

Multi Donor Trust Fund for Justice Sector Support in Serbia (TF071444)

Annual Report 2010

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Table of Contents

1. Introduction	3
2. Key Developments	5
EU Accession	5
Economic Outlook	5
Justice Sector Reform in 2010	5
Court structure	6
General election of Judges and Prosecutors	6
Criminal Procedure Code	7
The Judicial Academy	8
Anti-corruption laws	8
Law on Expert Witnesses	8
International Partners in the Justice Sector	8
3. Risks	10
4. Outcomes	11
MDTF-JSS Results framework - Development Objective and Outcome Indicators	11
5. Progress report	12
Component 1: Institutional Capacity	12
Component 2: Resource Management and Aid Coordination	13
Component 3: Legal and Institutional Environment	14
Component 4: Judicial Facilities and Infrastructure	15
Support to the roll-out of automated court management system	15
Justice sector ICT reform strategy	15
Component 5: Outreach, Monitoring and Evaluation	16
Justice sector performance and service delivery survey	16
Web portal	17
6. Key planned deliverables for 2011	17
Annex 1: Financial Information for 2010	20
Annex 2. Donor Matrix	23

1. INTRODUCTION

This is the second Annual Report of the Multi Donor Trust Fund for justice Sector Support (MDTF-JSS) in Serbia. The report outlines recent political, economic and justice sector developments and outcomes, presents risks to achieving intended development outcomes and reports on implementation progress during calendar year 2010. The report also outlines key expected deliverables for 2011. Financial information for calendar year 2010 is included in Annex 1.

The MDTF-JSS was established during 2008 to support Serbia's EU accession process. The Trust Fund became effective in early 2009. The Trust Fund aims to strengthen aid effectiveness and donor coordination in Serbia's justice sector through implementation of a coordinated work program, financed by pooled financial contributions from Serbia's development partners.

The MDTF-JSS was initially established as a World Bank-executed facility. In mid to late 2009 it became clear that the MDTF-JSS could better achieve its objectives through execution of activities by the beneficiary as well as by the World Bank. It was widely agreed that revised execution arrangements would expedite the alignment of MDTF-JSS activities with government reform priorities and allow for funding of activities, which are not eligible under World Bank execution. As a result, and by mutual agreement between all stakeholders to the Trust Fund, an amendment process was initiated in the second half of 2009. The amendment process proved to be complicated and consumed substantial administrative resources in 2010. A new Grant Agreement was signed by the World Bank in September, 2010, and by the Serbian Ministry of Finance in December 2010. The Trust Fund is now a Hybrid Trust Fund executed by the World Bank and by the Serbian Ministry of Justice.

The following donors have made a total contribution of approximately USD 8.2 million to the MDTF-JSS: DFID (800,000 GBP), Spain (490,000 EUR), Denmark (333,000 EUR), Switzerland (300,000 EUR) Norway (250,000 EUR), the Netherlands (300,000 USD), Slovenia (100,000 EUR) and Sweden (32,000,000 SEK). Sweden decided to increase its contribution to the Trust Fund in 2010 by SEK 5 million. This additional contribution makes possible support to the development of an ICT strategy for the judiciary. DFID closed its operations in Serbia by the end of 2010 and have withdrawn from the trust fund. DIFID has not requested a return of any funds from the Trust Fund as disbursements to date exceeds the DFID contribution.

Representatives of the European Union have expressed intentions to contribute to the Trust Fund. The EU Instrument for Pre-Accession (IPA) Management Committee will approve the next round of IPA funding

for Serbia in the first half of 2011 and intend to join the MDTF-JSS through an IPA funded contribution in late 2011.

Given this additional contribution, delays in amendments of the Trust Fund and requests by the Ministry of Justice for further assistance, it is likely that the closing date of the of the Trust Fund will be extended, subject to donor consent. This will require amendments to the Administrative Agreements with donors in 2011.

The main activities of the MDTF-JSS in 2010 included the following:

- Advisory services to the Ministry of Justice and the Judiciary provided through individual consultants in the areas of anti-corruption, EU integration and development aid effectiveness;
- Completion of the data collection for a baseline survey of justice sector performance;
- Completion of a capacity-building program to support the introduction of an automated case management system in courts of general jurisdiction;
- On-going support to the organization of the Partners' Forum;
- Data collection and preliminary analysis for the Judicial Public Expenditure and Institutional Review (JPEIR);
- Several workshops, seminars and learning events on topics relevant to Serbia's justice sector reform efforts;
- Development of the MDTF-JSS web-site (www.serbiamdftf.org) established to improve outreach and increase public awareness of justice sector reforms and of MDTF-JSS program activities. A Serbian version of the site was launched in 2010.
- Tendering for an analysis of the criminal chain process;
- A review of the Serbian National Judicial Reform Strategy (2006) implemented by the Council of Europe, "Serbia in the light of the Council of Europe Standards";
- Completion of the amendment of the Trust Fund to a Hybrid facility.

The Trust Fund has generally delivered in 2010 what was agreed at Management Committee meetings and indicated in the Annual Report for 2009 with three modifications: i) work on establishment of a performance measurement framework has not had the envisioned traction; ii) work in support of access to justice has not been initiated due to problems of recruiting a qualified international advisor; iii) the Reform Facilitation Unit has taken longer than expected to establish.

2. KEY DEVELOPMENTS

EU Accession

Serbia signed a Stabilization and Association Agreement with the EU in April 2008 and submitted a full candidate application submitted in 2009. Numerous legislative activities have been initiated and completed as part of the harmonization of legislation of Serbia with the EU Acquis Communautaire and introduction of European standards in the area of the judiciary. The institutional set-up of the judiciary has been changed and cooperation between the relevant institutions in the field of justice and home affairs has been strengthened.

The EU has praised Serbia for progress in a number of reforms and for demonstrating a high degree of consensus in making EU integration a strategic priority. During 2010, the Ministry of Justice has prepared answers to the European Commission Questionnaire for Serbia's application for membership of the EU. This is regarded as a significant step towards gaining candidate status. The replies to the questionnaire will be the basis on which the Commission prepares its opinion on Serbia's application for EU membership.

Economic Outlook

The global economic downturn has had a serious impact on Serbia. GDP growth in 2007 was at a healthy 7.5% but it slowed in 2008 due to the economic crisis and in 2009, Serbia's GDP fell by 8%. It is projected to rise by 1.5% in 2010 and 3.5% in 2011. Spending on the judiciary in 2010 was about 0.65% of GDP, which is higher than most countries in the region when compared to the data available for 2006 from the European Council for the Efficiency of Justice (CEPEJ).

Justice Sector Reform in 2010

In May 2006, the National Assembly of the Republic of Serbia adopted the National Judicial Reform Strategy (NJRS) followed by an Action Plan for its implementation. The new Coalition Government in 2008 brought a more active and visible commitment to reforms towards accession to the EU. In December 2008, a package of judicial laws was passed in the National Assembly¹. Key justice sector reforms in 2010 sought to further implement the strategy and the provisions of the package of judicial laws.

¹ This package consisted of the following laws: i) the Law on the Organization of Courts, ii) the Law on Judges; iii) the Law on High Judicial Council; iv) the Law on the State Prosecutorial Council; v) the Law of Public Prosecution; vi) the Law on Seats and Territorial Jurisdiction of Courts and the Offices of Public Prosecutors Offices, vii) Law on Amendments and Additions to the Law on Misdemeanors.

Court structure

The Law on the Organization of Courts and the Law on Seats and Territorial Jurisdiction of Courts and the Offices of Public Prosecutors Offices were passed in 2009. They provide a framework for the new network of courts and prosecution offices that became effective as of January 2010. The previous court structure consisted of the municipal, district, commercial, high commercial, Supreme Court and constitutional court. This network was reformed and the present court structure consists of basic courts, higher courts, appellate courts, administrative courts, commercial courts, the high commercial court, the supreme court of cassation and the constitutional court. One of the major changes is that magistrate courts and higher magistrate courts are now an integral part of the court structure, whereas before the magistrate courts were part of the executive branch.

The organization of prosecution services is set in the Law on Seats and Territorial Jurisdiction of Courts and the Offices of Public Prosecutor Offices, passed by the Serbian Parliament in December 2009. The prosecution services are divided into basic, higher and appellate prosecution offices, with special departments for war crimes and organized crime.

The Law on High Judicial Council and the Law on the State Prosecutorial Council passed in 2009 provide a legal basis for better autonomy and help to guarantee judicial and prosecutorial independence of two independent governing bodies within the judiciary, the High Judicial Council (HJC) and the State Prosecutorial Council (SPC). Unlike previous councils, the newly formed councils assumed responsibility for the court and prosecutorial systems that includes, among other duties, the responsibility for the election and promotion of judges and prosecutors and thus played a key role in justice sector developments in 2010.

General election of Judges and Prosecutors

The laws on public prosecutors and judges reduced the number of judges and prosecutors to align with the new court structure and provided for a general election process under which all positions for judges and prosecutors were advertised. Those currently serving as judges and prosecutors as well as candidates outside the judiciary could apply for the positions. The total number of positions in the judiciary was reduced by approximately 23% and according to the law, all judges and prosecutors were to be re-elected through open competition based on worthiness, qualification and competence. The EU Serbia 2010 Progress Report voiced “serious concern” regarding how recent reforms to the justice system, including the reappointment process, have been implemented:

“However, major aspects of the recent reforms are a matter of serious concern. The reappointment procedure for judges and prosecutors was carried out in a non-transparent way, putting at risk the principle of the independence of the judiciary. The bodies responsible for this exercise, the High Judicial Council and the State Prosecutorial Council, acted in a transitory composition, which neglected adequate representation of the profession and created a high risk of political influence. In addition, not all members had been appointed to either of the councils. Objective criteria for reappointment, which had been developed in close cooperation with the Council of Europe’s Venice Commission, were not applied. Judges and prosecutors were not heard during the procedure and did not receive adequate explanations for the decisions. First-time candidates (876 judges and 88 deputy prosecutors) were appointed without conducting interviews or applying merit-based criteria. The overall number of judges and prosecutors was not calculated in a reliable way and adjusted several times after the reappointment had already been carried out. The right to appeal for non re-appointed judges was limited to recourse to the Constitutional Court, which does not have the capacity to fully review the decisions. Out of more than 1,500 appeals, only one case has been dealt with. In this case, the Constitutional Court, for procedural reasons, annulled the initial decision.”

The High Judicial Council has defended the process and results arguing that the process has done much to clean the courts of poor-quality staff, particularly those inherited from the Slobodan Milosevic era in the 1990s. More than 700 non-elected judges have challenged the decision in the Constitutional Court.

On May 28, 2010, the Constitutional Court reached its first decision on the appeal from one non-elected judge. In this case, of the non-elected judge Saveljic, the Constitutional Court dismissed the decision from the High Judicial Council remarking that justification for the non-election was “insufficient and not in the line with the Law on Judges”. The High Judicial Council was ordered to review its decision and to provide adequate justification.

Criminal Procedure Code

In October 2010 the National Assembly adopted amendments to the Criminal Procedure Code stipulating that detention may be ordered for individuals reasonably suspected of committing a crime that is punishable by imprisonment of more than five years (previously ten years). Another amendment introduces new provisions related to the plea bargaining in cases of high corruption.

The Judicial Academy

In line with the National Judicial Reform Strategy, the transformation of the Judicial Training Centre was initiated with adoption of the Law on Judicial Academy in December 2009. During 2010 the Judicial Academy began the process of designing the curriculum for training and it is anticipated that a longer-term strategy will be developed in 2011. Actual training was also initiated for future judges, prosecutors

and misdemeanor judges. The first class of candidates enrolled in November 2010 and this pre-service training will last for 24 months. The training is a combination of lectures and mentoring for the 22 selected candidates, who will have the opportunity to learn from and work with experienced judges and prosecutors.

Anti-corruption laws

A package of anticorruption laws was adopted by the National Assembly at the end of 2008 with implementation beginning in 2009². However, implementation of the Anti-corruption Action Plan has remained slow, with low conviction rates, particularly for high-profile cases. The new Anti-corruption Agency as a separate, independent institution became effective in January 2010. The Agency has been established to work on preventive measures, the supervision of conflict of interest cases and the funding of political parties, issuing rules on the financial reports of political parties in March 2010.

Law on Expert Witnesses

A new Law on Expert Witnesses was adopted in June 2010. It regulates the requirements on the conduct of experts' testimony, the procedure of appointing and dismissing expert witnesses, the procedure of registration and dismissal from the register of expert witness, and the rights and duties of expert witnesses. It is anticipated that the new regulations will reduce corruption and delays, and guarantee adequate professionalism and accountability of expert witnesses.

International Partners in the Justice Sector

Besides the MDTF-JSS, the main international partners in justice sector reform in Serbia are the EU Delegation (through the Instrument for Pre-Accession Assistance), the OSCE, USAID and the Embassy of Norway.

Through IPA funds, the EU Delegation in Serbia continued to provide justice sector reform support. In 2010 EU assistance was focused on support to the Judicial Academy, the fight against organized crime, support to the agency for seizure of assets acquired through criminal activity, support to the High Judicial Council, further improvement in the area of judicial efficiency and transparency, reform of the prison system and the introduction of alternative sanctions in the fight against corruption. The EU also continues to provide support to the development of a third generation case management system. The EU Delegation

² The package of anticorruption laws comprises the Law on the Anti-Corruption Agency, the Law on Amendments to the Law on Financing of Political Parties, the Law on Seizure and Confiscation of the Proceeds from Crime and the Law on the Liability of Legal Entities for Criminal Offences, the Law on Personal Data Protection, the Law on Confirmation of the Additional Protocol to the Council of Europe Convention for the Protection of Individuals with regard to Automatic Processing of Personal Data.

in Serbia is expanding its project portfolio in the justice sector and it is envisaged that they will join the MDTF-JSS in 2011.

In 2010 the OSCE implemented several projects aimed at supporting justice sector reform with an emphasis on supporting the fight against organized crime, the High Judicial Council and State Prosecutorial Council, the Ombudsman office, prison and penal sanctions reform, capacity building of the Judicial Academy, cross-border judicial co-operation in war crimes proceedings, anti-corruption measures and support in legal drafting and alignment with international standards. In 2010 OSCE assistance also provided support to the drafting of the new Criminal Procedure Code.

In 2010, the USAID funded Separation of Powers Program (SPP), which has been in operation since 2008, worked with the HJC and assisted in the design of its 5 year strategic plan. The SPP provided assistance to the HCC in assuming the responsibility for the preparation of integrated budgets for all courts. The SPP also assisted in further improvement of court operations through the use of professional court managers and better case management.

USAID will launch a new five-year Judicial Reform and Government Accountability Project in early 2011. This project will have four separate components: (i) assisting the Misdemeanor and Administrative Courts to conduct open hearings; reduce backlogs and improve case processing times; develop practical and user-friendly information for court users; and inform the public about the availability of information; (ii) increase the collection rate for court costs and fines assessed by the Misdemeanor Courts, and conduct training of Misdemeanor judges; (iii) increase the physical safety of victims of domestic violence cases in the Misdemeanor Courts, including witnesses appearing in court, and improve the coordination of cases involving related issues and/or parties; and, (iv) help the Anti-Corruption Agency improve its ability to detect conflicts of interest and track assets of officials.

Through the consultancy company IMG, the Kingdom of Norway in 2010 funded a project on “Improving the Delivery of Justice in Courts in Serbia”. This project was focused on improvement of court efficiency, information sharing through info kiosks and infrastructure improvements. Based on the results achieved through implementation of this project the Kingdom of Norway has awarded an additional contribution of 4 million EURO to IMG to continue and expand project activities during 2010-2013. The new project will focus on enhancing the quality and performance of Serbian courts, support the development of the juvenile justice system and strengthening the capacity of the High Judicial Council.

An updated table of donors active in justice sector reform in Serbia is enclosed in Annex 2.

3. RISKS

The MDTF-JSS was originally classified as a high-risk project for two primary reasons: (1) a concern that the coalition government could jeopardize political stability, and (2) a concern that the Ministry of Justice lacked implementation capacity.

Political stability and EC- accession

For the first time since the regime change in 2001, Serbia has experienced a period of relative political stability with the formation of the coalition government in 2008 led by Prime Minister Mirko Cvetković. The pro-European government has made significant progress towards achieving official EU Membership candidate status, including liberalization of the visa regime. 2010 marked a turning point with the receipt of the EU questionnaire in November, assessing Serbia's readiness to become a Member.

The accession process can be seen as having had a positive effect in encouraging the Serbian authorities to give continued attention to justice sector reforms.

Reappointment of Judges and Prosecutors

The issue of the reappointment of judges and prosecutors continues to be a major focus of attention among stakeholders in Serbia as well as among international partners. This focused attention is warranted given the importance for the functioning of the judiciary of solving this issue and given the fundamental issues of judicial independence, which is being debated in this process. At the same time, the reappointment process continues to distract attention from other dimensions of the justice sector reform agenda, including on general human resource issues, consultative legislative processes and financial management within the judiciary. The process negatively affects relations between key justice sector reform stakeholders. Because justice sector reforms greatly benefit from open consultation and deliberation, overall reform progress and quality is affected. It is expected that this risk, which materialized in 2010, will continue to negatively affect progress in 2011. Furthermore, the attention of the High Judicial Council and to a lesser extent the State Prosecutorial Council has been almost exclusively directed at solving the re-appointment issue. Because the councils were envisioned to take on major reform responsibilities in 2010, this has negatively affected further reform. This is likely to continue in 2011.

The EU has taken a lead role among the group of international partners in facilitating a solution. It is possible that the national and international stakeholders will come closer to a solution in 2011, thus mitigating the significant risks that continue to materialize from this process.

Capacity in the Ministry of Justice

Understaffing continues to be an issue in the Ministry of Justice. The Reform Facilitation Unit funded by the MDTF-JSS is expected to reduce this risk in 2011.

All in all, the MDTF-JSS continues to be classified as a “high risk - high reward” project.

4. OUTCOMES

The outcomes framework for the MDTF-JSS is set out in the Project Memorandum from late 2008.

MDTF-JSS Results framework - Development Objective and Outcome Indicators

Development Objective	Outcome Indicators	Use of Outcome Information
<p>Facilitation of the acceleration of Serbia’s European Union integration process pertaining to the justice sector.</p> <p>[This will be done by supporting (i) strengthening institutional capacity; (ii) the improvement of justice sector performance and (iii) increased aid effectiveness.]</p>	<ol style="list-style-type: none"> 1. Updated NJRS, Implementation Plan and NJRS results framework together provide a satisfactory basis for tracking and reporting progress on justice sector performance 2. Periodic stakeholder surveys show improved private sector and public ratings for justice sector efficiency and performance 3. Increasing share of justice sector ODA is on-budget 4. Strategic outreach and monitoring and evaluation (M&E) arrangements are institutionalized so as to track and report justice sector reform progress and impact 	<ul style="list-style-type: none"> • Overarching framework for justice sector performance and progress reporting. • Faster disposition of cases and reduction of case backlogs indicate increased efficiency and access to justice. • More effective management of justice sector resources – human, financial, physical and IT

As outlined above, there has been good overall progress in achieving the development objective of acceleration of Serbia’s European Union integration, which is the key development objective to which the

Trust Fund is contributing. Key elements in this regard had been the gradual completion of the legal framework and refinement of the institutional set-up of the judiciary. Key challenges pertain to actual implementation and functioning of the judiciary against a background of conflict over the reappointment process.

Good progress was made in 2010 towards delivering the agreed outputs under the Trust Fund supporting the outcome indicators. As outlined in the progress report below, and in the 2009 MDTF-JSS Annual Report, activities have been initiated in regard to all indicators. However, the delays in the amendment of the Trust Fund negatively affected achievement of key intended contributions under the part envisioned to be executed by the Ministry of Justice.

It is anticipated that progress towards the development objective will accelerate during calendar year 2011 when a number of planned key deliverables are expected, particularly under the Recipient-executed activities after the establishment of the Reform Facilitation Unit and under the Access to Justice Component.

5. PROGRESS REPORT

During 2010, main activities included ongoing advisory services to the Ministry of Justice on justice sector reform, anti-corruption and international cooperation, training in a new case management system, training and knowledge sharing on specific elements of the justice sector reform agenda and the conversion of the MDTF-JSS from a World Bank-executed Trust Fund to a hybrid facility that will be executed by both the World Bank and the Ministry of Justice. The Trust Fund continued to provide analytical input including through a review of the implementation of the 2006 National Judicial Reform Strategy, a base line survey of stakeholders' perceptions, experiences and expectations to the justice sector, and work on the Justice Sector Public Expenditure and Institutional Review.

Component 1: Institutional Capacity

The objective of this component is to facilitate capacity-building in the Ministry of Justice, the judiciary and the Ministry of Finance to design, coordinate and implement judicial reform and modernization programs.

Ongoing advisory services

Throughout 2010, four local consultants have assisted the Bank in providing advisory services to the Ministry of Justice related to various aspects of European Integration.

Advisory services were provided to facilitate Serbia's progress towards candidate status for EU accession, including legislative activities, regional cooperation and bilateral agreements, the fight against corruption, judicial independence and impartiality of the courts and the prosecution service. Areas included in this activity include legal harmonization, information technology, IPA, donor-funded projects, anti-corruption and consequently visa liberalization process. All support was in the form of facilitation and advisory services and not related to legal drafting and actual implementation.

Reform Status Assessment

The Council of Europe was commissioned under the Trust Fund to carry out an assessment of the implementation of the 2006 National Judicial Reform Strategy (NJRS) in Serbia. The review was completed and disseminated in 2010. The report addresses to what extent the NJRS has been implemented in Serbia, what obstacles prevented the full implementation of the strategy and what is necessary to ensure its full implementation.

The assessment found that many of priorities outlined in NJRS have been addressed: reform of the justice sector's human resources policy has changed and is now being implemented, the new organizational structure of the judiciary is in place from January 2010, and procedural legislation has been partly reformed. However, the speed at which reforms have been adopted has led to some problems, and the capacity of key institutions, including the Ministry of Justice, the High Judicial Council and the State Prosecutorial Council is lacking. Capacity would be increased by increasing human resources, allocating an adequate budget and strengthening skills through capacity-building.

The findings and recommendation of this work is intended to provide input to the design of the second phase of justice sector reforms in Serbia, and provide solid guidance to Serbian justice sector authorities in their efforts to meet the EU-related criteria pertaining to the justice sector.

Conference on Cooperation in South East Europe

A regional conference on “Strengthening Regional and Transnational Cooperation as a Precondition for the Successful Fight against Organized Crime in South-East Europe“ was held in Belgrade in October, 2010 and was supported by several international partners including the MDTF-JSS.

Component 2: Resource Management and Aid Coordination

The objective is to facilitate the justice sector leadership to strengthen justice sector resource management and aid coordination.

Judicial Public Expenditure and Institutional Review (JPEIR)

Data was collected for a Judicial Public Expenditure and Institutional Review (JPEIR) and preliminary analyses undertaken. The objective of the JPEIR is to provide input to the design of the next phase of justice sector reform in Serbia by assessing and providing recommendations on: (i) expenditures, revenues and performance of the justice sector; (ii) financial management including budget formulation, and budget execution (procurement, internal control, external control, and reporting); and (iii) human resource management including recruitment, career management, remuneration, pensions and training. The collection of data proved more difficult than expected. A report is expected in the first quarter of 2011.

Partners' Forum

The objective of the Partners' Forum is to facilitate Serbia's EU justice sector integration process and strengthen the performance of the justice sector by providing a forum for program- and results-based policy dialogue between key stakeholders on: (a) justice sector reform, institutional strengthening and modernization; (b) justice sector performance management and performance improvements; (c) improving justice sector aid coordination and effectiveness; and (d) monitoring and reporting on reform progress and impact.

Two Partners' Forums were held in 2010. The Partners' Forum is a mechanism led by the Ministry of Justice. The MDTF-JSS provides support to the Ministry in organizing the Forum.

Component 3: Legal and Institutional Environment

The objective of this component is to facilitate the strengthening of the legal and institutional environment for the judiciary.

Update of the data-base of laws and by-laws

Advisory services were provided to update the electronic data base of laws and by-laws including existing present and planned legislation (for the period of 2010 – 2012) with a review of their compatibility with relevant EU legislation. The database is connected with the process of the National Programme for Integration of Serbia into the European Union (NPI) revision and follows up present legislation and planned priorities from the textual part of the NPI.

Criminal Chain Analysis

The tender to complete an analysis of the criminal chain was initiated in 2010, with the activities anticipated to begin in early 2011. The criminal justice process will be analyzed and recommendations provided to allow for more efficient coordination and processing of criminal cases through the legal system, and for more effective responses to the needs of victims, witnesses, and offenders.

The MDTF-JSS team organized an introductory workshop for key stakeholders as part of the review of the Criminal Case Process, which will assess the current processes by which criminal cases enter into and move through the system from initial reporting to police to final conviction by the courts, to identify barriers to access and maneuver the criminal justice system and determine potential entry points for legal aid. The workshop was held in the World Bank's office in Belgrade in November 2010 and approximately 25 representatives from police, prosecution, courts, and Ministry of Justice attended.

International Association of Prosecutors Conference

The fifth regional conference for the International Association of Prosecutors (IAP) of the Central and Eastern Europe and Central Asia was held in Belgrade in October 2010. The theme of the Conference was “Cooperating against Corruption”.

Component 4: Judicial Facilities and Infrastructure

The objective of this component is to facilitate the acceleration of the systematic modernization of the court and prosecutorial network; strengthen the resourcing, operations and management of the physical and IT facilities of courts and prosecutor offices; and facilitate the assessment of impact on users’ access and satisfaction.

Support to the roll-out of automated court management system

The Ministry of Justice has acquired hardware, network connections and case management software for all courts of general jurisdiction, while the MDTF-JSS has supported training of court staff on how to utilize the new software. The MDTF-JSS also funded a consultant providing advisory services to the Ministry of Justice’s Assistant Minister for ICT to facilitate this complex initiative.

A contract with a consortium comprising MEGA and Institute Mihajlo Pupin was signed in November 2009 with a first round of trainings in pilot courts beginning in December 2009 and completed in 2010. The training was completed in the pilot courts (2 basic and 2 higher courts in the cities of Zrenjanin and Belgrade) before the deployment of the AVP software in 60 courts by the end of August 2010.

Justice sector ICT reform strategy

Consultations were held with the Ministry of Justice in late 2010 on support from the MDTF-JSS to support the development of an integrated ICT strategy for the Serbian Judiciary. Agreement was reached on an activity outline and SIDA agreed to contribute an additional amount to the Trust Fund to make the activity possible. The objectives of the activity are to facilitate decisions on ICT investments in the Serbian Judiciary that are made strategically to maximize efficiency and effectiveness gains and to reduce overall investment costs. The activity does so by:

- Providing an ICT assessment that contains a diagnosis of the needs of the Judiciary in relation to Software, Hardware and Personnel requirements and establishes the Strategy, Objective and an Action Plan that permits the development and implementation of the systems.
- Developing a 5-10 year roadmap that determines the sequence for implementing specific information systems, with the end goal of delivering the most valuable information system at the earliest time possible in the most cost-effective manner.

Work will be initiated in the first quarter of 2011.

Component 5: Outreach, Monitoring and Evaluation

The objective of this component is to institutionalize strategic outreach, M&E arrangements to track and report progress on justice sector reform progress and impact.

Workshop on performance measurement in courts

In April 2010, the World Bank organized a workshop funded by the Trust Fund with representatives of the High Judicial Council and the State Prosecutorial Council about how to approach justice sector performance measurement, including relations with the public, negotiations with the EU, general quality management in justice sector institutions and the shift towards program budgeting.

Justice sector performance and service delivery survey

Data collection for the baseline survey of justice sector performance and service delivery was delivered by IPSOS-Strategic in 2010. The survey collected popular perceptions regarding justice sector performance, citizens' perception regarding ongoing justice sector reform, justice sector performance in delivering key public services, and actual practices in the justice sector. The initial survey is intended to provide baseline data against which the Serbian justice sector authorities will be able measure the progress in justice sector efficiency, performance and user satisfaction in follow-up surveys.

This activity contributes to the achievement of Outcome Indicator 2, above (Periodic stakeholder surveys show improved private sector and public ratings for justice sector efficiency and performance).

Web portal

In order to improve outreach and increase public awareness on MDTF-JSS program activities in Serbia, a dedicated web portal was launched (www.serbiamdftf.org) in 2009. The portal is being used to disseminate information about MDTF-JSS events, share knowledge products produced by the World Bank and partner agencies on the justice sector. It is now available in Serbian and English versions.

6. KEY PLANNED DELIVERABLES FOR 2011

Following the activities undertaken in 2010, the following key deliverables are expected in 2011.

ICT Strategy for the Justice Sector

Substantial information and communication technology (ICT) investment will be made in Serbia in the next 5-10 years. Currently, the focus in Serbia is on upgrading case and document management in courts, but the Serbia justice sector scores lowly on the level of computerization compared to EU countries and over the medium term, ICT projects can be expected to be launched in most parts of the justice sector. There is a high potential for savings and efficiencies if coordinated and coherent investments are made across the sector in a properly phased manner.

An assessment of ICT support to the broader justice sector could provide the judicial authorities with the basis for an overall, long-term ICT investment program for the justice sector. In particular, the analytic work could present: (i) a survey of the major operational and management functions across the justice sector; (ii) an assessment of the adequacy of ICT support to those functions; (iii) an outline of possible projects to address the gaps; and, (iv) a decision-framework to help the authorities discuss prioritizing and sequencing such projects (incorporating, among other things, cost, benefit, risk and sustainability criteria).

The MDTF will support an ICT assessment that contains a diagnosis of the needs of the Judiciary in relation to Software, Hardware and Personnel requirements and establishes the Strategy, Objective and an Action Plan that permits the development and implementation of the systems. This activity will develop a 5-10 year roadmap that determines the sequence for implementing specific information systems, with the end goal of delivering the most valuable information system at the earliest time possible in the most cost-effective manner.

Review of the Criminal Chain Analysis

To provide input to the design of the next phase of justice sector reform in Serbia, the proposed Review of the Criminal Case Process in Serbia (RCCP) is expected to facilitate Serbia's eventual accession to the EU and improve the performance of justice sector services to Serbian citizens. The RCCP will: (i) assess the current process criminal matters enter into and move through the criminal justice system; (ii) consider further planned reforms that would impact these processes with a particular view to barriers to accessing and maneuvering within the system, including but not limited to impediments to efficient processing, cost and information gaps; (iii) assess current and future potential entry points for different kinds of legal aid and advice; (iv) identify reform and resource gaps to enhance criminal justice processing and legal aid and advice provision; and, (v) assist in the development of a response strategy.

Justice sector performance and service delivery survey

This initial survey will provide baseline data against which the Serbian justice sector authorities will be able to measure progress on justice sector efficiency, quality of service, access, fairness and cost-effectiveness through follow-up surveys.

Establishment of a Reform Facilitation Unit

The Reform Facility Unit (RFU), which was scheduled to be set up in 2010, has been postponed until 2011. Longer than anticipated delays resulting from the conversion of the MDTF-JSS from a Bank-executed to a Hybrid Fund have led to a failure to establish the RFU. The World Bank recognizes the importance in accelerating the functioning of the RFU to a satisfactory status.

The RFU will comprise up to eight core support personnel and will be responsible for contributing towards achieving the Government's reform goals. The RFU will be established under the Recipient-executed portion of the Trust Fund, and will be situated within the Ministry of Justice. The RFU will consist of long term consultants, legal experts and short term consultants who will provide expert advice, recommendations and technical assistance. Its tasks will include the drafting of technical and policy notes and papers, provision of inputs to strategic planning, facilitation of aid coordination and aid effectiveness, and support in project design and implementation.

Access to Justice

Technical assistance will be provided by an individual consultant to the Ministry of Justice to support the Serbian authorities to develop, coordinate and manage access to free legal aid, and will provide substantive input in the form of analytical work and best practice research to inform further design, planning and implementation of access to justice activities.

Justice Sector Strategy

A new strategy for reform of the Justice Sector will be developed in collaboration with the Ministry of Justice (as discussed above). The Ministry of Justice has identified the MDTF-JSS as the key driver to develop the new strategy, which will replace the 2006 NJRS. Several MDTF-JSS outputs, including the JPEIR, the Council of Europe reform status assessment, the IPSOS justice sector perceptions survey, and other studies will feed into the development of the strategy.

WORLD BANK REFERENCE

Multi-Donor Trust Fund for Justice Sector Support in the Republic of Serbia (TF071171)
(WORLD BANK REFERENCE 71444) – Multi Donor Fund

Expressed in United States Dollars

	01/01/2010 to 12/31/2010
Receipts (Note 1)	
Cash Contributions	5,107,649.80
Investment Income (Note 2)	33,972.91
Transfers within Hierarchy	3,186,139.51
Contributions via Transfers	(6,764,535.62) (80.24)
Total Receipts	1,563,146.36
Disbursements (Note 1)	
Project Disbursements	
Direct costs Disbursed by WBG	
Staff costs	(114,476.87)
Consultant fees	(811,173.58)
Associated overhead costs	(16,013.38)
Travel expenses	(90,932.97)
Airfare rebate	4,667.66
Equipment costs	0.00
Media workshop	(11,278.02)
Contractual services	(16,781.12)
Total Direct Costs Disbursed by WBG	(1,055,988.28)
Total Project Disbursements	(1,055,988.28)
Non-Project Disbursements	
Cash refunds to donor	98.27
Administrative fees (Note 4)	(124,780.63)
Total Non-Project Disbursements	(124,682.36)
Total Disbursements	(1,180,670.64)
Excess of receipts over disbursements / (disbursements over receipts)	382,475.72
Fund Balance	
Beginning of period	16,287,836.38
End of period	16,670,312.11
Fund balance consists of	
Share in pooled cash and investments	
Outstanding commitments as of 03/16/2011 (Note 5)	

WORLD BANK REFERENCE

Multi-Donor Trust Fund for Justice Sector Support in the Republic of Serbia (TF071171)
(WORLD BANK REFERENCE 71444) – Multi Donor Fund

TRUST FUNDS FINANCIAL REPORT

Status	Beneficiary	VPU/Div	Project Type	TTL Name
ACTN	Serbia	ECSP4	Main Fund	Mr. Jens Kromann Kristensen

Pledge Details by Donor

Donor	Currency	01/31/2010 to 12/31/2010	12/02/2008 (date of inception) to 12/31/2010
SWEDISH INTERNATIONAL DEVELOPMENT COOPERATION AGENCY (SIDA)	SEK	12,000,000.00	31,000,000.00
UNITED KINGDOM - DEPARTMENT FOR INTERNATIONAL DEVELOPMENT (DFID)	GBP	200,000.00	800,000.00
NETHERLANDS - MINISTER FOR EUROPEAN AFFAIRS & INTERNATIONAL COOPERATIO	USD	0.00	300,000.00
NORWAY - MINISTRY OF FOREIGN AFFAIRS	EUR	0.00	250,000.00
SWISS AGENCY FOR DEVELOPMENT AND COOPERATION (SDC)	EUR	0.00	400,000.00
DENMARK - ROYAL MINISTRY OF FOREIGN AFFAIRS	EUR	0.00	333,000.00
SPANISH AGENCY FOR INTERNATIONAL DEVELOPMENT COOPERATION	EUR	0.00	490,000.00
SLOVENIA-MINISTRY OF FINANCE	EUR	0.00	100,000.00

Contribution Details by Donor

Donor	Currency	01/31/2010 to 12/31/2010	12/02/2008 (date of inception) to 12/31/2010
SWEDISH INTERNATIONAL DEVELOPMENT COOPERATION AGENCY (SIDA)	SEK	12,000,000.00	23,000,000.00
UNITED KINGDOM - DEPARTMENT FOR INTERNATIONAL DEVELOPMENT (DFID)	GBP	200,000.00	800,000.00
NETHERLANDS - MINISTER FOR EUROPEAN AFFAIRS & INTERNATIONAL COOPERATIO	USD	0.00	300,000.00
NORWAY - MINISTRY OF FOREIGN AFFAIRS	EUR	0.00	156,620.38
SWISS AGENCY FOR DEVELOPMENT AND COOPERATION (SDC)	EUR	0.00	400,000.00
DENMARK - ROYAL MINISTRY OF FOREIGN AFFAIRS	EUR	0.00	333,000.00
SPANISH AGENCY FOR INTERNATIONAL DEVELOPMENT COOPERATION	EUR	0.00	490,000.00
SLOVENIA-MINISTRY OF FINANCE	EUR	0.00	100,000.00

WORLD BANK REFERENCE

Multi-Donor Trust Fund for Justice Sector Support in the Republic of Serbia (TF071171)
(WORLD BANK REFERENCE 71444) – Multi Donor Fund

TRUST FUNDS FINANCIAL REPORT

Notes:

1. This statement is prepared on the modified cash basis of accounting. Transactions subsequent to this statement date are recorded in the period in which they occur.
2. Investment income is not credited to any trust fund where the daily fund balance is less than USD equivalent \$5,000.
3. Other Direct costs (where applicable) represent all disbursements incurred prior to July 2000.
4. Administrative fees are charged in accordance with the administration agreement(s). Administrative fees are generally charged to the trust fund in the same month in which contributions are received, however for administrative purposes, collection of fees may occur in the month following receipt of the contribution.
5. Commitments relate to bank-executed trust funds only. This amount reflects open purchase orders as of 03/16/2011 which may or may not result in actual expenditures to the TF. Non-holding currency commitments have been translated to holding currency for reporting purposes.

The financial management arrangements for the TF are assessed to be acceptable. Appropriate arrangements have been instituted in the areas of budgeting, accounting, internal controls, funds flow, financial reporting and external audit. Selection process for the financial management officer for the project has been finalized. Qualified and experienced professional has been appointed. The financial management aspects of implementation are reviewed through regular supervision performed by the World Bank's Financial Management Specialist.

Annex 2. Donor Matrix

DONOR/ IMPLEMENTER	TIME-FRAME	PROJECT(S) AND INITIATIVES
Council of Europe	2002- present	"Implementation of the National Judicial Reform Strategy in Serbia". Support for the Ministry of Justice and government for implementation of the NJRS. Work to bring the Serbian judiciary into compliance with international standards, including the review of draft legislation and the provision of European expertise, via the Venice Commission. Training and the provision of information on the European Convention for the Protection of Human Rights and Fundamental Freedoms (particularly Articles 5 and 6), for Judges, Prosecutors and legal professionals. Monitoring of cases involving Serbia before the European Court of Human Rights.
Delegation of the European Commission through Instrument for Pre-Accession Assistance (IPA)	2008-2010	"Technical assistance to the High Judicial Council". Objective of this project is to conduct the Serbian Judicial Reform Strategy throughout organizing round tables and public awareness campaign. Total funding of € 2,000,000.
	2008-2012	"Support to the National Judicial Academy" - the objective of the project is to provide technical assistance for the establishment of the initial and continuous mandatory training for Judges, Prosecutors and other relevant staff in the Serbian Judiciary. This project will be in correlation with proposed project with regards to training component for relevant judicial and law enforcement institutions.
	2009-2012	"Improvement of efficiency and transparency of judiciary system" - the objective of the project is to provide assistance to the Ministry of Justice to improve the efficiency and transparency of the Serbian Courts through the development of a case management system, including document handling and data collection.
	2009-2012	"Improvement of the penalty system" - the objective of the projects to provide assistance for the design, tender dossier preparation and supervision of works for the Administration for Enforcement of Penal Sanctions.
	2008-2011	"Fight against Corruption" - the project will contribute to reducing the level of corruption by supporting the operational functioning of a comprehensive Agency that will coordinate the fight against corruption, i.e. Agency for fight against corruption Mentioned project is in correlation with this project on the basis of their mutual purpose-efficient fight against organized crime.
	2008-2012	"Improvement of transparency and efficiency (prosecutors and penal system)" - the objective of the project is to provide assistance to the Ministry of Justice to improve the efficiency and transparency of the Serbian prosecution and penalty service through the development of a case management system, including document handling and data collection. This project will have interconnections with this proposed project with regards to case management and efficient exchange of information between prosecution and the Directorate for Confiscated Property Management.
	2008-2012	"Capacity building in the Seized Property Management Directorate and upgrading of the system of seizure of property acquired in criminal activity" is aimed at improvement of institutional capacity and efficient functioning of the Seized Property Management Directorate of the Ministry of Justice, as well as other key institutions involved in the discovery, expropriation, confiscation, management and seizure of property acquired in criminal activity in Serbia.
	2009-2013	Project "Further Alignment of Penal system of Republic of Serbia with EU standards and strengthening alternative sanction system" comprises of two components: Component I - Strengthening capacities of Ministry of Justice for introduction of efficient practical professional training program for convicts to enable them to be employed once their sentence is finished. Component II - Establishment of necessary preconditions for an efficient and effective alternative sanctions system in the Republic of Serbia.
Gessellschaft fur Technische	2001-2010	"The GTZ Legal Reform project". Work on the National Judicial Reform Strategy, and laws in the fields of insolvency bankruptcy, property, land registration,

DONOR/ IMPLEMENTER	TIME-FRAME	PROJECT(S) AND INITIATIVES
Zusammenarbeit (GTZ)		restitution, and enforcement. Conducted conferences, workshops and roundtables, and provided training for Judges, Lawyers, and civil society representatives.
	2001-2010	"The GTZ Open Regional Fund for South East Europe – Legal Reform". Work on economic laws (enforcement, bankruptcy, consumer protection, company law) and private international law in support of EU accession. Support for regional cooperation between responsible institutions, harmonization of national laws, and exchange of regional experience through regional conferences and workshops. Support for curriculum development at the Judicial Training Centre.
The Norwegian Government/ International Management Group	2007- 10	"Improving the Delivery of Justice in Courts in Serbia". Worked with twenty Basic and Higher Courts to: 1) improve efficiency and accelerate the completion of cases(through improved statistics, better summons procedures, more organized handling of documents, and mediation), 2) improve coordination between the courts and their constituents (including individuals and other institutions), 3) promote transparency through access to information and fair/equal treatment, and 4) improve court infrastructure through building projects.
Organization for Security and Cooperation in Europe (OSCE)	2002-2010	Technical assistance and advice for legislative drafting, review of draft laws, provision of information concerning best practices and expertise, organization of study tours and events for working groups. Includes work on civil procedure code, criminal procedure code, war crimes law, enforcement of penal sanctions law and related by laws, execution of judgments, asset seizure, mediation, mutual legal assistance, witness protection, organized crime strategy.
Organization for Security and Cooperation in Europe (OSCE)	2004-2010	Support to Constitutional Court and Supreme Court concerning their appellate procedures, case management, issuance of opinions, on-line functions, and media relations. Support for different courts throughout Serbia, including procurement of equipment, access to legal information via databases, provision of information to court users and the public (via websites). Capacity building of the High Judicial Council including conferences on regional and European best practices and study visit to selected jurisdictions.
Organization for Security and Cooperation in Europe (OSCE)	2002-2010	Work with Association of Judges. Institutional support. Delivery of training. Organization of conferences and seminars. Organization of workshops on draft legislation. Work on the legal setting for professional associations. Funding for newsletter and website. Work with the War Crimes Prosecutors' Office and the War Crimes Trial Chamber. Delivery of training. Study visits to countries with comparative models. Funding the maintenance of websites.
Organization for Security and Cooperation in Europe (OSCE)	2002-2010	Work with Association of Public Prosecutors and Deputy Public Prosecutors. Institutional support. Delivery of training. Organization of conferences and seminars. Organization of workshops on draft legislation. Funding for publications.
Organization for Security and Cooperation in Europe (OSCE)	2008-2011	"War Crimes Trials" - phase III. Objectives are: strengthening the capacity of judicial institutions in Serbia to deal with war crimes trials - Trial monitoring; public outreach; capacity building; regional and international cooperation. Total funding is \$878,102.
Organization for Security and Cooperation in Europe (OSCE)	January 2009 - December 2011	"Support to the transformation of the Judicial Training Centre into the Judicial Training Academy". Objectives are: creation of an interim strategy, improvement of the capacity building to undertake the institutional transformation into an Academy and support to the creation of a mentoring and evaluation system for newly selected judges and prosecutors system. Total funding is € 300,000.
Organization for Security and Cooperation in Europe (OSCE)	April 2009 - December 2011	"Enhancing the role of the Constitutional Court in guaranteeing respect of the rights of all citizens". Objectives are: capacity building of the Constitutional Court to provide outreach services and to increase its professional capacities; raising awareness on the Court's role in guaranteeing the rights of citizens through the constitutional appeal and capacity development of the Court through increased participation in international constitutional law networks. Total funding is € 200,000.
United Nations Development Programme (UNDP)	2006-2010	Two projects to combat discrimination: "Developing a Comprehensive Framework for Preventing and Combating Discrimination". Development of a legal framework for anti-discrimination and implementation specific legislation. Total funding for first project of \$410,000 provided by the European Agency for Reconstruction.

DONOR/ IMPLEMENTER	TIME-FRAME	PROJECT(S) AND INITIATIVES
United Nations Development Programme (UNDP)	2008-2010	"Support to the Implementation of Anti-Discrimination Legislation and Mediation". Strengthening of institutions and raising public awareness. Promotion of mediation as a mechanism for dispute resolution. In cooperation with the Ministry of Human and Minority Rights, the Council of Europe, and the Ministry of Labour and Social Policy. Total funding for first project of \$410,000 provided by the European Agency for Reconstruction. Total funding for this project of €2,000,000 provided by the European Union.
United Nations Development Programme (UNDP)	2007-2010	"Creating an Effective and Sustainable System of Providing Free Legal Aid". Development of the institutional and legal framework for delivery of legal aid and assistance and enhancing access to justice through funding (a Legal Aid Fund) and outreach to marginalized social groups. In cooperation with the Ministry of Justice and non-governmental actors. The project will be carried out in two phases; the goals of the First Phase are: 1) to formulate a strategy for the reform of the legal aid system that will be accepted by the key stakeholders, including an adequate normative framework enabling such a system to function effectively, and 2) to increase access to justice for the most vulnerable and marginalized groups through the creation of a Legal Aid Fund, which will disburse grants to organizations that provide legal aid. The long-term goal of the First Phase of the Free Legal Aid project is to establish a roadmap for the creation of an effective and affordable state-funded and run legal aid system for those who cannot afford legal services. The short-term goals are to formulate a strategy for the reform of the legal aid system that will be accepted by the key stakeholders and to increase access to justice for the most vulnerable and marginalized groups. Total funding of \$1,200,000 provided by the Swedish International Development Agency.
United States Agency for International Development (USAID)	2008-2013	"Separation of Powers Program". Implemented by the East West Management Institute. Work with the courts to improve court operations and management, improve case management, reduce case backlogs, and introduce position of Court Administrator. Introduction of a program-oriented budgeting and budget management system for the courts, and strengthening of budget and finance offices. Also includes assisting with the institutional development of the National Assembly and its staff to represent constituent interests and exercise oversight functions. Total funding of \$ 9,493,510.
United States Agency for International Development (USAID)	2006-2010	"Bankruptcy and Enforcement Strengthening Activity". Implemented by Booz Allen Hamilton. Improvement of legal framework for bankruptcy and for the enforcement of judgments. Work with Bankruptcy Supervision Agency and Privatization Agency Bankruptcy Unit to strengthen their capacity to implement new Law on Bankruptcy collect statistics, and accelerate procedures for privatization/reorganization of insolvent companies (including State and Socially-Owned Enterprises). Improvement of the enforcement system for commercial court decisions, including non-judicial remedies and pre-judgment expedited procedures. Procurement of IT equipment and support for the Privatization Agency Bankruptcy Unit. Publication of Creditors' Bankruptcy Manual. Collaboration with the Ministry of Economy and Regional Development, Ministry of Justice, Ministry of Finance, and Commercial Courts. Total funding of \$9,425,948.
United States Department of Justice (with OPDAT and the Regional Legal Advisor Office in Belgrade)	2003- present	"Capacity Building of Serbian Authorities Combating Organized Crime". Providing assistance with legislative drafting, training courses, equipment, and study visits for Judges, Prosecutors, and Witness Protection Police. The objective is to strengthen the capacity to investigate, prosecute, and adjudicate organized crime cases. Work with Judges handling organized crime cases, Prosecutors, and witness protection police.
United States Department of Justice (with OPDAT and the Regional Legal Advisor Office in Belgrade)	2003- present	"Capacity Building of Serbian Authorities Processing war crimes". Provided assistance with legislative drafting and study visits for Judges and Prosecutors handling war crimes cases and the Special g, training courses, equipment, regional conferences, Court's Victim/Witness Support Service. Also facilitated international legal assistance. The objective is to strengthen the capacity to investigate, prosecute, and adjudicate war crimes cases. Work with Judges and Prosecutors handling war crimes, and the Special Court's Victim/ Witness Support Service.

DONOR/ IMPLEMENTER	TIME-FRAME	PROJECT(S) AND INITIATIVES
United States Department of Justice (with OPDAT and the Regional Legal Advisor Office in Belgrade)	2006- present	"Capacity Building of Serbian Authorities Combating Corruption". Assisting with legislative drafting and providing legal advice concerning establishment of specialized anti-corruption departments at the main Prosecutor's Offices. Organizing training and study visits for Prosecutors and Police engaged in fighting corruption and also equipping Prosecutor's Offices. The objective is to strengthen the capacity to investigate, prosecute and adjudicate corruption cases. Work with the Republic Prosecutor's Office, specialized anti-corruption prosecutor's departments, other prosecutors and police.
United States Department of Justice (with OPDAT and the Regional Legal Advisor Office in Belgrade)	2007- present	"Assistance to Criminal Justice Reform". Assisting with legislative drafting and the implementation of laws relating to the criminal justice system (through training courses, and the donation of equipment).Work on the Criminal Procedure Code and Criminal Code. The objective is to strengthen the capacity of authorities to prosecute serious crime, including money laundering, financial crimes, trafficking in persons, cyber crime, etc. Work with the Ministry of Justice, Judges, and Prosecutors.