

IPA National Programme 2010 – Bosnia and Herzegovina

Fiche 7 " Judiciary"

1. Basic information

1.1 CRIS Number: 2010 / 022-259

1.2 Title: Strengthening the Judiciary

1.3 ELARG Statistical code: 01.23 Political criteria / Judiciary and Fundamental rights

1.4 Location: Bosnia and Herzegovina

Implementing arrangements:

1.5 Contracting Authority: The European Union represented by the European Commission for and on behalf of the beneficiary country

1.6 Implementing Agency: N.A.

1.7 Beneficiary:

Courts and Prosecutor Offices in Bosnia and Herzegovina; Judicial and Prosecutorial Training Centres in the Federation of Bosnia and Herzegovina and Republic Srpska (JPTCs), Brcko District Judicial Commission (BDJC); The High Judicial and Prosecutorial Council (HJPC).

The High Judicial and Prosecutorial Council (HJPC):

Ms. Amra Jašarević (Senior Programming Officer); Deputy Director of the HJPC Secretariat

Kraljice Jelene 88; 71000 Sarajevo

Tel: +387 33 707 500;

Fax: +387 33 707 550;

E-mail: amra.jasarevic@hjpc.ba;

Financing:

1.8 Overall cost (VAT excluded): EUR 5 300 000

1.9 EU contribution: EUR 4 000 000

1.10 Final date for contracting: Two years following the date of the conclusion of the Financing Agreement

1.11 Final date for execution of contracts: Two years following the end date of contracting

1.12 Final date for disbursements: One year following the end date for the execution of contracts

2. Overall Objective and Project Purpose

2.1 Overall Objective

To contribute to a more effective, efficient and transparent provision of justice to citizens of Bosnia and Herzegovina.

2.2 Project purpose

To strengthen the technical and professional capacities of the judiciary of Bosnia and Herzegovina.

2.3 Link with AP/NPAA / EP/ SAA

In the European Partnership with Bosnia and Herzegovina (EP)¹, the following is stated:

“Implement the strategy for development of the justice sector, consolidate an independent, reliable and efficient judiciary that guarantees the rule of law and equal access of citizens to justice and guarantee that courts have the technical equipment and financial means necessary to impart justice efficiently and properly.” (Political criteria/ Democracy and the rule of law/ judicial system; Section 3, Subsection 3.2 “Medium term priorities”).

“Reinforce the independence and accountability of the judicial system and improve its effectiveness, including by reducing the backlog of cases”, “Adopt and start implementing a strategy for development of the judicial sector” and “Ensure adequate training of the judiciary, in particular as regards to human rights legislation and issues related to implementation of Stabilisation and Association Agreement”. (Political criteria/Democracy and Rule of Law/Judicial System; Section 3, Subsection 3.1 “short term priorities”).

The Stabilisation and Association Agreement (SAA) between the European Union and their Member States, of the one part, and Bosnia and Herzegovina, of the other part² underlines the importance of strengthening the institutions and rule of law in area of justice. Title VII (Justice, freedom and security), Article 78 (Reinforcement of institutions and rule of law): “In their cooperation on justice and home affairs the Parties shall attach particular importance to the consolidation of the rule of law, and the reinforcement of institutions at all levels in the areas of administration in general and law enforcement and the administration of justice in particular. Cooperation shall notably aim at strengthening the independence of the judiciary and improving its efficiency and institutional capacity, enhancing access to justice, developing adequate structures for the police, customs and other law enforcement bodies, providing adequate training and fighting corruption and organised crime.” “Increasing judicial independency, efficiency and institutional capacities” are key elements to be supported.

In the European Commission's Bosnia and Herzegovina Progress Report for 2009 (Political criteria/ Democracy and the rule of law/ judicial system; Section 2, Subsection 2.1) the following is underlined: “Progress in the area of judicial reform has been limited on the whole Positive developments have taken place as regards development of Information and Communication Technology in courts and prosecutor offices. Almost all courts and a few

¹ Council Decision 2008/211/EC of 18 February 2008 on the principles, priorities and conditions contained in the European Partnership with Bosnia and Herzegovina and repealing Decision 2006/55/EC; OJ L 80 of 19.3.2008;

² SAA was signed in Luxemburg, 16.6. 2008.

prosecutor offices in Bosnia and Herzegovina are connected to a nationwide area network. Training courses have been provided to facilitate the usage of the new Case Management System supported by this network. Local area networks have been installed in all courts and prosecutor offices. This should contribute to further improving the efficiency and transparency of the work of the courts and prosecutor offices in Bosnia and Herzegovina.

The Judicial and Prosecutorial Training Centres in the Entities continued their training activities in line with the training strategy. Nonetheless, the staffing of the Centres needs to be reinforced in order to ensure sustained and adequate implementation... However, the lack of witness protection capabilities and witness support, insufficient staffing and lack of specialisation among cantonal and district prosecutors continue to be major obstacles to effective prosecution of war crimes.

Overall, preparations by Bosnia and Herzegovina to develop an effective and efficient judiciary remain at an early stage...!

2.4 Link with MIPD

In the Multi-Annual Indicative Planning Document (MIPD) 2009-2011, Section 2.2 “Strategic objectives and choices for IPA assistance during the period 2009-2011”, subsection 2.2.2 “Strategic choices for IPA assistance during the period 2009-2011”, under “Political criteria”, the following is outlined: “IPA will support the public administration reform, including support for the customs and taxation administration, the reform of the judiciary and of the police. The emphasis will be on institution building“

In Section 2.3 “Multi-annual planning by component”, Subsection 2.3.1 “Component I - Transition Assistance and Institution Building” under 2.3.1.1 “Political Criteria”, the following is outlined:

Objectives and Choices:

“Rule of Law: Support the police reform, the reform of the judicial system and assist in the implementation of the anti-corruption policy”

Expected Results and Indicators:

“Judicial Reform: The justice sector institutions at all levels of Bosnia and Herzegovina's institutional system are effectively organised and functioning and co-operation between police, prosecution, courts and the penitentiary system is improved. An action plan for the implementation of the strategy for the development of the judicial sector is adopted and implemented. The strategy is amended to cover provisions on a Supreme Court of Bosnia and Herzegovina and a single judicial budget as well as a single criminal law.”

2.5 Link with National Development Plan

Bosnia and Herzegovina has completed drafting of the National Development Strategy (NDS) 2008 - 2013 and Social Inclusion Strategy (SIS) that will serve as basis for the National Development Plan (NDP). The NDS and SIS is expected to be adopted in the first quarter of 2010. One of the five priorities in the draft NDS is the complete and timely realisation of pre-accession responsibilities and agreements (European Partnership), which include Bosnia and Herzegovina institutions' compliance with EU standards.

2.6 Link with national/ sectoral investment plans

This project follows the objectives and priorities of the Justice Sector Reform Strategy (JSRS) of Bosnia and Herzegovina (2008-2012), the National Strategy for the Processing of War Crimes (NSWC) and the HJPC Strategic plan. Here-below are the areas most relevant for this project.

JSRS:³ comprises 5 pillars, the first being the most relevant for this project: Pillar 1- Judicial System “Further strengthen and maintain independence, accountability, efficiency, professionalism and harmonization of the judicial system which ensures the rule of law in Bosnia and Herzegovina”;

Strategic program 1.2.7 “Develop a policy and adopt appropriate legislation to regulate the courts and prosecutor offices administration”

Strategic program 1.2.6 “Provide ongoing training in management for managerial staff in the institutions of the Bosnia and Herzegovina judiciary”

Strategic program 1.3.6 “Implement the adopted medium-term strategic plans for training of the judges and prosecutors of Judicial and Prosecutorial Training Centre in the Federation of Bosnia and Herzegovina, Judicial and Prosecutorial Training Centre in the Republic of Srpska and Brcko District Judicial Commission and enhance these plans in order to satisfy current and future needs of judges and prosecutors”.

Strategic program 1.2.5 “Implement in full the measures relating to the computerisation of the judiciary as foreseen by the HJPC Strategic Plan”

NWCS⁴: “Develop programs of specialised trainings for judges and prosecutors in area of material and procedural laws governing war crime cases, which would include the training on International Criminal Tribunal for the former Yugoslavia (ICTY) practices as well as practical experiences from other jurisdictions.

HJPC Strategic Plan for the period 2007 – 2012 includes the following objectives and priorities: Strategic priority 1.3: “Regulate labour status of administrative/support staff in courts and prosecutor offices in a uniform manner”, Strategic objective 3 “Computerization of the Judiciary;” Strategic objective 4 “Education of the holders of judicial functions”; and Strategic objective 7 “Staff reform in courts and prosecution”.

3. Description of project

3.1 Background and justification

By adoption of the JSRS in June of 2008 and the NWCS in December 2009, Bosnia and Herzegovina committed to taking numerous measures to further reform the judiciary and the justice sector in general.

The assistance is aimed at implementing programmes that, due to their critical role in improving judicial efficiency through reduction of backlog, have been considered a priority among the programmes defined in the above mentioned strategic documents. More specifically, the assistance comprises the following components:

Component 1: Capacity building for the Judiciary

³ Adopted by the Council of Ministers of Bosnia and Herzegovina on 23.6.2008

⁴ Adopted by the Council of Ministers of Bosnia and Herzegovina on 29.12.2008.

The primary aim of Component 1 is to enhance the professional and technical capacity of judges, prosecutors and legal officers through training and knowledge sharing in a broad area but with special emphasis on organised crime and corruption, especially in light of the end of the mandate of internationals at the state court in 2012. The secondary aim of the component is to improve the status of non-judicial staff in courts and prosecutor offices in Bosnia and Herzegovina.

The primary focus of Component 1 relates to training of the judiciary. In Bosnia and Herzegovina, the institutions responsible for conducting the training of judges and prosecutors are the two entities Judicial and Prosecutorial Training Centres and Brčko District Judicial Training Centre (BDJC), while the HJPC is responsible for strategy and oversight. The SAA, and EP as well as other important strategies such as JSRS and NWCS underline the need for training of judges and prosecutors in specific areas and impose numerous obligations on the Judicial and Prosecutorial Training Centres, Brčko District Judicial Commission and HJPC. Therefore, assistance and support is required to develop and implement curricula and educational programmes for all levels of the judiciary: state, entity, district and municipal/basic courts in specific areas such as organised crime and other types of crime, such as fraud and corruption, the Acquis Communautaire (or body of EU Law), war crimes, and managerial training programs for the judiciary. It is important to note that statistics show that the bulk of criminal cases, including organised crime and corruption are adjudicated by non-state level courts. Although the Judicial and Prosecutorial Training Centres have already offered some courses in these areas to judges and prosecutors, such courses are held infrequently and/or have targeted to smaller audience due to lack of capacities and/or expertise. It is, therefore, very important to establish an improved and structured training system by enhancing the working methodologies and quality of education.

The second focus of component one covers non-judicial staff in the courts and prosecutor offices throughout Bosnia and Herzegovina comprising judicial associates, interns, intern volunteers, legal officers, bailiffs,, assistants and secretaries, amongst others. The type and duties of non-judicial staff varies not only between the entities but also between first, second and third instance courts throughout the country. At present there are many laws and bylaws regulating their status, duties, salaries etc. The objective of the study therefore is to clearly define 'non-judicial' staff and thereafter assess aspects such as their rights, duties, legal and administrative status, education and career development, as well as the disciplinary responsibility for non-judicial staff. The ultimate aim of the HJPC in using the findings and recommendations of the study is to take the necessary steps to define, improve and legally harmonise the status of the non-judicial staff, and possibly introduce the position of a "court administrator" in certain courts in Bosnia and Herzegovina. Such a position should be adequately skilled and educated to be able to deal with administrative tasks delegated to them in accordance with the prescribed rules by judges and prosecutors, as is the case in many EU member states. Consequently, judges and prosecutors could devote a maximum of their time to dealing with cases and a maximum of their professional work to non-administrative tasks. The current legal framework regarding such staff is not fully regulated or harmonised. The assistance would comprise both a feasibility study that would analyse the organisational, legal and financial aspects of the reform, as well as possibly implementing some of the recommendations resulting from the feasibility study. As this is a targeted area of importance within the Justice Sector Reform Strategy of Bosnia and Herzegovina, in the case that any developments have been undertaken before this study commences, then the scope of the feasibility study could be narrowed to consider those non-judicial staff not already under legal, financial or institutional reform.

Component 2: The further development of Electronic (E) justice in Bosnia and Herzegovina.

Component 2 is aimed at consolidating the ultimate goal of “E-justice”. Information and Communication Technology (ICT) implementation in the Bosnia and Herzegovina judiciary has been ongoing for a number of years and covers all aspects of massive and systematic introduction of ICT in courts and prosecutor offices.

The most important results achieved in area of E-justice so far are the implementation of the Case management system (CMS) in almost all Bosnia and Herzegovina’ courts and prosecutors’ offices connected into single wide area network (WAN) as well as development and implementation of the Registry of Fines and Content Management System for the centralised Judicial Portal .

In light of the above mentioned goals, it is necessary to further develop the following segments of the judicial information system:

– Development of the “Time orientation standards” functionality of the CMS

In order to be able to offer parties information on the optimum duration of a case and to allow the courts to increase efficiency and effectiveness by the shortening the duration of court proceedings, together with offering quality legal aid, the introduction of additional CMS functionalities which will advance the predictability of timeframes, define and monitor standards for the optimum timeframes for every type of case, thereby drawing judiciary in Bosnia and Herzegovina closer to the standards of the European Commission for the Efficiency of Justice (CEPEJ).

– Further development of the judicial web portal

By the end of 2010 all regular courts in Bosnia and Herzegovina (67) will have developed web portals within the Judicial Portal (www.pravosudje.ba), with the Main Portal making all information published by Courts and Prosecutors’ Offices accessible from a single virtual point. In the next phase it will be necessary to respond to the interest of citizens of Bosnia and Herzegovina, business sector and legal professional community by offering them a different kind of service such as access to legal information, registers and databases. This can be achieved by further development of the judicial web portal.

– Optimisation and consolidation of IT systems

Overall functioning of the current and new functionalities of the judicial information system depends on the normal operation of ICT equipment. Every introduction of a new service to the information system increases the space, power, air-cooling requirements of data centre. It is planned to purchase hardware, software and network equipment that will provide further optimization and consolidation of IT systems in the HJPC’s data centre. This will result in significant space and energy savings as well as in better utilisation of hardware resources deployed in data centres. Further on, new software technologies are introduced and require more hardware resources for proper functioning. These software technologies become standard and are necessary to adopt in order to enable data exchange with external information systems that already use them as a standard. In order to achieve compatibility of the information system with the current standard software versions, it will be necessary to purchase adequate hardware, software and network equipment for all users and services.

– Development and implementation of the software solution for distance learning

As all courts, prosecutor offices and judicial training centres are now a part of the single wide area network this provides adequate infrastructure for the introduction of new learning technologies and methodologies that have already been adopted in the justice of the European Union and its member countries⁵. Distance learning (or electronic learning) is to provide the major benefits for the judiciary and its staff, such as improved transfer of knowledge, information and training materials and increased flexibility provided to learners. Such an activity will directly complement training and capacity building provided to judges, and prosecutors as outlined in component one.

– **Conduct a feasibility study for establishment of a database that will contain all laws and other legal acts in force in Bosnia and Herzegovina**

Access to the legislation is a practical implementation of the right to access to information. Publication of the laws, by-laws and other legal documents is within the authority of the Official Gazettes that exist on state, entity and cantonal levels in Bosnia and Herzegovina.

Physical persons and legal entities in Bosnia and Herzegovina currently have no access to the on-line legislation at all levels from one single web portal which enhances legal uncertainty and produces additional costs to citizens and businesses while performing their rights and fulfilling their obligations. Therefore, there is a justified need to consider the establishment of the information system that will provide on-line access to legislation at all levels in Bosnia and Herzegovina for all interested parties. Realisation of the legislation database requires full co-ordination of all Official Gazettes and HJPC.

– **Establishment of a Human Resources Management Information System for the judiciary**

Both the HJPC and the courts and prosecutors' offices process on a daily basis significant amount of information related to judges, prosecutors and support staff. Such processing varies from judicial institution to judicial institution. It has been done manually or electronically and range from registering leave days and sick leave to measuring the monthly production of a judge and/or prosecutor. The various databases are established to facilitate the easy access to such information. However having different databases complicates usages of such data and makes the process of building different kind of decision and reports related to human resources very inefficient.

The purpose of introducing a common and uniform Human Resources Management Information System for the judiciary is to standardise the collection of all relevant data and facilitate easy access in order to provide for complete and reliable statistics and enable decision makers to render informed decisions.

3.2 Assessment of project impact, catalytic effect, sustainability and cross border impact

Component 1: Capacity building for judicial reform

⁵ The European Justice Training Network's catalogue of training activities, which are opened by the Network's member organisations to judges and prosecutors in Europe, offers not only conventional training programmes (i.e. lectures, conferences, seminars) at judicial training institutions throughout the continent but also virtual e-learning courses in EU law matters.

Amongst the catalytic effects of component one is a greater trust in the Bosnia and Herzegovina judiciary which is not only essential for the citizens for which it serves, but also foreign companies with the potential to invest in a transition economy such as Bosnia and Herzegovina.

The component will increase capacity of the judicial training institutions to provide demand rather than supply driven training on specific issues. By incorporating a 'train the trainers' approach sustainability of human capacities should be guaranteed. By providing training on areas directly linked to accession chapters of the EU, such as organised crime, fraud and corruption, the assistance will have a catalytic effect on several areas examined prior to and during EU accession negotiations. In light of the cross-border impact of war, organised crimes and terrorism, amongst others, the assistance will indirectly support cross border requirements listed under the visa liberalisation roadmap and other strategic documents related to the judiciaries across the Western Balkans.

This component will also raise the capacity of the HJPC to implement the activities related to strengthening the status of non-judicial staff to relieve judges and prosecutors of the administrative duties.

Component 2: Further development of E-justice in Bosnia and Herzegovina

With its enhanced status and ever-increasing influence both within HJPC and externally, this project's impact on Bosnia and Herzegovina judiciary and prosecution has steadily increased over time, especially in the following areas:

- **Work process efficiency:** Usage of ICT technology speeds up business processes in judicial institutions and thereby increases the efficiency of the institutions.
- **Transparency of the courts' work** will be improved by the introduction of On-line access to cases via web portal www.pravosudje.ba. Such access will be granted to lawyers and other relevant parties. These categories of users will be able to see the status of their cases through internet access.
- **Quick exchange of information and communication:** The optimisation and consolidation of IT systems in the HJPC data centre and deployment of the new technologies in whole judicial information system will further improve the infrastructure necessary for secure and fast exchange of information and access to different electronic registers.
- **Access to relevant information:** The established database of court decisions within the Judicial Documentation Centre contributes to the standardisation of the quality of decisions, sentencing and other key elements of the judicial process, as well as to better training. Additional modules for exchange of information with legislation database will make decision-making easier for judges and prosecutors, i.e. provide the professional community with an easy and quick access to comprehensive legal information.

The sustainability of this project will be further improved by the significantly increased national funding. In 2009, a total of 1 million EUR has been provided by the state budget for ICT related expenditure. Contributions have also been planned in the Budget Framework Document for 2010, 2011 and 2012. All activities related to introduction of ICT in Bosnia and Herzegovina judiciary are lead and coordinated by HJPC and its ICT Department which contributes to the institutionalisation of the overall support. Further sustainability of the project results will be ensured by the regular annual planning and implementation of adequate ICT training in order to enable the judiciary staff to use new features of systems.

In light of the on-line training foreseen under component two, complementarily between both components should be expected.

3.3 Results and measurable indicators

Results and measurable indicators in relation with Component 1 - Capacity building for judicial reform

Result 1.1 Improved quality of training delivered by Judicial and Prosecutorial Training Centres and Brčko District Judicial Commission.

Result 1.2: Operating procedures of all non-judicial staff in courts and prosecutor offices understood and in force.

Result 1.4: Capacities of Judicial and Prosecutorial Training Centres and Brčko District Judicial Commission for providing adequate training for judges and prosecutors in targeted areas are improved.

Result 1.5: Necessary changes proposed to legal framework and the Feasibility study on improving the status of non-judicial staff provided and approved by the HJPC and other relevant institutions;

Measurable indicators:

1.1 - Quality of training delivered by Judicial and Prosecutorial Training Centres and Brčko District Judicial Commission increased by at least 50% in the selected areas by comparing old and new curricula.

1.2 - Manuals developed and delivered to all (100%) non-judicial staff in courts and prosecutor offices.

1.3 - At least 800 of non-judicial staff in courts and prosecutor offices received an adequate training.

1.4 - Training delivered to judges and prosecutors in the selected areas – particularly on organised crime and corruption other types of crime as well as managerial training programs for managers in judiciary. An enhanced pool of educators/trainers is established with the Training Centres.

1.5 - All 100% of major laws and regulations identified in Feasibility study governing status of non-judicial staff reviewed and necessary changes proposed and 1 Feasibility study on improving the status of non-judicial staff provided and approved by the HJPC and other relevant institutions;

Results and measurable indicators in relation with Component 2 - Further development of *E-justice* in Bosnia and Herzegovina

Result 2.1: Options on the future Legislative database provided.

Result 2.2: ICT solutions (application) for distance learning are used for educational purposes of judges and prosecutors.

Result 2.3: New versions of CMS and judicial portal in use.

Result 2.4: The first version of Human Resource database for judiciary is in use.

Measurable indicators:

2.1 - 1 Feasibility study on measures to achieve on line access to legislation is finalised and approved by the HJPC.

2.2 - ICT solutions (application) for distance learning are successfully completed and ready to be used at all 67 courts and 20 prosecutor offices.

2.3 - New CMS version is ready to be used by all 67 courts and 20 prosecutor offices.

- New version of the judicial portal is ready to be used by all 67 courts and 20 prosecutor offices.

2.4: The first version of Human Resource database is ready to be used by all 67 courts and 20 prosecutor offices.

Although the above-listed results are expected for these components, they may be subject to certain changes in light of possible progress between the approval of the annual assistance and design phase of the support.

3.4 Activities

Component 1: Capacity building for judicial reform

Activities related to accomplishment of Result 1.1:

Activity 1.1 Develop curricula and deliver training for non-judicial staff.

Activities related to accomplishment of Result 1.2:

Activity 1.2 Develop a set of manuals regulating operating procedures of non-judicial staff.

Activities related to accomplishment of Result 1.3 and Result 1.4:

Activity 1.3 Assess previously provided training and further training needs in the targeted areas.

Activity 1.4 Develop and/or improve curriculum and provide education to Judicial and Prosecutorial Training Centres and Brcko District Judicial Commission staff to organise and deliver well planned and structured training courses.

Activity 1.5 Develop and/or improve education materials, educate educators (trainers) and deliver the training in the targeted areas.

Activities related to accomplishment of Result 1.5:

Activity 1.6 Develop a feasibility study that will include legislative, organisational and financial aspects of improving and harmonising the status of non-judicial staff.

Activity 1.7 Propose necessary changes to the existing legal framework governing the status of non-judicial staff.

Activities 1.1 to 1.7 will be implemented through a service contract of an indicative amount EUR 1 200 000.

Component 2: Further development of E-justice in Bosnia and Herzegovina

Activities related to accomplishment of Results 2.1-2.3:

Activity 2.1: Assess the needs and preparation of technical specifications in terms of software and ICT equipment necessary for:

- implementation of the solution for distance learning;
- new versions of CMS and judicial portal;
- further optimisation and consolidation of the ICT infrastructure;
- the first version of Human Resource database for judiciary

Activity 2.2: Conduct feasibility study on development of unique and standardise legislative database in cooperation with Official gazettes and other relevant institutions. This activity will be performed through Direct Grant Agreement with HJPC.

Activity 2.3: Supply necessary equipment and licenses. This activity will be performed through Supply Contract 2.1 of an indicative amount EUR 1 800 000.

Activity 2.4: Development, installation and deployment of the:

- new versions of CMS and judicial portal;
- hardware and software needed for optimisation and consolidation of the ICT infrastructure.
- the first version of Human Resource database for judiciary

Activity 2.5: Provide training for the software users at courts, prosecutor offices and judicial training centres. This activity will be performed through Direct Grant Agreement with HJPC.

Activity 2.6: Supervise all activities related to:

- conducting of feasibility study for legislative database;
- implementation the solution for distance learning;
- new versions of CMS and judicial portal;
- further optimisation and consolidation of the ICT infrastructure.

Activities 2.1-2.6 will be performed through a Grant Contract - Direct Agreement with HJPC of maximum amount EUR 1 000 000 based on Article 168 (1) (c) of the Implementing Rules of the Financial Regulation "de jure monopoly" (see Annex V).

All of the above activities are indicative and may be subject to changes if any are accomplished prior to the design of the assistance.

3.5 Conditionality and sequencing

Conditionality

A condition for the successful implementation of this project is that the full support and commitment of the court presidents and chief prosecutors, as well as government officials at all levels be assured.

Furthermore, conditionality will include the need for the participating institutions to provide funds for the post delivery period in terms of maintenance of the hardware and upgrading of software are pre-conditions for the conclusion of supply contracts foreseen in this fiche.

Therefore, assurances from the Political leaders with budgetary decision making powers will be required.

Notwithstanding the noteworthy and very positive developments achieved in creating an e-judiciary across Bosnia and Herzegovina over the past few years, the issue of sustainability and state funding of all ICT and related staff salaries will be required in the post project phase.

Sequencing

Component 1

Activities 1.1 (Develop curricula and deliver training for non-judicial staff) and 1.2 (Develop a set of manuals regulating operating procedures of non-judicial staff) can be implemented simultaneously, but not before activity 1.3 is completed. Activities 1.4 (Develop and/or improve curriculum and provide education to Judicial and Prosecutorial Centres and Brcko District Judicial Commission staff to organise and deliver well planned and structured training courses) and 1.5 (Develop and/or improve education materials, educate educators (trainers) and deliver the training in the targeted areas) can be implemented simultaneously, but not before activity 1.3 (Assess previously provided training and further training needs in the targeted areas) is completed. Activity 1.7 (Propose necessary changes to the existing legal framework governing the status of non-judicial staff) cannot start before activity 1.6 (Develop a Feasibility study that will include legislative, organisational and financial aspects of improving and harmonising the status of non judicial staff) is completed. In addition, the below mentioned UNDP project will be close to its completion when this project starts and therefore application of their lessons and experiences will be crucial to the successful implementation of the Component 1 of this project.

Component 2

Activities 2.1 (Assess the needs and preparation of technical specifications in terms of software and ICT equipment), 2.3 (Supply necessary equipment and licenses) and 2.4 (Development, installation and deployment) needs to be implemented in a sequential order. Activity 2.4 must be closely coordinated with activity 2.3. Activity 2.5 (Provide training for the software users) follows the activity 2.4. Activity 2.2 (Conduct feasibility study on development of unique and standardise legislative database in cooperation with Official gazettes and other relevant institutions) can be implemented separately from activities 2.1, 2.3 – 2.6.

Activity 2.6 (Supervise all activities) should be implemented along with activities 2.2 – 2.5.

3.6 Linked activities

Various EU and non EU countries have supported the judicial reform in Bosnia and Herzegovina over the past several years. The importance of the JSRS (see section 2.6) as a national strategy is considered the foremost strategic document when planning national and donor assistance as it incorporates European Partnership and national benchmarks in this area. It is underpinned by an action plan, financial plan and monitoring and assessment plan. The institutional implementation reporting and monitoring arrangement comprise semi-annual conferences hosted by the ministers of justice, and quarterly working groups of the responsible public/civil servants across the country. There are also semi-annual donor coordination meetings as lead by the State Ministry of Justice. The smaller group of active donors in this

area tend to meet on an ad hoc basis to discuss particular issues. In addition, for projects which are funded by several donors such as the CMS project, the beneficiary organises quarterly steering committees. Donor support should also be noted in light of the Bosnia and Herzegovina's own initiatives in the area:

Bosnia and Herzegovina: In March 2004 a strategy was developed for the introduction of ICT into courts and prosecutor offices in Bosnia and Herzegovina. The strategy was later adopted and implemented as the CMS/ICT Project by the HJPC and supported by international donors and, in particular, through funds provided by the EU and the US Government.

The Bosnia and Herzegovina's National authorities provided funds for the human resources needed to successfully implement a computerised environment in the courts, prosecutor offices and at the HJPC and through the purchasing of some of the necessary equipment. In addition, as of 2008, the HJPC's Annual State Budget covers capital investments related to implementation-related activities of case management system in courts and prosecutor offices. It also covers maintenance of the hardware, software and network used for the uninterrupted work of the judicial information system. The judicial information system relies on the existing countrywide telecommunications system used by the police, security related institutions and the judiciary. Maintenance of this system is provided through the state budget of the Agency for Identification Documents, Registers and Data Exchange of Bosnia and Herzegovina (now IDDEEA formerly CIPS).

EU/EC: The HJPC has been implementing information technologies at the courts and prosecutor offices in Bosnia and Herzegovina since 2004, with the support of the EU (CARDS 2004 2005, 2006, and IPA 2007 and 2008). Since 2008, the ICT/Case Management System (CMS) project has also been supported by the Joint Financing Agreement between HJPC and the donor group as outlined here-below. Furthermore, the EC through CARDS 2004 provided assistance for "Court Administration and Management Assistance", and through CARDS 2005 "Judicial Training Project". The Instrument for Pre-Accessions (IPA) annual programme 2009 for Bosnia and Herzegovina also foresees the provision of ICT equipment for the Bosnia and Herzegovina's judiciary.

Sweden and the Netherlands: In 2008 a phase II ICT/CMS Project was approved by the Swedish International Development Agency (SIDA) and the Netherlands. This project aimed at further developing and implementing IT at the courts and prosecutor offices. The Netherlands have also funded a project "Jump start to Management" that started in 2005 with an aim to enhance managerial capacities of judges and prosecutors.

Spain: Establishment of the court decisions database was a project mainly funded by the Spanish Agency for International Development Cooperation. It was implemented by the Documentation Centre of the HJPC and provides an overview of selected case law, as well as allowing access to all decisions taken in one case and enables holders of judicial functions and the broader legal community to easily access the reliable legal information needed in their daily work. Information provided by the Judicial Documentation Centre also includes information relevant for processing war crime cases.

Spain and Japan: The United Nation Development Programme (UNDP) has commenced a three-year project funded by the Governments of Spain and Japan, aimed at building the capacities of the local courts and prosecutor offices to be able to implement the State Strategy for War Crime Cases, creating and implementing special educational programmes that will contribute to more efficient investigations and war crimes processing in Bosnia and Herzegovina.

Norway: Norway financed a project entitled “War Crimes Data Base” which commenced in 2007 and aimed at developing a database of all war crime cases to be processed at the Prosecutor's Office of Bosnia and Herzegovina.

EU Regional Programmes: The CARDS 2006 regional project "Support to the Prosecutors' Network (PROSECO)" focused on strengthening the legislation and institutional capacities of Prosecutor Offices (POs) of South-eastern Europe in view of a more effective co-operation against serious crime.

United States of America (USA): in 2005 USAID provided assistance for the reconstruction of the training centres in the Federation of Bosnia and Herzegovina and Republic of Srpska. The USAID “Justice Sector Development Project I” (JSDP I) provided assistance to training centres related to training of judges and prosecutors and institutions that play a key role in justice sector policy. The “JSDP II” will continue partnership with the HJPC and the State Ministry of Justice and will include prosecutor offices and non-governmental sector in order to build effective judicial system in Bosnia and Herzegovina.

3.7 Lessons learned

The need for continual donor coordination remains pertinent to all completed, ongoing and programmed support to the sector as a whole. Equally, the need for beneficiaries to provide up-to-date and accurate information on not only progress made, but short and medium term aspirations for support is a must. In this regard, experience with the HJPC has been positive and duplication has been avoided. The quarterly donor meetings of the JSRS do somewhat serve to avoid duplication, but bilateral meetings remain a requirement.

In terms of e-judiciary, all of the previously implemented ICT activities have fundamentally changed the way courts and prosecutor offices in Bosnia and Herzegovina conduct business and have streamlined burdensome review procedures within the courts. In addition to providing courts with an important tool for automated work processes, the CMS will make them more transparent. Other new tools, such as a common email system for the BH judiciary, allows for the quick exchange of information between all participants in the system.

The establishment of such a complex information system requires a central management unit together with first level support available to the users in courts and prosecutor offices. This was achieved with the establishment of the HJPC ICT Department and the employment of ICT Officers through the joint efforts of this department, the court presidents and the chief prosecutors.

JSDP has pointed out that increased attention should be paid to support and administrative staff in order to free the judges from part of their current non-judicial tasks and allow them to devote their time to specific tasks.

The training for CMS has shown the importance of having local counterparts directly engaged in training processes, with a continuous mentoring function.

A recent audit by the European Court of Auditors on EU support for the judicial sector noted shortcomings on the side of the beneficiaries in ensuring the maintenance of buildings, infrastructure and equipment financed by the European Union. Future EU investments will be conditional on increased efforts by Bosnia and Herzegovina to ensure follow-up maintenance.

Finally, it is important to emphasise the necessity for close cooperation not only with the UNDP Project “Support to the Establishment of the War Crimes Chamber in Bosnia and Herzegovina – Training of Legal Professionals” but also the “JSDP II” project.

4. Indicative Budget (amounts in EUR)

			SOURCES OF FUNDING									
			TOTAL EXP.RE	IPA EU CONTRIBUTION		NATIONAL CONTRIBUTION					PRIVATE CONTRIBUTION	
ACTIVITIES	IB (1)	INV (1)	EUR (a)=(b)+(c)+(d)	EUR (b)	%(2)	Total EUR (c)=(x)+(y)+(z)	% (2)	Central EUR (x)	Regional/ Local EUR (y)	IFIs EUR (z)	EUR (d)	% (2)
Activities 1.1-1.7	X		1 200 000	1 200 000	100							
Contract 1.1 [Service]	-	-	1 200 000	1 200 000	100							
Activities 2.1, 2.2, 2.4, 2.5, 2.6	X		2 300 000	1 000 000	43.48	800 000	34.78	800 000			500 000	21.74
Contract 2.1 [Direct Grant]	-	-	2 300 000	1 000 000	43.48	800 000	34.78	800 000			500 000	21.74
Activity 2.3		X	1 800 000	1 800 000	100							
Contract 2.2 [Supply]	-	-	1 800 000	1 800 000	100							
TOTAL IB			3 500 000	2 200 000	62.86	800 000	22.85	800 000			500 000	14.29
TOTAL INV			1 800 000	1 800 000	100							
TOTAL PROJECT			5 300 000	4 000 000	75.47	800 000	15.09	800 000			500 000	9.44

Component 2 of this project will be co-financed by the HJPC and Norway.

Amounts net of VAT

- (1) In the Activity row use "X" to identify whether IB or INV
- (2) Expressed in % of the **Total** Expenditure (column (a))

5. Indicative Implementation Schedule (periods broken down per quarter)

Contracts	Start Tendering	of Signature contract	of Project Completion
Contract 1.1 (Service Contract)	Q1/2011	Q2/2011	Q4/2012
Contract 2.1 (Grant Contract-Direct Agreement)	N.A.	Q3/2012	Q3/2013
Contract 2.2 (Supply Contract)	Q4/2012	Q1/2013	Q4/2013

6. Cross cutting issues

6.1 Equal Opportunity

Women in Bosnia and Herzegovina are represented in greater numbers in the judiciary than in any other branches of governance. According to available data of early 2009, the gender breakdown among judges and prosecutors in judicial institutions in Bosnia and Herzegovina was 59% female and 41% male; female judges comprising 63% and male judges 37%, while among the prosecutors 45% were female and 55% male prosecutors. Despite this, there is a gap between the total number of women in the judiciary, and the number of women at higher level positions in judicial bodies or in courts of higher instance.

Furthermore, in recruiting the project team, the HJPC strictly applies the principle of non-discrimination stipulated in Article 6 of the Labour Law for Institutions of Bosnia and Herzegovina which stipulates that a person will not be discriminated against on the basis of race, colour, sex, language, religion, political or other opinion, ethnic or social background, sexual orientation, financial situation, birth or any other circumstance.'

6.2 Environment

The assistance is not anticipated to have negative effects on the environment within the prevailing laws.

6.3 Minorities

Minorities in Bosnia and Herzegovina are defined as all groups who are not "constituent peoples" (i.e. Serbs, Croats and Bosniaks). The Roma are the largest minority and are highly vulnerable to discrimination and social exclusion. Whilst involvement of their representatives will be encouraged under all components of the project, it may not always be possible as their social circumstances have not always permitted them to attend third level education to proceed to a career in the public sector.

ANNEXES

- I Log frame in Standard Format
- II Amounts contracted and Disbursed per Quarter over the full duration of Programme
- III Description of Institutional Framework
- IV Reference to laws, regulations and strategic documents
- V Details per EU funded contract

ANNEX I Logical framework matrix

LOGFRAME PLANNING MATRIX FOR Project Fiche		Programme name: IPA National Programme 2010 – Bosnia and Herzegovina; Fiche 7 “Judiciary”		
		Contracting period expires: Two years following the date of the conclusion of the Financing Agreement		Disbursement period expires: One year following the end date for the execution of contracts
CRIS Number:		Total budget : EUR 5 300 000	IPA budget: EUR 4 000 000	
Overall objective	Objectively verifiable indicators	Sources of Verification		
To contribute to more effective, efficient and transparent provision of justice to citizens of Bosnia and Herzegovina.	<p>Progress made in meeting EC requirements in areas covered by the project.</p> <p>The number of cases annually processed by Bosnia and Herzegovina’s judiciary increased by at least 5%.</p>	<p>EC Annual Progress Reports;</p> <p>JSRS Annual, Semi-annual and Quarterly Progress Reports;</p> <p>HJPC Annual, Semi-annual and Quarterly Reports on strategic plan implementation and on efficiency of courts and prosecutor offices;</p> <p>Judicial and Prosecutorial Training Centres Annual Reports;</p> <p>Brcko District Judicial Commission Annual Reports;</p> <p>Courts and prosecutor offices annual reports.</p>		
Project purpose	Objectively verifiable indicators	Sources of Verification		Assumptions
To strengthen Bosnia and Herzegovina’s judiciary through upgrading its capacities.	<p>At least 5% of total recommendations in a feasibility study on non-judicial staff reform implemented;</p> <p>Amount of time judges and prosecutors devote to</p>	<p>Project reports;</p> <p>HJPC Annual reports;</p> <p>Judicial and Prosecutorial Training Centres and Brcko District Judicial Commission Annual reports</p>		<p><u>Assumptions relevant to both components:</u></p> <p>Continuation of commitment of the relevant governments in Bosnia and Herzegovina</p>

	<p>administrative tasks is reduced by at least 50%.</p> <p>At least (50%) of judges and prosecutors received an adequate training in targeted areas.</p> <p>100% of courts and prosecutor offices in Bosnia and Herzegovina have adequate and up to date ICT equipment and automated work processes.</p>	<p>Courts and prosecutor offices annual reports with CMS data base reports;</p> <p>JSRS reports;</p> <p>Quarterly reports on monitoring of war crimes strategy implementation.</p> <p>Feedback from the judiciary: Evaluation sheets and questionnaires</p>	<p>to implement reforms in judicial sector.</p>
Results	Objectively verifiable indicators	Sources of Verification	Assumptions
<p>Result 1.1 Curricula for training of non-judicial staff in courts and prosecutor offices developed and delivered;</p> <p>Result 1.2: Set of manuals on operating procedures for all non-judicial staff in courts and prosecutor offices developed and delivered;</p> <p>Result 1.3: Training for judges and prosecutors is improved and delivered in areas targeted by the project, particularly on organised crime and corruption;</p> <p>Result 1.4: Capacities of Judicial and Prosecutorial Training Centres and Brcko District Judicial Commission for providing adequate training for judges and prosecutors in targeted areas are improved.</p>	<p>Component 1:</p> <p><i>Measurable indicator (linked to each result):</i></p> <p>1.1 - Quality of training delivered by Judicial and Prosecutorial Training Centres and Brcko District Judicial Commission increased by at least 50% in the selected areas.</p> <p>1.2 - Manuals developed and delivered to all (100%) non-judicial staff in courts and prosecutor offices.</p> <p>1.3 - At least 800 of non-judicial staff in courts and prosecutor offices received an adequate training.</p> <p>1.4 - Training delivered to judges and prosecutors in the selected areas – particularly on</p>	<p>Component 1:</p> <p>Project reports;</p> <p>HJPC Annual reports;</p> <p>Judicial and Prosecutorial Training Centres and Brcko District Judicial Commission Annual reports</p> <p>Courts and prosecutor offices annual reports;</p> <p>JSRS reports;</p> <p>Quarterly reports on monitoring of war crimes strategy implementation.</p> <p>Feedback from the judiciary: Evaluation sheets and questionnaires</p> <p>Minutes from the HJPC sessions.</p>	<p><u>Assumption relevant to Component 1:</u></p> <p>Adequate funding provided to Judicial and Prosecutorial Training Centres and Brcko District Judicial Commission;</p> <p>Motivation and willingness of national staff to improve their knowledge and skills.</p> <p>Political support of legislative and executive authorities for reform of status of judicial administrative-technical staff.</p>

<p>Result 1.5: Legislative, organisational and financial aspects of the reform on strengthening the status of non-judicial staff is reviewed and relevant recommendations and proposals provided;</p> <p>Component 2: The further development of E-justice in Bosnia and Herzegovina</p> <p>2.1. Feasibility study on Legislative database is conducted;</p> <p>2.2. ICT solutions (application) for distance learning are ready to be used for educational purposes of judges and prosecutors;</p> <p>2.3. New versions of CMS and judicial portal developed and deployed.</p> <p>2.4: The first version of Human Resource database for judiciary is in use.</p>	<p>organised crime and corruption other types of crime as well as managerial training programs for managers in judiciary. An enhanced pool of educators/trainers is established with the Training Centres.</p> <p>1.5 - All 100% of major laws and regulations identified in Feasibility study governing status of non-judicial staff reviewed and necessary changes proposed and 1 Feasibility study on improving the status of non-judicial staff provided and approved by the HJPC and other relevant institutions;</p> <p>Component 2:</p> <p>2.1 - 1 Feasibility study on measures to achieve on line access to legislation is finalised and approved by the HJPC.</p> <p>2.2 - ICT solutions (application) for distance learning are successfully completed and ready to be used at all 67 courts and 20 prosecutor offices.</p> <p>2.3 - New CMS version is ready to be used by all 67 courts and 20 prosecutor offices.</p> <p>- New version of the judicial portal is ready to be used by all 67 courts and 20 prosecutor offices.</p> <p>2.4: The first version of Human</p>	<p>Component 2:</p> <p>Project reports;</p> <p>HJPC Annual reports;</p> <p>Judicial and Prosecutorial Training Centres and Brcko District Judicial Commission Annual reports</p> <p>Courts and prosecutor offices annual reports with CMS data base reports;</p> <p>JSRS reports;</p> <p>Feedback from the judiciary: Evaluation sheets and questionnaires</p> <p>Provisional Acceptance Certificates (PAC) for delivered equipment and services.</p> <p>Minutes from the HJPC sessions.</p>	<p><u>Assumptions relevant to Component 2:</u></p> <p>Adequate funding through annual budgets, including HJPC budget, for the sustained ICT support, staffing and maintenance of the ICT in justice sector is provided;</p> <p>Public awareness on importance of using ICT technology;</p> <p>Judges, prosecutors and other staff make optimum use of their newly acquired equipment, skills and resources.</p>
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	Resource database is ready to be used by all 67 courts and 20 prosecutor offices		
Activities	Means	Costs	Assumptions
<p>Component 1:</p> <p>Activities related to accomplishment of Result 1.1:</p> <p>Activity 1.1 Develop curricula and deliver training for non-judicial staff.</p> <p>Activities related to accomplishment of Result 1.2:</p> <p>Activity 1.2 Develop a set of manuals regulating operating procedures of non-judicial staff.</p> <p>Activities related to accomplishment of Result 1.3 and Result 1.4:</p> <p>Activity 1.3 Assess previously provided training and further training needs in the targeted areas.</p> <p>Activity 1.4 Develop and/or improve curriculum and provide education to Judicial and Prosecutorial Training Centres and Brcko District Judicial Commission staff to organise and deliver well planned and structured training courses.</p> <p>Activity 1.5 Develop and/or improve education materials,</p>	<p>Contract 1.1: Service/Technical assistance</p>	<p>Contract 1.1: EUR 1 200 000</p> <p>Contract 2.1: EUR 1 000 000</p> <p>Contract 2.2 EUR 1 800 000</p> <p>(Component 1: EUR 1 200 000</p> <p>Component 2: EUR 2 800 000)</p>	<p>Commitment and full cooperation of all relevant institutions to reform the judiciary in the targeted areas.</p> <p>Budgetary provisions for any increases in staff salaries.</p> <p>Availability of experts and advisers in the targeted areas.</p>

<p>educate educators (trainers) and deliver the training in the targeted areas.</p> <p>Activities related to accomplishment of Result 1.5:</p> <p>Activity 1.6 Develop a feasibility study that will include legislative, organisational and financial aspects of improving and harmonising the status of non-judicial staff.</p> <p>Activity 1.7 Propose necessary changes to the existing legal framework governing the status of non-judicial staff.</p> <p>Activities related to accomplishment of Results 2.1-2.3:</p> <p>Activity 2.1: Assess the needs and preparation of technical specifications in terms of software and ICT equipment necessary for:</p> <ul style="list-style-type: none"> - implementation of the solution for distance learning; - new versions of CMS and judicial portal; - further optimisation and consolidation of the ICT infrastructure; - the first version of Human Resource database for judiciary 	<p>Contract 2.1 Direct Grant with HJPC</p>		
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<p>Activity 2.2: Conduct feasibility study on development of unique and standardise legislative database in cooperation with Official gazettes and other relevant institutions.</p> <p>Activity 2.3: Supply necessary equipment and licenses. This activity will be performed through Supply Contract 2.1.</p> <p>Activity 2.4: Development, installation and deployment of the:</p> <ul style="list-style-type: none"> - new versions of CMS and judicial portal; - Hardware and software needed for optimisation and consolidation of the ICT infrastructure. - the first version of Human Resource database for judiciary <p>Activity 2.5: Provide training for the software users at courts, prosecutor offices and judicial training centres. This activity will be performed through Direct Grant Agreement with HJPC.</p> <p>Activity 2.6: Supervise all activities related to:</p> <ul style="list-style-type: none"> - conducting of feasibility study for 	<p>Contract 2.1 Direct Grant with HJPC</p> <p>Contract 2.2 (Supply)</p> <p>Contract 2.1 Direct Grant with HJPC</p> <p>Contract 2.1 Direct Grant with HJPC</p> <p>Contract 2.1 Direct Grant with HJPC</p>		
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<p>legislative database;</p> <ul style="list-style-type: none"> - implementation of the solution for distance learning; - new versions of CMS and judicial portal; - further optimisation and consolidation of the ICT infrastructure. <p>Activities 2.1-2.6 will be performed through a Direct Grant Agreement with HJPC based on Article 168 (c) of the Implementing Rules of the Financial Regulation "de jure monopoly" (see Annex V).</p>			
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ANNEX II Amounts (in EUR) Contracted and disbursed by quarter for the project

Contracted	Q2/2011	Q3/2011	Q4/2011	Q1/2012	Q2/2012	Q3/2012	Q4/2012	Q1/2013	Q2/2013	Q3/2013	Q4/2013
Contract 1.1 (Service/TA)	1 200 000										
Contract 2.1 (Grant Contract - Direct Agreement)						1 000 000					
Contract 2.2 (Supply Contract)								1 800 000			
Cumulated	1 200 000	1 200 000	1 200 000	1 200 000	1 200 000	2 200 000	2 200 000	4 000 000			
Disbursed											
Contract 1.1 (Service Contract/TA)				480 000				480000			240 000
Contract 2.1 (Grant Contract - Direct Agreement)							800 000			200 000	
Contract 2.2 (Supply Contract)								1080000			720 000
Cumulated				480 000	480 000	480 000	1280 000	2840000	2840000	3040 000	4 000 000

ANNEX III Description of Institutional Framework

The High Judicial and Prosecutorial Council:

The High Judicial and Prosecutorial Council of Bosnia and Herzegovina (HJPC) will perform the function of main national coordinator for both components of the project. Article 15 (11) of the Law on the HJPC states that it may receive donations from international donors to its operational budget and for special judicial reform projects outside the operational budget of the Council. Such funds shall be transferred to a special purpose account with the Central Bank of Bosnia and Herzegovina. The funds shall be spent upon the order of the Director of the Secretariat in accordance with regulations for execution of donor funds issued by the Council and in accordance with the conditions of the grant agreement with the donor. The HJPC authorities relevant to this proposal are regulated under Chapter III (Competence and authority), Article 17 (Competence) of the Law on High Judicial and Prosecutorial Council of Bosnia and Herzegovina, as follows:

Paragraph (7) Supervising the advanced professional training of judges and prosecutors and advising the Entity Centres for Judicial and Prosecutorial Training and the Brcko District of Bosnia and Herzegovina Judicial Commission in their adoption of programmes of advanced professional training for judges and prosecutors;

Paragraph (8) Determining the minimum amount of advanced professional training to be undertaken by every judge and prosecutor each year;

Paragraph (14) Participating, at the Council's discretion, in the drafting process of annual budgets for the courts and prosecutor offices;

Paragraph (18) Advocating for adequate and continuous funding of courts and prosecutor offices in Bosnia and Herzegovina;

Paragraph 20) Monitoring and advising courts and prosecutor offices on appropriate and effective budget, administration and management techniques and procedures and initiating training in this regard;

Paragraph (21) Initiating, overseeing and coordinating projects related to improving all aspects of the administration of courts and prosecutors offices, including seeking national and international funding therefore.

Paragraph (24) Initiating, coordinating and supervising the use of information technology by courts and prosecutors' offices in order to achieve and maintain uniformity in this area between and among courts and prosecutors' offices throughout the country. No court or prosecutors' office shall adopt an automated case-tracking registration, tracking or related system, including backup and storage systems, without obtaining the prior approval of the Council;

Paragraph (28) Providing opinions on draft laws, regulations, or issues of importance that may affect the judiciary, initiate the adoption of relevant legislation and other regulations and to provide guidance to courts and prosecutors' offices on matters falling under the Council's competence.

The Judicial and Prosecutorial Training Centre in Federation of Bosnia and Herzegovina and the Judicial and Prosecutorial Training Centre in Republic of Srpska:

Article 16 of the Law on Judicial and Prosecutorial Training Centre in Federation of Bosnia and Herzegovina, and Article 16 of the Law on Judicial and Prosecutorial Training Centre in Republic Srpska provide that Centres, under supervision of High Judicial and Prosecutorial Council, prepare an annual educational curriculum as well as work plan for in service training, ensuring that judges and prosecutors maintain and strengthen their knowledge in technical, cultural and social skills, necessary for their competent work. Judges and prosecutors are provided with training in application of substantive and procedural laws, ethic standards, the latest scientific and professional achievements in the sphere of law, judicial and prosecutorial practice of other countries as well as other areas as decided by the Executive boards of Judicial and prosecutorial training centres.

Judicial Commission of Brcko District:

Under Article 12 of the Law on Judicial Commission of Brcko District, Paragraph 15 statute that the Judicial Commission provides and ensure the in/service training of judges and prosecutors necessary for the performance of their duties.

ANNEX IV Reference to laws, regulations and strategic documents

Reference list of relevant laws and regulations

- Law on the High Judicial and Prosecutorial Council of Bosnia and Herzegovina (Official Gazette of Bosnia and Herzegovina, no: 25/04, 93/05, 48/07, 15/08);
- Law on the Judicial and Prosecutorial Training Centre in Federation of Bosnia and Herzegovina (Official Journal of Federation of Bosnia and Herzegovina, no:22/02, 40/02);
- Law on the Judicial and Prosecutorial Training Centre in Republic of Srpska (Official Gazette of Republic of Srpska, no:49/02 , 77/02);
- Law on the Judicial Commission of Brcko District (Official gazette of Brcko District, no. 4/00, 1/01 and 5/01 – consolidated text);
- Law on The Court of Bosnia and Herzegovina – consolidated text (Official Gazette of Bosnia and Herzegovina, no: 49/09);
- Law on Courts in Federation of Bosnia and Herzegovina (Official Journal of Federation of Bosnia and Herzegovina, no: 38/05, 22/06);
- Law on Courts in Republic of Srpska (Official Gazette of Republic of Srpska, no: 111/04, 109/05, 37/06, 17/08, 119/08, 58/09);
- Law on the Prosecutor Office of Bosnia and Herzegovina – consolidated text (Official Gazette of Bosnia and Herzegovina, no: 49/09);
- Law on the Prosecutor Office of Federation of Bosnia and Herzegovina (Official Journal of Federation of Bosnia and Herzegovina, no: 19/03);
- Cantonal Laws on Prosecutor Offices in Federation of Bosnia and Herzegovina;
- Law on the Prosecutor Offices of Republic of Srpska (Official Gazette of Republic of Srpska, no: 55/02, 85/03, 37/06, 68/07);
- Criminal Procedure Code of Bosnia and Herzegovina (Official Gazette of Bosnia and Herzegovina, no: 3/03, 32/03, 36/03, 26/04, 63/04, 13/05, 48/05, 46/06, 76/06, 29/07, 32/07, 53/07, 76/07, 15/08, 58/08, 12/09, 16/09);
- Criminal Procedure Code of Federation of Bosnia and Herzegovina (Official Journal of Federation of Bosnia and Herzegovina, no 36/03, 21/04, 18/05);
- Criminal Procedure Code of Republic of Srpska (Official Gazette of Republic of Srpska, no 49/03, 37/06, 70/06);
- Criminal Code of Bosnia and Herzegovina (Official Gazette of Bosnia and Herzegovina, no: 3/03, 32/03, 37/03, 54/04, 61/04, 32/07);
- Criminal Code of Federation of Bosnia and Herzegovina (Official Journal of Federation of Bosnia and Herzegovina, no: 36/03, 21/04, 18/05)
- Criminal Code of Republic of Srpska (Official Gazette of Republic of Srpska, no: 49/03, 37/06, 70/06);
- Non discrimination law (Official Gazette of Bosnia and Herzegovina, no: 59/09);
- Set of bylaws and procedures of the HJPC.

Reference to AP /NPAA / EP / SAA

- Council Decision 2008/211/EC of 18 February 2008 on the principles, priorities and conditions contained in the European Partnership with Bosnia and Herzegovina and repealing

Decision 2006/55/EC (EP)⁶ and The Action Plan for implementation of the EP priorities (AP EP)⁷;

- Stabilisation and Association Agreement between the European Communities and their Member States, of the one part, and Bosnia and Herzegovina, of the other part (SAA)⁸, Action Plan on implementation of SAA (AP SSA)⁹ and Developed Action Plan on SAA¹⁰;

- Communication from the Commission to the EU Parliament and the Council - Enlargement Strategy and Main Challenges 2009-2010

- EC Progress Report 2009

Reference to MIPD 2009 – 2011

MIPD 2009 – 2011; Section 2 “Pre-accession assistance strategy for the period 2009-2011” under “Political criteria”:

Reference to national / sectoral investment plans

- Justice Sector Reform Strategy for the period 2008 – 2012 (JSRS)¹¹

- The National strategy for Processing of War Crimes Cases¹²

- HJPC Strategic Plan for the period 2007 – 2012

⁶ OJ L 80 od 19.03.2008.

⁷ AP EP of 6.10.2008., Council of Ministers of Bosnia and Herzegovina.

⁸ Official Gazzete of Bosnia and Hercegovina – International Agreements no: 5/08

⁹ AP SAA of 29.7.2008, Council of Ministers of Bosnia and Herzegovina.

¹⁰ Developed AP SAA of 5.3.2009, Council of Ministers of Bosnia and Herzegovina.

¹¹ Adopted by the Council of Ministers of Bosnia and Herzegovina on 23.6.2008

¹² Adopted by the Council of Ministers of Bosnia and Herzegovina on 29.12.2008.

ANNEX V Detail per EU funded contracts

Contract 1.1 – Service Contract (Technical Assistance) will require a multi-disciplinary consulting company.

The selected Company will have to ensure support to the HJPC and to Judicial and Prosecutorial Training Centres (Component 1).

The tasks of the Consulting Company will cover the following specific activities:

1.1 Develop a feasibility study that will include legislative, organizational and financial aspects of improving and harmonising the status of non-judicial staff;

1.2 Propose necessary changes to the existing legal framework governing the status of non-judicial staff;

1.3 Develop curriculum and deliver training for non-judicial staff;

1.4 Develop a set of manuals regulating operating procedures of non-judicial staff.

1.5 Assess previously provided training and further training needs in the targeted areas, such as organised crime and corruption;

1.6 Develop and/or improve curriculum and provide education to Judicial and Prosecutorial Training Centres and Brcko District Judicial Commission's staff to organize and deliver well planned and structured training courses;

1.7 Develop and/or improve education materials, educate educators and deliver the training in the targeted areas;

Contract 2.1 - Grant Contract – Direct Agreement with the HJPC based on Article 168 (1) (c) "de jure monopoly" of the Implementing Rules of the Financial Regulation. HJPC as per its establishing law has sole jurisdiction for the implementation of the foreseen activities.

Specifically, the grant contract will provide for the funding of:

- Activity 2.1: Assessment of the needs and preparation of technical specifications in terms of software and ICT equipment necessary for:
 - implementation of the solution for distance learning;
 - new versions of CMS and judicial portal;
 - further optimisation and consolidation of the ICT infrastructure.

- Activity 2.2: Conduction of feasibility study on development of unique and standardise legislative database in cooperation with Official gazettes and other relevant institutions
- Activity 2.4: Development, installation and deployment of the:
 - new versions of CMS and judicial portal;
 - hardware/software needed for optimisation and consolidation of the ICT infrastructure.
- Activity 2.5: Provision of training for the software users at courts, prosecutors office and judicial training centres
- Activity 2.6: Supervision of all activities related to:
 - conducting of feasibility study for legislative database;
 - implementation of the solutions for distance learning;
 - new versions of CMS and judicial portal;
 - further optimisation and consolidation of the ICT infrastructure.

Contract 2.1 - Supply Contract

In line with EC procurement procedures, EU Delegation will finalise tender evaluation procedure by signing contracts with winning companies responsible for:

- delivery and installation of procured ICT equipment
- delivery and installation of procured software
- installation and configuration of procured servers
- training of HJPC staff for using the distance learning solution based on the “train the trainers” principle.