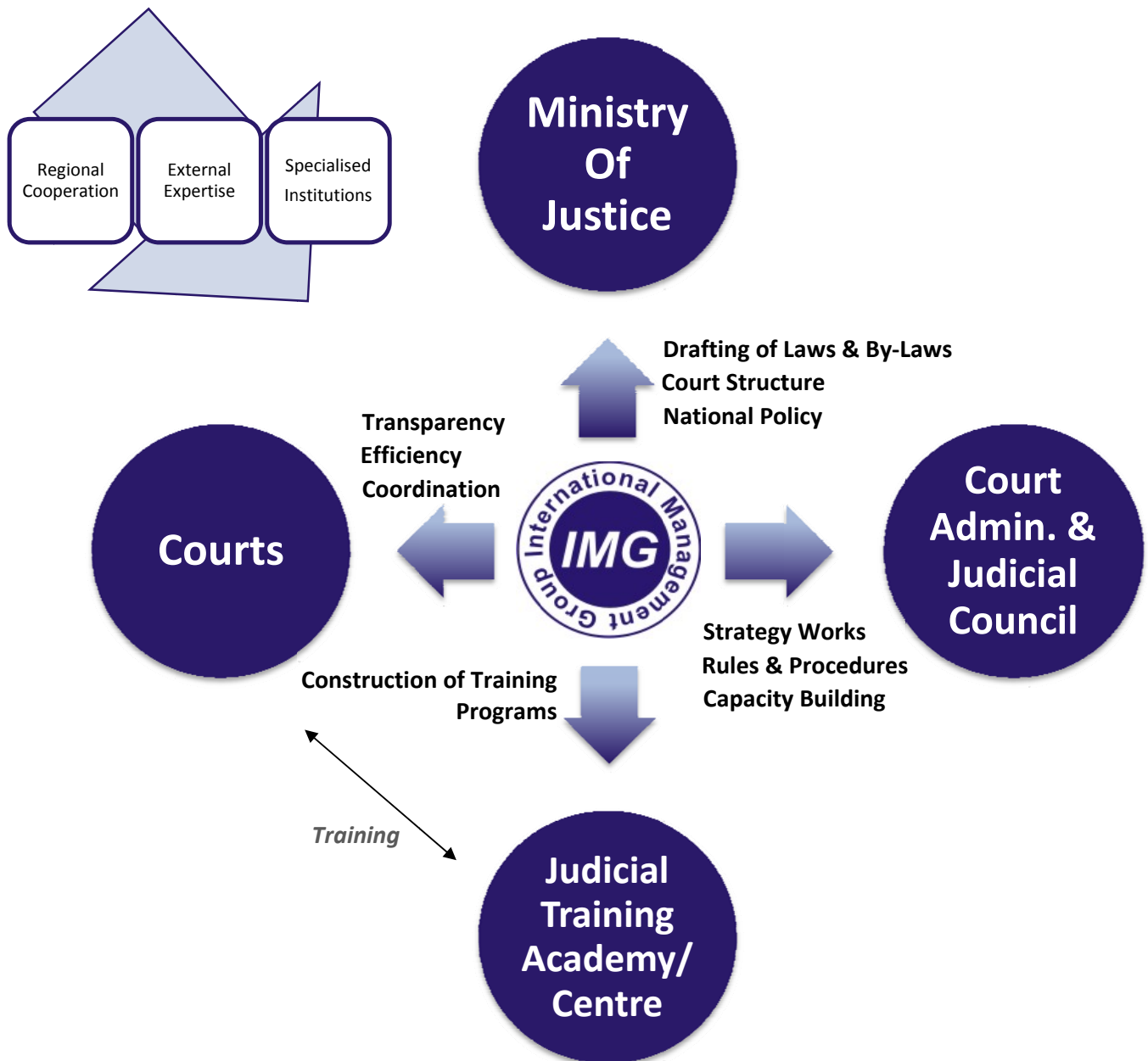


programme  
supporting  
an independent  
**judiciary**

# IMG - JUDICIAL CONCEPT PAPER

## Western Balkans



**IMG's judicial projects** are specifically adjusted for projects operated by developing governments where needs and specific knowledge are not always at the same level. The concept can be described in simplest terms through the following three-tier approach:

- 1) An assessment is done to conclude if the organization operating the project has the necessary strategic management capabilities to execute and implement the project according to certain qualitative standards. If the assessment shows that the organization does not have these capabilities, the first phase of the project will focus on their development.
- 2) The second phase will utilize the "new" capabilities in a real but controlled environment where on-site expertise provides continuous support as the organization produces the necessary strategic materials and tools in various forms, e.g. strategies and action plans.
- 3) In the third phase, the actual execution and implementation of the core objectives will begin and be formed by a strategically managed process allowing cross-functional actions and decisions towards achievement of the objectives.

[www.img-int.org](http://www.img-int.org)

The mission of IMG is to assist the international community in its interventions in different geographic areas and sectors. IMG provides professional and technical expertise for beneficiary countries in crisis, in post-war situations, as well as in the transition and development process. IMG identifies and develops innovative strategies for the efficient implementation of humanitarian and development interventions. IMG determines and provides technical cooperation services on a national and regional level.

IMG operates in accordance with international principles and criteria that aim to *contribute to poverty reduction by means of promoting sustainable development, favour greater social equity and reduce general discrimination and foster the preservation of the environmental heritage.*



## a brief programme introduction

IMG's Serbian and Montenegrin project portfolios for the year 2010 continue to be directed towards support to development and strengthening of public institutions to meet their new demands and requirements on the path towards EU integration.

With more emphasis on institutional building than in the previous years, IMG has increased its focus on the judicial, legal and non-enforcement programmes, now comprising numerous projects. In those, IMG provides financial and administrative control as well as expertise within the legal, political, managerial and IT fields and sciences.

IMG's principal project partners continue to include relevant Ministries, OSCE, various international governmental and non-governmental organizations, several renowned consulting agencies as well as different Norwegian national institutions in the capacity of external consultants.

The ongoing programme in the field of judicial support in Serbia aims to improve the performance of the courts and to increase the confidence of citizens and other stakeholders. Through the project *"Improving the Delivery of Justice in the Courts in Serbia"* IMG seeks to address five priority challenges identified by the Ministry of Justice in their draft Strategy for the National Judicial Reform; *improving the efficiency of courts and fair and speedy completion of cases; improving co-ordination between the courts and other institutions (e.g. prosecutors, prisons, the police, municipalities); and improving transparency through access to information and fair and equal treatment.*

In January 2008, the Montenegrin Ministry of Justice and Judicial Council commenced the project *"Co-operation in support of an independent and efficient judiciary in Montenegro"*. A new project *"Strengthening the Judiciary in Montenegro"* was established in September 2009 and is a continuation of the previous project. The current project will run until August 2012.

In parallel a project requested by the Montenegrin Directorate for Anticorruption Initiative (DACI, organised under the Ministry of Finance) commenced in December 2008 under the name *"Support to the Implementation of international anti-corruption standards and instruments"*. A part of this project related to organisational strategic management has recently been continued in a new project, *"Strengthening Strategic Operational Capability of DACI"* which will continue until August 2010.

# improving the delivery of justice in serbia

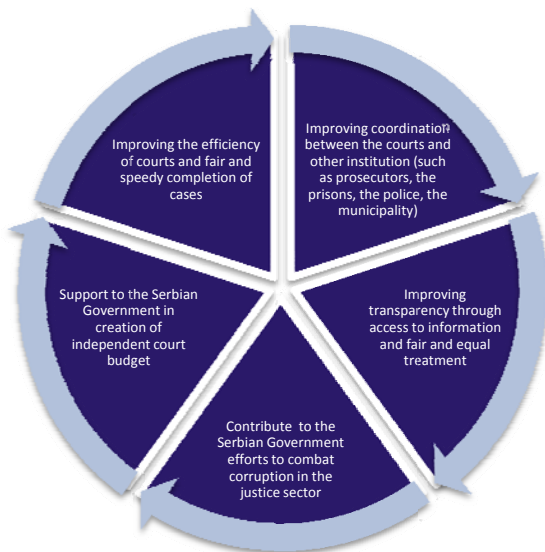
The project "Improving the Delivery of Justice in the Courts in Serbia" was launched in August 2007 using funds donated by the Kingdom of Norway in support of priorities identified in the National Judicial Reform Strategy. The main purpose of this project is to assist courts in Serbia to improve their facilities and procedures in order to ensure fair treatment and equal access to justice to all citizens by addressing five priority challenges identified in the Serbian Strategy for the National Judicial Reform (see diagram on this page).

The project is coordinated at both local and national levels. The Steering Committee, which brings together representatives of the Royal Norwegian Embassy in Belgrade, the Ministry of Justice, Judicial Academy, and IMG, makes key decisions and ensures that the project is implemented in line with the national strategies and international standards.

The selected recipients of the donation are altogether 20 basic courts and ten higher courts throughout Serbia, where each individual court defines its own needs and priorities to be addressed by means of this project.

The selection of courts participating in the project has been done through "public invitation". The goal of the selection process was to identify courts which can allocate the needed time and resources, and which have strong court management willing to work and to implement all segments of the project.

In addition to several training modules for judges and court staff, which were conducted through the Judicial Training Centre, now Judicial Academy, a total of roughly 300 investment sub-projects have been carried out in the participating courts.



Investments have strengthened or introduced important tools for improving the service, transparency and efficiency in the courts through various activities, such as installation of information desks, provision of websites, Information and Communication Technology (ICT) management tools, renovation of courtrooms, archives and registry offices, placement of appropriate signage systems in the court buildings, and facilitating access to the court buildings to people with disabilities. In a number of courts, the project equipped adequate mediation facilities and separate premises for witnesses and victims.

In addition to the described activities, the project has accomplished two studies regarding programme budgeting in the courts in Serbia, namely:

- 1) "Assessments and Recommendations for the Judiciary - Program Budget Preparation"
- 2) "Preparatory activities for the promotion and introduction of Programme budgeting in the courts".

Although Several programme and projects were initiated in the past to reform and upgrade court budgeting, there is still a lot to be done in Serbia.

A baseline assessment developed under the first phase of this project has been commented on and recognized with great interest and has the full support and understanding of the Ministry of Justice and its development partners. However, numerous reforms made in the past require updating together with further analysis of the capacity to enable implementation of the adopted legislation. This is the rationale for this new assessment which aims to recognize the framework (reforms in the area of court budgeting designed and initiated recently) and ask new questions and open possibilities for a real and comprehensive reform of the judiciary financial system.

The project has further engaged "Transparency Serbia" with the aim of reducing the risk of corruption in the judiciary. The Implementation of the assignment is underway. It is expected that final recommendations with suggestions for further development of integrity plans, an analysis with potential weaknesses and corruption risks identified, and the final report on corruption in the judiciary will be finalized in the near future.

**„ IMG... ensures that the project is implemented in line with the national strategies and international standards“**

# strengthen judicial independence in Montenegro and anti-corruption measures

All IMG projects in Montenegro are currently funded by the Government of the Kingdom of Norway. The project operated by the Montenegrin Ministry of Justice and the Judicial Council is primarily set towards the objectives *to establish and develop an independent Judicial Council, to assist in the reform of the misdemeanour system and to facilitate the development and implementation of a 4-year Information and Communication Technology Strategy (ICTS) for the judiciary.*

A specific aspect of these current and previous projects is a strong regional cooperation mechanism, primarily with the High Judicial and Prosecutorial Council (HJPC) in Sarajevo. Through this, the HJPC functions as a knowledge repository which is utilised by the Montenegrin Ministry of Justice and Judicial Council in Montenegro. This provides for a practical mechanism where transfer of knowledge and lessons learned from similar reforms that were already carried out in Bosnia and Herzegovina can be reused when applicable. At the same time, this mechanism provides for cost-efficiency as it allows donor funds to have a double effect.

The other projects, operated by DACI, work under the objectives *to develop DACI's internal strategic management capabilities, develop and execute promotional and legal training programmes for other Government institutions and to develop and implement advanced data handling and research capabilities.*

## **“the new Law on the Judicial Council... drafted with support of the project, was adopted in April 2008”**

The list that follows is a selection of results from the four judicial projects. The selection is made for showcasing the project type (judicial) as well as the specific common concept as described above:

*Supported by the project, the Judicial Council is fully operational since April 2008. Since that time, more than 70 judges were appointed on the vacant judge positions by the Judicial Council. Mechanisms that contribute to the functioning and independence of the Judicial Council and enable it to carry out its tasks in appointment and discipline of judges are in place. With further project support, the Judicial Council was fully equipped with the furniture and equipment needed for its work. Key Secretariat staff is trained in the necessary administrative and financial processes and*

*The new Law on the Judicial Council, which was drafted with support of the project, was adopted in April 2008. The law inter alia, defines the membership and organization of the Council, its competences, appointment and disciplinary procedures for judges and the organization of the Secretariat which supports the work of the Council.*

*Montenegro is implementing the reform of the misdemeanour system. A comprehensive Strategy, for reform of the misdemeanour system in Montenegro, drafted through the project, was adopted in December 2008. A new procedural Law on Misdemeanours was drafted, with support of the project, in line with European standards. The law specifically includes provisions for handling of cases in an efficient and cost-effective manner. The Law should be adopted in the first months of 2010.*

*The report "An analysis on rationalisation of the court network" was produced as a result of project engagement of an expert from BIH. The report was adopted as a key document in the reform process by the Government in December 2009.*

*A report on the feasibility of establishing a Register of Fines in Montenegro, with recommendations for a way forward, was drafted through the project via expertise from HJPC.*

*Support by the project, DACI is finalising its first independently made Strategic Plan for the coming 3-5 years. The strategic plan includes metrics for advanced progress and quality control.*

*A large survey-based report scoping a new, previously uncovered field related to corruption and the private sector was concluded by the DACI project. In addition to the subject itself, the use of qualitative approach interviewing methodologies as a complement to the quantitative presented a novelty. The report is aimed to provide analytical material for academic use in addition to DACI's own needs.*

*The published proceeds from the conference on the topic of Criminal legal responsibility of legal persons with the specific subject of International Asset Recovery will be used as base material for the DACI strategic planning process and serve as a first step to interlink the work by DACI with the academic sector for reciprocal effects.*

Currently and in the near future, the Project operated by the Montenegrin Ministry of Justice and the Judicial Council is undertaking the production of an ICT Strategy for the judiciary in Montenegro. The project will include expertise from the Court Administration of Norway. The working group that owns the ICT Strategy process consists of representatives from the Ministry of Justice and the Strategy is planned to be finished as a first draft by March 2010. DACI is researching and evaluating its needs related to the development of an advanced data handling system. The analysis is undertaken by the project through use of an external consultant and will result in a definition of the needs system. Production and initial implementation will then follow.



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