	Employer contributions	Goods and services	Purchase of fixed assets	TOTAL
1,533,975	145,160	620,156	17,000	2,316,291

## 3.6. INDIVIDUAL REPORTS ON THE BASIC COURTS PERFORMANCE

### BASIC COURT IN BANJA LUKA

**Table 3.6.1. Caseflow**

Case type	Unresolved cases – 1.1.2011	Received cases	Total number of ongoing cases	Resolved cases	Cases received from LA Branch Office	Unresolved cases – 31.12.2011
	I	II	III=I+II	IV	V	VI=III-IV-V
Civilni	21,834	6,500	28,334	9,451	0	18,883
Small value disputes	9,265	2,738	12,003	1,550	0	10,453
Criminalni	1,833	3,106	4,939	3,244	0	1,695
Corruption	43	32	75	33	0	42
Enforcementni	4,622	5,092	9,714	3,713	0	6,001
Non-litigationni	5,099	4,394	9,493	4,808	0	4,685
Land registry	1,676	6,906	8,582	7,329	1,253	0
Minor Offence Department	9,096	7,664	16,760	6,590	0	10,170
<b>Total</b>	<b>44,160</b>	<b>33,662</b>	<b>77,822</b>	<b>35,135</b>	<b>1,253</b>	<b>41,434</b>
Collective quota achieved:						<b>187.0 %</b>
Performance quality (court decisions)				Upheld	Modified	Reversed
				87%	7%	6%

**Table 3.6.2. Statute of limitations**

Case type	Relative statute of limitations	Absolute statute of limitations	Total
Criminal	1	7	8
Minor offence	9	8	17
Criminal sanction enforcement	0	3	3
<b>Total</b>	<b>10</b>	<b>18</b>	<b>28</b>

**Table 3.6.3. Implementation of the Backlog Reduction Plan**

	Case initiation year						Total
	2010	2009-2006	2005-2001	2000-1996	1995-1991	1990 and earlier	
Plan	52	4,269	1,315	142	32	22	5,832
Implementation of the plan	19	2,801	727	75	19	14	3,655
Plan implementation rate	37%	66%	55%	53%	59%	64%	63%

Quota achieved for old cases: 27.5%

Average number of resolved old cases from the plan per judge/legal associate: 81

**Table 3.6.4. Staffing capacities**

31.12.2011		Regular Judges					
The number of regular judges appointed	43	Ethnic breakdown			Gender breakdown		
The average age of regular judges	46.9	Serbs	27	62.8%	M	11	25.6%
The number of reserve judges appointed	16	Croats	4	9.3%	F	32	74.4%
The number of legal associates appointed	8	Bosniaks	7	16.3%			
The number of permanently employed administrative staff members	114	Other	5	11.6%			
The number of fixed-term employees	42						
The number of trainees/volunteers	2/14						

**Table 3.6.5. Disciplinary proceedings**

Initiated	Completed	Judicial office holders sanctioned
0	1	1

**Table 3.6.6. Budget approved**

Salaries and allowances	Employer contributions	Goods and services	Purchase of fixed assets	TOTAL
6,130,000	781,000	220,000	0	7,131,000

**MUNICIPAL COURT IN GRADISKA****Table 3.6.7. Caseflow**

Case type	Unresolved cases – 1.1.2011	Received cases	Total number of ongoing cases	Resolved cases	Cases received from LA Branch Office	Unresolved cases – 31.12.2011
	I	II	III=I+II	IV	V	VI=III-IV-V
Civilni	1,672	770	2,442	1,010	0	1,432
Small value disputes	597	176	773	293	0	480
Criminalni	360	767	1,127	836	0	291
Corruption	8	13	21	10	0	11
Enforcementni	2,558	1,819	4,377	650	0	3,727
Non-litigationni	1,342	1,511	2,853	1,673	0	1,180
Land registry	1,264	3,211	4,475	3,210	1,265	0
Minor Offence Department	764	1,406	2,170	1,824	0	346
<b>Total</b>	<b>7,960</b>	<b>9,484</b>	<b>17,444</b>	<b>9,203</b>	<b>1,265</b>	<b>6,976</b>
Collective quota achieved:						<b>187.8 %</b>
Performance quality (court decisions)				Upheld	Modified	Reversed
				68%	14%	18%

**Table 3.6.8. Statute of limitations**

Case type	Relative statute of limitations	Absolute statute of limitations	Total
Criminal	0	1	1
Minor offence	0	4	4
Criminal sanction enforcement	0	1	1
<b>Total</b>	<b>0</b>	<b>6</b>	<b>6</b>

**Table 3.6.9. Implementation of the Backlog Reduction Plan**

	Case initiation year						Total
	2010	2009-2006	2005-2001	2000-1996	1995-1991	1990 and earlier	
Plan	0	321	49	51	8	16	445
Implementation of the plan	0	194	24	35	5	8	266
Plan implementation rate	0%	60%	49%	69%	63%	50%	60%

Quota achieved for old cases: 36.9%

Average number of resolved old cases from the plan per judge/legal associate: 88



**Table 3.6.10. Staffing capacities**

31.12.2011		Regular Judges					
The number of regular judges appointed	10	Ethnic breakdown			Gender breakdown		
The average age of regular judges	47.4	Serbs	8	80%	M	4	40%
The number of reserve judges appointed	1	Croats	0	0%	F	6	60%
The number of legal associates appointed	1	Bosniaks	2	20%			
The number of permanently employed administrative staff members	29	Other	0	0%			
The number of fixed-term employees	5						
The number of trainees/volunteers	0/5						

**Table 3.6.11. Disciplinary proceedings**

Initiated	Completed	Judicial office holders sanctioned
0	0	0

**Table 3.6.12. Budget approved**

Salaries and allowances	Employer contributions	Goods and services	Purchase of fixed assets	TOTAL
1,222,000	217,900	0	2,100	1,442,000

**BASIC COURT IN KOTOR VAROS****Table 3.6.13. Caseflow**

Case type	Unresolved cases – 1.1.2011	Received cases	Total number of ongoing cases	Resolved cases	Cases received from LA Branch Office	Unresolved cases – 31.12.2011
	I	II	III=I+II	IV	V	VI=III-IV-V
Civil	510	416	926	494	0	432
Small value disputes	127	113	240	142	0	98
Criminal	171	375	546	411	0	135
Corruption	0	1	1	1	0	0
Enforcement	830	453	1,283	372	0	911
Non-litigation	908	862	1,770	878	0	892
Land registry	43	1,380	1,423	1,408	15	0
Minor Offence Department	686	922	1,608	827	0	781
<b>Total</b>	<b>3,148</b>	<b>4,408</b>	<b>7,556</b>	<b>4,390</b>	<b>15</b>	<b>3,151</b>
Collective quota achieved:						<b>162.0 %</b>
Performance quality (court decisions)				Upheld	Modified	Reversed
				80%	8%	12%

**Table 3.6.14. Statute of limitations**

Case type	Relative statute of limitations	Absolute statute of limitations	Total
Criminal	0	4	4
Minor offence	0	0	0
Criminal sanction enforcement	0	0	0
<b>Total</b>	<b>0</b>	<b>4</b>	<b>4</b>

**Table 3.6.15. Implementation of the Backlog Reduction Plan**

	Case initiation year						Total
	2010	2009-2006	2005-2001	2000-1996	1995-1991	1990 and earlier	
Plan	0	268	149	7	3	0	427
Implementation of the plan	0	166	105	6	3	0	280
Plan implementation rate	0%	62%	70%	86%	100%	0%	66%

Quota achieved for old cases: 15%

Average number of resolved old cases from the plan per judge/legal associate: 93

**Table 3.6.16. Staffing capacities**

31.12.2011		Regular Judges					
The number of regular judges appointed	6	Ethnic breakdown			Gender breakdown		
The average age of regular judges	42.0	Serbs	4	66.7%	M	1	16.7%
The number of reserve judges appointed	0	Croats	1	16.7%	F	5	83.3%
The number of legal associates appointed	1	Bosniaks	1	16.7%			
The number of permanently employed administrative staff members	15	Other	0	0.0%			
The number of fixed-term employees	0						
The number of trainees/volunteers	1/1						

**Table 3.6.17. Disciplinary proceedings**

Initiated	Completed	Judicial office holders sanctioned
0	0	0

**Table 3.6.18. Budget approved**

Salaries and allowances	Employer contributions	Goods and services	Purchase of fixed assets	TOTAL
649,000	175,000	0	0	824,000

**BASIC COURT IN MRKONJIC GRAD****Table 3.6.19. Caseflow**

Case type	Unresolved cases – 1.1.2011	Received cases	Total number of ongoing cases	Resolved cases	Cases received from LA Branch Office	Unresolved cases – 31.12.2011
	I	II	III=I+II	IV	V	VI=III-IV-V
Civil	618	412	1,030	610	0	420
Small value disputes	100	40	140	57	0	83
Criminal	118	356	474	308	0	166
Corruption	1	3	4	1	0	3
Enforcement	876	494	1,370	156	0	1,214
Non-litigation	1,076	944	2,020	1,155	0	865
Land registry	49	772	821	787	34	0
Minor Offence Department	760	810	1,570	372	0	1,198
<b>Total</b>	<b>3,497</b>	<b>3,788</b>	<b>7,285</b>	<b>3,388</b>	<b>34</b>	<b>3,863</b>
Collective quota achieved:						<b>165.5 %</b>
Performance quality (court decisions)				Upheld	Modified	Reversed
				67%	20%	13%

**Table 3.6.20. Statute of limitations**

Case type	Relative statute of limitations	Absolute statute of limitations	Total
Criminal	0	0	0
Minor offence	0	0	0
Criminal sanction enforcement	0	0	0
<b>Total</b>	<b>0</b>	<b>0</b>	<b>0</b>

**Table 3.6.21. Implementation of the Backlog Reduction Plan**

	Case initiation year						Total
	2010	2009-2006	2005-2001	2000-1996	1995-1991	1990 and earlier	
Plan	5	1,205	317	26	7	20	1,580
Implementation of the plan	4	508	87	11	4	14	628
Plan implementation rate	80%	42%	27%	42%	57%	70%	40%

Quota achieved for old cases: 27.6%

Average number of resolved old cases from the plan per judge/legal associate: 105

**Table 3.6.22. Staffing capacities**

31.12.2011		Regular Judges					
The number of regular judges appointed	5	Ethnic breakdown			Gender breakdown		
The average age of regular judges	52.6	Serbs	3	60%	M	2	40%
The number of reserve judges appointed	0	Croats	1	20%	F	3	60%
The number of legal associates appointed	0	Bosniaks	1	20%			
The number of permanently employed административних радника	20	Other	0	0%			
The number of fixed-term employees	2						
The number of trainees/volunteers	0/1						

**Table 3.6.23. Disciplinary proceedings**

Initiated	Completed	Judicial office holders sanctioned
0	0	0

**Table 3.6.24. Budget approved**

Salaries and allowances	Employer contributions	Goods and services	Purchase of fixed assets	TOTAL
766,000	115,800	36,200	0	918,000

**BASIC COURT IN NOVI GRAD****Table 3.6.25. Caseflow**

Case type	Unresolved cases – 1.1.2011	Received cases	Total number of ongoing cases	Resolved cases	Cases received from LA Branch Office	Unresolved cases – 31.12.2011
	I	II	III=I+II	IV	V	VI=III-IV-V
Civil	181	356	537	404	0	133
Small value disputes	45	109	154	131	0	23
Criminal	80	402	482	419	0	63
Corruption	2	1	3	2	0	1
Enforcement	682	540	1,222	376	0	846
Non-litigation	538	885	1,423	1,118	0	305
Land registry	174	3,301	3,475	3,186	289	0
Minor Offence Department	300	387	687	483	0	204
<b>Total</b>	<b>1,955</b>	<b>5,871</b>	<b>7,826</b>	<b>5,986</b>	<b>289</b>	<b>1,551</b>
Collective quota achieved:						<b>133.2 %</b>
Performance quality (court decisions)				Upheld	Modified	Reversed
				66%	17%	17%

**Table 3.6.26. Statute of limitations**

Case type	Relative statute of limitations	Absolute statute of limitations	Total
Criminal	0	2	2
Minor offence	1	0	1
Criminal sanction enforcement	0	0	0
<b>Total</b>	<b>1</b>	<b>2</b>	<b>3</b>

**Table 3.6.27. Implementation of the Backlog Reduction Plan**

	Case initiation year						Total
	2010	2009-2006	2005-2001	2000-1996	1995-1991	1990 and earlier	
Plan	1,650	907	38	7	3	11	2,616
Implementation of the plan	1,107	355	35	5	2	9	1,513
Plan implementation rate	67%	39%	92%	71%	67%	82%	58%

Quota achieved for old cases: 59.3%

Average number of resolved old cases from the plan per judge/legal associate: 296

**Table 3.6.28. Staffing capacities**

31.12.2011		Regular Judges					
The number of regular judges appointed	5	Ethnic breakdown			Gender breakdown		
The average age of regular judges	48.4	Serbs	5	100%	M	2	40%
The number of reserve judges appointed	0	Croats	0	0%	F	3	60%
The number of legal associates appointed	1	Bosniaks	0	0%			
The number of permanently employed administrative staff members	15	Other	0	0%			
The number of fixed-term employees	1						
The number of trainees/volunteers	0/0						

**Table 3.6.29. Disciplinary proceedings**

Initiated	Completed	Judicial office holders sanctioned
0	0	0

**Table 3.6.30. Budget approved**

Salaries and allowances	Employer contributions	Goods and services	Purchase of fixed assets	TOTAL
605,000	141,100	25,900	0	772,000

**BASIC COURT IN PRIJEDOR****Table 3.6.31. Caseflow**

Case type	Unresolved cases – 1.1.2011	Received cases	Total number of ongoing cases	Resolved cases	Cases received from LA Branch Office	Unresolved cases – 31.12.2011
	I	II	III=I+II	IV	V	VI=III-IV-V
Civil.	1,707	1,223	2,930	1,221	0	1,709
Small value disputes	201	335	536	226	0	310
Criminal	351	1,188	1,539	1,166	0	373
Corruption	8	16	24	16	0	8
Enforcement	3,856	1,663	5,519	1,690	0	3,829
Ванпарнични	3,417	2,478	5,895	3,149	0	2,746
Land registry	165	5,253	5,418	5,253	165	0
Minor Offence Department	739	1,366	2,105	1,512	0	593
<b>Total</b>	<b>10,235</b>	<b>13,171</b>	<b>23,406</b>	<b>13,991</b>	<b>165</b>	<b>9,250</b>
Collective quota achieved:						<b>165.0 %</b>
Performance quality (court decisions)				Upheld	Modified	Reversed
				75%	13%	12%

**Table 3.6.32. Statute of limitations**

Case type	Relative statute of limitations	Absolute statute of limitations	Total
Criminal	0	11	11
Minor offence	0	0	0
Criminal sanction enforcement	0	1	1
<b>Total</b>	<b>0</b>	<b>12</b>	<b>12</b>

**Table 3.6.33. Implementation of the Backlog Reduction Plan**

	Case initiation year						Total
	2010	2009-2006	2005-2001	2000-1996	1995-1991	1990 and earlier	
Plan	31	706	543	255	56	62	1,653
Implementation of the plan	31	558	436	213	47	54	1,339
Plan implementation rate	100%	79%	80%	84%	84%	87%	81%

Quota achieved for old cases: 23,1%

Average number of resolved old cases from the plan per judge/legal associate: 89

**Table 3.6.34. Staffing capacities**

31.12.2011		Regular Judges					
The number of regular judges appointed	13	Ethnic breakdown			Gender breakdown		
The average age of regular judges	49.8	Serbs	7	53.8%	M	3	23.1%
The number of reserve judges appointed	3	Croats	1	7.7%	F	10	76.9%
The number of legal associates appointed	1	Bosniaks	3	23.1%			
The number of permanently employed administrative staff members	39	Other	2	15.4%			
The number of fixed-term employees	2						
The number of trainees/volunteers	1/2						

**Table 3.6.35. Disciplinary proceedings**

Initiated	Completed	Judicial office holders sanctioned
1	1	1

**Table 3.6.36 Budget approved**

Salaries and allowances	Employer contributions	Goods and services	Purchase of fixed assets	TOTAL
1,731,000	277,100	93,900	0	2,102,000

**BASIC COURT IN PRNJAVOR****Table 3.6.37. Caseflow**

Case type	Unresolved cases – 1,1,2011	Received cases	Total number of ongoing cases	Resolved cases	Cases received from LA Branch Office	Unresolved cases – 31,12,2011
	I	II	III=I+II	IV	V	VI=III-IV-V
Civil	734	521	1,255	631	0	624
Small value disputes	234	60	294	169	0	125
Criminal	116	293	409	290	0	119
Corruption	3	2	5	2	0	3
Enforcement	261	320	581	115	0	466
Ванпарн, реф,	1,644	885	2,529	1,350	0	1,179
Land registry	74	5,285	5,359	5,253	106	0
Minor Offence Department	360	763	1,123	733	0	390
<b>Total</b>	<b>3,189</b>	<b>8,067</b>	<b>11,256</b>	<b>8,372</b>	<b>106</b>	<b>2,778</b>
Collective quota achieved:						<b>174.2 %</b>
Performance quality (court decisions)				Upheld	Modified	Reversed
				75%	12%	13%

**Table 3.6.38. Statute of limitations**

Case type	Relative statute of limitations	Absolute statute of limitations	Total
Criminal	0	0	0
Minor offence	0	0	0
Criminal sanction enforcement	0	1	1
<b>Total</b>	<b>0</b>	<b>1</b>	<b>1</b>

**Table 3.6.39. Implementation of the Backlog Reduction Plan**

	Case initiation year						Total
	2010	2009-2006	2005-2001	2000-1996	1995-1991	1990 and earlier	
Plan	0	1,402	183	100	42	48	1,775
Implementation of the plan	0	1,062	95	75	26	43	1,301
Plan implementation rate	0%	76%	52%	75%	62%	90%	73%

Quota achieved for old cases: 40.4%

Average number of resolved old cases from the plan per judge/legal associate: 186

**Table 3.6.40. Staffing capacities**

31.12.2011		Regular Judges					
The number of regular judges appointed	6	Ethnic breakdown			Gender breakdown		
The average age of regular judges	46.7	Serbs	6	100%	M	3	50%
The number of reserve judges appointed	1	Croats	0	0%	F	3	50%
The number of legal associates appointed	1	Bosniaks	0	0%			
The number of permanently employed administrative staff members	16	Other	0	0%			
The number of fixed-term employees	1						
The number of trainees/volunteers	1/1						

**Table 3.6.41. Disciplinary proceedings**

Initiated	Completed	Judicial office holders sanctioned
0	0	0

**Table 3.6.42. Budget approved**

Salaries and allowances	Employer contributions	Goods and services	Purchase of fixed assets	TOTAL
785,000	128,200	9,800	0	923,000



**BASIC COURT IN BIJE LJINA****Table 3.6.43. Caseflow**

Case type	Unresolved cases – 1.1.2011	Received cases	Total number of ongoing cases	Resolved cases	Cases received from LA Branch Office	Unresolved cases – 31.12.2011
	I	II	III=I+II	IV	V	VI=III-IV-V
Civil	1,294	1,419	2,713	1,794	0	919
Small value disputes	255	216	471	327	0	144
Criminal	733	1,578	2,311	1,692	0	619
Corruption	25	18	43	23	0	20
Enforcement	3,307	1,759	5,066	1,826	0	3,240
Non-litigation	3,037	3,137	6,174	3,640	0	2,534
Регистар	35	100	135	64	0	71
Land registry	1,560	13,548	15,108	14,155	0	953
Minor Offence Department	398	2,694	3,092	2,611	0	481
<b>Total</b>	<b>10,364</b>	<b>24,235</b>	<b>34,599</b>	<b>25,782</b>	<b>0</b>	<b>8,817</b>
Collective quota achieved:						<b>130.8 %</b>
Performance quality (court decisions)				Upheld	Modified	Reversed
				68%	11%	21%

**Table 3.6.44 Statute of limitations**

Case type	Relative statute of limitations	Absolute statute of limitations	Total
Criminal	10	2	12
Minor offence	4	3	7
Criminal sanction enforcement	0	2	2
<b>Total</b>	<b>14</b>	<b>7</b>	<b>21</b>

**Table 3.6.45. Implementation of the Backlog Reduction Plan**

	Case initiation year						Total
	2010	2009-2006	2005-2001	2000-1996	1995-1991	1990 and earlier	
Plan	19	3,104	222	37	23	24	3,429
Implementation of the plan	17	1,990	167	32	19	21	2,247
Plan implementation rate	89%	64%	75%	86%	83%	88%	66%

Quota achieved for old cases: 26.3%

Average number of resolved old cases from the plan per judge/legal associate: 107

**Table 3.6.46. Staffing capacities**

31.12.2011		Regular Judges					
The number of regular judges appointed	25	Ethnic breakdown			Gender breakdown		
The average age of regular judges	47.3	Serbs	15	60%	M	14	56%
The number of reserve judges appointed	1	Croats	1	4%	F	11	44%
The number of legal associates appointed	4	Bosniaks	8	32%			
The number of permanently employed administrative staff members	69	Other	1	4%			
The number of fixed-term employees	14						
The number of trainees/volunteers	0/11						

**Table 3.6.47. Disciplinary proceedings**

Initiated	Completed	Judicial office holders sanctioned
0	0	0

**Table 3.6.48 Budget approved**

Salaries and allowances	Employer contributions	Goods and services	Purchase of fixed assets	TOTAL
2,750,000	523,100	234,900	0	3,508,000

**BASIC COURT IN SREBRENICAM****Table 3.6.49. Caseflow**

Case type	Unresolved cases – 1.1.2011	Received cases	Total number of ongoing cases	Resolved cases	Cases received from LA Branch Office	Unresolved cases – 31.12.2011
	I	II	III=I+II	IV	V	VI=III-IV-V
Civil	377	384	761	429	0	332
Small value disputes	66	151	217	160	0	57
Criminal	136	194	330	199	0	131
Corruption	0	3	3	0	0	3
Enforcement	430	563	993	17	0	976
Non-litigation	538	432	970	392	0	578
Land registry	0	1,910	1,910	1,907	0	3
Minor Offence Department	239	396	635	503	0	132
<b>Total</b>	<b>1,720</b>	<b>3,879</b>	<b>5,599</b>	<b>3,447</b>	<b>0</b>	<b>2,152</b>
Collective quota achieved:						<b>249.4 %</b>
Performance quality (court decisions)				Upheld	Modified	Reversed
				66%	12%	22%

**Table 3.6.50. Statute of limitations**

Case type	Relative statute of limitations	Absolute statute of limitations	Total
Criminal	0	0	0
Minor offence	0	9	9
Criminal sanction enforcement	0	0	0
<b>Total</b>	<b>0</b>	<b>9</b>	<b>9</b>

**Table 3.6.51. Implementation of the Backlog Reduction Plan**

	Case initiation year						Total
	2010	2009-2006	2005-2001	2000-1996	1995-1991	1990 and earlier	
Plan	0	0	0	0	0	0	0
Implementation of the plan	0	0	0	0	0	0	0
Plan implementation rate	0	0	0	0	0	0	0

Quota achieved for old cases:

Average number of resolved old cases from the plan per judge/legal associate:

**Table 3.6.52. Staffing capacities**

31.12.2011	
The number of regular judges appointed	4
The average age of regular judges	59.3
The number of reserve judges appointed	0
The number of legal associates appointed	1
The number of permanently employed administrative staff members	14
The number of fixed-term employees	2
The number of trainees/volunteers	0/2

Regular Judges						
Ethnic breakdown				Gender breakdown		
Serbs	3	75%	M	2	50%	
Croats	0	0%	F	2	50%	
Bosniaks	1	25%				
Other	0	0%				

**Table 3.6.53. Disciplinary proceedings**

Initiated	Completed	Judicial office holders sanctioned
0	0	0

**Table 3.6.54 Budget approved**

Salaries and allowances	Employer contributions	Goods and services	Purchase of fixed assets	TOTAL
596,000	134,000	0	0	730,000

**BASIC COURT IN ZVORNIK****Table 3.6.55. Caseflow**

Case type	Unresolved cases – 1.1.2011	Received cases	Total number of ongoing cases	Resolved cases	Cases received from LA Branch Office	Unresolved cases – 31.12.2011
	I	II	III=I+II	IV	V	VI=III-IV-V
Civil	899	531	1,430	466	0	964
Small value disputes	116	157	273	138	0	135
Criminal	381	947	1,328	986	0	342
Corruption	4	5	9	6	0	3
Enforcement	1,718	712	2,430	757	0	1,673
Non-litigation	782	754	1,536	536	0	1,000
Land registry	34	3,231	3,265	3,203	62	0
Minor Offence Department	141	664	805	606	0	199
<b>Total</b>	<b>3,955</b>	<b>6,839</b>	<b>10,794</b>	<b>6,554</b>	<b>62</b>	<b>4,178</b>
Collective quota achieved:						<b>180.2 %</b>
Performance quality (court decisions)				Upheld	Modified	Reversed
				73%	16%	11%

**Table 3.6.56. Statute of limitations**

Case type	Relative statute of limitations	Absolute statute of limitations	Total
Criminal	0	2	2
Minor offence	0	0	0
Criminal sanction enforcement	0	1	1
<b>Total</b>	<b>0</b>	<b>3</b>	<b>3</b>

**Table 3.6.57. Implementation of the Backlog Reduction Plan**

	Case initiation year						Total
	2010	2009-2006	2005-2001	2000-1996	1995-1991	1990 and earlier	
Plan	0	1,899	240	9	2	1	2,151
Implementation of the plan	0	892	76	2	1	0	971
Plan implementation rate	0%	47%	32%	22%	50%	0%	45%

Quota achieved for old cases: 33,5%

Average number of resolved old cases from the plan per judge/legal associate: 139

**Table 3.6.58. Staffing capacities**

31.12.2011		Regular Judges					
The number of regular judges appointed	7	Ethnic breakdown			Gender breakdown		
The average age of regular judges	53.3	Serbs	4	57.1%	M	4	57.1%
The number of reserve judges appointed	0	Croats	0	0%	F	3	42.9%
The number of legal associates appointed	1	Bosniaks	3	42.9%			
The number of permanently employed administrative staff members	21	Other	0	0%			
The number of fixed-term employees	1						
The number of trainees/volunteers	0/2						

**Table 3.6.59. Disciplinary proceedings**

Initiated	Completed	Judicial office holders sanctioned
0	0	0

**Table 3.6.60 Budget approved**

Salaries and allowances	Employer contributions	Goods and services	Purchase of fixed assets	TOTAL
850,000	242,000	30,000	0	1,122,000

**BASIC COURT IN DERVENTA****Table 3.6.61. Caseflow**

Case type	Unresolved cases – 1.1.2011	Received cases	Total number of ongoing cases	Resolved cases	Cases received from LA Branch Office	Unresolved cases – 31.12.2011
	I	II	III=I+II	IV	V	VI=III-IV-V
Civil	304	377	681	444	0	237
Small value disputes	57	91	148	107	0	41
Criminal	86	507	593	478	0	115
Corruption	0	2	2	0	0	2
Enforcement	855	544	1,399	271	0	1,128
Non-litigation	99	1,137	1,236	1,158	0	78
Land registry	111	3,126	3,237	3,142	0	95
Minor Offence Department	56	622	678	557	0	121
<b>Total</b>	<b>1,511</b>	<b>6,313</b>	<b>7,824</b>	<b>6,050</b>	<b>0</b>	<b>1,774</b>
Collective quota achieved:						<b>168.0 %</b>
Performance quality (court decisions)				Upheld	Modified	Reversed
				77%	13%	10%

**Table 3.6.62. Statute of limitations**

Case type	Relative statute of limitations	Absolute statute of limitations	Total
Criminal	0	0	0
Minor offence	0	0	0
Criminal sanction enforcement	0	0	0
<b>Total</b>	<b>0</b>	<b>0</b>	<b>0</b>

**Table 3.6.63. Implementation of the Backlog Reduction Plan**

	Case initiation year						Total
	2010	2009-2006	2005-2001	2000-1996	1995-1991	1990 and earlier	
Plan	0	0	0	0	0	0	0
Implementation of the plan	0	0	0	0	0	0	0
Plan implementation rate	0	0	0	0	0	0	0

Quota achieved for old cases:

Average number of resolved old cases from the plan per judge/legal associate:

**Table 3.6.64. Staffing capacities**

31.12.2011	
The number of regular judges appointed	8
The average age of regular judges	47.0
The number of reserve judges appointed	0
The number of legal associates appointed	1
The number of permanently employed administrative staff members	23
The number of fixed-term employees	1
The number of trainees/volunteers	0/1

Regular Judges						
Ethnic breakdown				Gender breakdown		
Serbs	6	75%		M	2	25%
Croats	0	0%		F	6	75%
Bosniaks	2	25%				
Other	0	0%				

**Table 3.6.65. Disciplinary proceedings**

Initiated	Completed	Judicial office holders sanctioned
0	0	0

**Table 3.6.66 Budget approved**

Salaries and allowances	Employer contributions	Goods and services	Purchase of fixed assets	TOTAL
991,000	174,300	18,700	0	1,184,000

**BASIC COURT IN DOBOJ****Table 3.6.67. Caseflow**

Case type	Unresolved cases – 1.1.2011	Received cases	Total number of ongoing cases	Resolved cases	Cases received from LA Branch Office	Unresolved cases – 31.12.2011
	I	II	III=I+II	IV	V	VI=III-IV-V
Civil	999	1,127	2,126	1,250	0	876
Small value disputes	76	513	589	391	0	198
Criminal	392	1,121	1,513	1,019	0	494
Corruption	4	3	7	1	0	6
Enforcement	3,018	973	3,991	1,163	0	2,828
Non-litigation	925	1,839	2,764	1,505	0	1,259
Регистар	7	114	121	113	0	8
Land registry	811	4,601	5,412	4,996	399	17
Minor Offence Department	1,442	2,148	3,590	1,744	0	1,846
<b>Total</b>	<b>7,594</b>	<b>11,923</b>	<b>19,517</b>	<b>11,790</b>	<b>399</b>	<b>7,328</b>
Collective quota achieved:						<b>160.8 %</b>
Performance quality (court decisions)				Upheld	Modified	Reversed
				81%	9%	10%

**Table 3.6.68. Statute of limitations**

Case type	Relative statute of limitations	Absolute statute of limitations	Total
Criminal	0	2	2
Minor offence	8	0	8
Criminal sanction enforcement	0	1	1
<b>Total</b>	<b>8</b>	<b>3</b>	<b>11</b>

**Table 3.6.69. Implementation of the Backlog Reduction Plan**

	Case initiation year						Total
	2010	2009-2006	2005-2001	2000-1996	1995-1991	1990 and earlier	
Plan	0	1,009	83	5	0	0	1,097
Implementation of the plan	0	476	68	3	0	0	547
Plan implementation rate	0%	47%	82%	60%	0%	0%	50%

Quota achieved for old cases: 20.4%

Average number of resolved old cases from the plan per judge/legal associate: 91

**Table 3.6.70. Staffing capacities**

31.12.2011		Regular Judges					
The number of regular judges appointed	13	Ethnic breakdown			Gender breakdown		
The average age of regular judges	50.8	Serbs	6	46.2%	M	3	23.1%
The number of reserve judges appointed	1	Croats	3	23.1%	F	10	76.9%
The number of legal associates appointed	3	Bosniaks	3	23.1%			
The number of permanently employed administrative staff members	34	Other	1	7.7%			
The number of fixed-term employees	0						
The number of trainees/volunteers	0/6						

**Table 3.6.71. Disciplinary proceedings**

Initiated	Completed	Judicial office holders sanctioned
1	1	1

**Table 3.6.72. Budget approved**

Salaries and allowances	Employer contributions	Goods and services	Purchase of fixed assets	TOTAL
1,556,000	397,000	150,000	0	2,103,000

**BASIC COURT IN MODRICA****Table 3.6.73. Caseflow**

Case type	Unresolved cases – 1.1.2011	Received cases	Total number of ongoing cases	Resolved cases	Cases received from LA Branch Office	Unresolved cases – 31.12.2011
	I	II	III=I+II	IV	V	VI=III-IV-V
Civil	989	804	1,793	828	0	965
Small value disputes	140	97	237	87	0	150
Criminal	418	748	1,166	705	0	461
Corruption	1	0	1	1	0	0
Enforcement	2,510	952	3,462	299	0	3,163
Ванпарнични						
реферат	856	1,226	2,082	1,474	0	608
Land registry	0	3,138	3,138	3,138	0	0
Minor Offence Department	706	776	1,482	1,047	0	435
<b>Total</b>	<b>5,479</b>	<b>7,644</b>	<b>13,123</b>	<b>7,491</b>	<b>0</b>	<b>5,632</b>
Collective quota achieved:						<b>156.0 %</b>
Performance quality (court decisions)				Upheld	Modified	Reversed
				69%	13%	18%



**Table 3.6.74. Statute of limitations**

Case type	Relative statute of limitations	Absolute statute of limitations	Total
Criminal	0	3	3
Minor offence	0	5	5
Criminal sanction enforcement	0	2	2
<b>Total</b>	<b>0</b>	<b>10</b>	<b>10</b>

**Table 3.6.75. Implementation of the Backlog Reduction Plan**

	Case initiation year						Total
	2010	2009-2006	2005-2001	2000-1996	1995-1991	1990 and earlier	
Plan	5	672	114	9	2	2	804
Implementation of the plan	5	484	89	8	2	1	589
Plan implementation rate	100%	72%	78%	89%	100%	50%	73%

Quota achieved for old cases: 17.1%

Average number of resolved old cases from the plan per judge/legal associate: 59

**Table 3.6.76. Staffing capacities**

31.12.2011		Regular Judges					
The number of regular judges appointed	8	Ethnic breakdown			Gender breakdown		
The average age of regular judges	45.1	Serbs	4	50%	M	3	37.5%
The number of reserve judges appointed	2	Croats	2	25%	F	5	62.5%
The number of legal associates appointed	1	Bosniaks	2	25%			
The number of permanently employed административних радника	21	Other	0	0%			
The number of fixed-term employees	2						
The number of trainees/volunteers	0/0						

**Table 3.6.77. Disciplinary proceedings**

Initiated	Completed	Judicial office holders sanctioned
0	0	0

**Table 3.6.78. Budget approved**

Salaries and allowances	Employer contributions	Goods and services	Purchase of fixed assets	TOTAL
1,067,000	123,700	86,300	0	1,277,000

**BASIC COURT IN TESLIC****Table 3.6.79. Caseflow**

Case type	Unresolved cases – 1.1.2011	Received cases	Total number of ongoing cases	Resolved cases	Cases received from LA Branch Office	Unresolved cases – 31.12.2011
	I	II	III=I+II	IV	V	VI=III-IV-V
Civil	662	419	1,081	604	0	477
Small value disputes	74	76	150	86	0	64
Criminal	291	402	693	470	0	223
Corruption	3	0	3	1	0	2
Enforcement	418	303	721	215	0	506
Non-litigation	983	728	1,711	988	0	723
Land registry	196	829	1,025	800	225	0
Minor Offense Department	544	626	1,170	744	0	426
<b>Total</b>	<b>3,094</b>	<b>3,307</b>	<b>6,401</b>	<b>3,821</b>	<b>225</b>	<b>2,355</b>
Collective quota achieved:						<b>165.7 %</b>
Performance quality (court decisions)				Upheld	Modified	Reversed
				74%	15%	11%

**Table 3.6.80. Statute of limitations**

Case type	Relative statute of limitations	Absolute statute of limitations	Total
Criminal	0	1	1
Minor offence	16	3	19
Criminal sanction enforcement	0	0	0
<b>Total</b>	<b>16</b>	<b>4</b>	<b>20</b>

**Table 3.6.81. Implementation of the Backlog Reduction Plan**

	Case initiation year						Total
	2010	2009-2006	2005-2001	2000-1996	1995-1991	1990 and earlier	
Plan	1,206	1,148	201	84	69	61	2,769
Implementation of the plan	529	695	126	47	32	34	1,463
Plan implementation rate	44%	61%	63%	56%	46%	56%	53%

Quota achieved for old cases: 47.6%

Average number of resolved old cases from the plan per judge/legal associate: 183

**Table 3.6.82. Staffing capacities**

31.12.2011		Regular Judges					
The number of regular judges appointed	5	Ethnic breakdown			Gender breakdown		
The average age of regular judges	45.2	Serbs	3	60%	M	1	20%
The number of reserve judges appointed	2	Croats	1	20%	F	4	80%
The number of legal associates appointed	0	Bosniaks	1	20%			
The number of permanently employed administrative staff members	17	Other	0	0%			
The number of fixed-term employees	1						
The number of trainees/volunteers	0/5						

**Table 3.6.83. Disciplinary proceedings**

Initiated	Completed	Judicial office holders sanctioned
0	0	0

**Table 3.6.84. Budget approved**

Salaries and allowances	Employer contributions	Goods and services	Purchase of fixed assets	TOTAL
793,000	189,500	20,500	0	1,003,000

**BASIC COURT IN FOCA****Table 3.6.85. Caseflow**

Case type	Unresolved cases – 1.1.2011	Received cases	Total number of ongoing cases	Resolved cases	Cases received from LA Branch Office	Unresolved cases – 31.12.2011
	I	II	III=I+II	IV	V	VI=III-IV-V
Civil	201	598	799	644	0	155
Small value disputes	57	304	361	311	0	50
Criminal	71	476	547	450	0	97
Corruption	2	5	7	5	0	2
Enforcement	947	100	1,047	489	0	558
Non-litigation	163	737	900	719	0	181
Land registry	1,071	783	1,854	781	1,073	0
Minor Offence Department	107	226	333	214	0	119
<b>Total</b>	<b>2,560</b>	<b>2,920</b>	<b>5,480</b>	<b>3,297</b>	<b>1,073</b>	<b>1,110</b>
Collective quota achieved:						<b>138.0 %</b>
Performance quality (court decisions)				Upheld	Modified	Reversed
				89%	6%	5%

**Table 3.6.86. Statute of limitations**

Case type	Relative statute of limitations	Absolute statute of limitations	Total
Criminal	0	0	0
Minor offence	0	0	0
Criminal sanction enforcement	0	0	0
<b>Total</b>	<b>0</b>	<b>0</b>	<b>0</b>

**Table 3.6.87. Implementation of the Backlog Reduction Plan**

	Case initiation year						Total
	2010	2009-2006	2005-2001	2000-1996	1995-1991	1990 and earlier	
Plan	0	0	0	0	0	0	0
Implementation of the plan	0	0	0	0	0	0	0
Plan implementation rate	0	0	0	0	0	0	0

Quota achieved for old cases:

Average number of resolved old cases from the plan per judge/legal associate:

**Table 3.6.88. Staffing capacities**

31.12.2011	
The number of regular judges appointed	6
The average age of regular judges	47.2
The number of reserve judges appointed	0
The number of legal associates appointed	0
The number of permanently employed административних радника	17
Број запослених на одређено вријеме	0
The number of trainees/volunteers	0/0

Regular Judges						
Ethnic breakdown				Gender breakdown		
Serbs	4	66.7%	M	3	50%	
Croats	0	0%	F	3	50%	
Bosniaks	2	33.3%				
Other	0	0%				

**Table 3.6.89. Disciplinary proceedings**

Initiated	Completed	Judicial office holders sanctioned
0	0	0

**Table 3.6.90. Budget approved**

Salaries and allowances	Employer contributions	Goods and services	Purchase of fixed assets	TOTAL
707,000	168,000	0	3,000	878,000

**BASIC COURT IN TREBINJE****Table 3.6.91. Caseflow**

Case type	Unresolved cases – 1.1.2011	Received cases	Total number of ongoing cases	Resolved cases	Cases received from LA Branch Office	Unresolved cases – 31.12.2011
	I	II	III=I+II	IV	V	VI=III-IV-V
Civil	998	555	1,553	869	0	684
Small value disputes	319	56	375	288	0	87
Criminal	177	873	1,050	889	0	161
Corruption	0	0	0	0	0	0
Enforcement	1,886	675	2,561	887	0	1,674
Non-litigation	1,193	1,663	2,856	1,610	0	1,246
Регистар	0	59	59	39	0	20
Land registry	275	9,680	9,955	9,755	0	200
Minor Offense Department	1,343	2,133	3,476	1,819	0	1,657
<b>Total</b>	<b>5,872</b>	<b>15,638</b>	<b>21,510</b>	<b>15,868</b>	<b>0</b>	<b>5,642</b>
Collective quota achieved:						<b>177.0 %</b>
Performance quality (court decisions)				Upheld	Modified	Reversed
				72%	17%	11%

**Table 3.6.92. Statute of limitations**

Case type	Relative statute of limitations	Absolute statute of limitations	Total
Criminal	0	1	1
Minor offence	3	0	3
Criminal sanction enforcement	0	0	0
<b>Total</b>	<b>3</b>	<b>1</b>	<b>4</b>

**Table 3.6.93. Implementation of the Backlog Reduction Plan**

	Case initiation year						Total
	2010	2009-2006	2005-2001	2000-1996	1995-1991	1990 and earlier	
Plan	0	1,366	190	23	2	0	1,581
Implementation of the plan	0	974	146	15	1	0	1,136
Plan implementation rate	0%	71%	77%	65%	50%	0%	72%

Quota achieved for old cases: 26.8%

Average number of resolved old cases from the plan per judge/legal associate: 114

**Table 3.6.94. Staffing capacities**

31.12.2011		Regular Judges					
The number of regular judges appointed	9	Ethnic breakdown			Gender breakdown		
The average age of regular judges	48.8	Serbs	7	77.8%	M	6	66.7%
The number of reserve judges appointed	1	Croats	0	0%	F	3	33.3%
The number of legal associates appointed	3	Bosniaks	2	22.2%			
The number of permanently employed administrative staff members	30	Other	0	0%			
The number of fixed-term employees	2						
The number of trainees/volunteers	0/3						

**Table 3.6.95. Disciplinary proceedings**

Initiated	Completed	Judicial office holders sanctioned
1	1	1

**Table 3.6.96. Budget approved**

Salaries and allowances	Employer contributions	Goods and services	Purchase of fixed assets	TOTAL
1,098,000	250,500	35,500	0	1,384,000

**BASIC COURT IN SOKOLAC****Table 3.6.97. Caseflow**

Case type	Unresolved cases – 1.1.2011	Received cases	Total number of ongoing cases	Resolved cases	Cases received from LA Branch Office	Unresolved cases – 31.12.2011
	I	II	III=I+II	IV	V	VI=III-IV-V
Civil	1,031	1,019	2,050	1,097	0	953
Small value disputes	160	191	351	248	0	103
Criminal	436	1,098	1,534	1,087	0	447
Corruption	15	3	18	11	0	7
Enforcement	1,950	1,362	3,312	801	0	2,511
Non-litigation	577	1,373	1,950	1,404	0	546
Регистар	0	93	93	73	0	20
Land registry	380	4,652	5,032	4,744	288	0
Minor Offence Department	1,032	1,326	2,358	1,802	0	556
<b>Total</b>	<b>5,406</b>	<b>10,923</b>	<b>16,329</b>	<b>11,008</b>	<b>288</b>	<b>5,033</b>
Collective quota achieved:						<b>160.4 %</b>
Performance quality (court decisions)				Upheld	Modified	Reversed
				76%	5%	19%

**Table 3.6.98. Statute of limitations**

Case type	Relative statute of limitations	Absolute statute of limitations	Total
Criminal	0	2	2
Minor offence	1	3	4
Criminal sanction enforcement	0	3	3
<b>Total</b>	<b>1</b>	<b>8</b>	<b>9</b>

**Table 3.6.99. Implementation of the Backlog Reduction Plan**

	Case initiation year						Total
	2010	2009-2006	2005-2001	2000-1996	1995-1991	1990 and earlier	
Plan	7	1,692	219	6	1	0	1,924
Implementation of the plan	2	628	81	3	1	0	715
Plan implementation rate	29%	37%	37%	50%	100%	0%	37%

Quota achieved for old cases: 14,0%

Average number of resolved old cases from the plan per judge/legal associate: 51

**Table 3.6.100. Staffing capacities**

31.12.2011		Regular Judges					
The number of regular judges appointed	14	Ethnic breakdown			Gender breakdown		
The average age of regular judges	48.3	Serbs	8	57.1%	M	6	42.9%
The number of reserve judges appointed	1	Croats	0	0%	F	8	57.1%
The number of legal associates appointed	1	Bosniaks	6	42.9%			
The number of permanently employed administrative staff members	31	Other	0	0%			
The number of fixed-term employees	3						
The number of trainees/volunteers	1/4						

**Table 3.6.101. Disciplinary proceedings**

Initiated	Completed	Judicial office holders sanctioned
0	0	0

**Table 3.6.102. Budget approved**

Salaries and allowances	Employer contributions	Goods and services	Purchase of fixed assets	TOTAL
1,609,000	337,700	134,300	0	2,081,000

**BASIC COURT IN VISEGRAD****Table 3.6.103. Caseflow**

Case type	Unresolved cases – 1.1.2011	Received cases	Total number of ongoing cases	Resolved cases	Cases received from LA Branch Office	Unresolved cases – 31.12.2011
	I	II	III=I+II	IV	V	VI=III-IV-V
Civil	162	226	388	301	0	87
Small value disputes	55	13	68	24	0	44
Criminal	92	306	398	300	0	98
Corruption	6	3	9	7	0	2
Enforcement	2,413	174	2,587	910	0	1,677
Non-litigation	152	785	937	750	0	187
Land registry	113	2,221	2,334	2,255	79	0
Minor Offense Department	94	340	434	272	0	162
<b>Total</b>	<b>3,026</b>	<b>4,052</b>	<b>7,078</b>	<b>4,788</b>	<b>79</b>	<b>2,211</b>
Collective quota achieved:						<b>109.4 %</b>
Performance quality (court decisions)				Upheld	Modified	Reversed
				71%	8%	21%

**Table 3.6.104. Statute of limitations**

Case type	Relative statute of limitations	Absolute statute of limitations	Total
Criminal	0	0	0
Minor offence	0	1	1
Criminal sanction enforcement	0	0	0
<b>Total</b>	<b>0</b>	<b>1</b>	<b>1</b>

**Table 3.6.105. Implementation of the Backlog Reduction Plan**

	Case initiation year						Total
	2010	2009-2006	2005-2001	2000-1996	1995-1991	1990 and earlier	
Plan	0	0	0	0	0	0	0
Implementation of the plan	0	0	0	0	0	0	0
Plan implementation rate	0	0	0	0	0	0	0

Quota achieved for old cases:

Average number of resolved old cases from the plan per judge/legal associate:



**Table 3.6.106. Staffing capacities**

31.12.2011		Regular Judges					
The number of regular judges appointed	6	Ethnic breakdown			Gender breakdown		
The average age of regular judges	52.0	Serbs	4	66.7%	M	2	33.3%
The number of reserve judges appointed	0	Croats	0	0%	F	4	66.7%
The number of legal associates appointed	1	Bosniaks	2	33.3%			
The number of permanently employed administrative staff members	17	Other	0	0%			
The number of fixed-term employees	0						
The number of trainees/volunteers	1/0						

**Table 3.6.107. Disciplinary proceedings**

Initiated	Completed	Judicial office holders sanctioned
0	0	0

**Table 3.6.108. Budget approved**

Salaries and allowances	Employer contributions	Goods and services	Purchase of fixed assets	TOTAL
704,000	128,800	41,200	0	874,000

**ОСНОВНИ СУД У ВЛАСЕНИЦИ****Table 3.6.109. Caseflow**

Case type	Unresolved cases – 1.1.2011	Received cases	Total number of ongoing cases	Resolved cases	Cases received from LA Branch Office	Unresolved cases – 31.12.2011
	I	II	III=I+II	IV	V	VI=III-IV-V
Civil	431	643	1,074	607	0	467
Small value disputes	221	416	637	389	0	248
Criminal	254	398	652	394	0	258
Corruption	5	3	8	4	0	4
Enforcement	1,366	501	1,867	613	0	1,254
Non-litigation	288	532	820	562	0	258
Land registry	5	2,035	2,040	2,040	0	0
Minor Offence Department	821	705	1,526	741	0	785
<b>Total</b>	<b>3,165</b>	<b>4,814</b>	<b>7,979</b>	<b>4,957</b>	<b>0</b>	<b>3,022</b>
Collective quota achieved:						<b>146.6 %</b>
Performance quality (court decisions)				Upheld	Modified	Reversed
				67%	13%	20%

**Table 3.6.110. Statute of limitations**

Case type	Relative statute of limitations	Absolute statute of limitations	Total
Criminal	0	0	0
Minor offence	9	10	19
Criminal sanction enforcement	0	1	1
<b>Total</b>	<b>9</b>	<b>11</b>	<b>20</b>

**Table 3.6.111. Implementation of the Backlog Reduction Plan**

	Case initiation year						Total
	2010	2009-2006	2005-2001	2000-1996	1995-1991	1990 and earlier	
Plan	0	0	0	0	0	0	0
Implementation of the plan	0	0	0	0	0	0	0
Plan implementation rate	0	0	0	0	0	0	0

Quota achieved for old cases:

Average number of resolved old cases from the plan per judge/legal associate:

**Table 3.6.112. Staffing capacities**

31.12.2011		Regular Judges					
The number of regular judges appointed	6	Ethnic breakdown			Gender breakdown		
The average age of regular judges	50.3	Serbs	4	66.7%	M	2	33.3%
The number of reserve judges appointed	0	Croats	0	0%	F	4	66.7%
The number of legal associates appointed	1	Bosniaks	2	33.3%			
The number of permanently employed administrative staff members	17	Other	0	0%			
The number of fixed-term employees	0						
The number of trainees/volunteers	2/0						

**Table 3.6.113 Disciplinary proceedings**

Initiated	Completed	Judicial office holders sanctioned
0	0	0

**Table 3.6.114 Budget approved**

Salaries and allowances	Employer contributions	Goods and services	Purchase of fixed assets	TOTAL
751,000	164,400	1,600	0	917,000

### 3.7. COURTS OF THE BRCKO DISTRICT OF BIH

#### APPELLATE COURT OF THE BRCKO DISTRICT OF BiH

**Table 3.7.1. Caseflow**

Case type	Unresolved cases – 1.1.2011	Received cases	Total number of ongoing cases	Resolved cases	Cases received from LA Branch Office
	I	II	III=I+II	IV	V=III-IV
Civil Department	176	2,219	2,395	1,885	510
Criminal Department	33	327	360	318	42
War Crimes	1	1	2	1	1
Organized crime	0	0	0	0	0
Corruption	0	4	4	3	1
Administrative Department	17	137	154	98	56
<b>Total</b>	<b>226</b>	<b>2,683</b>	<b>2,909</b>	<b>2,301</b>	<b>608</b>
Collective quota achieved:					<b>224%</b>

**Table 3.7.2. Statute of limitations**

Case type	Relative statute of limitations	Absolute statute of limitations	Total
Criminal	0	0	0
Minor offence	0	1	1
<b>Total</b>	<b>0</b>	<b>1</b>	<b>1</b>

**Table 3.7.3. Implementation of the Backlog Reduction Plan**

	Case initiation year						Total
	2010	2009-2006	2005-2001	2000-1996	1995-1991	1990 and earlier	
Plan	0	0	0	0	0	0	0
Implementation of the plan	0	0	0	0	0	0	0
Plan implementation rate	0	0	0	0	0	0	0

Quota achieved for old cases:

Average number of resolved old cases from the plan per judge/legal associate:

**Table 3.7.4. Staffing capacities**

31.12.2011		<b>Judges</b>					
The number of regular judges appointed	8	Ethnic breakdown			Gender breakdown		
The average age of regular judges	56.1	Serbs	3	37.5%	M	4	50%
The number of reserve judges appointed	0	Croats	3	37.5%	F	4	50%
The number of permanently employed administrative staff members	9	Bosniaks	2	25%			
The number of fixed-term employees	0	Other	0	0%			
The number of trainees/volunteers	1/4						

**Table 3.7.5. Disciplinary proceedings**

Initiated	Completed	Judicial office holders sanctioned
0	0	0

**Table 3.7.6. Budget approved**

Salaries and allowances	Employer contributions	Goods and services	Purchase of fixed assets	TOTAL
845,255	32,810	98,000	0	976,065

**BASIC COURT OF THE BRCKO DISTRICT OF BiH****Table 3.7.7. Caseflow**

Case type	Unresolved cases – 1.1.2011	Received cases	Total number of ongoing cases	Resolved cases	Cases received from LA Branch Office
	I	II	III=I+II	IV	V=III-IV
Civil	2,227	1,496	3,723	1,845	1,878
Small value disputes	1,002	696	1,698	995	703
Commercial	493	392	885	452	433
Criminal	528	1,349	1,877	1,450	427
War crime	4	2	6	0	6
Organized crime	0	0	0	0	0
Corruption	2	4	6	5	1
Enforcement	4,575	1,017	5,592	829	4,763
Non-litigation	1,456	1,534	2,990	1,603	1,387
Business entity registration	43	4,966	5,009	4,889	120
Land registry	4,344	18,177	22,521	19,076	3,445
Administrative Department	246	126	372	258	114
Minor Offence Department	1,739	1,862	3,601	2,363	1,238
<b>Total</b>	<b>15,651</b>	<b>30,919</b>	<b>46,570</b>	<b>32,765</b>	<b>13,805</b>
Collective quota achieved:					<b>233.0 %</b>
Performance quality (court decisions)			Upheld	Modified	Reversed
			75%	10%	15%

**Table 3.7.8. Statute of limitations**

Case type	Relative statute of limitations	Absolute statute of limitations	Total
Criminal	0	1	1
Minor offence	4	11	15
Criminal sanction enforcement	0	6	6
<b>Total</b>	<b>4</b>	<b>18</b>	<b>22</b>

**Table 3.7.9. Implementation of the Backlog Reduction Plan**

	Case initiation year						Total
	2010	2009-2006	2005-2001	2000-1996	1995-1991	1990 and earlier	
Plan	67	1,290	83	3	3	4	1,450
Implementation of the plan	59	711	25	2	2	2	801
Plan implementation rate	88%	55%	30%	67%	67%	50%	55%

Quota achieved for old cases: 13.4%

Average number of resolved old cases from the plan per judge/legal associate: 43

**Table 3.7.10. Staffing capacities**

31.12.2011	
The number of regular judges appointed	18
The average age of regular judges	48.7
The number of reserve judges appointed	3
The number of legal associates appointed	0
The number of permanently employed administrative staff members	75
The number of fixed-term employees	2
The number of trainees/volunteers	1/10

Regular Judges					
Ethnic breakdown			Gender breakdown		
Serbs	8	44.4%	M	8	44.4%
Croats	3	16.7%	F	10	55.6%
Bosniaks	7	38.9%			
Other	0	0.0%			

**Table 3.7.11. Disciplinary proceedings**

Initiated	Completed	Judicial office holders sanctioned
0	0	0

**Table 3.7.12. Budget approved**

Salaries and allowances	Employer contributions	Goods and services	Purchase of fixed assets	TOTAL
2,868,062	112,163	821,000	20,000	3,821,225

### 3.8. UTILITY CASES

**Table 3.8.1. Caseflow of utility cases in municipal, basic and district commercial courts in 2011**

Court	No. of unresolved cases as at 1 Jan.2011	No. of cases received in 2011	Total no. of pending cases	No. of cases resolved in 2011	No. of unresolved cases as of 31 Dec. 2011
<b>Municipal courts in the Federation of BiH</b>					
Bihac	3,844	8,362	12,206	6,266	5,940
Bosanska Krupa	943	2,179	3,122	1,235	1,887
Bugojno	5,812	961	6,773	1,500	5,273
Capljina	668	3,611	4,279	3,723	556
Cazin	6,484	3,750	10,234	7,121	3,113
Gorazde	525	988	1,513	1,028	485
Gracanica	5,826	679	6,505	2,021	4,484
Gradacac	9,892	1,752	11,644	2,386	9,258
Kakanj	4,495	1,186	5,681	1,859	3,822
Kalesija	868	477	1,345	878	467
Kiseljak	12,345	899	13,244	3,700	9,544
Konjic	3,462	1,541	5,003	2,389	2,614
Livno	15,983	2,443	18,426	2,590	15,836
Ljubuski	8,911	1,816	10,727	3,247	7,480
Mostar	18,039	5,454	23,493	3,420	20,073
Orasje	3,612	415	4,027	784	3,243
Sanski Most	3,141	960	4,101	847	3,254
Sarajevo	781,815	121,829	903,644	124,883	778,761
Siroki Brijeg	11,846	1,687	13,533	3,119	10,414
Tesanj	6,331	2,970	9,301	2,475	6,826
Travnik	1,383	1,488	2,871	1,164	1,707
Tuzla	80,483	19,301	99,784	5,302	94,482
Velika Kladusa	9,300	883	10,183	3,703	6,480
Visoko	18,666	1,786	20,452	2,740	17,712
Zavidovici	12,960	2,321	15,281	3,508	11,773
Zenica	93,458	18,223	111,681	9,500	102,181
Zepce	7,990	484	8,474	733	7,741
Zivinice	7,707	4,563	12,270	3,999	8,271
<b>Total for the FBiH municipal courts</b>	<b>1,136,789</b>	<b>213,008</b>	<b>1,349,797</b>	<b>206,120</b>	<b>1,143,677</b>

<b>Court</b>	<b>No. of unresolved cases as at 1 Jan.2011</b>	<b>No. of cases received in 2011</b>	<b>Total no. of pending cases</b>	<b>No. of cases resolved in 2011</b>	<b>No. of unresolved cases as of 31 Dec. 2011</b>
<b>Basic courts in RS</b>					
Banja Luka	52,317	7,607	59,924	8,154	51,770
Bijeljina	61,489	25,508	86,997	25,791	61,206
Derventa	2,573	2,208	4,781	1,755	3,026
Doboj	13,982	4,743	18,725	1,959	16,766
Foca	4,669	3,099	7,768	1,143	6,625
Gradiska	24,535	1,458	25,993	1,939	24,054
Kotor Varos	18,745	5,610	24,355	1,561	22,794
Modrica	19,728	9,756	29,484	864	28,620
Mrkonjic Grad	7,016	1,677	8,693	1,935	6,758
Novi Grad	4,969	1,541	6,510	906	5,604
Prijedor	32,692	3,046	35,738	1,475	34,263
Prnjavor	9,124	2,227	11,351	2,024	9,327
Sokolac	19,508	2,809	22,317	2,209	20,108
Srebrenica	10,982	2,572	13,554	1,153	12,401
Teslic	6,695	1,380	8,075	1,392	6,683
Trebinje	8,000	7,897	15,897	1,011	14,886
Visegrad	9,452	3,324	12,776	753	12,023
Vlasenica	9,159	2,951	12,110	4,384	7,726
Zvornik	46,351	12,082	58,433	1,108	57,325
<b>Total for the RS basic courts</b>	<b>361,986</b>	<b>101,495</b>	<b>463,481</b>	<b>61,516</b>	<b>401,965</b>
<b>District commercial courts in RS</b>					
Banja Luka	902	788	1,690	337	1,353
Bijeljina	205	260	465	232	233
Doboj	442	433	875	625	250
East Sarajevo	323	375	698	355	343
Trebinje	75	200	275	204	71
<b>Total for the RS commercial courts</b>	<b>1,947</b>	<b>2,056</b>	<b>4,003</b>	<b>1,753</b>	<b>2,250</b>
<b>Basic Court Brcko District</b>	<b>34,377</b>	<b>7,694</b>	<b>42,071</b>	<b>6,610</b>	<b>35,461</b>
<b>Total for BiH</b>	<b>1,535,099</b>	<b>324,253</b>	<b>1,859,352</b>	<b>275,999</b>	<b>1,583,353</b>

### 3.9. PERFORMANCE REPORTS FOR PROSECUTOR'S OFFICES<sup>29</sup>

#### PROSECUTOR'S OFFICE OF BOSNIA AND HERZEGOVINA

**Table 3.9.1. Caseflow**

Case type	REPORTS					INVESTIGATIONS					INDICTMENTS			
	Unresolved as at 1.01.2011.	Received during the year	Ongoing	Resolved	Unresolved as at 31.12.2011.	Unfinished as at 1.01.2011.	Ordered during the year	Ongoing	Finished	Unfinished as at 31.12.2011.	Issued	Confirmed	Confirmation denied	Confirmed/ issued (%)
General crime	128	154	282	198	84	98	122	220	150	70	107	109	0	102%
Economic crime	295	247	542	325	217	193	173	366	196	170	117	117	1	100%
War crimes	294	87	381	84	297	288	43	331	76	255	28	27	1	96%
<b>Total</b>	<b>717</b>	<b>488</b>	<b>1,205</b>	<b>607</b>	<b>598</b>	<b>579</b>	<b>338</b>	<b>917</b>	<b>422</b>	<b>495</b>	<b>252</b>	<b>253</b>	<b>2</b>	<b>100%</b>
Organised crime	30	28	58	21	37	26	9	35	8	27	6	7	0	117%
Corruption	56	38	94	54	40	11	26	37	27	10	10	10	1	100%

**Table 3.9.2. A breakdown of court decisions**

Case type "Kt"	The number of cases in which decision was rendered during the reporting period:										The number of decisions rendered by courts	Appeals		
	Decision to discontinue proceedings	Denied judgements	Acquittals	Criminal offences committed in a state of mental incapacity	Convictions / Sentences							Upheld	Rejected	Unresolved at the end of the year
					Prison	Fine	Probation	Reprimand	Acquittal	TOTAL – convictions				
	I	II	III	IV	V	VI	VII	VIII	IX	X=V+..+IX	XI=I+II+III+IV+X	XII	XIII	XIV
General crime	1	1	5	0	23	16	65	0	0	104	111	1	7	8
Economic crime	1	0	12	0	14	5	66	0	0	85	98	3	4	4
War crimes	0	0	2	0	15	0	0	0	0	15	17	5	12	5
<b>Total</b>	<b>2</b>	<b>1</b>	<b>19</b>	<b>0</b>	<b>52</b>	<b>21</b>	<b>131</b>	<b>0</b>	<b>0</b>	<b>204</b>	<b>226</b>	<b>9</b>	<b>23</b>	<b>17</b>
Organised crime	0	1	1	0	6	0	2	0	0	8	10	2	0	2
Corruption	0	0	3	0	1	0	6	0	0	7	10	2	5	0

29 Statistical data are presented in relation to cases.



**Table 3.9.3. Expiration of the statute of limitations prior to indictment**

Case type	Absolute statute of limitations I	Relative statute of limitations II	Total III=I+II
Kt	0	0	0
Ktm	0	0	0
<b>Total</b>	<b>0</b>	<b>0</b>	<b>0</b>

**Table 3.9.4. Staffing capacities**

31.12.2011		Prosecutors					
The number of appointed prosecutors	34	Ethnic breakdown			Gender breakdown		
The average age of prosecutors	51.9	Serbs	11	32.4%	M	16	47.1%
The number of permanently employed administrative staff members	134	Croats	6	17.6%	F	18	52.9%
The number of fixed-term employees	7	Bosniaks	15	44.1%			
The number of trainees/volunteers	9/6	Other	2	5.9%			

**Table 3.9.5. Disciplinary proceedings**

The number of initiated disciplinary proceedings	1
The number of completed disciplinary proceedings	0
The number of sanctioned judicial office holders	0

**Table 3.9.6. Budget approved**

Salaries and allowances	Employer contributions	Goods and services	Purchase of fixed assets	TOTAL
7,217,451	0	1,310,147	0	8,527,598

### 3.10. ENTITY-LEVEL PROSECUTOR'S OFFICES

#### FEDERAL PROSECUTOR'S OFFICE OF THE FEDERATION OF BOSNIA AND HERZEGOVINA

**Table 3.10.1. "KTŽ" – Data concerning appeals as regular legal remedies against first-instance decisions of cantonal courts**

Case type "KTŽ"	Unresolved cases from previous years	Received during the reporting period	Ongoing	Resolved	Remained unresolved	Attendance at open hearings
COLUMN	I	II	III=I+II	IV	V=III-IV	VI
General crime	1	161	162	160	2	138
Economic crime	0	14	14	13	1	12
War crimes	0	9	9	8	1	10
<b>Total:</b>	<b>1</b>	<b>184</b>	<b>185</b>	<b>181</b>	<b>4</b>	<b>160</b>
Organised crime	0	3	3	3	0	1
Corruption	0	8	8	8	0	4

**Table 3.10.2. "KTŽ-K" and "KTŽ-KŽ" – Data concerning upheld appeals and revoked first-instance decisions of cantonal courts and ongoing trials ("KTŽ-K") and data concerning appeals against second-instance court decisions ("KTŽ-KŽ")**

Case type "KTŽ-K" and "KTŽ-KŽ"	KTŽ-K				KTŽ-KŽ			
	Received during the reporting period	Particip. in trials	Resolved	Unresolved in court	Received	Resolved	Unresolved	Attendance at hearings
COLUMN	I	II	III	IV	V	VI	VII	VIII
General crime	23	55	23	5	20	20	0	14
Economic crime	2	4	2	1	2	2	0	0
War crimes	3	3	3	1	0	0	0	0
<b>Total</b>	<b>28</b>	<b>62</b>	<b>28</b>	<b>7</b>	<b>22</b>	<b>22</b>	<b>0</b>	<b>14</b>
Organised crime	0	0	0	0	0	0	0	0
Corruption	2	2	1	1	3	3	0	2

**Table 3.10.3. Staffing capacities**

31.12.2011		Prosecutors					
The number of appointed prosecutors	8	Ethnic breakdown			Gender breakdown		
The average age of prosecutors	56.8	Serbs	1	12.5%	M	4	50%
The number of permanently employed administrative staff members	13	Croats	3	37.5%	F	4	50%
The number of fixed-term employees	0	Bosniaks	3	37.5%			
The number of trainees/volunteers	0/0	Other	1	12.5%			

**Table 3.10.4. Disciplinary proceedings**

The number of initiated disciplinary proceedings	0
The number of completed disciplinary proceedings	0
The number of sanctioned judicial office holders	0

**Table 3.9.6. Budget approved**

Salaries and allowances	Employer contributions	Goods and services	Purchase of fixed assets	TOTAL
1,061,507	105,163	73,161	18,000	1,257,831

**REPUBLIC PROSECUTOR'S OFFICE OF REPUBLIKA SRPSKA****Table 3.10.6. "KTŽ" - Data concerning appeals as regular legal remedies against first-instance decisions of district courts**

Case type "KTŽ"	Unresolved cases from previous years	Received during the reporting period	Ongoing	Resolved	Remained unresolved	Attendance at open hearings
COLUMN	I	II	III=I+II	IV	V=III-IV	VI
General crime	11	127	138	111	27	104
Economic crime	2	4	6	4	2	2
War crimes	1	5	6	5	1	5
<b>Total</b>	<b>14</b>	<b>136</b>	<b>150</b>	<b>120</b>	<b>30</b>	<b>111</b>
Organised crime	0	0	0	0	0	0
Corruption	2	3	5	4	1	4

**Table 3.10.7. "KTŽ-K" and "KTŽ-KŽ" - Data concerning upheld appeals and revoked first-instance decisions of district courts and ongoing trials ("KTŽ-K") and data concerning appeals against second-instance court decisions ("KTŽ-KŽ")**

Case type "KTŽ-K" and "KTŽ-KŽ"	KTŽ-K				KTŽ-KŽ			
	Received during the reporting period	Particip. in trials	Resolved	Unresolved in court	Received	Resolved	Unresolved	Attendance at hearings
COLUMN	I	II	III	IV	V	VI	VII	VIII
General crime	3	3	1	2	0	0	0	0
Economic crime	0	0	0	0	0	0	0	0
War crimes	0	0	0	0	0	0	0	0
<b>Total</b>	<b>3</b>	<b>3</b>	<b>1</b>	<b>2</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>
Organised crime	0	0	0	0	0	0	0	0
Corruption	0	0	0	0	0	0	0	0

**Table 3.10.8. Staffing capacities**

31.12.2011		Prosecutors					
The number of appointed prosecutors	6	Ethnic breakdown			Gender breakdown		
The average age of prosecutors	57.8	Serbs	3	50%	M	4	66.7%
The number of permanently employed administrative staff members	6	Croats	1	16.7%	F	2	33.3%
The number of fixed-term employees	0	Bosniaks	1	16.7%			
The number of trainees/volunteers	0/0	Other	1	16.7%			

**Table 3.10.9. Disciplinary proceedings**

The number of initiated disciplinary proceedings	0
The number of completed disciplinary proceedings	0
The number of sanctioned judicial office holders	0

**Table 3.10.10. Budget approved**

Salaries and allowances	Employer contributions	Goods and services	Purchase of fixed assets	TOTAL
546,000	61,000	0	2,000	609,000

### 3.11. CANTONAL PROSECUTOR'S OFFICE

#### CANTONAL PROSECUTOR'S OFFICE OF UNA-SANA CANTON

**Table 3.11.1. Caseflow**

Case type	REPORTS					INVESTIGATIONS					INDICTMENTS			
	Unresolved as at 1.01.2011.	Received during the year	Ongoing	Resolved	Unresolved 31.12.2011.	Unfinished as at 1.01.2011.	Ordered during the year	Ongoing	Finished	Unfinished as at 31.12.2011.	Issued	Confirmed	Confirmation denied	Confirmed/ Issued (%)
General crime	1,422	2,048	3,470	2,104	1,366	265	1,826	2,091	1,877	214	1,666	1,646	7	99%
Economic crime	309	125	434	120	314	34	39	73	55	18	26	28	0	108%
War crimes	11	19	30	16	14	62	13	75	21	54	8	8	0	100%
<b>Total</b>	<b>1,742</b>	<b>2,192</b>	<b>3,934</b>	<b>2,240</b>	<b>1,694</b>	<b>361</b>	<b>1,878</b>	<b>2,239</b>	<b>1,953</b>	<b>286</b>	<b>1,700</b>	<b>1,682</b>	<b>7</b>	<b>99%</b>
Organised crime	1	1	2	1	1	0	0	0	0	0	0	0	0	0%
Corruption	236	91	327	89	238	24	22	46	36	10	16	16	0	100%

**Table 3.11.2. A breakdown of court decisions**

Case type "Kt"	The number of cases in which a decision was rendered during the reporting period:										The number of decisions rendered by courts	Appeals		
	Decision to continue proceedings	Denied judgements	Acquittals	Criminal offences committed in a state of mental incapacity	Convictions / Sentences							Upheld	Rejected	Unresolved at the end of the year
					Prison	Fine	Probation	Reprimand	Acquittal	TOTAL - convictions				
	I	II	III	IV	V	VI	VII	VIII	IX	X=V+..+IX	XI=I+II+III+IV+X	XII	XIII	XIV
General crime	1	45	30	0	152	140	982	8	0	1,282	1,358	13	18	49
Economic crime	0	0	4	0	2	0	12	0	0	14	18	1	1	7
War crimes	5	0	0	0	4	0	0	0	0	4	9	0	4	0
<b>Total</b>	<b>6</b>	<b>45</b>	<b>34</b>	<b>0</b>	<b>158</b>	<b>140</b>	<b>994</b>	<b>8</b>	<b>0</b>	<b>1,300</b>	<b>1,385</b>	<b>14</b>	<b>23</b>	<b>56</b>
Organised crime	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Corruption	0	0	0	0	2	0	7	0	0	9	9	1	0	4

**Table 3.11.3. Expiration of the statute of limitations prior to indictment**

Case type	Absolute statute of limitations I	Relative statute of limitations II	Total III=I+II
Kt	2	0	2
Ktm	0	0	0
<b>Total</b>	<b>2</b>	<b>0</b>	<b>2</b>

**Table 3.11.4. Staffing capacities**

31.12.2011		Prosecutors					
The number of appointed prosecutors	22	Ethnic breakdown			Gender breakdown		
The average age of prosecutors	54.0	Serbs	2	9.1%	M	10	45.5%
The number of permanently employed administrative staff members	38	Croats	1	4.5%	F	12	54.5%
The number of fixed-term employees	0	Bosniaks	19	86.4%			
The number of trainees/volunteers	0/2	Other	0	0%			

**Table 3.11.5. Disciplinary proceedings**

The number of initiated disciplinary proceedings	0
The number of completed disciplinary proceedings	0
The number of sanctioned judicial office holders	0

**Table 3.11.6. Budget approved**

Salaries and allowances	Employer contributions	Goods and services	Purchase of fixed assets	TOTAL
2,011,042	194,735	318,105	51,322	2,575,204

**CANTONAL PROSECUTOR'S OFFICE OF POSAVINA CANTON****Table 3.11.1. Caseflow**

Case type	REPORTS					INVESTIGATIONS					INDICTMENTS			
	Unresolved as at 1.01.2011.	Received during the year	Ongoing	Resolved	Unresolved 31.12.2011.	Unfinished as at 1.01.2011.	Ordered during the year	Ongoing	Finished	Unfinished as at 31.12.2011.	Issued	Confirmed	Confirmation denied	Confirmed/ Issued (%)
General crime	96	244	340	314	26	99	266	365	313	52	289	246	1	85%
Economic crime	11	40	51	38	13	13	38	51	30	21	26	17	0	65%
War crimes	3	3	6	3	3	2	0	2	0	2	0	0	0	0%
<b>Total</b>	<b>110</b>	<b>287</b>	<b>397</b>	<b>355</b>	<b>42</b>	<b>114</b>	<b>304</b>	<b>418</b>	<b>343</b>	<b>75</b>	<b>315</b>	<b>263</b>	<b>1</b>	<b>83%</b>
Organised crime	0	0	0	0	0	0	0	0	0	0	0	0	0	0%
Corruption	5	14	19	13	6	3	11	14	6	8	6	3	0	50%

**Table 3.11.8. A breakdown of court decisions**

Case type "Kt"	The number of cases in which a decision was rendered during the reporting period:										The number of decisions rendered by courts	Appeals		
	Decision to continue proceedings	Denied judgements	Acquittals	Criminal offences committed in a state of mental incapacity	Convictions / Sentences							Upheld	Rejected	Unresolved at the end of the year
					Prison	Fine	Probation	Reprimand	Acquittal	TOTAL - convictions				
	I	II	III	IV	V	VI	VII	VIII	IX	X=V+...+IX	XI=I+II+III+IV+X	XII	XIII	XIV
General crime	8	5	11	1	17	30	249	0	0	296	321	4	18	3
Economic crime	1	0	0	0	2	0	6	0	0	8	9	0	2	1
War crimes	0	0	0	0	0	0	0	0	0	0	0	0	0	0
<b>Total</b>	<b>9</b>	<b>5</b>	<b>11</b>	<b>1</b>	<b>19</b>	<b>30</b>	<b>255</b>	<b>0</b>	<b>0</b>	<b>304</b>	<b>330</b>			<b>4</b>
Organised crime	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Corruption	0	0	0	0	1	0	1	0	0	2	2	0	1	1

**Table 3.11.9. Expiration of the statute of limitations prior to indictment**

Case type	Absolute statute of limitations I	Relative statute of limitations II	Total III=I+II
Kt	1	0	1
Ktm	0	0	0
<b>Total</b>	<b>1</b>	<b>0</b>	<b>1</b>

**Table 3.11.10. Staffing capacities**

31.12.2011		Prosecutors					
The number of appointed prosecutors	4	Ethnic breakdownGender breakdown					
The average age of prosecutors	46.3	Serbs	0	0.0%	M	3	75.0%
The number of permanently employed administrative staff members	7	Croats	3	75.0%	F	1	25.0%
The number of fixed-term employees	0	Bosniaks	1	25.0%			
The number of trainees/volunteers	1/0	Other	0	0.0%			

**Table 3.11.11. Disciplinary proceedings**

The number of initiated disciplinary proceedings	0
The number of completed disciplinary proceedings	0
The number of sanctioned judicial office holders	0

**Table 3.11.12. Budget approved**

Salaries and allowances	Employer contributions	Goods and services	Purchase of fixed assets	TOTAL
342,900	32,800	79,500	0	455,200

**CANTONAL PROSECUTOR'S OFFICE OF TUZLA CANTON****Table 3.11.1. Caseflow**

Case type	REPORTS					INVESTIGATIONS					INDICTMENTS			
	Unresolved as at 1.01.2011.	Received during the year	Ongoing	Resolved	Unresolved 31.12.2011.	Unfinished as at 1.01.2011.	Ordered during the year	Ongoing	Finished	Unfinished as at 31.12.2011.	Issued	Confirmed	Confirmation denied	Confirmed/ Issued (%)
General crime	1,108	3,497	4,605	3,316	1,289	906	2,903	3,809	2,938	871	2,657	2,460	0	93%
Economic crime	120	120	240	86	154	42	38	80	35	45	26	35	0	135%
War crimes	5	11	16	8	8	8	5	13	4	9	1	1	0	100%
<b>Total</b>	<b>1,233</b>	<b>3,628</b>	<b>4,861</b>	<b>3,410</b>	<b>1,451</b>	<b>956</b>	<b>2,946</b>	<b>3,902</b>	<b>2,977</b>	<b>925</b>	<b>2,684</b>	<b>2,496</b>	<b>0</b>	<b>93%</b>
Organised crime	2	1	3	0	3	2	0	2	0	2	0	1	0	0%
Corruption	75	64	139	46	93	16	22	38	15	23	9	13	0	144%

**Table 3.11.14. A breakdown of court decisions**

Case type "Kt"	The number of cases in which a decision was rendered during the reporting period:										The number of decisions rendered by courts	Appeals		
	Decision to continue proceedings	Denied judgements	Acquittals	Criminal offences committed in a state of mental incapacity	Convictions / Sentences							Upheld	Rejected	Unresolved at the end of the year
					Prison	Fine	Probation	Reprimand	Acquittal	TOTAL - convictions				
I	II	III	IV	V	VI	VII	VIII	IX	X=V+..+IX	XI=I+II+III+IV+X	XII	XIII	XIV	
General crime	107	15	69	6	514	496	1,622	3	0	2,635	2,832	20	33	105
Economic crime	5	1	4	0	10	8	19	0	0	37	47	0	0	9
War crimes	0	0	1	0	0	0	0	0	0	0	1	0	1	1
<b>Total</b>	<b>112</b>	<b>16</b>	<b>74</b>	<b>6</b>	<b>524</b>	<b>504</b>	<b>1,641</b>	<b>3</b>	<b>0</b>	<b>2,672</b>	<b>2,880</b>	<b>20</b>	<b>34</b>	<b>115</b>
Organised crime	0	0	1	0	0	0	0	0	0	0	1	0	0	0
Corruption	2	0	3	0	7	4	8	0	0	19	24	0	0	7



**Table 3.11.15. Expiration of the statute of limitations prior to indictment**

Case type	Absolute statute of limitations I	Relative statute of limitations II	Total III=I+II
Kt	0	0	0
Ktm	0	0	0
<b>Total</b>	<b>0</b>	<b>0</b>	<b>0</b>

**Table 3.11.16. Staffing capacities**

31.12.2011		Prosecutors				
The number of appointed prosecutors	29	Ethnic breakdown			Gender breakdown	
The average age of prosecutors	52.9	Serbs	4	13.8%	M	16 55.2%
The number of permanently employed administrative staff members	53	Croats	4	13.8%	F	13 44.8%
The number of fixed-term employees	0	Bosniaks	21	72.4%		
The number of trainees/volunteers	0/5	Other	0	0%		

**Table 3.11.17. Disciplinary proceedings**

The number of initiated disciplinary proceedings	0
The number of completed disciplinary proceedings	0
The number of sanctioned judicial office holders	0

**Table 3.11.18. Budget approved**

Salaries and allowances	Employer contributions	Goods and services	Purchase of fixed assets	TOTAL
2,590,034	251,535	630,549	8,738	3,480,856

**CANTONAL PROSECUTOR'S OFFICE OF ZENICA-DOBOJ CANTON****Table 3.11.19. Caseflow**

Case type	REPORTS					INVESTIGATIONS					INDICTMENTS			
	Unresolved as at 1.01.2011.	Received during the year	Ongoing	Resolved	Unresolved 31.12.2011.	Unfinished as at 1.01.2011.	Ordered during the year	Ongoing	Finished	Unfinished as at 31.12.2011.	Issued	Confirmed	Confirmation denied	Confirmed/ Issued (%)
General crime	863	2,193	3,056	2,142	914	284	1,831	2,115	1,911	204	1,758	1,714	1	97%
Economic crime	173	118	291	115	176	40	62	102	62	40	44	43	0	98%
War crimes	1	1	2	2	0	12	2	14	9	5	1	1	0	100%
<b>Total</b>	<b>1,037</b>	<b>2,312</b>	<b>3,349</b>	<b>2,259</b>	<b>1,090</b>	<b>336</b>	<b>1,895</b>	<b>2,231</b>	<b>1,982</b>	<b>249</b>	<b>1,803</b>	<b>1,758</b>	<b>1</b>	<b>98%</b>
Organised crime	2	2	4	2	2	2	1	3	2	1	2	2	0	100%
Corruption	90	74	164	59	105	22	24	46	22	24	14	14	0	100%

**Table 3.11.20. A breakdown of court decisions**

Case type "Kt"	The number of cases in which a decision was rendered during the reporting period:										The number of decisions rendered by courts	Appeals		
	Decision to continue proceedings	Denied judgements	Acquittals	Criminal offences committed in a state of mental incapacity	Convictions / Sentences							Upheld	Rejected	Unresolved at the end of the year
					Prison	Fine	Probation	Reprimand	Acquittal	TOTAL - convictions				
	I	II	III	IV	V	VI	VII	VIII	IX	X=V+...+IX	XI=I+II+III+IV+X	XII	XIII	XIV
General crime	20	29	57	3	290	43	1,139	4	0	1,476	1,585	15	75	80
Economic crime	0	0	2	0	3	0	43	0	0	46	48	1	1	1
War crimes	0	0	0	0	0	0	0	0	0	0	0	0	0	0
<b>Total</b>	<b>20</b>	<b>29</b>	<b>59</b>	<b>3</b>	<b>293</b>	<b>43</b>	<b>1,182</b>	<b>4</b>	<b>0</b>	<b>1,522</b>	<b>1,633</b>	<b>16</b>	<b>76</b>	<b>81</b>
Organised crime	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Corruption	0	0	1	0	1	0	6	0	0	7	8	0	1	0

**Table 3.11.21. Expiration of the statute of limitations prior to indictment**

Case type	Absolute statute of limitations I	Relative statute of limitations II	Total III=I+II
Kt	10	6	16
Ktm	0	0	0
<b>Total</b>	<b>10</b>	<b>6</b>	<b>16</b>

**Table 3.11.22. Staffing capacities**

31.12.2011		Prosecutors					
The number of appointed prosecutors	24	Ethnic breakdown			Gender breakdown		
The average age of prosecutors	49.6	Serbs	2	8.3%	M	14	58.3%
The number of permanently employed administrative staff members	37	Croats	4	16.7%	F	10	41.7%
The number of fixed-term employees	0	Bosniaks	17	70.8%			
The number of trainees/volunteers	0/0	Other	1	4.2%			

**Table 3.11.23. Disciplinary proceedings**

The number of initiated disciplinary proceedings	0
The number of completed disciplinary proceedings	0
The number of sanctioned judicial office holders	0

**Table 3.11.24. Budget approved**

Salaries and allowances	Employer contributions	Goods and services	Purchase of fixed assets	TOTAL
1,803,200	174,150	305,484	0	2,282,834

**CANTONAL PROSECUTOR'S OFFICE OF BOSNIAN PODRINJE CANTON****Table 3.11.25. Caseflow**

Case type	REPORTS					INVESTIGATIONS					INDICTMENTS			
	Unresolved as at 1.01.2011.	Received during the year	Ongoing	Resolved	Unresolved 31.12.2011.	Unfinished as at 1.01.2011.	Ordered during the year	Ongoing	Finished	Unfinished as at 31.12.2011.	Issued	Confirmed	Confirmation denied	Confirmed/ Issued (%)
General crime	8	127	135	133	2	2	100	102	102	0	98	98	0	100%
Economic crime	2	23	25	25	0	1	2	3	3	0	2	2	0	100%
War crimes	2	1	3	2	1	0	2	2	0	2	0	0	0	0%
<b>Total</b>	<b>12</b>	<b>151</b>	<b>163</b>	<b>160</b>	<b>3</b>	<b>3</b>	<b>104</b>	<b>107</b>	<b>105</b>	<b>2</b>	<b>100</b>	<b>100</b>	<b>0</b>	<b>100%</b>
Organised crime	0	0	0	0	0	0	0	0	0	0	0	0	0	0%
Corruption	1	2	3	3	0	1	2	3	3	0	2	2	0	100%

**Table 3.11.26. A breakdown of court decisions**

Case type "Kt"	The number of cases in which a decision was rendered during the reporting period:										The number of decisions rendered by courts	Appeals		
	Decision to continue proceedings	Denied judgements	Acquittals	Criminal offences committed in a state of mental incapacity	Convictions / Sentences							Upheld	Rejected	Unresolved at the end of the year
					Prison	Fine	Probation	Reprimand	Acquittal	TOTAL - convictions				
	I	II	III	IV	V	VI	VII	VIII	IX	X=V+..+IX	XI=I+II+III+IV+X	XII	XIII	XIV
General crime	2	3	8	0	12	12	57	0	0	81	94	0	7	4
Economic crime	0	1	1	0	1	0	1	0	0	2	4	0	0	0
War crimes	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Total	2	4	9	0	13	12	58	0	0	83	98	0	7	4
Organised crime	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Corruption	1	1	0	0	1	0	1	0	0	2	4	0	0	0

**Table 3.11.27. Expiration of the statute of limitations prior to indictment**

Case type	Absolute statute of limitations I	Relative statute of limitations II	Total III=I+II
Kt	0	0	0
Ktm	0	0	0
<b>Total</b>	<b>0</b>	<b>0</b>	<b>0</b>

**Table 3.11.28. Staffing capacities**

31.12.2011		Prosecutors					
The number of appointed prosecutors	2	Ethnic breakdown			Gender breakdown		
The average age of prosecutors	56.5	Serbs	1	50%	M	2	100%
The number of permanently employed administrative staff members	3	Croats	0	0%	F	0	0%
The number of fixed-term employees	0	Bosniaks	1	50%			
The number of trainees/volunteers	0/0	Other	0	0%			

**Table 3.11.29. Disciplinary proceedings**

The number of initiated disciplinary proceedings	0
The number of completed disciplinary proceedings	0
The number of sanctioned judicial office holders	0

**Table 3.11.30. Budget approved**

Salaries and allowances	Employer contributions	Goods and services	Purchase of fixed assets	TOTAL
168,072	16,700	43,700	2,000	230,472

**CANTONAL PROSECUTOR'S OFFICE OF CENTRAL BOSNIA CANTON****Table 3.11.31. Caseflow**

Case type	REPORTS					INVESTIGATIONS					INDICTMENTS			
	Unresolved as at 1.01.2011.	Received during the year	Ongoing	Resolved	Unresolved 31.12.2011.	Unfinished as at 1.01.2011.	Ordered during the year	Ongoing	Finished	Unfinished as at 31.12.2011.	Issued	Confirmed	Confirmation denied	Confirmed/ Issued (%)
General crime	133	1,424	1,557	1,509	48	332	1,386	1,718	1,416	302	1,256	1,042	1	83%
Economic crime	26	69	95	68	27	58	36	94	35	59	21	18	0	86%
War crimes	0	3	3	3	0	12	3	15	3	12	0	1	0	0%
<b>Total</b>	<b>159</b>	<b>1,496</b>	<b>1,655</b>	<b>1,580</b>	<b>75</b>	<b>402</b>	<b>1,425</b>	<b>1,827</b>	<b>1,454</b>	<b>373</b>	<b>1,277</b>	<b>1,061</b>	<b>1</b>	<b>83%</b>
Organised crime	0	0	0	0	0	0	0	0	0	0	0	0	0	0%
Corruption	17	38	55	38	17	31	18	49	20	29	15	11	0	73%

**Table 3.11.32. A breakdown of court decisions**

Case type "Kt"	The number of cases in which a decision was rendered during the reporting period:										The number of decisions rendered by courts	Appeals		
	Decision to continue proceedings	Denied judgements	Acquittals	Criminal offences committed in a state of mental incapacity	Convictions / Sentences							Upheld	Rejected	Unresolved at the end of the year
					Prison	Fine	Probation	Reprimand	Acquittal	TOTAL - convictions				
	I	II	III	IV	V	VI	VII	VIII	IX	X=V+...+IX	XI=I+II+III+IV+X	XII	XIII	XIV
General crime	19	25	36	0	205	93	663	2	0	963	1,043	19	18	35
Economic crime	0	0	10	0	1	2	13	0	0	16	26	3	6	6
War crimes	0	0	0	0	0	0	0	0	0	0	0	0	0	0
<b>Total</b>	<b>19</b>	<b>25</b>	<b>46</b>	<b>0</b>	<b>206</b>	<b>95</b>	<b>676</b>	<b>2</b>	<b>0</b>	<b>979</b>	<b>1,069</b>	<b>22</b>	<b>24</b>	<b>41</b>
Organised crime	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Corruption	0	0	5	0	1	0	8	0	0	9	14	3	2	4

**Table 3.11.33. Expiration of the statute of limitations prior to indictment**

Case type	Absolute statute of limitations I	Relative statute of limitations II	Total III=I+II
Kt	2	2	4
Ktm	1	0	1
<b>Total</b>	<b>3</b>	<b>2</b>	<b>5</b>

**Table 3.11.34. Staffing capacities**

31.12.2011		Prosecutors					
The number of appointed prosecutors	15	Ethnic breakdown			Gender breakdown		
The average age of prosecutors	52.2	Serbs	1	6.7%	M	10	66.7%
The number of permanently employed administrative staff members	22	Croats	5	33.3%	F	5	33.3%
The number of fixed-term employees	0	Bosniaks	9	60%			
The number of trainees/volunteers	1/0	Other	0	0%			

**Table 3.11.35. Disciplinary proceedings**

The number of initiated disciplinary proceedings	0
The number of completed disciplinary proceedings	0
The number of sanctioned judicial office holders	0

**Table 3.11.36. Budget approved**

Salaries and allowances	Employer contributions	Goods and services	Purchase of fixed assets	TOTAL
1,125,300	105,800	223,000	45,000	1,499,100

**CANTONAL PROSECUTOR'S OFFICE OF HERZEGOVINA NERETVA CANTON****Table 3.11.37. Caseflow**

Case type	REPORTS					INVESTIGATIONS					INDICTMENTS			
	Unresolved as at 1.01.2011.	Received during the year	Ongoing	Resolved	Unresolved 31.12.2011.	Unfinished as at 1.01.2011.	Ordered during the year	Ongoing	Finished	Unfinished as at 31.12.2011.	Issued	Confirmed	Confirmation denied	Confirmed/ Issued (%)
General crime	106	890	996	891	105	198	734	932	733	199	606	505	1	83%
Economic crime	61	112	173	119	54	62	72	134	68	66	34	26	0	76%
War crimes	20	2	22	11	11	37	4	41	15	26	2	1	0	0%
<b>Total</b>	<b>187</b>	<b>1,004</b>	<b>1,191</b>	<b>1,021</b>	<b>170</b>	<b>297</b>	<b>810</b>	<b>1,107</b>	<b>816</b>	<b>291</b>	<b>642</b>	<b>532</b>	<b>1</b>	<b>83%</b>
Organised crime	0	0	0	0	0	0	0	0	0	0	0	0	0	0%
Corruption	29	59	88	61	27	29	29	58	26	32	9	6	0	67%

**Table 3.11.38. A breakdown of court decisions**

Case type "Kt"	The number of cases in which a decision was rendered during the reporting period:										The number of decisions rendered by courts	Appeals		
	Decision to continue proceedings	Denied judgements	Acquittals	Criminal offences committed in a state of mental incapacity	Convictions / Sentences							Upheld	Rejected	Unresolved at the end of the year
					Prison	Fine	Probation	Reprimand	Acquittal	TOTAL - convictions				
	I	II	III	IV	V	VI	VII	VIII	IX	X=V+..+IX	XI=I+II+III+IV+X	XII	XIII	XIV
General crime	1	3	11	1	148	55	430	3	0	636	652	11	8	17
Economic crime	1	2	3	0	2	4	17	0	1	24	30	1	3	4
War crimes	0	0	1	0	0	0	0	0	0	0	1	0	1	0
<b>Total</b>	<b>2</b>	<b>5</b>	<b>15</b>	<b>1</b>	<b>150</b>	<b>59</b>	<b>447</b>	<b>3</b>	<b>1</b>	<b>660</b>	<b>683</b>	<b>12</b>	<b>12</b>	<b>21</b>
Organised crime	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Corruption	1	1	2	0	0	0	1	0	0	1	5	1	2	3

**Table 3.11.39. Expiration of the statute of limitations prior to indictment**

Case type	Absolute statute of limitations I	Relative statute of limitations II	Total III=I+II
Kt	0	0	0
Ktm	0	0	0
<b>Total</b>	<b>0</b>	<b>0</b>	<b>0</b>

**Table 3.11.40. Staffing capacities**

31.12.2011		Prosecutors					
		Ethnic breakdown			Gender breakdown		
The number of appointed prosecutors	20	Serbs	3	15%	M	6	30%
The average age of prosecutors	51.9	Croats	8	40%	F	14	70%
The number of permanently employed administrative staff members	31	Bosniaks	7	35%			
The number of fixed-term employees	0	Other	2	10%			
The number of trainees/volunteers	0/7						

**Table 3.11.41. Disciplinary proceedings**

The number of initiated disciplinary proceedings	0
The number of completed disciplinary proceedings	0
The number of sanctioned judicial office holders	0

**Table 3.11.42. Budget approved**

Salaries and allowances	Employer contributions	Goods and services	Purchase of fixed assets	TOTAL
1,685,180	161,000	254,610	0	2,100,790

**CANTONAL PROSECUTOR'S OFFICE OF WEST HERZEGOVINA CANTON****Table 3.11.43. Caseflow**

Case type	REPORTS					INVESTIGATIONS					INDICTMENTS			
	Unresolved as at 1.01.2011.	Received during the year	Ongoing	Resolved	Unresolved 31.12.2011.	Unfinished as at 1.01.2011.	Ordered during the year	Ongoing	Finished	Unfinished as at 31.12.2011.	Issued	Confirmed	Confirmation denied	Confirmed/ Issued (%)
General crime	69	346	415	328	87	63	304	367	265	102	244	254	0	104%
Economic crime	20	53	73	52	21	38	36	74	32	42	12	15	0	125%
War crimes	0	0	0	0	0	0	0	0	0	0	0	0	0	0%
<b>Total</b>	<b>89</b>	<b>399</b>	<b>488</b>	<b>380</b>	<b>108</b>	<b>101</b>	<b>340</b>	<b>441</b>	<b>297</b>	<b>144</b>	<b>256</b>	<b>269</b>	<b>0</b>	<b>105%</b>
Organised crime	0	0	0	0	0	0	0	0	0	0	0	0	0	0%
Corruption	12	31	43	24	19	9	14	23	9	14	8	9	0	113%

**Table 3.11.44. A breakdown of court decisions**

Case type "Kt"	The number of cases in which a decision was rendered during the reporting period:										The number of decisions rendered by courts	Appeals		
	Decision to continue proceedings	Denied judgements	Acquittals	Criminal offences committed in a state of mental incapacity	Convictions / Sentences							Upheld	Rejected	Unresolved at the end of the year
					Prison	Fine	Probation	Reprimand	Acquittal	TOTAL - convictions				
	I	II	III	IV	V	VI	VII	VIII	IX	X=V+...+IX	XI=I+II+III+IV+X	XII	XIII	XIV
General crime	5	6	9	0	34	17	135	0	1	187	207	2	10	7
Economic crime	0	1	20	0	4	1	2	0	0	7	28	1	14	6
War crimes	0	0	0	0	0	0	0	0	0	0	0	0	0	0
<b>Total</b>	<b>5</b>	<b>7</b>	<b>29</b>	<b>0</b>	<b>38</b>	<b>18</b>	<b>137</b>	<b>0</b>	<b>1</b>	<b>194</b>	<b>235</b>	<b>3</b>	<b>24</b>	<b>13</b>
Organised crime	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Corruption	0	0	0	0	3	1	0	0	0	4	4	1	0	0

**Table 3.11.45. Expiration of the statute of limitations prior to indictment**

Case type	Absolute statute of limitations I	Relative statute of limitations II	Total III=I+II
Kt	0	0	0
Ktm	0	0	0
<b>Total</b>	<b>0</b>	<b>0</b>	<b>0</b>

**Table 3.11.46. Staffing capacities**

31.12.2011		Prosecutors					
The number of appointed prosecutors	4	Ethnic breakdown			Gender breakdown		
The average age of prosecutors	58.8	Serbs	0	0%	M	3	75%
The number of permanently employed administrative staff members	9	Croats	4	100%	F	1	25%
The number of fixed-term employees	0	Bosniaks	0	0%			
The number of trainees/volunteers	0/1	Other	0	0%			

**Table 3.11.47. Disciplinary proceedings**

The number of initiated disciplinary proceedings	0
The number of completed disciplinary proceedings	0
The number of sanctioned judicial office holders	0



**Table 3.11.48. Budget approved**

Salaries and allowances	Employer contributions	Goods and services	Purchase of fixed assets	TOTAL
384,100	38,000	81,000	9,000	512,100

**CANTONAL PROSECUTOR'S OFFICE OF SARAJEVO CANTON****Table 3.11.49. Caseload**

Case type	REPORTS					INVESTIGATIONS					INDICTMENTS			
	Unresolved as at 1.01.2011.	Received during the year	Ongoing	Resolved	Unresolved 31.12.2011.	Unfinished as at 1.01.2011.	Ordered during the year	Ongoing	Finished	Unfinished as at 31.12.2011.	Issued	Confirmed	Confirmation denied	Confirmed/ Issued (%)
General crime	7,316	4,015	11,331	3,777	7,554	2,091	2,170	4,261	2,701	1,560	1,856	1,727	31	93%
Economic crime	628	260	888	143	745	86	68	154	78	76	49	44	1	90%
War crimes	5	7	12	12	0	38	11	49	10	39	2	2	0	100%
<b>Total</b>	<b>7,949</b>	<b>4,282</b>	<b>12,231</b>	<b>3,932</b>	<b>8,299</b>	<b>2,215</b>	<b>2,249</b>	<b>4,464</b>	<b>2,789</b>	<b>1,675</b>	<b>1,907</b>	<b>1,773</b>	<b>32</b>	<b>93%</b>
Organised crime	5	4	9	2	7	2	1	3	1	2	0	0	0	0%
Corruption	294	149	443	80	363	38	42	80	37	43	21	17	0	81%

**Table 3.11.50. A breakdown of court decisions**

Case type "Kt"	The number of cases in which a decision was rendered during the reporting period:										The number of decisions rendered by courts	Appeals		
	Decision to continue proceedings	Denied judgements	Acquittals	Criminal offences committed in a state of mental incapacity	Convictions / Sentences							Upheld	Rejected	Unresolved at the end of the year
					Prison	Fine	Probation	Reprimand	Acquittal	TOTAL - convictions				
	I	II	III	IV	V	VI	VII	VIII	IX	X=V+..+IX	XI=I+II+III+IV+X	XII	XIII	XIV
General crime	8	69	114	9	389	46	1,258	11	0	1,704	1,904	6	26	60
Economic crime	2	5	16	0	3	0	81	0	0	84	107	0	2	1
War crimes	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Total	10	74	130	9	392	46	1,339	11	0	1,788	2,011	6	28	61
Organised crime	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Corruption	1	0	3	0	0	0	10	0	0	10	14	0	2	0

**Table 3.11.51. Expiration of the statute of limitations prior to indictment**

Case type	Absolute statute of limitations I	Relative statute of limitations II	Total III=I+II
Kt	14	7	21
Ktm	0	0	0
<b>Total</b>	<b>14</b>	<b>7</b>	<b>21</b>

**Table 3.11.52. Staffing capacities**

31.12.2011		Prosecutors				
The number of appointed prosecutors	38	Ethnic breakdown			Gender breakdown	
The average age of prosecutors	46.4	Serbs	9	23.7%	M	17 44.7%
The number of permanently employed administrative staff members	68	Croats	3	7.9%	F	21 55.3%
The number of fixed-term employees	6	Bosniaks	19	50%		
The number of trainees/volunteers	9/4	Other	7	18.4%		

**Table 3.11.53. Disciplinary proceedings**

The number of initiated disciplinary proceedings	1
The number of completed disciplinary proceedings	2
The number of sanctioned judicial office holders	2

**Table 2.11.54. Budget approved**

Salaries and allowances	Employer contributions	Goods and services	Purchase of fixed assets	TOTAL
3,307,300	322,800	1,142,400	10,000	4,782,500

**CANTONAL PROSECUTOR'S OFFICE CANTON 10****Table 3.11.55. Caseflow**

Case type	REPORTS					INVESTIGATIONS					INDICTMENTS			
	Unresolved as at 1.01.2011.	Received during the year	Ongoing	Resolved	Unresolved 31.12.2011.	Unfinished as at 1.01.2011.	Ordered during the year	Ongoing	Finished	Unfinished as at 31.12.2011.	Issued	Confirmed	Confirmation denied	Confirmed/ Issued (%)
General crime	27	431	458	437	21	34	351	385	358	27	341	340	0	100%
Economic crime	24	38	62	33	29	24	23	47	28	19	18	18	0	100%
War crimes	1	1	2	1	1	15	1	16	3	13	1	1	0	100%
<b>Total</b>	<b>52</b>	<b>470</b>	<b>522</b>	<b>471</b>	<b>51</b>	<b>73</b>	<b>375</b>	<b>448</b>	<b>389</b>	<b>59</b>	<b>360</b>	<b>359</b>	<b>0</b>	<b>100%</b>
Organised crime	0	0	0	0	0	0	0	0	0	0	0	0	0	0%
Corruption	13	26	39	22	17	12	15	27	17	10	12	12	0	100%

**Table 3.11.56. A breakdown of court decisions**

Case type "Kt"	The number of cases in which a decision was rendered during the reporting period:										The number of decisions rendered by courts	Appeals		
	Decision to continue proceedings	Denied judgements	Acquittals	Criminal offences committed in a state of mental incapacity	Convictions / Sentences							Upheld	Rejected	Unresolved at the end of the year
					Prison	Fine	Probation	Reprimand	Acquittal	TOTAL - convictions				
	I	II	III	IV	V	VI	VII	VIII	IX	X=V+..+IX	XI=I+II+III+IV+X	XII	XIII	XIV
General crime	23	2	6	0	59	16	309	6	4	394	425	8	7	7
Economic crime	0	0	2	0	1	0	14	0	0	15	17	0	2	1
War crimes	0	0	0	0	1	0	0	0	0	1	1	0	1	0
<b>Total</b>	<b>23</b>	<b>2</b>	<b>8</b>	<b>0</b>	<b>61</b>	<b>16</b>	<b>323</b>	<b>6</b>	<b>4</b>	<b>410</b>	<b>443</b>	<b>8</b>	<b>10</b>	<b>8</b>
Organised crime	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Corruption	0	0	2	0	0	0	8	0	0	8	10	0	2	1

**Table 3.11.57. Expiration of the statute of limitations prior to indictment**

Case type	Absolute statute of limitations I	Relative statute of limitations II	Total III=I+II
Kt	2	0	<b>2</b>
Ktm	0	0	<b>0</b>
<b>Total</b>	<b>2</b>	<b>0</b>	<b>2</b>

**Table 3.11.58. Staffing capacities**

31.12.2011		Prosecutors					
The number of appointed prosecutors	5	Ethnic breakdown			Gender breakdown		
The average age of prosecutors	54.6	Serbs	2	40%	M	3	60%
The number of permanently employed administrative staff members	10	Croats	2	40%	F	2	40%
The number of fixed-term employees	0	Bosniaks	0	0%			
The number of trainees/volunteers	1/1	Other	1	20%			

**Table 3.11.59. Disciplinary proceedings**

The number of initiated disciplinary proceedings	0
The number of completed disciplinary proceedings	0
The number of sanctioned judicial office holders	0

**Table 3.11.60. Budget approved**

Salaries and allowances	Employer contributions	Goods and services	Purchase of fixed assets	TOTAL
535,126	50,025	126,341	25,000	736,492

## 3.12 DISTRICT PROSECUTOR'S OFFICES

### DISTRICT PROSECUTOR'S OFFICE BANJA LUKA

**Table 3.12.1. Caseflow**

Case type	REPORTS					INVESTIGATIONS					INDICTMENTS			
	Unresolved as at 1.01.2011.	Received during the year	Ongoing	Resolved	Unresolved 31.12.2011.	Unfinished as at 1.01.2011.	Ordered during the year	Ongoing	Finished	Unfinished as at 31.12.2011.	Issued	Confirmed	Confirmation denied	Confirmed/ Issued (%)
General crime	1,619	3,485	5,104	3,201	1,903	1,156	2,681	3,837	3,223	614	2,061	1,913	1	93%
Economic crime	183	361	544	339	205	82	146	228	186	42	121	115	0	95%
War crimes	2	11	13	10	3	16	6	22	10	12	4	2	0	50%
<b>Total</b>	<b>1,804</b>	<b>3,857</b>	<b>5,661</b>	<b>3,550</b>	<b>2,111</b>	<b>1,254</b>	<b>2,833</b>	<b>4,087</b>	<b>3,419</b>	<b>668</b>	<b>2,186</b>	<b>2,030</b>	<b>1</b>	<b>93%</b>
Organised crime	0	0	0	0	0	0	0	0	0	0	0	0	0	0%
Corruption	97	243	340	236	104	31	82	113	97	16	58	52	0	90%

**Table 3.12.2. A breakdown of court decisions**

Case type "Kt"	The number of cases in which a decision was rendered during the reporting period:										The number of decisions rendered by courts	Appeals		
	Decision to continue proceedings	Denied judgements	Acquittals	Criminal offences committed in a state of mental incapacity	Convictions / Sentences							Upheld	Rejected	Unresolved at the end of the year
					Prison	Fine	Probation	Reprimand	Acquittal	TOTAL - convictions				
	I	II	III	IV	V	VI	VII	VIII	IX	X=V+...+IX	XI=I+II+III+IV+X	XII	XIII	XIV
General crime	78	42	58	8	204	373	1,042	13	0	1,632	1,818	27	63	161
Economic crime	2	3	9	0	18	15	59	0	0	92	106	0	7	25
War crimes	0	1	0	0	5	0	0	0	0	5	6	0	0	0
Total	80	46	67	8	227	388	1,101	13	0	1,729	1,930	27	70	186
Organised crime	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Corruption	1	0	8	1	7	1	29	0	0	37	47	0	6	12

**Table 3.12.3. Expiration of the statute of limitations prior to indictment**

Case type	Absolute statute of limitations I	Relative statute of limitations II	Total III=I+II
Kt	11	4	15
Ktm	0	0	0
<b>Total</b>	<b>11</b>	<b>4</b>	<b>15</b>

**Table 3.12.4. Staffing capacities**

31.12.2011		Prosecutors					
The number of appointed prosecutors	33	Ethnic breakdown			Gender breakdown		
The average age of prosecutors	46.7	Serbs	25	75.8%	M	14	42.4%
The number of permanently employed administrative staff members	44	Croats	3	9.1%	F	19	57.6%
The number of fixed-term employees	12	Bosniaks	3	9.1%			
The number of trainees/volunteers	8/0	Other	2	6.1%			

**Table 3.12.5. Disciplinary proceedings**

The number of initiated disciplinary proceedings	0
The number of completed disciplinary proceedings	0
The number of sanctioned judicial office holders	0

**Table 3.12.6. Budget approved**

Salaries and allowances	Employer contributions	Goods and services	Purchase of fixed assets	TOTAL
2,962,000	334,500	50,500	0	3,347,000

**DISTRICT PROSECUTOR'S OFFICE BIJELJINA****Table 3.12.7. Caseflow**

Case type	REPORTS					INVESTIGATIONS					INDICTMENTS			
	Unresolved as at 1.01.2011.	Received during the year	Ongoing	Resolved	Unresolved 31.12.2011.	Unfinished as at 1.01.2011.	Ordered during the year	Ongoing	Finished	Unfinished as at 31.12.2011.	Issued	Confirmed	Confirmation denied	Confirmed/ Issued (%)
General crime	125	1,162	1,287	1,127	160	161	901	1,062	927	135	814	802	1	99%
Economic crime	45	108	153	116	37	30	83	113	80	33	54	54	0	100%
War crimes	8	4	12	6	6	2	6	8	6	2	3	1	0	33%
<b>Total</b>	<b>178</b>	<b>1,274</b>	<b>1,452</b>	<b>1,249</b>	<b>203</b>	<b>193</b>	<b>990</b>	<b>1,183</b>	<b>1,013</b>	<b>170</b>	<b>871</b>	<b>857</b>	<b>1</b>	<b>98%</b>
Organised crime	0	0	0	0	0	0	0	0	0	0	0	0	0	0%
Corruption	12	50	62	50	12	14	32	46	29	17	21	19	0	90%

**Table 3.12.8. A breakdown of court decisions**

Case type "Kt"	The number of cases in which a decision was rendered during the reporting period:										The number of decisions rendered by courts	Appeals		
	Decision to continue proceedings	Denied judgements	Acquittals	Criminal offences committed in a state of mental incapacity	Convictions / Sentences							Upheld	Rejected	Unresolved at the end of the year
					Prison	Fine	Probation	Reprimand	Acquittal	TOTAL - convictions				
	I	II	III	IV	V	VI	VII	VIII	IX	X=V+..+IX	XI=I+II+III+IV+X	XII	XIII	XIV
General crime	42	62	47	4	253	118	395	2	0	768	923	14	28	108
Economic crime	3	3	19	0	17	6	24	0	0	47	72	1	4	25
War crimes	0	0	0	0	1	0	0	0	0	1	1	0	0	0
Total	45	65	66	4	271	124	419	2	0	816	996	15	32	133
Organised crime	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Corruption	3	0	10	0	5	3	9	0	0	17	30	0	2	14

**Table 3.12.9. Expiration of the statute of limitations prior to indictment**

Case type	Absolute statute of limitations I	Relative statute of limitations II	Total III=I+II
Kt	0	1	1
Ktm	0	0	0
<b>Total</b>	<b>0</b>	<b>1</b>	<b>1</b>

**Table 3.12.10. Staffing capacities**

31.12.2011		Prosecutors					
The number of appointed prosecutors	11	Ethnic breakdown			Gender breakdown		
The average age of prosecutors	53.8	Serbs	7	63.6%	M	8	72.7%
The number of permanently employed administrative staff members	19	Croats	0	0.0%	F	3	27.3%
The number of fixed-term employees	2	Bosniaks	3	27.3%			
The number of trainees/volunteers	2/3	Other	1	9.1%			

**Table 3.12.11. Disciplinary proceedings**

The number of initiated disciplinary proceedings	0
The number of completed disciplinary proceedings	0
The number of sanctioned judicial office holders	0

**Table 3.12.12. Budget approved**

Salaries and allowances	Employer contributions	Goods and services	Purchase of fixed assets	TOTAL
1,185,000	171,500	104,500	0	1,461,000

**DISTRICT PROSECUTOR'S OFFICE DOBOJ****Table 3.12.13. Caseflow**

Case type	REPORTS					INVESTIGATIONS					INDICTMENTS			
	Unresolved as at 1.01.2011.	Received during the year	Ongoing	Resolved	Unresolved 31.12.2011.	Unfinished as at 1.01.2011.	Ordered during the year	Ongoing	Finished	Unfinished as at 31.12.2011.	Issued	Confirmed	Confirmation denied	Confirmed/ Issued (%)
General crime	1,030	1,406	2,436	1,635	801	1,025	1,283	2,308	1,456	852	992	920	5	93%
Economic crime	85	102	187	119	68	122	61	183	77	106	44	47	0	107%
War crimes	77	1	78	57	21	103	14	117	14	103	7	5	0	71%
<b>Total</b>	<b>1,192</b>	<b>1,509</b>	<b>2,701</b>	<b>1,811</b>	<b>890</b>	<b>1,250</b>	<b>1,358</b>	<b>2,608</b>	<b>1,547</b>	<b>1,061</b>	<b>1,043</b>	<b>972</b>	<b>5</b>	<b>93%</b>
Organised crime	0	0	0	0	0	0	0	0	0	0	0	0	0	0%
Corruption	41	38	79	51	28	51	26	77	20	57	9	9	0	100%

**Table 3.12.14. A breakdown of court decisions**

Case type "Kt"	The number of cases in which a decision was rendered during the reporting period:										The number of decisions rendered by courts	Appeals		
	Decision to continue proceedings	Denied judgements	Acquittals	Criminal offences committed in a state of mental incapacity	Convictions / Sentences							Upheld	Rejected	Unresolved at the end of the year
					Prison	Fine	Probation	Reprimand	Acquittal	TOTAL - convictions				
	I	II	III	IV	V	VI	VII	VIII	IX	X=V+...+IX	XI=I+II+III+IV+X	XII	XIII	XIV
General crime	32	48	56	2	75	67	339	0	0	481	619	33	85	73
Economic crime	1	1	6	0	2	29	97	0	1	129	137	3	5	8
War crimes	0	0	0	0	0	0	0	0	0	0	0	0	0	0
<b>Total</b>	<b>33</b>	<b>49</b>	<b>62</b>	<b>2</b>	<b>77</b>	<b>96</b>	<b>436</b>	<b>0</b>	<b>1</b>	<b>610</b>	<b>756</b>	<b>36</b>	<b>90</b>	<b>81</b>
Organised crime	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Corruption	2	0	3	0	1	1	3	0	0	5	10	2	1	2

**Table 3.12.15. Expiration of the statute of limitations prior to indictment**

Case type	Absolute statute of limitations I	Relative statute of limitations II	Total III=I+II
Kt	36	29	<b>65</b>
Ktm	0	0	<b>0</b>
<b>Total</b>	<b>36</b>	<b>29</b>	<b>65</b>

**Table 3.12.16. Staffing capacities**

31.12.2011		Prosecutors					
The number of appointed prosecutors	15	Ethnic breakdown			Gender breakdown		
The average age of prosecutors	48.3	Serbs	8	53.3%	M	7	46.7%
The number of permanently employed administrative staff members	22	Croats	3	20%	F	8	53.3%
The number of fixed-term employees	5	Bosniaks	4	26.7%			
The number of trainees/volunteers	1/1	Other	0	0%			

**Table 3.12.17. Disciplinary proceedings**

The number of initiated disciplinary proceedings	1
The number of completed disciplinary proceedings	0
The number of sanctioned judicial office holders	0



**Table 3.12.18. Budget approved**

Salaries and allowances	Employer contributions	Goods and services	Purchase of fixed assets	TOTAL
1,349,000	182,000	0	0	1,531,000

**DISTRICT PROSECUTOR'S OFFICE EAST SARAJEVO****Table 3.12.19. Caseflow**

Case type	REPORTS					INVESTIGATIONS					INDICTMENTS			
	Unresolved as at 1.01.2011.	Received during the year	Ongoing	Resolved	Unresolved 31.12.2011.	Unfinished as at 1.01.2011.	Ordered during the year	Ongoing	Finished	Unfinished as at 31.12.2011.	Issued	Confirmed	Confirmation denied	Confirmed/ Issued (%)
General crime	201	777	978	773	205	192	666	858	687	171	562	566	0	101%
Economic crime	50	95	145	64	81	33	32	65	30	35	21	19	0	90%
War crimes	17	5	22	14	8	46	10	56	5	51	2	2	0	100%
<b>Total</b>	<b>268</b>	<b>877</b>	<b>1,145</b>	<b>851</b>	<b>294</b>	<b>271</b>	<b>708</b>	<b>979</b>	<b>722</b>	<b>257</b>	<b>585</b>	<b>587</b>	<b>0</b>	<b>100%</b>
Organised crime	0	0	0	0	0	0	0	0	0	0	0	0	0	0%
Corruption	38	43	81	30	51	27	18	45	19	26	12	11	0	92%

**Table 3.12.20. A breakdown of court decisions**

Case type "Kt"	The number of cases in which a decision was rendered during the reporting period:										The number of decisions rendered by courts	Appeals		
	Decision to continue proceedings	Denied judgements	Acquittals	Criminal offences committed in a state of mental incapacity	Convictions / Sentences							Upheld	Rejected	Unresolved at the end of the year
					Prison	Fine	Probation	Reprimand	Acquittal	TOTAL - convictions				
	I	II	III	IV	V	VI	VII	VIII	IX	X=V+..+IX	XI=I+II+III+IV+X	XII	XIII	XIV
General crime	11	42	37	1	43	121	254	1	0	419	510	3	14	18
Economic crime	0	1	12	0	2	3	7	0	0	12	25	1	3	6
War crimes	0	0	0	0	0	0	0	0	0	0	0	0	0	0
<b>Total</b>	<b>11</b>	<b>43</b>	<b>49</b>	<b>1</b>	<b>45</b>	<b>124</b>	<b>261</b>	<b>1</b>	<b>0</b>	<b>431</b>	<b>535</b>	<b>4</b>	<b>17</b>	<b>24</b>
Organised crime	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Corruption	0	0	9	0	2	3	5	0	0	10	19	1	2	4

**Table 3.12.21. Expiration of the statute of limitations prior to indictment**

Case type	Absolute statute of limitations I	Relative statute of limitations II	Total III=I+II
Kt	0	1	1
Ktm	0	0	0
<b>Total</b>	<b>0</b>	<b>1</b>	<b>1</b>

**Table 3.12.22. Staffing capacities**

31.12.2011		Prosecutors					
The number of appointed prosecutors	10	Ethnic breakdown			Gender breakdown		
The average age of prosecutors	49.4	Serbs	6	60%	M	6	60%
The number of permanently employed administrative staff members	20	Croats	1	10%	F	4	40%
The number of fixed-term employees	1	Bosniaks	3	30%			
The number of trainees/volunteers	0/0	Other	0	0%			

**Table 3.12.23. Disciplinary proceedings**

The number of initiated disciplinary proceedings	1
The number of completed disciplinary proceedings	0
The number of sanctioned judicial office holders	0

**Table 3.12.24. Budget approved**

Salaries and allowances	Employer contributions	Goods and services	Purchase of fixed assets	TOTAL
1,021,000	180,991	80,009	0	1,282,000

**DISTRICT PROSECUTOR'S OFFICE TREBINJE****Table 3.12.25. Caseflow**

Case type	REPORTS					INVESTIGATIONS					INDICTMENTS			
	Unresolved as at 1.01.2011.	Received during the year	Ongoing	Resolved	Unresolved 31.12.2011.	Unfinished as at 1.01.2011.	Ordered during the year	Ongoing	Finished	Unfinished as at 31.12.2011.	Issued	Confirmed	Confirmation denied	Confirmed/ Issued (%)
General crime	400	528	928	524	404	105	448	553	457	96	408	404	0	99%
Economic crime	109	48	157	48	109	14	32	46	31	15	16	16	0	100%
War crimes	55	1	56	0	56	18	1	19	2	17	1	1	0	100%
<b>Total</b>	<b>564</b>	<b>577</b>	<b>1,141</b>	<b>572</b>	<b>569</b>	<b>137</b>	<b>481</b>	<b>618</b>	<b>490</b>	<b>128</b>	<b>425</b>	<b>421</b>	<b>0</b>	<b>99%</b>
Organised crime	0	0	0	0	0	0	0	0	0	0	0	0	0	0%
Corruption	83	38	121	34	87	7	21	28	19	9	8	8	0	100%

**Table 3.12.26. A breakdown of court decisions**

Case type "Kt"	The number of cases in which a decision was rendered during the reporting period:										The number of decisions rendered by courts	Appeals		
	Decision to continue proceedings	Denied judgements	Acquittals	Criminal offences committed in a state of mental incapacity	Convictions / Sentences							Upheld	Rejected	Unresolved at the end of the year
					Prison	Fine	Probation	Reprimand	Acquittal	TOTAL - convictions				
	I	II	III	IV	V	VI	VII	VIII	IX	X=V+..+IX	XI=I+II+III+IV+X	XII	XIII	XIV
General crime	1	4	10	2	80	88	211	1	0	380	397	8	11	9
Economic crime	0	0	1	0	3	3	8	0	0	14	15	2	0	1
War crimes	0	0	0	0	0	0	0	0	0	0	0	0	0	0
<b>Total</b>	<b>1</b>	<b>4</b>	<b>11</b>	<b>2</b>	<b>83</b>	<b>91</b>	<b>219</b>	<b>1</b>	<b>0</b>	<b>394</b>	<b>412</b>	<b>10</b>	<b>11</b>	<b>10</b>
Organised crime	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Corruption	0	0	1	0	5	0	4	0	0	9	10	2	0	1

**Table 3.12.27. Expiration of the statute of limitations prior to indictment**

Case type	Absolute statute of limitations I	Relative statute of limitations II	Total III=I+II
Kt	0	2	<b>2</b>
Ktm	0	0	<b>0</b>
<b>Total</b>	<b>0</b>	<b>2</b>	<b>2</b>

**Table 3.12.28. Staffing capacities**

31.12.2011		Prosecutors					
The number of appointed prosecutors	5	Ethnic breakdown			Gender breakdown		
The average age of prosecutors	53.2	Serbs	4	80%	M	3	60%
The number of permanently employed administrative staff members	9	Croats	0	0%	F	2	40%
The number of fixed-term employees	1	Bosniaks	1	20%			
The number of trainees/volunteers	0/0	Other	0	0%			

**Table 3.12.29. Disciplinary proceedings**

The number of initiated disciplinary proceedings	0
The number of completed disciplinary proceedings	0
The number of sanctioned judicial office holders	0

**Table 3.12.30. Budget approved**

Salaries and allowances	Employer contributions	Goods and services	Purchase of fixed assets	TOTAL
525,000	114,000	9,000	0	648,000

### 3.13. PROSECUTOR'S OFFICE OF BRCKO DISTRICT OF BiH

**Table 3.13.1. Caseflow**

Case type	REPORTS					INVESTIGATIONS					INDICTMENTS			
	Unresolved as at 1.01.2011.	Received during the year	Ongoing	Resolved	Unresolved 31.12.2011.	Unfinished as at 1.01.2011.	Ordered during the year	Ongoing	Finished	Unfinished as at 31.12.2011.	Issued	Confirmed	Confirmation denied	Confirmed/ Issued (%)
General crime	26	479	505	490	15	225	475	700	520	180	443	442	0	100%
Economic crime	12	39	51	46	5	67	45	112	57	55	33	31	0	94%
War crimes	0	10	10	10	0	21	9	30	7	23	3	5	0	167%
<b>Total</b>	<b>38</b>	<b>528</b>	<b>566</b>	<b>546</b>	<b>20</b>	<b>313</b>	<b>529</b>	<b>842</b>	<b>584</b>	<b>258</b>	<b>479</b>	<b>478</b>	<b>0</b>	<b>100%</b>
Organised crime	0	0	0	0	0	1	0	1	0	1	0	0	0	0%
Corruption	0	12	12	11	1	9	10	19	11	8	6	4	0	67%

**Table 3.13.2. A breakdown of court decisions**

Case type "Kt"	The number of cases in which a decision was rendered during the reporting period:										The number of decisions rendered by courts	Appeals		
	Decision to continue proceedings	Denied judgements	Acquittals	Criminal offences committed in a state of mental incapacity	Convictions / Sentences							Upheld	Rejected	Unresolved at the end of the year
					Prison	Fine	Probation	Reprimand	Acquittal	TOTAL - convictions				
	I	II	III	IV	V	VI	VII	VIII	IX	X=V+..+IX	XI=I+II+III+IV+X	XII	XIII	XIV
General crime	4	3	32	0	138	46	222	0	1	407	446	12	18	16
Economic crime	0	0	1	0	4	1	12	0	0	17	18	1	0	1
War crimes	0	0	0	0	0	0	0	0	0	0	0	0	0	0
<b>Total</b>	<b>4</b>	<b>3</b>	<b>33</b>	<b>0</b>	<b>142</b>	<b>47</b>	<b>234</b>	<b>0</b>	<b>1</b>	<b>424</b>	<b>464</b>	<b>13</b>	<b>18</b>	<b>17</b>
Organised crime	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Corruption	0	0	0	0	2	0	3	0	0	5	5	0	0	0

**Table 3.13.3. Expiration of the statute of limitations prior to indictment**

Case type	Absolute statute of limitations I	Relative statute of limitations II	Total III=I+II
Kt	1	1	2
Ktm	0	0	0
<b>Total</b>	<b>1</b>	<b>1</b>	<b>2</b>

**Table 3.13.4. Staffing capacities**

31.12.2011		Prosecutors					
The number of appointed prosecutors	10	Ethnic breakdown			Gender breakdown		
The average age of prosecutors	45.9	Serbs	5	50%	M	5	50%
The number of permanently employed administrative staff members	16	Croats	1	10%	F	5	50%
The number of fixed-term employees	0	Bosniaks	4	40%			
The number of trainees/volunteers	1/1	Other	0	0%			

**Table 3.13.5. Disciplinary proceedings**

The number of initiated disciplinary proceedings	2
The number of completed disciplinary proceedings	1
The number of sanctioned judicial office holders	1

**Table 3.13.6. Budget approved**

Salaries and allowances	Employer contributions	Goods and services	Purchase of fixed assets	TOTAL
1,056,466	41,099	315,000	20,000	1,432,565

### 3.14. DISTRICT PROSECUTOR'S OFFICE BANJA LUKA, SPECIAL PROSECUTOR'S OFFICE FOR ORGANISED CRIME AND THE MOST SEVERE FORMS OF ECONOMIC CRIME – SPECIAL PROSECUTOR'S OFFICE

Table 3.14.1. Caseflow

Case type	REPORTS					INVESTIGATIONS					INDICTMENTS			
	Unresolved as at 1.01.2011.	Received during the year	Ongoing	Resolved	Unresolved 31.12.2011.	Unfinished as at 1.01.2011.	Ordered during the year	Ongoing	Finished	Unfinished as at 31.12.2011.	Issued	Confirmed	Confirmation denied	Confirmed/ Issued (%)
General crime	0	13	13	13	0	5	13	18	9	9	5	4	1	80%
Economic crime	0	34	34	34	0	19	34	53	30	23	7	7	0	100%
War crimes	0	0	0	0	0	0	0	0	0	0	0	0	0	0%
<b>Total</b>	<b>0</b>	<b>47</b>	<b>47</b>	<b>47</b>	<b>0</b>	<b>24</b>	<b>47</b>	<b>71</b>	<b>39</b>	<b>32</b>	<b>12</b>	<b>11</b>	<b>1</b>	<b>92%</b>
Organised crime	0	11	11	11	0	8	11	19	10	9	4	4	0	100%
Corruption	0	15	15	15	0	9	15	24	17	7	2	2	0	100%

Table 3.14.2. A breakdown of court decisions

Case type "Kt"	The number of cases in which a decision was rendered during the reporting period:										The number of decisions rendered by courts	Appeals		
	Decision to continue proceedings	Denied judgements	Acquittals	Criminal offences committed in a state of mental incapacity	Convictions / Sentences							Upheld	Rejected	Unresolved at the end of the year
					Prison	Fine	Probation	Reprimand	Acquittal	TOTAL - convictions				
	I	II	III	IV	V	VI	VII	VIII	IX	X=V+..+IX	XI=I+II+III+IV+X	XII	XIII	XIV
General crime	1	0	0	0	3	1	2	0	0	6	7	0	1	2
Economic crime	0	0	1	0	8	0	0	0	0	8	9	0	1	2
War crimes	0	0	0	0	0	0	0	0	0	0	0	0	0	0
<b>Total</b>	<b>1</b>	<b>0</b>	<b>1</b>	<b>0</b>	<b>11</b>	<b>1</b>	<b>2</b>	<b>0</b>	<b>0</b>	<b>14</b>	<b>16</b>	<b>0</b>	<b>2</b>	<b>4</b>
Organised crime	0	0	1	0	5	0	0	0	0	5	5	0	1	1
Corruption	0	0	0	0	3	0	0	0	0	3	3	0	1	2

**Table 3.14.3. Expiration of the statute of limitations prior to indictment**

Case type	Absolute statute of limitations I	Relative statute of limitations II	Total III=I+II
Kt	0	0	0
Ktm	0	0	0
<b>Total</b>	<b>0</b>	<b>0</b>	<b>0</b>

**Table 3.14.4. Staffing capacities**

31.12.2011		Prosecutors					
The number of appointed prosecutors	7	Ethnic breakdown			Gender breakdown		
The average age of prosecutors	44.0	Serbs	6	85.7%	M	4	57.1%
The number of permanently employed administrative staff members	31	Croats	0	0%	F	3	42.9%
The number of fixed-term employees	6	Bosniaks	0	0%			
The number of trainees/volunteers	0/0	Other	1	14.3%			

**Table 3.14.5. Disciplinary proceedings**

The number of initiated disciplinary proceedings	0
The number of completed disciplinary proceedings	0
The number of sanctioned judicial office holders	0

**Table 2.14.6. Budget approved**

Salaries and allowances	Employer contributions	Goods and services	Purchase of fixed assets	TOTAL
1,719,000	297,000	0	50,000	2,066,000

## **CHAPTER 4**

# **ANALYSIS OF THE STATE OF THE COURTS AND PROSECUTORS OFFICES**

### **4.1. Introduction**

The HJPC has the legal duty to present the state of the judiciary of Bosnia and Herzegovina. Accordingly, the HJPC regularly gathers, analyses and discloses all information that may be relevant for the operations of judicial institutions.

An analysis of the state of the courts is broken down in accordance with the organisation of the judicial system in Bosnia and Herzegovina, as follows:

- 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;
- Commercial courts;
- Municipal and basic courts; &
- The Basic Court of the Brcko District of Bosnia and Herzegovina;

Also, an analysis of the prosecutors offices is presented in accordance with the breakdown of the prosecutorial organisation in Bosnia and Herzegovina:

- The Prosecutors Office of Bosnia and Herzegovina;
- The Federal Prosecutors Office of the Federation of Bosnia and Herzegovina and the Republic Prosecutors Office of Republika Srpska;
- Cantonal and district prosecutors offices;
- Special Prosecutors Office;
- The Prosecutors Office of the Brcko District of Bosnia and Herzegovina;

The analysis of the state of the courts and prosecutors offices consists of four chapters:

- Analysis of Court Performance
- Analysis of Prosecutors Office Performance
- Analysis of the Resolution of Old Cases in the Courts
- Court and Prosecutors Office Budgets

Detailed statistical data on the performance of the courts and prosecutors offices and their budgets can be found in Chapter 2 of the Annual Report.



## 4.2. Analysis of court performance

The Chapter has two parts.

The first part presents the performance of the regular courts in 2011 through an aggregate analysis of data on the performance of the regular courts in relation to: caseload, quality and quantity of performance, statute of limitations in criminal and minor offence cases as well as for criminal sanction enforcement cases. Statistical data as to the decisions of the Constitutional Court of BiH that were rendered based on appeals against decisions or in connection with proceedings before regular courts was also analysed.

In the second part of the Chapter, the analysis breaks down the performance of the courts based on levels in the judicial system of Bosnia and Herzegovina.

We stress that the statistical data on the performance of the courts as presented in this Chapter and its analysis does not refer to court performance in dealing with so called “utilities” cases – cases dealing with the collection of fees for utilities services rendered and cases for the collection of fees where the creditors are the public radio/television service providers. Separate data on court performance for utilities cases is presented on page 225 of the Annual Report.

The statistical data on the performance of the courts and prosecutors offices in 2011 was, in part, carried over directly from the case management systems in the courts (CMS) and prosecutors offices (T-CMS). The successful implementation of the said information system has created the preconditions for significant improvements in transparency, integrity and availability of data on judicial performance. Considering that the data for 2011 represents the first data that was directly carried over from the information system, there is the possibility that the data presented in the Report may deviate from the actual data. Possible deviations may be caused in that old cases and cases that were received in the courts and prosecutors offices were not fully entered in the CMS or T-CMS. The HJPC estimates that any deviation would not exceed 5% of the total number of cases and therefore the data presented in this Report offers true insight into the performance of the judiciary for 2011.

### 4.2.1. Analysis of aggregate data on court performance

#### 4.2.1.1. Caseload

Throughout 2011 the regular courts in BiH received 905,833 cases and resolved 924,199 cases. The total number of unresolved cases was reduced by 5% from 502,381 to 478,762 cases. A reduction in the number of unresolved cases was recorded in the Supreme court of the Federation of Bosnia and Herzegovina, the municipal and basic courts, the High Commercial Court and the Basic Court of the Brcko District of Bosnia and Herzegovina. An increase in the number of unresolved cases was recorded in the following courts: The Court of Bosnia and Herzegovina, the Supreme Court of Republika Srpska, the Appellate Court of the Brcko District of Bosnia and Herzegovina, the district courts and the district and commercial courts.

When broken down by case types, civil cases are the most common among the unresolved cases considering that on December 31, 2011, there were 161,773 such cases, followed by enforcement cases at 144,923, minor offence cases at 52,332, non-litigation at 49,089, land registry cases at 26,274, criminal cases at 26,229, administrative cases at 13,793 and 4,349 business entity registration cases. A reduction in the number of unresolved cases was recorded for the following case types: civil, criminal, non-litigation, minor offence and land registry cases, while an increase in the number of unresolved cases was recorded for administrative cases and enforcement cases as well as business entity registration cases.

The caseload as per level and case type for the 73 regular courts in Bosnia and Herzegovina is presented in tables 4.2.1. & 4.2.2.

**Table 4.2.1: Caseload for the 73 regular courts in Bosnia and Herzegovina in 2011 – as per court level**

Court	No. of unresolved cases on 1.1.2011	No. of cases received in 2011	Total no. of cases processed in 2011	No. of cases resolved in 2011	No. of cases carried over by branch	No. of offices unresolved cases on 31.12.2011
	I	II	III=I+II	IV	V	VI=III-IV-V
Court of BiH	3,666	6,795	10,461	6,532	0	3,929
Supreme Court FBiH	3,697	4,086	7,783	4,342	0	3,441
Supreme Court RS	1,456	2,271	3,727	2,079	0	1,648
10 Cantonal courts	28,685	34,677	63,362	32,407	0	30,955
5 District courts	4,261	19,980	24,241	18,191	0	6,050
28 Municipal courts	300,844	599,113	899,957	616,959	0	282,998
19 Basic courts	127,890	180,938	308,828	185,318	5,253	118,257
High Commercial Court	304	1,156	1,460	1,183	0	277
5 District commercial courts	15,701	23,215	38,916	22,122	0	16,794
Basic Court of the Brcko District BiH	15,651	30,919	46,570	32,765	0	13,805
Appellate Court of the Brcko District BiH	226	2,683	2,909	2,301	0	608
<b>TOTAL</b>	<b>502,381</b>	<b>905,833</b>	<b>1,408,214</b>	<b>924,199</b>	<b>5,253</b>	<b>478,762</b>

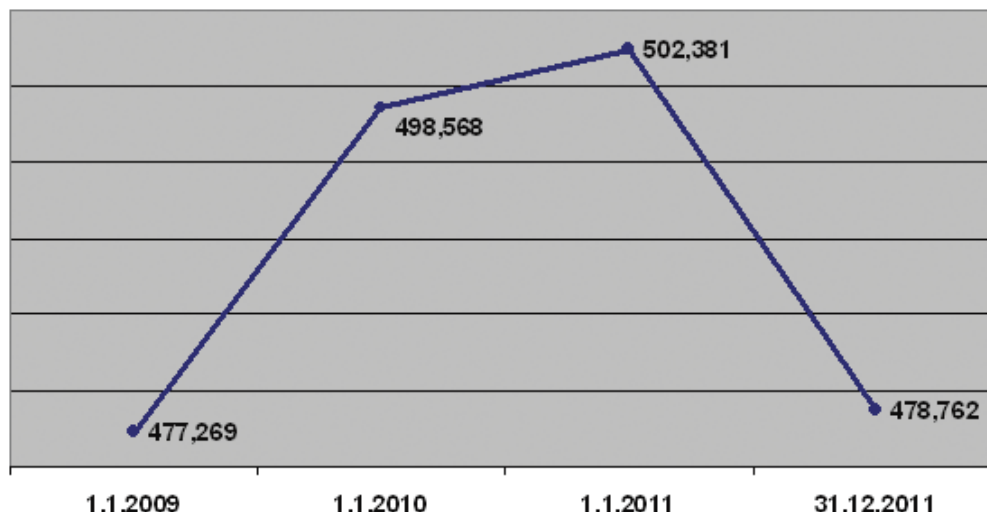
**Table 4.2.2: Caseload in the courts in BiH in 2011 – as per case type**

Court	No. of unresolved cases on 1.1.2011	No. of cases received in 2011	Total no. of cases processed in 2011 in 2011	No. of cases resolved offices	No. of ZK (LR) cases carried over by branch	No. of offices unresolved cases on 31.12.2011
	I	II	III=I+II	IV	V	VI=III-IV-V
Civil cases	172,984	125,747	298,731	136,958	0	161,773
Criminal cases	26,482	66,704	93,186	66,957	0	26,229
Administrative cases	12,722	14,329	27,051	13,258	0	13,793
Enforcement cases	134,744	69,681	204,425	59,502	0	144,923
Non-litigation cases	56,278	63,026	119,304	70,215	0	49,089
ZK (LR) cases	40,623	442,570	483,193	451,666	5,253	26,274
Business entity registration	1,556	51,414	52,970	48,621	0	4,349
Minor offence cases	56,992	72,362	129,354	77,022	0	52,332
<b>TOTAL</b>	<b>502,381</b>	<b>905,833</b>	<b>1,408,214</b>	<b>924,199</b>	<b>5,253</b>	<b>478,762</b>

#### 4.2.1.2. Trends regarding unresolved cases

Graph 4.2.1. shows that in 2011 we saw an end to the growing trend in unresolved cases for 2009 and 2010.

Graph 4.2.1: Number of unresolved cases in the courts between 1.1.2009 - 31.12. 2011.



#### 4.2.1.3. Quantity and quality of court performance

The quantity of court performance is expressed as the collective quota as realised in a single calendar year, in that the HJPC establishes the criteria for its calculation. A collective quota is calculated by collating the quota for every judge expressed as a percentage and for the court president (if there are less than 13 judges), as well as for legal associates on municipal level, then divide the sum with the number of judges and legal associates that appointed to a given court.

Table 3 shows the collective quotas achieved for each court level for which the HJPC set criteria based on which the courts calculate the quotas regarding performance.

In accordance with a decision of the HJPC, the quality of court performance is expressed as the number of upheld and modified decisions in relation to the total number of decisions passed by a higher court or by an appellate panel of the same court for cases in which legal remedies have been filed. Quality is expressed as a percentage of upheld and modified decisions in relation to the total number of decisions for which legal remedies were filed. In other words, the performance quality represents the maximum percentage of 100% minus the percentages of reversed decisions by a higher instance court.<sup>30</sup>

The average quality of performance of the regular courts in BiH was 88.32% which means that 11.68% of the court decisions were reversed in 2011.

30 The Court of BiH expresses the quality of its performance in relation to decisions based on legal remedies of the Appellate Department of the Court of BiH.

**Table 4.2.3: Percentages for upheld, modified and reversed decisions in the courts in BiH in 2011**

Court	Quality of performance			Quantity of performance
	Upheld (%)	Modified (%)	Reversed (%)	Average collective quota
Cantonal courts	83.42%	9.75%	6.83%	139.8%
Municipal courts	77.65%	9.67%	12.68%	167.2%
<b>FBiH Total</b>	<b>78.59%</b>	<b>9.69%</b>	<b>11.72%</b>	<b>160.0%</b>
District courts	70.20%	17.88%	11.92%	154.1%
High commercial court	68.75%	12.50%	18.75%	81.3%
District commercial courts	70.16%	12.73%	17.11%	230.5%
Basic courts	77.92%	10.46%	11.62%	164.1%
<b>RS total</b>	<b>76.58%</b>	<b>11.42%</b>	<b>12.00%</b>	<b>170.7%</b>
Basic Court of the Brcko District BiH	75.33%	10.16%	14.51%	233.0%
<b>Brcko District BiH total</b>	<b>75.33%</b>	<b>10.16%</b>	<b>14.51%</b>	<b>233.0%</b>
<b>Court of BiH</b>	<b>88.33%</b>	<b>8.19%</b>	<b>3.48%</b>	
<b>BiH TOTAL</b>	<b>78.05%</b>	<b>10.27%</b>	<b>11.68%</b>	<b>165.7%</b>

#### 4.2.1.4. Statute of limitations

Throughout 2011, statute of limitations for criminal prosecution occurred in 304 criminal cases. Relative statute of limitations occurred in 40 criminal cases while absolute statute of limitations occurred in 264 criminal cases. Based on the data submitted, the unavailability of defendants and other procedural reasons provided with the law are the most frequent causes statute of limitations occurring in the courts.

During the reporting period statute of limitations for the initiation and conducting of minor offence procedures occurred in 7,090 minor offence cases. Absolute statute of limitations for the initiation and conducting of minor offence procedures occurred in 592 cases, while relative statute of limitations occurred in 108 cases.

The general reason for statute of limitations was the unavailability of the defendant, while a significant number of cases had statute of limitations already in effect even before they were received by the courts.

In 2011, statute of limitation regarding the enforcement of criminal sanctions had occurred in 75 cases.

Collated data on criminal and minor offence cases in the courts in which statute of limitations for criminal prosecution, the initiation and conducting minor offence procedures and for criminal sanction enforcement are presented in tables 4.2.4, 4.2.5 & 4.2.6.

**Table 4.2.4: Relative statute of limitations for initiating and conducting criminal and minor offence procedures in the courts in BiH for 2011**

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 procedures			
	No. of cases received after statute of limitations came into effect	Unavailability of the accused or other procedural reasons	Other reasons	TOTAL
	I	II	III	IV=I+II+III
K	3	30	0	33
Kž	0	0	0	0
Km	0	0	6	6
Kmž	0	0	0	0
Kžk	1	0	0	1
Kžž	0	0	0	0
<b>Total – criminal</b>	<b>4</b>	<b>30</b>	<b>6</b>	<b>40</b>
Pr	46	14	40	100
Pžp	8	0	0	8
Pžp II	0	0	0	0
<b>Total – minor offence</b>	<b>54</b>	<b>14</b>	<b>40</b>	<b>108</b>
<b>TOTAL</b>	<b>58</b>	<b>44</b>	<b>46</b>	<b>148</b>

**Table 4.2.5: Absolute statute of limitations for initiating and conducting criminal and minor offence procedures in the courts in BiH for 2011**

Case type	No. of cases in which <u>absolute</u> statute of limitations came into effect, during the reporting period, regarding criminal prosecution and conducting minor offence procedures			
	No. of cases received after statute of limitations came into effect	Unavailability of the accused or other procedural reasons	Other reasons	TOTAL
	I	II	III	IV=I+II+III
K	9	189	57	255
Kž	3	0	3	6
Km	0	1	0	1
Kmž	0	0	0	0
Kžk	0	0	2	2
Kžž	0	0	0	0
<b>Total – criminal</b>	<b>12</b>	<b>190</b>	<b>62</b>	<b>264</b>
Pr	55	137	295	487
Pžp	83	0	21	104
Pžp II	1	0	0	1
<b>Total – minor offence</b>	<b>139</b>	<b>137</b>	<b>316</b>	<b>592</b>
<b>TOTAL</b>	<b>151</b>	<b>327</b>	<b>378</b>	<b>856</b>

**Table 4.2.6: Statute of limitations regarding criminal sanction enforcement in the courts in BiH for 2011**

	No. of lks cases in which <i>relative</i> statute of limitations came into effect regarding the enforcement of criminal sanctions	No. of lks cases in which <i>absolute</i> statute of limitations came into effect regarding the enforcement of criminal sanctions	TOTAL
	I	II	III = I+II
FBIH	17	36	53
RS	0	16	16
Brcko Distrikt	0	6	6
<b>Total</b>	<b>17</b>	<b>58</b>	<b>75</b>

#### 4.2.1.5. Decisions of the Constitutional Court of Bosnia and Herzegovina

As part of its reporting activities for regular courts, the HJPC also collects statistical data on the decisions of the Constitutional Court of BiH, as rendered based on appeals filed against decisions or in relation to procedures before regular courts.

Based on the information that was received from the courts, the Constitutional Court of BiH rendered 2,932 decisions not to uphold appeals. Of this number, 2,555 decisions were passed by the Constitutional Court of BiH dismissing the appeal, in one decision the procedure before the Constitutional Court was discontinued, while 376 decisions were rendered denying the appeal.

The Constitutional Court passed 194 decisions upholding the appeal against a decision or in relation to a procedure before a regular court.

In 63 cases the Constitutional Court ordered a court to finish a case without delay based on the violation of the right to a decision within a reasonable period of time, while in 67 cases a total of 119,248 KM was paid out to appellants for non-material damages because decisions were not rendered within a reasonable period of time in a court procedure.

## 4.2.2. Analysis of data on court performance as per level in the judicial system

### 4.2.2.1. Court of Bosnia and Herzegovina

In 2011, the Court of BiH had a total of 10,461 cases that were worked on. A total of 3,666 unresolved cases were carried over from 2010, while 6,795 cases were received in 2011. Seeing as 6,532 cases were resolved during the year, 3,929 were carried over to 2012 which is 7% more than the number of cases that were carried over to 2011.

An increase in the number of unresolved cases occurred due to the fact that during the reporting period the number of resolved first instance cases (3,067) with the Administrative Department was significantly lower than the number of received cases (3,363), meaning that 3,329 first instance administrative cases were carried over in 2012. In 2011, the number of received first instance cases in the Administrative Department rose by 14% compared to 2010. Administrative disputes (U) and civil cases (P) were the most common case types before the Administrative Department.

Regarding appeals to decisions in the first instance, within its jurisdiction the Court of BiH resolved 923 cases, meaning that 116 second instance administrative cases were carried over to 2012.

The Criminal Division of the Court of BiH: Section I for War Crimes, Section II for Organised Crime Economic Crime and Corruption, and Section III for General Crimes.

In Section I for War Crimes, 17 judgments were rendered in 2011 together with another 597 other cases resolved (Kpp, Kps, Kv etc). In Section II for Organised Crime Economic Crime and Corruption 83 judgments were rendered together with another 744 cases resolved. In Section III for General Crime, 137 judgments were rendered dealing with general crime together with another 561 cases resolved.

The Appellate Department of the Court of BiH consists of Section I, Section II and Section III which decide on appeals to decisions of the corresponding first instance sections of the Court of BiH.

In 2011, Section I of the Appellate Department of the Court of BiH rendered decisions in procedures pursuant to appeals in 19 war crime cases and resolved 152 other cases (Kpp, Kps, Kv etc). Section II rendered 39 judgments in organised crime, economic crime and corruption cases as well as resolving another 125 cases.

Section III rendered 31 judgments in cases dealing with general crimes as well as resolving 37 other cases (e.g. appeals to decisions on detention and other).

#### **4.2.2.2. Entity Supreme Courts**

The Supreme Court of the Federation of BiH had a total of 7,783 that were processed in 2011. A total of 3,697 unresolved cases were carried over from 2010, while 4,086 were received in 2011. After resolving 4,342 case, 3,441 cases were carried over to the next year. A reduction in the number of unresolved cases was noted in the civil department (12%) and in the criminal department (20%). During the reporting period, when compared to 2010, a drop was noted in the number of incoming civil cases (29%), while the administrative department saw a significant increase in the number of incoming cases (75%). The total number of unresolved cases in the court was reduced by 7% i.e. 256 cases.

The Supreme Court of Republika Srpska had a total of 3,727 cases. A total of 1,456 cases were carried over from 2010, while 2,271 cases were received in 2011. Since 2,079 cases were resolved, 1,648 were carried over to the next year. An increase was recorded in the number of unresolved cases in the civil department (15%) and in the administrative department (12%). Compared to 2010, no major changes were recorded regarding case influxes during the reporting period. The total number of unresolved cases in the Court increased by 13% i.e. 192 cases.

#### **4.2.2.3. Cantonal and district courts**

##### **Cantonal courts**

The cantonal courts had a total of 63,362 ongoing cases. A total of 28,685 were carried over from 2010, while 34,677 cases were received in 2011. Since 32,407 cases were resolved, 30,955 cases were carried over to the next year, which represents 8% more than at the beginning of the reporting period.



Significant increases in the number of unresolved cases in the cantonal courts were recorded in the civil departments (9%), foremost due to an increase in the number of unresolved second instance civil cases (Gz), as well as in the criminal/minor offence departments (11%). Lesser increases in the number of unresolved cases were evident in the administrative departments (3%) in that the increase was primarily due to an increase in the number of incoming Gz cases (6%). There were no major deviations in the number of incoming cases in the criminal/minor offence department (2%) and the administrative departments (4%).

Regarding quality of performance, 83.42% of the decisions of the cantonal courts were upheld, 9.75% were modified, while 6.83% of the decisions of the cantonal courts were reversed. An average collective quota of 139.8% was achieved by the cantonal courts.

### **District courts**

The district courts in Republika Srpska had a total of 24,241 ongoing cases. A total of 4,261 cases were carried over from 2010, while 19,980 cases were received in 2011. Since 18,191 cases were resolved, 6,050 were carried over to the next year, which represents 42% more than at the beginning of the reporting period.

A significant increase in the number of unresolved cases in the district courts was recorded in the civil departments (51%) foremost due to an increase in the number of unresolved Gz cases. A significant increase in the number of unresolved cases was also recorded in the administrative departments (38%), as well as in the criminal/minor offence departments (22%). During the reporting period and compared to 2010, an increase was recorded in the number of incoming cases in the civil departments (49%), a drop was recorded in the number of incoming cases in the criminal/minor offence departments (8%), while there were no changes in the number of incoming cases for the administrative departments. The number of incoming Gz cases during the reporting period rose by 4,545 cases i.e. 75% more than for 2010 when 6,050 Gz cases were received.

Regarding quality of performance, 70.2% of the decisions of the district courts were upheld, 17.88% were modified, while 11.92% of the decisions of the district courts were reversed. An average collective quota of 154.1% was achieved by the district courts.

#### **4.2.2.4. Commercial courts**

In 2011, the commercial courts had a total of 40,376 ongoing cases. A total of 16,005 cases were carried over from 2010. Since 23,305 cases were resolved, 17,071 cases were carried over to 2012, meaning that the number of unresolved cases under the jurisdiction of the commercial courts went up by 1% compared to year-end 2010.

The High Commercial Court in Banja Luka had a total of 1,460 ongoing cases. Since 1,183 cases were resolved, 277 cases were carried over to the next year, which is 9% less than at the beginning of the reporting period.

The five commercial district courts had a total of 38,916 ongoing cases. A total of 15,701 were carried over from 2010, while 23,215 cases were received in 2011. Since 22,122 were resolved, 16,794 cases were carried over to the next year, which is 7% more than at the beginning of the reporting period.

The number of unresolved business entity registration cases – Reg increased by 306%, while the number of unresolved enforcement cases against business entities – Ip increased by 702%. Even though backlogs were reduced for cases dealing with commercial disputes – Ps (7%) as well as for small value disputes – Mals (9%), the two case types still represent 78% of the total number of unresolved cases of the district commercial courts.



Any comparison of the number of incoming cases during the reporting year and the corresponding figures for 2010 is not relevant seeing as commercial courts started operating on May 1, 2010.

The commercial courts achieved the following performance quality: 70.16% decisions were upheld, 12.73% modified and 17.11% were reversed. The High Commercial court achieved the following performance quality: 68.75% decisions were upheld, 12.50% modified and 18.75% were reversed.

The High Commercial Court achieved a collective quota of 81.3%, while the average collective quota achieved by the district commercial courts was 230.5%.

#### **4.2.2.5. Municipal and basic courts**

##### **Municipal courts**

In 2011, municipal courts had a total of 899,957 cases, while 300,844 cases were transferred from 2010. After 616,959 cases were resolved, a total of 282,998 was transferred to 2012, thus reducing the number of cases falling under the competence of municipal courts by 6% compared to the end of 2010.

The reduction in the number of unresolved cases was recorded within the civil (8%), commercial (12%), criminal (1%), non-litigation (15%), minor offense (14%) and land-registry (24%) departments. An increase was recorded in a total number of unresolved enforcement cases (6%) and cases relating to the business entity registration (113%).

During the reporting period, there was a decrease in the influx of cases compared to 2010 in the following departments: civil (2%), commercial (8%), criminal (7%), enforcement (19%), non-litigation (4%) and minor offense (13%). An increase was recorded in regard to the influx in the number of cases relating to the business entity registration (15%) and land registry (3%).

During 2011, the following quality of municipal courts decisions was achieved: 77.65% of the decisions were upheld, 9.75% modified, while 12.68% of the municipal courts decisions were reversed. The average collective quota of 167.2% was achieved.

##### **Basic courts**

In 2011, a total of 308,828 cases were resolved. A total of 127,890 cases was carried over from 2010. Having resolved 185,318 cases, a total of 118,257 cases were carried over in 2012, thus reducing the number of unresolved cases falling under the competence of the relevant basic courts by 8% compared to the end of 2010.

The reduction in the number of unresolved cases was recorded within the civil (14%), criminal (3%), non-litigation (11%) departments. An increase was recorded in the number of cases relating to the minor offence (5%) and enforcement cases (11%).

In addition to the reduced number of unresolved land registry cases during the reporting period and due to the legislation amendments, the cases were carried over to the Republic Administration for geodetic and property-related affairs from the basic courts which has also led to the reduction of the land registry backlog at the end of 2011.

During the reporting period, compared to 2010, there was a decrease in the influx of cases in the following departments: civil (5%), criminal (23%) and enforcement (21%), while there was an increase in the influx of non-litigation (6%) and minor offence cases (4%).

In 2011, the following quality of the basic courts decisions was achieved: 77.92% of the decisions were upheld, 10.46% modified and 11.62% of the basic courts decisions were reversed. The average collective quota of 164.1% was achieved.

#### **4.2.2.6. Courts of the Brcko District of BiH**

##### **Appellate Court of the Brcko District of BiH**

During 2011, the Appellate Court of the Brcko District of BiH had a total of 246 unresolved cases, of which 208 cases were presented as unresolved civil cases.

The Appellate Court of the Brcko District BiH received a total of 1,924. Seeing as 1,940 cases were resolved, the number of unresolved cases was reduced to 230 cases during the reporting period.

The number of unresolved cases in 2010 at the civil department was reduced by 15%, while the number of unresolved cases at the criminal department increased significantly from 25, at the beginning of 2010, to 33 at the end of 2010.

In the course of 2011, the Appellate Court of the Brcko District of BiH had a total of 2,909 cases. A total of 226 unresolved cases were carried over from 2010, while during the reporting period a total of 2,683 cases were received. Having resolved 2,301 cases in 2012, a total of 608 cases were carried over, which is an increase of 169% that is more than at the beginning of the reporting period.

An increased inflow of unresolved cases was recorded in all departments, in particular in the civil department with the number of 176 cases that remained unresolved in early 2011, which increased up to 510 cases at the end of the reporting period.

During the reporting period, compared to 2010, there was an increase in the influx of cases in all departments: civil (40%), criminal and minor offence (12%) and administrative (204%).

##### **Basic Court in the Brcko District of BiH**

During 2011, the Basic Court of the Brcko District of BiH had a total of 46,570 cases in 2010, of which 15,651 cases were carried over as unresolved, whereas 30,919 cases were received during the reporting period. After 32,765 cases were resolved, a total of 13,805 was transferred to 2012.

During 2011, the following quality of the performance of the Basic Court of the Brcko District of BiH was achieved: 75.33% of the decisions were upheld, 10.16% modified, while 14.51% were reversed. The average collective quota achieved by the BD Basic Court was 233%.

An increased inflow of unresolved cases was recorded in the enforcement department and in the business entity registration, while in all other departments a decrease was recorded in the number of unresolved cases.

#### **4.2.2.7. Utility cases**

In 2011, municipal, basic and district commercial courts in BiH had in total 1,859,352 utility cases, of which a total of 1,535,099 cases were carried over from 2010, while 324,253 cases were received in 2011, or 3% less than in 2010.

Having resolved 275,999 cases, a total of 1,583,353 unresolved cases remained, thus increasing the number of unresolved utility cases by 3%. Of the total number of unresolved utility cases, a total of 521,626 or 33% are cases relating to the collection of RTV subscription.

<b>Court</b>	<b>No. of unresolved cases as at 1 Jan. 2011</b>	<b>No. of cases received in 2011</b>	<b>Total no. of cases</b>	<b>No. of cases resolved in 2011</b>	<b>No. of unresolved cases as of 31 Dec. 2011</b>
<b>Cases relating to the collection of utility services</b>					
FBiH Municipal courts	977,029	205,479	1,182,508	174,549	1,007,959
RS Basic courts	34,748	18,871	53,619	15,477	38,142
RS Basic Commercial courts	1,947	2,054	4,001	1,753	2,248
Basic Court of the Brcko District BiH	12,726	4,118	16,844	3,466	13,378
<b>TOTAL</b>	<b>1,026,450</b>	<b>230,522</b>	<b>1,256,972</b>	<b>195,245</b>	<b>1,061,727</b>
<b>Cases relating to the collection of RTV subscription</b>					
FBiH Municipal courts	159,760	7,529	167,289	31,571	135,718
RS Basic courts	327,238	82,624	409,862	46,039	363,823
RS Basic Commercial courts	0	2	2	0	2
Basic Court of the Brcko District BiH	21,651	3,576	25,227	3,144	22,083
<b>TOTAL</b>	<b>508,649</b>	<b>93,731</b>	<b>602,380</b>	<b>80,754</b>	<b>521,626</b>
<b>GRAND TOTAL</b>	<b>1,535,099</b>	<b>324,253</b>	<b>1,859,352</b>	<b>275,999</b>	<b>1,583,353</b>

#### 4.2.2.8. Review on the performance of the prosecutors offices

This chapter consists of two parts. The performance of prosecutors during 2011 is presented in the first part through the reports on criminal reports, investigations, indictments, filed indictments, plea agreements, prosecution of juveniles, work on other cases and cases of prosecutor's offices (Kta and Ktn) where the statute of limitations of criminal prosecution has run out prior to filing an indictment. All reports are presented by cases.

The analysis of the performance of prosecutors at all levels of the BiH judicial systems in 2011, is presented in the second part of the Chapter.

#### 4.2.3. Cumulative report on the performance of prosecutor's offices

Table 4.2.7 depicts the flow of criminal reports in the prosecutor's offices in Bosnia and Herzegovina. In 2011, prosecutor's offices received a total of 25,378 criminal reports of which 64% were received by the cantonal prosecutor's offices, 32% district prosecutor's offices, 2 % by the Prosecutor's Office of Bosnia and Herzegovina and 2% by the Prosecutor's Office of the Brcko District BiH.

**Table 4.2.7: Flow of criminal reports in the prosecutor's offices in BiH in 2011**

Prosecutor's offices	Unresolved reports as at January 1, 2011	Received reports	Total in work	Resolved reports	Unresolved reports as of Dec. 31, 2011
BIH	717	488	1,205	607	598
FBIH	12,570	16,221	28,791	15,808	12,983
RS	4,006	8,141	12,147	8,080	4,067
Brcko District	38	528	566	546	20
<b>TOTAL</b>	<b>17,331</b>	<b>25,378</b>	<b>42,709</b>	<b>25,041</b>	<b>17,668</b>

Cumulative results as to the outcome of investigations are presented in Table 4.2.8. In 2011, a total of 8,879 unresolved investigations were carried over from the previous period, while during 2011, a total number of 19,610 investigations were ordered. The total number of resolved investigation during 2011, exceeded the ordered investigations by 9%, thus reducing the number of uncompleted investigations during 2011, from 8,879 to 7,148 investigations. Similarly to criminal charges, 63% of investigations were launched by the cantonal prosecutor's offices, 33% 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 the Brcko District of BiH.

**Table 4.2.8: Resolving investigations in the prosecutor's offices in BiH in 2011**

Prosecutor's offices	Unresolved investigations from previous years	Ordered investigations during the reporting period	Total in work during the reporting period	Resolved investigations during the reporting period	Unresolved investigations as of Dec. 31, 2011
BIH	579	338	917	422	495
FBIH	4,858	12,326	17,184	13,105	4,079
RS	3,129	6,417	9,546	7,230	2,316
Brcko District	313	529	842	584	258
<b>TOTAL</b>	<b>8,879</b>	<b>19,610</b>	<b>28,489</b>	<b>21,341</b>	<b>7,148</b>

Table 4.2.9. 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 offences of general crime, or 94% of the total number of ordered investigations. During the reporting period, the number of unresolved investigations has been reduced by 24%.

**Table 4.2.9: Resolving investigations in the prosecutor's offices in Bosnia and Herzegovina in 2011 as per case types**

Prosecutor's offices	Unresolved investigations from previous years	Ordered investigations during the reporting period	Total in work during the reporting period	Resolved investigations during the reporting period	Unresolved investigations as of Dec. 31, 2011
General crimes	7,241	18,460	25,701	20,043	5,658
Commercial crimes	958	1,020	1,978	1,113	865
War crimes	680	130	810	185	625
<b>TOTAL</b>	<b>8,879</b>	<b>19,610</b>	<b>28,489</b>	<b>21,341</b>	<b>7,148</b>

The age breakdown of unresolved investigations is presented in Table 4.2.10. The biggest number of investigations (46%) was initiated in 2011, whereas 24% of investigations were initiated in 2007 or earlier.

**Table 4.2.10: Age breakdown of unresolved investigations in the prosecutors offices in Bosnia and Herzegovina during 2011**

Prosecutor's offices	Age breakdown of unresolved investigations					
	Unresolved investigations ordered before Jan.1, 2007	Investigat. ordered during 2007	Investigat. ordered during 2008	Investigat. ordered during 2009	Investigat. ordered during 2010	Investigat. ordered during 2011
BIH	124	105	46	51	63	106
FBIH	759	266	239	319	485	2046
RS	317	112	252	287	331	1035
Brcko District	32	9	6	17	56	147
<b>TOTAL</b>	<b>1,232</b>	<b>492</b>	<b>543</b>	<b>674</b>	<b>935</b>	<b>3,334</b>

Data regarding the indictments are presented in Table 4.2.11. In 2011, prosecutor's offices filed 16,897 indictments, while in the same period the courts confirmed a total of 15,902 indictments. The cantonal prosecutor's offices filed 66% of the indictments, district prosecutor's offices filed 31%, while the remaining 4% were filed by the Prosecutor's Office of Bosnia and Herzegovina and the Prosecutor's Office of the Brcko District BiH.

**Table 4.2.11: Resolving upon filed indictments before the courts in Bosnia and Herzegovina in 2011**

Prosecutor's offices	Total number of filed indictments in 2011	Total number of confirmed indictments during 2011	Number of indictments with rejected confirmation	Number of indictments withdrawn prior to passing the decision on confirmation	Number of raised, but unconfirmed indictments before the Court of Bosnia and Herzegovina as of Dec. 31, 2011
BIH	252	253	2	0	5
BIH	11,044	10,293	43	13	2,838
FBIH	5,122	4,878	8	13	852
RS	479	478	0	0	12
Brcko District	16,897	15,902	53	26	3,707

Information related to the plea agreements are presented in Table 4.2.12. In 2011, a total of 1,557 plea agreements were proposed by the prosecutor's offices, while 10 agreements were dismissed in the same period.

**Table 4.2.12: Plea agreements concluded during 2011**

Prosecutor's offices	Number of proposed plea agreements during 2011	Number of rejected plea agreements during 2011	Convicting judgments upon the plea bargaining agreement during 2011	Number of proposed plea agreements the courts have not decided
BIH	131	1	129	10
FBIH	645	8	552	80
RS	670	1	626	43
Brcko District	111	0	107	4
<b>TOTAL</b>	<b>1,557</b>	<b>10</b>	<b>1,414</b>	<b>137</b>

Case inflow of reports filed by the law enforcement agencies (Kta) is presented in Table 4.2.13. There were 28,526 of unresolved Kta cases at the beginning of the year. During 2011, a total of 13,050 cases were received and 7,381 cases were resolved of which number 2,992 cases were carried over to the Kt register or to the case register of known perpetrators who have committed specific criminal offences, The number of unresolved Kta cases is increased by 20% if compared with the beginning of the reporting period.

**Table 4.2.13: Flow of the Kta cases in the prosecutor's offices in Bosnia and Herzegovina during 2011**

Prosecutor's offices	Unresolved cases 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 as of Dec.31, 2011
				Due to statute of limitations	Transferred into the KT Registry	Other method		
BIH	1,852	1,606	3,458	0	105	898	1,003	2,455
FBIH	21,512	7,957	29,469	4	1,179	2,693	3,876	25,593
RS	4,855	3,250	8,105	4	1,501	730	2,235	5,870
Brcko District	307	237	544	0	207	60	267	277
BiH Total	28,526	13,050	41,576	8	2,992	4,381	7,381	34,195

Data on cases with unknown perpetrators of criminal offences (Ktn) are presented in Table 4.2.14. During 2011, prosecutor's offices carried over a total of 166,758 Ktn cases. During 2011, a total of 23,477 cases were received and in the same period a total of 15,508 Ktn cases were resolved while the statute of limitations has run out for 10,026 cases, while 148 were carried over to the Kt register. The number of unresolved Ktn cases is increased by 5% if compared with the beginning of the reporting period.

**Table 4.2.14: Flow of the Ktn cases in the prosecutor's offices in Bosnia and Herzegovina during 2011**

Prosecutor's offices	Unresolved cases 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 as of Dec.31, 2011
				Due to statute of limitations	Transferred into the KT Registry	Other method		
BIH	282	147	429	0	8	89	97	332
FBiH	114,349	18,254	132,603	6,963	9	4,252	11,224	121,379
RS	46,691	4,498	51,189	2,248	131	782	3,161	48,028
Brcko District	5,436	578	6,014	815	0	211	1,026	4,988
BiH Total	166,758	23,477	190,235	10,026	148	5,334	15,508	174,727

Table 4.2.15. 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 133 Kt cases, while 1 Ktm case has fallen under the statute of limitations of criminal prosecution.

**Table 4.2.15: Information on the Kt and Ktm cases in the prosecutor's offices in which the statute of limitations has run out during 2011**

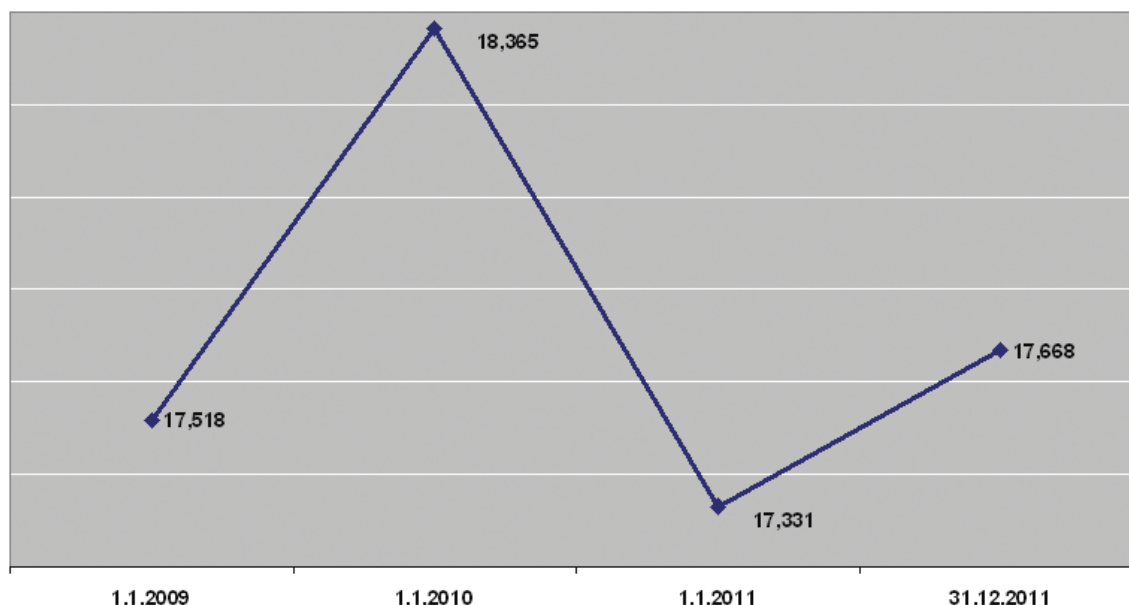
Prosecutor's offices	Type of the case	Number of cases where absolute statute of limitations of criminal prosecution has run out prior to filing an indictment	Number of cases where relative statute of limitations of criminal prosecution has run out prior to filing an indictment	TOTAL
		I	II	III = I+II
<b>Total</b>	Kt	0	0	0
	Ktm	0	0	0
	<b>Total</b>	<b>0</b>	<b>0</b>	<b>0</b>
<b>Cantonal prosecutor's offices</b>	Kt	31	15	46
	Ktm	1	0	1
	<b>Total</b>	<b>32</b>	<b>15</b>	<b>47</b>
<b>District prosecutor's offices</b>	Kt	47	37	84
	Ktm	0	0	0
	<b>Total</b>	<b>47</b>	<b>37</b>	<b>84</b>
<b>Total</b>	<b>Kt</b>	<b>1</b>	<b>1</b>	<b>2</b>
	Ktm	0	0	0
	<b>Total</b>	<b>1</b>	<b>1</b>	<b>2</b>
<b>GRANDTOTAL</b>		<b>80</b>	<b>53</b>	<b>133</b>



#### 4.2.3.1. Trends regarding the number of unresolved cases

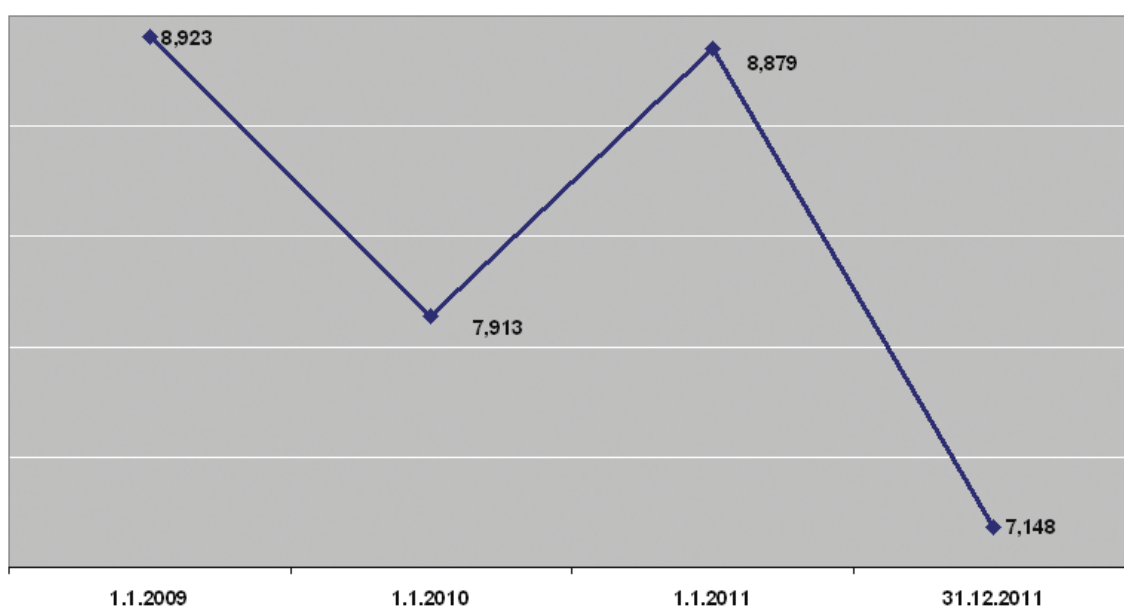
In 2011 Graph 4.2.2 shows a slight increase in the number of unresolved reports during 2011 compared to 2010, thus repeating the 2010 trend.

**Graph 4.2.2: Number of unresolved reports in the prosecutor's offices from January 1, 2009 to December 31, 2011**



Graphs 4.2.3 shows a significant reduction in the number of unresolved investigation during the reporting period in comparison to 2010. Similar trend was also achieved in 2009.

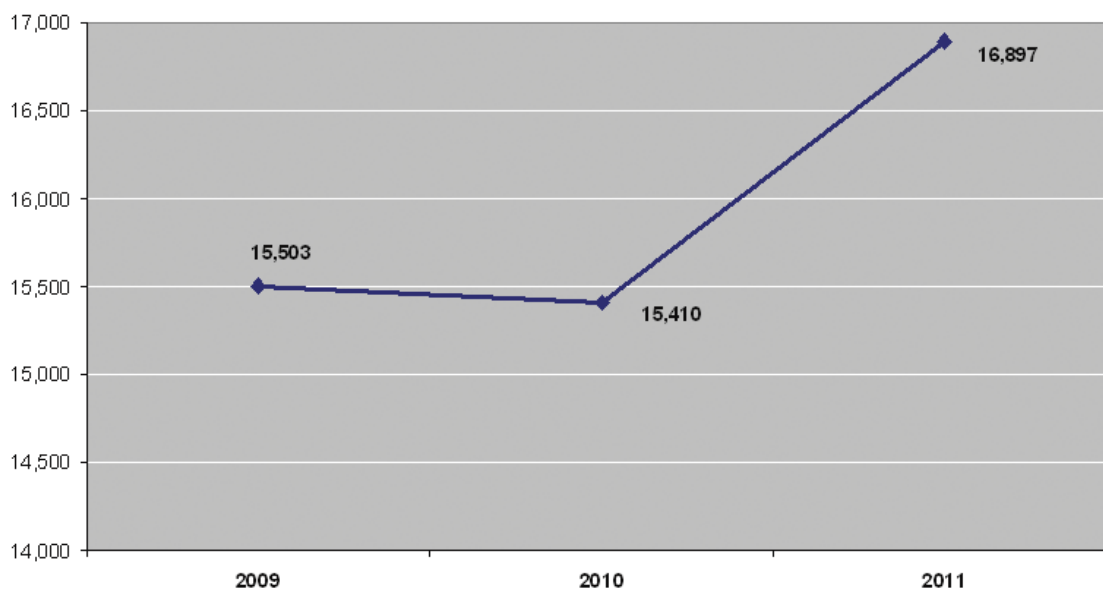
**Graph 4.2.3: Number of unresolved investigations in the prosecutor's offices in the period from January 1, 2009 to December 31, 2011**





Graph 4.2.4 shows a significant increase in the number of filed indictments in 2011 if compared to the trends in 2009 and 2010.

**Graph 4.2.4: Number of filed indictments in the prosecutor's offices in the period from January 1, 2009 to December 31, 2011**



#### 4.2.4. Review of data on the performance of prosecutor's offices at all levels of judicial system

##### 4.2.4.1. Prosecutor's Office of Bosnia and Herzegovina

During 2011, the Prosecutor's Office of Bosnia and Herzegovina resolved a total of 607 Kt reports, thus reducing the number of unresolved reports from 717, at the beginning of the year, to 598 at the end of the year. Given the fact that during 2011, there were less investigations ordered than completed, the number of unresolved investigations decreased from 579 to 495.

During the reporting period, the Prosecutor's Office of Bosnia and Herzegovina filed 252 indictments, out of which 107 indictments were filed for general crimes, 117 indictments were filed for commercial crimes and 28 indictments for war crimes. A detailed flow of cases in the Prosecutor's Office of Bosnia and Herzegovina is shown in Table 2.9.1.

As far as the structure of prosecuted criminal offences is concerned, the majority of indictments were filed for criminal offences of unauthorized use of copyrights (64), money counterfeiting (39) followed by the smuggling (28) and tax evasion or fraud (25).

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: 66% of suspended sentences, 23% of prison sentences and 11% of fines.

There was an increase in the backlog of reports filed by the law enforcement agencies (Kta), and reports related to the unknown perpetrators (Ktn) during the reporting period. The Prosecutor's Office of Bosnia and Herzegovina resolved 1,148 of these cases during the reporting period, thus increasing the number of unresolved cases of the type from 2,134 at the

beginning of the year, to 2,709 at the end of the year. Tables 3.3.7. and 3.3.8 show the flow of the Kta and KTtn cases in the Prosecutor's Office of BiH.

During 2011, there was no statute of limitations of criminal prosecution in the cases of the Prosecutor's Office of Bosnia and Herzegovina.

#### **4.2.4.2. Entity prosecutor's offices**

##### **Federation Prosecutor's Office of the Federation of Bosnia and Herzegovina**

During 2011, the Federation Prosecutor's Office of the Federation of Bosnia and Herzegovina processed 185 (Ktž) appealed cases before the Supreme Court of the Federation of Bosnia and Herzegovina, out of which a total of 181 cases were completely resolved. A detailed flow of Ktž cases in the Federation Prosecutor's Office of the Federation of BiH is provided in Table 2.10.1. The Federation Prosecutor's Office received and processed 28 Ktž-K cases and 22 Ktž-Kž cases, during the last year (Table 2.10.2.).

Further, the FBiH Federation Prosecutor's Office processed 274 Kta cases during the reporting period, of which number 256 cases have been resolved and 18 are still pending, while 19 cases were resolved in the reopened proceedings.

Besides, the Prosecutor's Office received and completed 7 Ktž-K cases and 9 Ktž-Kž cases during 2010. There were no cases in the proceedings conducted by extraordinary legal remedies in the criminal (3 Ktz cases), administrative and minor offence cases.

##### **Republic Prosecutor's Office of Republika Srpska**

In accordance with legally prescribed subject matter jurisdiction, the Republic Prosecutor's Office of Republika Srpska processed 150 appeals (Ktž) before the Republika Srpska Supreme Court during 2011. Out of the number, 120 cases were resolved, 113 at the panel's session and 7 cases upon the opening of a trial. As of December 31, 2011, a total of 30 appeals from Ktž cases remained unresolved. A detailed flow of Ktž cases in the Republic Prosecutor's Office of Republika Srpska is provided in Table 2.10.6. There were no "Ktž-K" and "Ktž-Kž" cases processed by the Republic Prosecutor's Office of Republika Srpska (table 2.10.7).

During the reporting period, and in addition to the above cases, 127 Kta cases were received by the Republic Prosecutor's Office of Republika Srpska, of which number 122 cases were resolved. Also, 48 Ktzz cases were received and 47 were resolved by the Republic Prosecutor's Office of RS, during the last year, (extraordinary legal remedies in criminal proceedings); 599 cases were also received and a total of 602 A cases (administrative cases) were resolved by the Republic Prosecutor's Office of RS.

#### **4.2.4.3. Cantonal and district prosecutor's offices and Prosecutor's Office of the Brcko District BiH**

##### **Cantonal prosecutor's offices**

In 2011, the cantonal prosecutor's offices resolved 15,808 Kt reports. Nevertheless, there was an increase in the number of unresolved criminal reports from 12,570 at the beginning of the year to 12,983 at the end of the year (Table 3.3.1). Also, the number of unresolved Kta cases

increased from 21,512 to 25,593 (Table 3.3.7.), while the number of Ktn cases increased from 114,349 to 121,379 cases (Table 3.3.8.).

The opposite trend was noted in the prosecution of criminal investigations. of which 13,105 have been resolved, thus reducing the backlog by 779 cases and 4,079 is a total number of unresolved investigations. Of the total number of unresolved investigations, 50% of investigations were initiated in 2011 (Table 3.3.2.).

Cantonal prosecutor's offices filed 11,044 indictments in 2011, of which number, 10,771 indictments were filed for the committed criminal offences of general crime, 258 of economic crime, and 15 indictments for criminal offences of war crimes (Table 3.3.5.).

With reference to prosecution of certain criminal offences, most indictments were filed for grand larceny (1697), followed by theft (1,342), forest theft (935) and possessing and enabling the consummation of narcotic drugs (587),

The breakdown of convicting verdicts rendered by the courts of the Federation of Bosnia and Herzegovina, in the cases of cantonal prosecutor's offices: 71% of suspended sentences, 19% prison sentences and 10% of fines.

During 2011, the statute of limitations of criminal prosecution has run out for a total of 2 Kt cases of the cantonal prosecutor's offices prior to the filing of an indictment, During the same period, there were no Ktn cases that had fallen under the statute of limitations prior to the filing of an indictment.

### **District prosecutor's offices**

During 2011, district prosecutor's offices resolved 8,080 Kt reports. Given that the number of resolved criminal reports was lower than the inflow, that is, than the number of received cases, the number of unresolved criminal reports increased in 2011 from 4,006, at the beginning of the year to 4,067 cases at the end of the year (Table 3.3.1.).

Also, an increasing trend in the number of unresolved Kta and Ktn cases was recorded during 2011. At the beginning of 2011, district prosecutor's offices had a total of 4,855 unresolved Kta cases. With a total of 3,250 received cases and a total of 2,235 resolved cases, district prosecutors' offices ended the year with a total of 5,870 unresolved Kta cases Table 3.3.7.). Also, the number of the Ktn cases increased from 46,691 to 48,028 cases ( Table 3.3.8.)

During 2011, district prosecutor's offices ordered 6,417 investigations and completed 7,230 investigations, which led to a reduction in the number of uncompleted investigations from 3,129 to 2,316 investigations (Table 3.3.2.).

In 2011, district prosecutor's offices filed a total of 5,122 indictments, of which number 4,842 indictments were filed for the criminal offences of general crime, 263 of economic crime, and 3 of war crimes (Table 3.3.5.).

Concerning the breakdown of individual offences prosecuted, the majority of the indictments were filed for the criminal offences of theft (784), grand larceny (492) endangering public traffic (457) and followed by criminal offences of illegal production and trade of weapons and explosives (363).

The breakdown of convicting decisions rendered by the courts of Republika Srpska, as to the cases of district prosecutor's offices, is as follows: 61% of suspended sentences, 21% of fines and 18% of prison sentences.

During 2011, the statute of limitations of criminal prosecution prior to filing an indictment has run out of 46 Kt and 1 Ktn cases of district prosecutor's offices.

**Special Prosecutor's Office of RS** at the beginning of 2011, had no unresolved Kt reports, while 47 received reports were resolved during the year. The Kta and Ktn backlog cases remained unchanged with 20 unresolved reports in 2011. During the reporting period, a total of 210 Kta and 2 Ktn cases has been resolved. A detailed flow of cases in the Special Prosecutor's Office of Republika Srpska is shown in Table 2.14.1.

Also, a total of 39 criminal investigations have been completed and the backlog went up from 24 unresolved investigations at the beginning of the year to 32 unresolved investigations, at the end of the year.

The Special Prosecutor's Office of RS filed 12 indictments last year, of which number, indictments were raised with the proposed plea agreements. Of the total number of indictments, the highest number or 4 indictments were in connection to the criminal offence of organised crime.

### **Prosecutor's Office of the Brcko District of Bosnia and Herzegovina**

During the past year, the Prosecutor's Office of the Brcko District of Bosnia and Herzegovina filed 479 indictments, of which number, 443 indictments were filed for general crime, 33 for commercial crimes and one indictment was filed for war crime (Table 3.3.5.).

The largest number of indictments as regards the structure of criminal offences, was filed for the criminal offences of theft (8!), followed by minor physical injuries (50), grand larceny (48) and family violence (33).

In 2011, the Prosecutor's Office of the Brcko District of Bosnia and Herzegovina resolved 546 Kt reports. The number of unresolved criminal reports in 2011 dropped from 38 to 20 (Table 3.3.1.). The Prosecutor's Office of the Brcko District of Bosnia and Herzegovina ordered 592 investigations and completed 584 investigations, which led to a reduction in the number of uncompleted investigations from 313, at the beginning of the year, to 258, at the end of the year (Table 3.3.2.). The breakdown of convicting sentences rendered by the courts of the Brcko District of BiH, as to the cases of the Prosecutor's Office of the Brcko District of BiH, is as follows: 55% of suspended sentences, 34% of prison sentences and 11% of fines.

The number of Kta and Ktn reports has been slightly during 2011, The Prosecutor's Office of the Brcko District of Bosnia and Herzegovina received 237 and resolved 267 Kta cases, which led to a decrease in the number of unresolved Kta cases from 307 to 277. Also, the number of Ktn cases with 578 received and 1,026 resolved cases, decreased from 5,436 cases at the beginning of the year to 4,988 unresolved cases that remained at the end of the year (Table 3.3.8.).

The Prosecutor's Office of the Brcko District had 84 Kt cases in which the statute of limitations of criminal prosecution has run out prior to filing an indictment, while there were no Ktm cases in which statute of limitation came into effect.

## **4.3. Backlog reduction**

The application of the Instruction for the Drafting of Backlog Reduction Plans (hereinafter: the "Instruction") started on 1 January 2011. Pursuant to the Instruction, the court presidents were required to make an analysis of the situation and causes that led to a large backlog of old cases. Based on the results of their internal analyses, the courts drew up their respective plans that they tried to fulfil by the end of 2011. It should be noted that in 2011, owing to these plans, the courts managed to resolve over 70,000 of their oldest cases and continued efforts towards accomplishing

the best possible further results. A positive impact of these plans was reflected in the fact that in the course of 2011 seven courts achieved currency in handling its docket in accordance with the criteria set out in the Instruction. Consequently, they were not required to make the backlog reduction plans for 2012.

The courts that fully achieved the plans in 2011 were the supreme courts of the Entities and the Cantonal Court Novi Travnik. However, some of the courts seemingly made quite ambitious plans and were not able to implement them in full, but they still managed to solve a number of the oldest cases in compliance with the provisions of the Instruction specifying the quota for old cases (40%). In this respect, the most successful courts were the Municipal Court Mostar and the Basic Court Novi Grad.

**Table 4.3.1. – An overview of cases solved pursuant to the 2011 Backlog Reduction Plan**

Court	2010	2009-2006	2005-2001	2000-1996	1995-1991	Prior to 1991	No. of cases completed pursuant to the 2011 plan
Supreme courts	15	1,334	771	146	20	33	2,319
Cantonal courts	964	3,521	2,320	333	33	52	7,223
District commercial courts	6	1,730	670	80	1	0	2,487
Municipal courts	3,035	28,938	6,780	1,792	122	169	40,836
Basic courts	1,773	12,494	2,287	533	164	200	17,451
Total	5,793	48,017	12,828	2,884	340	454	70,316

Table 4.3.1. shows the number of cases resolved pursuant to the 2011 Backlog Reduction Plan based on the date of initial filing document. Pursuant to item 5<sup>31</sup> of the Instruction<sup>32</sup>, in 2011, out of 72 regular courts 52 of them were required to draw up backlog reduction plans for 2011. These included 2 supreme courts of the Entities, 7 cantonal courts, 3 district courts, 25 municipal and 15 basic courts.

It is important to note that all district courts in Republika Srpska were current with cases and as a result had no obligation to draw up backlog reduction plans. For that reason, district courts are not shown in the tables indicating the realisation of 2011 plans.

The courts with the obligation to draw up backlog reduction plans, foresaw to resolve 113,638 of oldest cases in their courts. Of that number, owing to the plans, the courts managed to process 70,316 old cases in 2011. The implementation of the plans is monitored by the Standing Committee in charge of monitoring the implementation of the Instruction<sup>33</sup>. In 2011, pursuant to the conclusion of the Standing Committee, the Plan realisation rates for each individual court were published at the HJPC website and the judicial web portal.

The table above and Graph I clearly show that, owing to the plans, the courts resolved the large number of cases dated 2005 and back, meaning that out of the total number of cases resolved

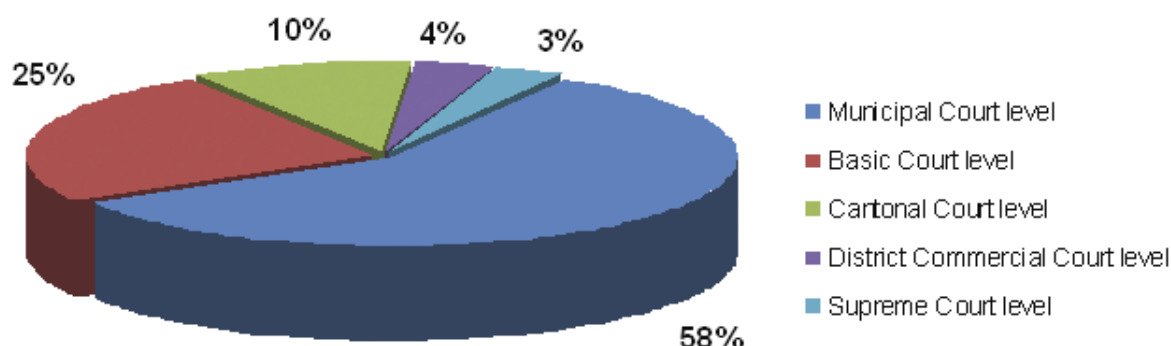
31 "Each court with the equivalent of a three-month judges quota of unresolved cases for any given case type is required to draft a Backlog Reduction Plan for the said case type."

32 Instruction adopted by the HJPC BiH at the session held on 1 December 2010

33 Standing Committee established on 16 December 2010 pursuant to the Decision of the HJPC

pursuant to the plans, 16,506 cases were older than 2005, which is 23% of the total number of cases resolved pursuant to the plans. The percentage share for all court levels is shown in the graph below.

**Graph 4.3.1. – Graphical presentation of the number of cases from the 2011 Backlog Reduction Plans per court level**



Graph 4.3.1. shows that in the total number of cases resolved pursuant to the plans (70,316 cases), the largest share is comprised of cases resolved by municipal (58%) and basic courts (25%), followed by cantonal courts (10%), district commercial courts (4%) and the supreme courts of the Entities (3%). The high percentage share of municipal and basic courts in the total number of cases resolved pursuant to the plans is due to the fact that these courts had large backlogs.

**Table 4.3.2. – Plan realisation rates vs. target rates for all courts by case initiation date**

All courts in total	Case initiation year						Total
	2010	2009-2006	2005-2001	2000-1996	1995-1991	1990 and earlier	
The number of cases per plan per year	9,821	76,923	21,282	4,488	543	581	113,638
The number of cases resolved per plan per year	5,793	48,017	12,828	2,884	340	454	70,316
Plan realisation rate per year	59%	62%	60%	64%	63%	78%	62%

Table 4.3.2. shows the total number of cases that the courts determined to resolve in 2011 per case initiation date, and the number of cases resolved pursuant to the Plan per case initiation date. The table shows that the courts put great efforts to resolve the oldest cases, but it is obvious that some courts gave preference to more recent cases. For that reason, the HJPC was to make an extra effort in order to avoid the same situation happening again next year.

When it comes to quota achieved by courts in handling old cases pursuant to 2011 plans, according to the analysis of the number of cases resolved, it appears that courts have, on average, achieved 28.08%<sup>34</sup> of target quota set for old cases. An estimate of quota achieved per different levels is listed below.

34 Article 14 of the Instruction for the Preparation of a Backlog Reduction Plan stipulates the following: "The number of old cases resolved per judge per month must be minimum 40% of a monthly quota for each particular judge."



**Table 4.3.3. – Plan realisation rate for municipal/basic courts and district commercial courts by case initiation date**

Municipal / Basic / District Commercial Courts	Case initiation year						Total
	2010	2009-2006	2005-2001	2000-1996	1995-1991	1990 and earlier	
The number of cases per plan per year	6,707	71,754	18,415	4,007	487	505	101,875
The number of cases resolved per plan per year	4,814	43,162	9,737	2,405	287	369	60,774
Plan realisation rate per year	72%	60%	53%	60%	59%	73%	60%

The table above shows that during 2011 the first-instance courts handled the oldest cases, but it is also obvious that some courts gave preference to recent cases over the old ones. Quota achieved by first-instance courts is estimated to be 26% of the plan.

**Table 4.3.4. – Plan realisation rate for cantonal courts<sup>35</sup> by case initiation date**

Cantonal / District / High Commercial Court	Case initiation year						Total
	2010	2009-2006	2005-2001	2000-1996	1995-1991	1990 and earlier	
The number of cases per plan per year	3,099	3,833	2,089	334	36	43	9,434
The number of cases resolved per plan per year	964	3,521	2,320	333	33	52	7,223
Plan realisation rate per year	31%	92%	111%	100%	92%	121%	77%

Data contained in table 4.3.4. does not apply to district courts in Republika Srpska or to the High Commercial Court Banja Luka since, pursuant to the provisions of the Instruction, these courts had no backlog in 2011 and consequently had no obligation to draw up the plan.

The table above shows that during the course of 2011, owing to the plans, the second-instance courts resolved all cases foreseen under the plans and initiated in the periods 1996 to 2000 and 2001 to 2005. Bearing in mind that the application of the Instruction and related plans started in 2011, and that the proceedings before the second-instance courts differed from those before the first-instance courts in the sense that it might have happened that second-instance courts received some cases older than those covered by the plan, the Standing Committee prepared the amendments to the Instruction that were adopted by the HJPC<sup>36</sup> aimed at contributing to greater efficiency in terms of application of the Instruction and resolution of old cases.

The quota achieved by the second-instance courts in handling the cases from the plan is estimated to be 45%.

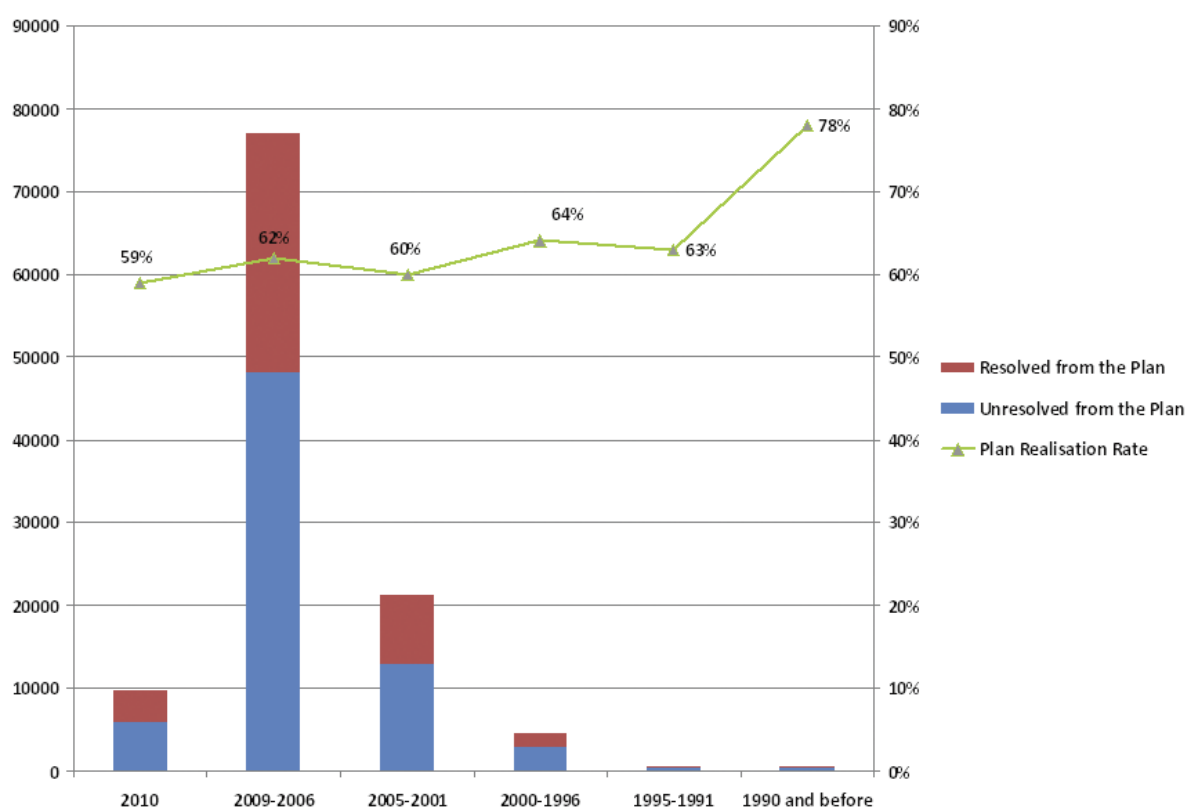
<sup>35</sup> District courts in the RS and the High Commercial Court Banja Luka did not have the obligation to draw up the plans for 2011, hence the table applies to cantonal courts in the FBiH only.

<sup>36</sup> Amendments to the Instruction for the Preparation of a Backlog Reduction Plan were passed at the Council session held on 6 and 7 December 2011.

**Table 4.3.5. – Plan realisation rate for the supreme courts of the Entities by case initiation date**

Supreme courts	Case initiation year					Total 1990 and earlier	
	2010	2009- 2006	2005- 2001	2000- 1996	1995- 1991		
The number of cases per plan per year	15	1,336	778	147	20	33	2,329
The number of cases resolved per plan per year	15	1,334	771	146	20	33	2,319
Plan realisation rate per year	100%	100%	99%	99%	100%	100%	100%

When it comes to the supreme courts of the Entities, it is clear that the both supreme courts fully achieved the backlog reduction plans and consequently they had no quota set for old cases in 2011. There were no estimates made in terms of quota achieved for cases covered by the plan either.

**Graph 4.3.2. – Target vs. achieved case resolution ratio pursuant to the plan**

The graph above shows the ratio between resolved and unresolved cases from the plan, as well as the overall plan realisation rate. From the above, it is obvious that the courts made efforts to solve old cases, but they still predominantly worked on cases initiated in the period 2006 to 2009, and it would be necessary in the future to pay particular attention to resolving cases dating back to 2005 and beyond.



## 4.4. Courts and Prosecutor's Offices Budgets

### 4.4.1. 2011 Budgets

The table below contains the 2010/2011 approved budget data:

**Table 4.4.1: 2010/2011 budgets approved for courts and prosecutor's offices**

Institution	Approved 2010	Initially approved 2011	Rebalance 2011	Initially approved 2011/ 2010	Rebalance/ approved 2011
	I	II	III	III=III/I	IV=III/I
<b>Courts</b>					
Court of BiH	12,220,000	12,119,419	12,119,419	-0.8%	0.0%
FBiH Supreme Court	4,896,737	4,734,187	4,678,809	-3.3%	-1.2%
RS Supreme Court	2,547,000	2,535,000	2,578,000	-0.5%	1.7%
Cantonal courts	19,413,105	20,166,181	20,231,443	3.9%	0.3%
District courts	8,429,000	8,314,000	9,957,000	-1.4%	19.8%
Appellate Court of Brcko District	1,011,200	976,065	976,065	-3.5%	0.0%
Municipal courts	68,214,466	71,350,432	71,582,628	4.6%	0.3%
Basic courts	28,239,000	27,718,000	31,173,000	-1.8%	12.5%
Basic Court of Brcko District	3,826,846	3,661,225	3,821,225	-4.3%	4.4%
Commercial courts	3,842,000	4,749,000	5,385,000	23.6%	13.4%
<b>COURTS</b>	<b>152,639,354</b>	<b>156,323,509</b>	<b>162,502,589</b>	<b>2.4%</b>	<b>4.0%</b>
<b>Prosecutor's Offices</b>					
BiH Prosecutor's Office	8,246,000	8,527,598	8,527,598	3.4%	0.0%
FBiH Prosecutor's Office	1,263,882	1,251,779	1,257,831	-1.0%	0.5%
RS Prosecutor's Office	618,000	578,000	609,000	-6.5%	5.4%
Cantonal prosecutor's offices	18,646,960	18,937,120	18,655,548	1.6%	-1.5%
District prosecutor's offices	9,708,000	9,459,000	10,335,000	-2.6%	9.3%
Prosecutor's Office of Brcko District	1,417,000	1,432,565	1,432,565	1.1%	0.0%
<b>PROSECUTOR'S OFFICES</b>	<b>39,899,842</b>	<b>40,186,062</b>	<b>40,817,542</b>	<b>0.7%</b>	<b>1.6%</b>
<b>TOTAL - COURTS AND PROSECUTOR'S OFFICES</b>	<b>192,539,196</b>	<b>196,509,571</b>	<b>203,320,131</b>	<b>2.1%</b>	<b>3.5%</b>

The originally approved 2011 court budgets were 2.1% higher compared to 2010. The increase primarily relates to newly established commercial courts in Republika Srpska (23.6%), and municipal (4.6%) and cantonal courts (3.9%) in the Federation of BiH. The increase of funds for commercial courts is attributed to the fact that in 2010 the commercial courts functioned for 8 months, while the funds for 2011 were planned on the basis of a full budget year. Few cantons provided limited financial support for strengthening human resources in order to reduce the large case backlog in the courts. The amendments to the court budgets foresaw an increase by 4%. This increase primarily relates to the courts in Republika Srpska where the budget was

increased due to increasing demand for resources caused by the introduction of higher tax rates and salary contributions. Also, the courts in Republika Srpska received a significant amount of funds for repayment of outstanding obligations from the previous year. The budget of the Court of BiH was adopted at the end of 2011 based on the 2011 budget execution level. The budgets of Brcko District courts were retained at 2010 level.

It should be noted that in 2011 some of the courts were unable to function properly due to the inability to regularly pay their respective obligations, primarily those arising from fees for ex-officio appointed defence counsels in mandatory defence cases and for indigent defendants, as well as for postal services and procurement of goods.

The originally approved budget for prosecutor's offices remained at approximately the same level as in 2010 (0.7%). Through budgetary amendments, the budget for prosecutor's offices was increased by 1.6% compared to the originally approved budget. A key reason for increasing the budget was to cover increased salary tax and contribution rates in Republika Srpska. During 2011, in general there was no capacity increase in terms of staffing levels in prosecutor's offices. The budget of the BiH Prosecutor's Office was adopted at the end of 2011 based on the 2011 budget execution level. The budget of the Prosecutor's Office of Brcko District BiH was retained at 2010 level.

Unlike the courts, the prosecutor's offices did not have that much problem in settling their obligations, but still there were significant delays in paying expert witness services.

Detailed data on the budgets for court and prosecutor's offices are provided in chapter 4.4. Independence.

#### 4.4.2. Budget trends

The table below contains an overview of approved courts and prosecutor's offices budgets in the period 2008 to 2011:

**Table 4.4.2: 2008-2011 Courts and Prosecutor's Offices Budgets**

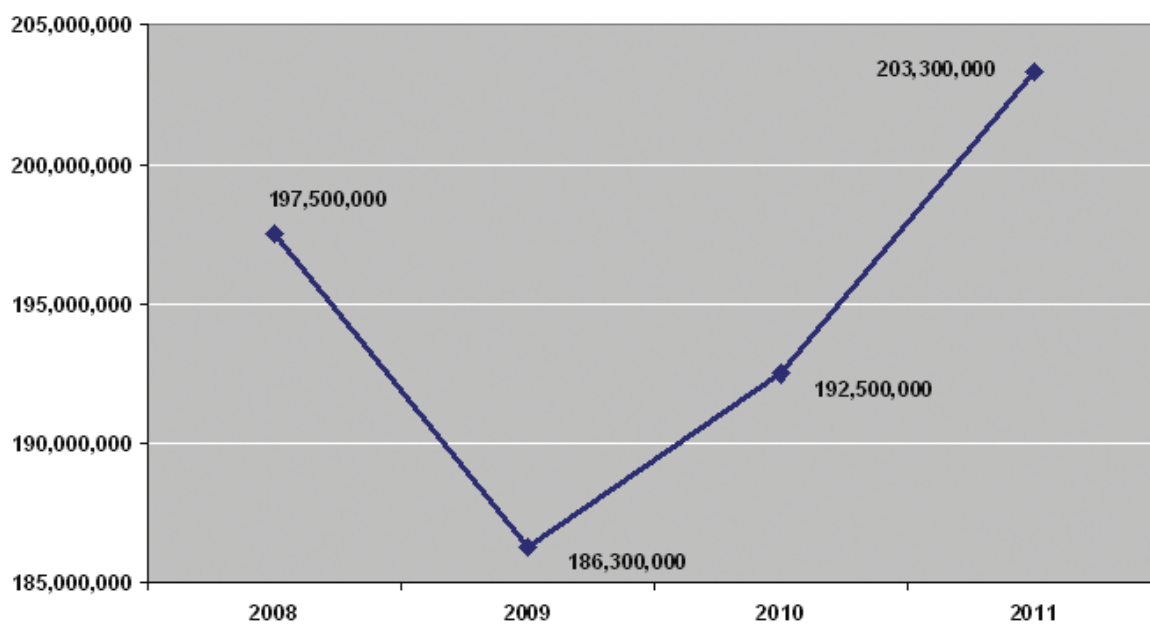
Institution	2008	2009	2010	2011
Courts	153,854,830	146,774,026	152,639,354	162,502,589
Prosecutor's Offices	43,661,637	39,574,496	39,899,842	40,817,542
<b>Total</b>	<b>197,516,467</b>	<b>186,348,522</b>	<b>192,539,196</b>	<b>203,320,131</b>

Total approved budget for courts and prosecutor's offices in 2011 amounted to 203 million KM. Following the significant budget cuts in 2009 of 5.7%, in the period 2009 – 2011 the budget increased at an average rate of 4.6%. Total 2011 budgets for judicial institutions were 2.9% higher compared to 2008. It should be stressed that one of the reasons for budget increase was the establishment of commercial courts in Republika Srpska. If we take into account only the institutions that were operating in 2008 as well, the overall 2011 budget of judicial institutions was approximately at 2008 level.

It is noticeable that, in the period 2009-2011, the average budget growth rate for prosecutor's offices was lower (1.6%) compared to that for the courts, so that the funds approved for prosecutor's offices in 2011 were still significantly lower compared to 2008 (6.5%).

The graph below shows the budget trends:

**Graph 4.4.1. – 2008-2011 budgets for courts and prosecutor's offices**



## **CHAPTER 5 RECOMMENDATIONS**

### **RECOMMENDATIONS FOR EXECUTIVE AUTHORITIES**

#### **CHAPTER 1: Efficiency**

- It is necessary that the Ministry of Transport and Communication of Bosnia and Herzegovina pass relevant by-laws and build institutional capacities so to enable full implementation of the Law on Digital Signatures and the Law on e-Commerce in the Judicial Information System, which primarily refers to the possibility of electronic filing of submissions, as well as to electronic delivery of court decisions (bearing a qualified digital certificate).

#### **CHAPTER 1: Quality**

- It is recommended that the state and entity-level governments, as well as the Government of Brcko District provide technical improvements and human resources for the institutions involved in the process of publication of court decisions.
- It is recommended that the entity governments provide necessary material/ technical and human resources to improve the status of the Judicial and Prosecutorial Training Centres of the Entities.

#### **CHAPTER 1: Independency**

- It is recommended that entity-level executive authorities in the FBiH and RS respect legal and constitutional jurisdiction of the HJPC BiH in appointing judges to the constitutional courts of the Entities.

### **RECOMMENDATIONS FOR JUDICIAL AUTHORITIES**

#### **CHAPTER 1: Efficiency**

- It is recommended that judicial institutions make maximum effort in implementing organisational and other measures that would contribute to the more efficient utilisation of existing human and material resources.
- It is recommended that judicial institutions make maximum effort in resolving pending cases as soon as possible with a particular emphasis on the oldest cases.

**CHAPTER 1: Quality**

- It is recommended that the Court of BiH, the Appellate Court of Brcko District, and the supreme courts of the Entities implement the Judicial Decisions Disclosure Policy adopted by the HJPC at its session held on 29 September, 2011.
- It is recommended that the Judicial and Prosecutorial Training Centres further elaborate the Medium-Term Strategy for Induction Training and Professional Development of Judges and Prosecutors and commence with its implementation.

**CHAPTER 1: Accountability**

- It is necessary to continue efforts to raise awareness of professional and ethical standards for judicial office holders. To that end, it is necessary that the Judicial and Prosecutorial Training Centres prepare and conduct training programs for judges and prosecutors in the field of ethical and professional standards, so that each judicial office holder is included in this type of training at least once every two years. Particular attention in this context should be paid to those attending induction training.

**RECOMMENDATIONS FOR LEGISLATIVE, EXECUTIVE AND JUDICIAL AUTHORITIES****CHAPTER 1: Efficiency**

- The respective budgets needs to provide courts and prosecutor's office with adequate resources for capital investments for the purpose of replacing outdated and procurement of new computer equipment, further development of Judicial Information System, maintenance of the existing equipment and software licences, as well as for training of IT and other judicial staff.

**CHAPTER 2: European Integration**

- It is recommended that the representatives of all political authorities in BiH achieve consensus on essential issues regarding further development of reform processes in the justice sector, given that the Structured Dialogue creates a good opportunity to set grounds for the improvement of the entire sector on an equal footing and with mutual respect of legal and constitutional competencies.

**RECOMMENDATIONS FOR LEGISLATIVE AND EXECUTIVE AUTHORITIES****CHAPTER 1: Efficiency**

- It is recommended that the Federal Ministry of Justice of FBiH and the Ministry of Justice of Republika Srpska, through the proposals of legislative changes and the reconstruction and modernisation of judicial buildings, support and launch initiatives aimed at increasing judicial efficiency.

- Competent authorities are invited to as soon as possible adopt proposed amendments to the Law on Enforcement Procedure pursuant to the proposals and recommendations of the HJPC.
- The Federal Ministry of Justice of FBiH, the Parliament of FBiH, the RS Ministry of Justice and the RS National Assembly are recommended not to establish new courts or prosecutor's offices without carrying out an adequate needs assessment and giving careful consideration to the financial implications and long-term sustainability.
- It is recommended that the entity and cantonal-level ministries of justice and ministries of finance provide budgetary resources to fill newly systematised posts in courts and prosecutor's offices.

## CHAPTER 1: Accountability

- With a view to strengthening staffing capacities and ensuring adequate public information regarding the competencies of the ODC and of the Council in respect of disciplinary proceedings against judicial office holders, the competent legislative and executive authorities need to provide adequate financial resources for these purposes.

## CHAPTER 1: Independence

- In order to systematically address the issue of fair representation of the constituent peoples and Others while retaining the best judicial candidates throughout the territory of Bosnia and Herzegovina, the competent legislative and executive authorities need to address the issue of double household and travel allowance for all judicial office holders appointed to serve away from their residence.
- In this year's report, the HJPC underlines before the BiH Parliamentary Assembly and the BiH Ministry of Justice the need for harmonising the procedures for appointment of judges to the Constitutional Court of BiH with the existing procedure for appointment of judges to the constitutional courts of the Entities. Also, an active role should be proposed for the HJPC in the overall process of appointment of judges to this Court and prescribed through appropriate regulations, as well as more stringent requirements for judges of this Court in order to ensure the observance of the principles of independence, impartiality, professionalism and competence of judges of the Constitutional Court of Bosnia and Herzegovina.
- Fragmentation in the financing of judicial institutions needs to be reduced. In short-term perspective, the consequences of fragmentation would be mitigated through the funding of courts and prosecutor's offices in the Federation of BiH from the FBiH budget, and in long-term perspective, through the funding of all courts and prosecutor's offices in BiH from the budget of the BiH institutions.
- It is necessary, through the legislation, to strengthen the role of the HJPC in the budget preparation, adoption and execution<sup>37</sup>, so that the Council becomes a formal proponent of the budget for courts and prosecutor's offices and a negotiator with executive and legislative authorities in the budgeting process. The legal provisions that apply in Brcko

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37 The legal empowerment of the HJPC in the budgeting process for courts and prosecutor's offices is also envisaged by the Implementation Action Plan for the BiH Justice Sector Reform Strategy.

District, according to which the executive authorities may not alter the budget proposed to the legislative authorities by the Judicial Commission of Brcko District on behalf of the judicial institutions, could be a model for future arrangements regarding the budgeting process.

- Until the HJPC is assigned a new role in the budgeting process, it is necessary to consistently implement the existing legislation and fully engage the HJPC in all stages of the budgeting process.
- The executive and legislative authorities in the RS are urged to bring the adopted RS Law on Courts in line with the competencies and recommendations of the HJPC, as well as with the relevant recommendations from the EU-BiH Structured Dialogue on Justice by taking due account of judicial independence and the competencies of this state-level institution.
- It is recommended to all relevant institutions in BiH to, through constructive and professional discourse, identify all possible measures to further strengthen and promote the independent, professional and accountable judicial sector.
- It is recommended that the issue of streamlining budgeting procedures and the rationalisation of powers amongst 14 competent bodies in BiH, which the HJPC identified as an issue seriously affecting the independence of the judiciary, be addressed in the near future.

## **CHAPTER 2: European Integration**

- The findings and opinions from the 2011 Progress Report for BiH are welcomed and all political representatives in BiH are urged to respect the unquestionable legitimacy and the role of the HJPC.

## **RECOMMENDATIONS FOR EXECUTIVE AND JUDICIAL AUTHORITIES**

### **CHAPTER 1: Accountability**

- It is recommended that the relevant ministries of justice and the Judicial Commission of Brcko District implement the procedure for the adoption of amendments to the Law on Court of BiH, the Law on Courts of FBiH, the Law on Courts of RS and the Law on Courts of BD BiH, initiated in the first half of 2011, with a view to improve the legislative framework for performance evaluation of all judicial office holders and harmonisation of evaluation periods.

## **RECOMMENDATIONS FOR THE BIH CIVIL SERVICE AGENCY**

### **CHAPTER 1: Accountability**

- In view of the fact that civil servants and other employees in the Office of Disciplinary Counsel have task-specific training requirements, extra emphasis should be placed on their training. To that end, the Civil Service Agency of BiH is recommended to provide adequate training for the ODC staff.