

MDTF-JSS: Review of the Criminal Chain Process in Serbia

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MDTF-JSS Proposed Project Activity:

Review of the criminal case process in Serbia (RCCP) with a focus on access, enhancing efficiency, and effective delivery of different levels of legal aid



Why?

- **Enhanced Justice System**
- **Improved Services**
- **Greater Public Trust**
- **Support Meeting Requirements for EU Accession**
 - Legal Aid
 - Efficiency
 - Effectiveness
 - Accountability
 - Cost

Despite changes, still a need for more strategic reforms

Areas of needed improvement in the criminal justice sector:

- Inefficiencies in the criminal justice process
- Police detention procedures
- Detainees' rights to have access to a lawyer, doctor, and where necessary, an interpreter
- Access to and availability of free legal aid

Goals of the RCCP

- Assess how criminal matters currently enter into and move through the criminal justice system
- Consider further reforms to increase accessibility and address the impediments to efficient processing, cost and information gaps
- Assess current and future potential entry points for different kinds of legal aid and advice
- Identify reform and resource gaps to enhance criminal justice processing and legal aid and advice provision
- Assist in the development of a response strategy

Objectives of the RCCP

- Identify impediments to criminal justice processing, access to justice and legal aid
- Consider other ongoing and planned government and donor initiatives
- Make recommendations for areas that would benefit from further assistance
- Suggest further steps toward more effective case processing and provision of legal advice and representation

Nexus/Link between efficient case processing and effective legal aid

- Access to legal aid and access to timely justice are both universally accepted as human rights
- The effectiveness of case management reforms is linked to the availability of legal aid services
- Early availability of defense counsel during pretrial period is essential to:
 - reducing pre-trial detention and the time to trial
 - increasing alternative settlement options, including pleas, and to
 - reducing the length and cost of trials

Legal Aid Influences on timely processing:

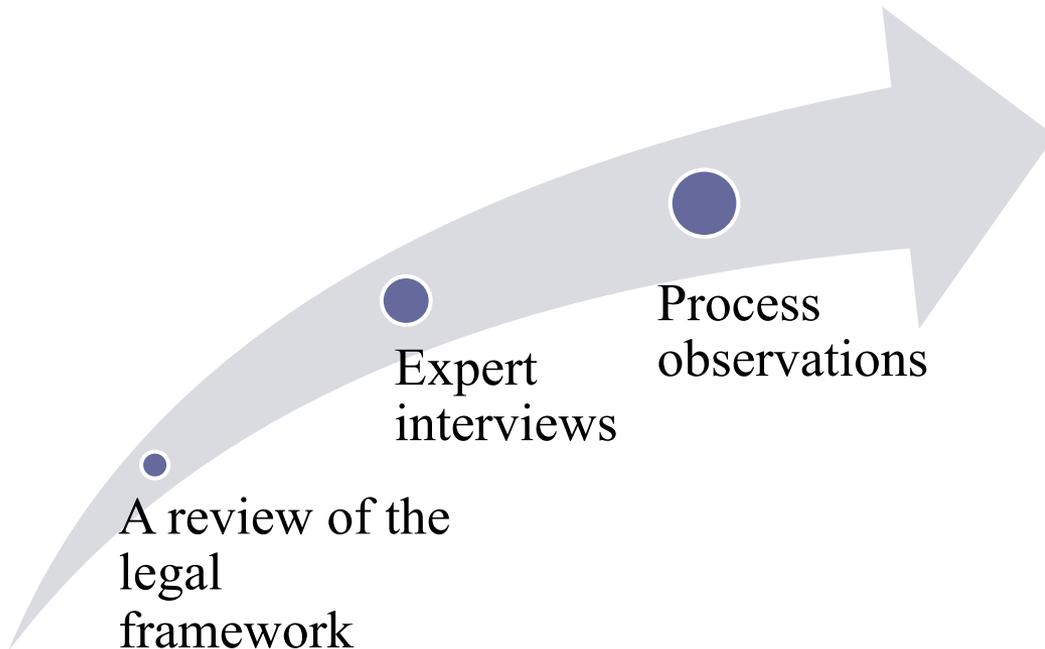
- Doubts about a defendant's eligibility for legal aid or slow confirmation of eligibility add time
- Untimely changes in defense counsel affect flow of the criminal process and effective management of cases
- How a defense counsel is paid for properly preparing the case and identifying issues prior to committal

Main Partners in the Project

- Police
- Prosecution services
- Courts
- Relevant correction agencies
- Public defense organizations
- Ministry of Justice
- Ministry of Interior
- Serbian Bar Association
- Law schools
- Non-governmental organizations

Methodology for the Study: Case Process/Workflow Mapping

- The methodology will combine:



To develop a **functional flow chart** of case processing and decision making (from initial police contact to court decision)



Triangulation of data

Benefits of Case process

- Depicts how cases move through the justice system
- Helps to identify inefficiencies and gaps in resource allocation that contribute to delays
- Provides the basis for modeling alternative processes, their potential impact and resource requirements
- Identifies at what stages in the process legal aid is provided and where it is needed.

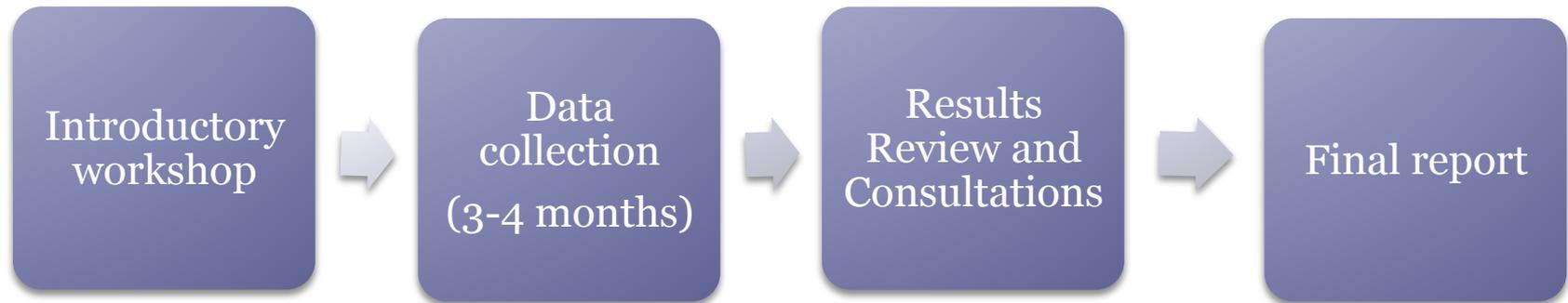
Application of Case/Workflow Mapping

Review how sample criminal cases move through the system will include:

1. Review of procedural and other relevant legislation
2. Compilation of agency case and resource data
3. A case flow survey of all involved agencies in
 - Belgrade, and
 - One rural and one urban location in each of Serbia's major statistical regions (i.e. the Voivodina, Easter, Western and Southern Serbia)
4. Limited review of randomly chosen case files to triangulate the case and survey data
5. Focus groups/interviews with key stakeholder groups:
 - Police, prosecution, courts, correction, legal aid providers, and NGOs

Project Implementation

- Project duration is expected to be approximately 6 months.



Study Steps

1. Review of the legal framework, meetings with expert informants, draft initial process map



2. Onsite data collections in Belgrade and target locations throughout Serbia, draft process map verified and adjusted



3. Reform suggestions developed using revised maps



4. Results discussed with key counterparts and presented for further consultation and comments during a final workshop.



5. Results and recommendations presented.

The Result will Facilitate:

- Reviewing criminal case process for efficiencies
- Identifying potential entry points for legal aid
- Assessing impediments and reform options
- Assessing changes that are likely to occur as a result of new legislation