

PROJECT FACTSHEET

Support to the Judiciary in BiH – Strengthening Prosecutors in the Criminal Justice System Project
Bosnia and Herzegovina – February 2022



Schweizerische Eidgenossenschaft
Confédération suisse
Confederazione Svizzera
Confederaziun svizra

Embassy of Switzerland in Bosnia and Herzegovina



EFFICIENT JUDICIARY IN THE SERVICE OF CITIZENS

In order to protect the rights of citizens and preserve their interests, the judiciary must be credible, efficient, independent and accountable. The project “Support to the Judiciary in BiH – Strengthening Prosecutors in the Criminal Justice System” supports BiH authorities in improving the prosecutorial system and increasing public’s trust into the work of prosecutors.

Still poor functioning of the judicial system in BiH continues to undermine the citizens’ enjoyment of rights and the fight against corruption and organised crime. The complicated administrative and legal structure of BiH causes numerous challenges for the judiciary, aggravated by its vulnerability to political interference. Inefficiency is still present in the entire judicial system, partially aggravated by financial restrictions and fragmented budgetary responsibilities.

The performance of prosecutors improved, while the number of unsolved criminal investigations decreased by 25% compared to 2015.

A significant backlog of accumulated criminal cases older than two years represents an additional burden to the efficiency of the judiciary. The situation is however improving, in September 2021 there were 16’207 unresolved cases in the prosecutors’ offices, out of which 3’769 unresolved investigations or 25% less unresolved investigation compared with September 2015. From these unresolved investigations, 1’523 are older than two years what is 31% reduction comparing with September 2015. The average duration of solving criminal reports in the prosecutors’ offices in BiH in 2021 is 177 days, what

equals to 47% reduction compared to 2015, while the average duration of solving investigations in 2021 is 100 days (39% reduction compared to 2015).

Although BiH has initiated important reforms in the justice sector to strengthen the rule of law, the transition process towards European integration requires long term efforts and fundamental changes in the country’s justice system.

COMPLEX CRIMINAL JUSTICE NEEDS REQUIRE AN EFFECTIVE AND TRANSPARENT SYSTEM

The High Judicial and Prosecutorial Council of Bosnia and Herzegovina (HJPC BiH) was established in 2004 and represents the central national judicial body which is responsible for independent, accountable and professional judiciary. The Project “Support to the Judiciary in BiH – Strengthening Prosecutors in the Criminal Justice System” assists the HJPC in its monitoring role and builds the capacities of prosecutors to lead criminal investigations in accordance with international standards. In order to improve the efficiency and quality of the prosecutorial work it is also necessary to strengthen the cooperation and coordination between prosecutors and police in conducting investigations. Additionally, the prosecutors’ offices will continue adopting new methods and mechanisms to ensure reduction of backlog cases and also increase the processing of priority cases of organized crime and corruption.

Accountability to the citizens and reinforcement of the public trust should be a vital aspect of the prosecutorial system. Country's complex criminal justice needs require transparent and professional communication which would improve the public perception of prosecutors. Thus, the project ensures that the prosecutorial system has a better approach towards BiH's citizens and it helps familiarizing the wider public of the mandate and role of the prosecutors within the criminal justice system. In addition, crime prevention programmes were also established to ensure civil society – prosecutorial cooperation.

In order to contribute improving cooperation in the criminal justice system, this Project includes not only prosecutors' offices, but also police agencies, the entities' Judicial Training Centres and Police Academies, the ministries of justices, associations of Prosecutors, civil society and media interested in criminal justices issues. Prosecutors also receive peer expert support from the Prosecutors Office of the Canton of Zurich. Through its country-wide outreach the project will bring together over 800 professionals which will ensure that the BiH citizens have access to an effective and transparent prosecutorial system.

PROFESSIONALS SPECIALIZED IN INVESTIGATIVE TECHNIQUES, CRIMINAL INVESTIGATIONS INCREASED IN THE AREA OF HIGH-LEVEL CORRUPTION AND ORGANIZED CRIME

Despite an unfavorable political environment, the two first phases of the Project have allowed for the creation of solid basis for substantial reforms and establishment of a more effective prosecutorial system. Technical capacities of HJCP to monitor the 20 Prosecutors' Offices have been increased. Additionally, capacities of both police officers and prosecutors were strengthened to ensure precise investigative techniques and 1360 professionals were trained. Prosecutors' Offices adopted strategic management planning, legislative amendments on the criminal code and criminal procedure code were developed. The performance of prosecutors improved, while the number of unsolved criminal investigations decreased by 25% comparing 2015.

PROJECT IN BRIEF

NAME: Support to the Judiciary in BiH – Strengthening Prosecutors in the Criminal Justice System Project

DOMAIN: Standalone

LAND/REGION: Bosnia and Herzegovina

PARTNERS:

High Judiciary and Prosecutorial Council
(Implementing Partner)

Prosecutors

Chief Prosecutors

Zurich Prosecutor's Office

FBiH and RS Judicial and Prosecutorial Training Centres

Ministries of Justice at the State and Entity level

Ministries of Interior and Police Administrations at the Entity and Cantonal levels

NGOs

FBiH and RS Prosecutorial Associations

STARTING POINT / BACKGROUND INFORMATION:

Judiciary in BiH carry a significant burden due to financial constraints and constraints in capacities. Combined also with vulnerability to political interference, this causes massive accumulation of cases. There are 16'207 unresolved cases in the prosecutors' offices, out of which 3'769 unresolved investigations. From these unresolved investigations, 1'523 are older than two years. The average duration of solving criminal reports in the prosecutors' offices in Bosnia and Herzegovina is 177 days, while the average duration of solving investigations is 100 days. In addition, the public trust towards the work of prosecutors is low, and there is a great need on increasing both efficiency and transparency of the prosecutorial system.

PROJECT OBJECTIVE:

The project aims to improve the effectiveness and transparency of the prosecutorial system, enabling it to uphold the rule of law and reduce impunity, in line with EU standards. The High Judicial and Prosecutorial Council of BiH will be more financially sustainable and organizationally optimized to ensure that Prosecutor's Offices implement strategic priorities and conduct their work with efficiency and quality, including coordination with law enforcement agencies. Also, Prosecutor's Offices will lead criminal investigations and prosecute cases in a quality and efficient manner, with particular focus on high-level corruption and organized crime. In the same time, citizens will have access to more transparent and higher quality services when in contact with Prosecutor's Offices.

TARGET GROUP:

20 Prosecutors' Offices, including minimum of 360 prosecutors, 20 chief prosecutors, spokespersons of Prosecutors' Offices, media professionals, 14 police agencies, two Entities' Judicial and Prosecutorial Training Centres, nongovernmental organizations which are active in the justice sector, two prosecutorial professional associations, media professionals.

COSTS:

CHF 3'356'000 (Phase 1)

CHF 4'425'000 (Phase 2 / CHF 3'000'000 provided by the Swiss Government and CHF 1'425'000 provided by the Norwegian Government)

CHF 2'825'000 (Phase3)

DURATION:

01.10.2010-30.11.2014 (Phase 1)

01.12.2014-31.12.2019 (Phase 2)

01.01.2020-31.12.2023 (Phase 3 – final phase)