



This project is funded by
the European Union



This project is implemented by GIP JCI

EU4JUSTICE



Support to the Fight against Organised Crime
and Corruption in Bosnia and Herzegovina

ABOUT PROJECT

PRINCIPLES FOR SUSTAINABILITY AND CREDIBILITY

The activities carried out by the EU4Justice project will be in lines with the following underlying principles for sustainability and credibility purposes:

- Analysing, consulting, understanding before proposing and acting in accordance with the European standards and the caselaw of the European Court of Human Rights;
- Working in close consultation with the High Judicial and Prosecutorial Council of Bosnia and Herzegovina (HJPC BiH);
- Working based on peer-to-peer approach with judges, prosecutors and police officers.
- Strengthening transparency and reliability of the entire investigative and judicial process, including the relations between the prosecutors and the media;
- Promoting the multidisciplinary working methods during the investigative phases;
- Proposing clear actions to ensure that victims/plaintiffs rights are respected;



THE **EU4**JUSTICE PROJECT

Contracting Authority:
European Commission

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NEAR DELBIH for IPA 2015
Justice (objective1)

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Project duration:
24 months
1 February 2019 -
31 January 2021



Project budget:
2,2 M€

The Project **EU4Justice: Support to the Fight against Organised Crime and Corruption in Bosnia and Herzegovina** is funded by the European Union, and implemented by GIP Justice Coopération Internationale (JCI)

The project's **global objective** is to enhance the effectiveness, integrity and professionalism of the institutions in the Rule of Law sector. It will help to improve the cooperation between prosecution and law enforcement agencies (LEAs) to increase the efficiency of investigations in organised crime and corruption cases.

The project will also strengthen capacities regarding human resources and performance management as well as disciplinary frameworks and procedures.

The specific objectives of this project are:

- Enhanced efficiency of the investigation and prosecution of organised crime and corruption cases (OC & C),
- Reinforcement of the integrity, human and performance management, and accountability of the justice sector institutions.

5 main components & **25** activities



GIP Justice Coopération Internationale (JCI) is in charge of the project. The GIP- JCI is the implementing body of the French Ministry of Justice. It enlists the expertise of the French legal community: judges, prosecutors, Law Enforcement Agencies, the National Training School (ENM). The Project Team will also resort to the French FIU (TRACFIN), the Agency for Seizure and Confiscation (AGRASC).

COMPONENT 1:

Strengthening supervision and control in prosecutors' offices



Activity 1.1 - Conduct an analysis on mechanisms for complaints against prosecutorial decisions and procedures to address them, and on supervision mechanisms monitoring the prosecutors' decisions in prosecutor's offices (POs) in order to identify systemic shortcomings and control deficiencies, and to increase transparency.

Activity 1.2 - Strengthen the use of existing provisions and mechanisms -if any- for internal monitoring to enhance efficiency of POs; Prepare targeted recommendations to address identified gaps through short-, medium- and long-term measures.

Activity 1.3 - Compare recommendations of "Opinion No. 11 (2016) of the Consultative Council of European Prosecutors (CCPE) on the quality and efficiency of the work of prosecutors, including when fighting terrorism and serious and organized crime" with the situation in BiH and provide support for the implementation of selected recommendations such as the general complaint mechanism concerning prosecutor's work.

Activity 1.4 - Assess situation on possible unjustified reallocations of cases in courts and POs (CMS/TCMS), in particular as regards organised crime and corruption cases and suggest countermeasures, if needed.

Activity 1.5 - Develop a plan to address excessively long criminal investigations and court proceedings, which are in breach of the right to a fair trial within a reasonable time and which hamper efficiency.

Activity 1.6 - Provide an analysis of standards in EU Member States for immunity-granting and plea-bargaining and provide targeted proposals for law amendments.

COMPONENT 2:

Strengthening capacities, resources and the independence of the office of the disciplinary council (ODC)



Activity 2.1 - Present best EU practices regarding capacities, craft skills, knowledge and qualifications of staff conducting disciplinary proceedings of judges and prosecutors in EU Member States, define fundamental job characteristics and requirements and set them as a baseline for a Training Needs Analysis (TNA).

Activity 2.2 - Develop a profile of qualification for ODC staff and panel members.

Activity 2.3 - Compare the profiles of qualifications with existing skills and knowledge of ODC staff and panel members ("gaps and needs analysis") and design on this basis initial and specialised training modules in cooperation with the Centres for Education of Judges and Prosecutors in the entities.

Activity 2.4 - Develop and implement, in coordination with other donor projects, a concept to address the recommendations of the TAIEX Peer Review on Disciplinary Procedures in the Judiciary (JHA IND/EXP 62879), taking into account the measures already elaborated by the HJPC and other relevant institutions.



COMPONENT 3:

Joint trainings in an interdisciplinary fashion to better respond to organised crime, corruption and the most common forms of commercial crimes (Privatisation of companies, tax evasion, tax fraud)

Additional Activity 3.1. Mentorship for newly appointed Prosecutors.

Activity 3.2 - Present best practices from EU Member States in investigating and countering the above-mentioned forms of crimes, including the role of audit offices.

Activity 3.3 - Deliver joint case-based trainings to law enforcement agencies (LEAs), prosecution service and judiciary and compare investigation approaches in BiH with standard operation procedures (SOP) in EU Member States.

Activity 3.4 - Train selected law enforcement staff, prosecutors, judges specialised in commercial crimes in economics, particularly in reading financial statements and auditor reports.

Activity 3.5 - Draft a manual on investigating most common forms of commercial crimes, incl. the use of auditors' reports as source for investigations, and taking into account any existing material.

Activity 3.6 - Encourage and explain a proper use of the existing legislative framework in investigations, including special investigations means (SIMs), to achieve better results in fighting organised crime and corruption.

Activity 3.7 - Organise separate trainings for court experts on craft skills and their role in court proceedings.

COMPONENT 4:

Improve current practice and results in forfeiting criminal assets



Activity 4.1 - Conduct an analysis on the efficient implementation of the applicable laws on confiscation of criminal assets with a focus on the initiation-phase and obstacles to execution.

Activity 4.2 - Assess infrastructure and means available to Asset Recovery Offices (AROs) at entity-level; identify needs with a particular focus on information technology requirements.

Activity 4.3 - Present the identified shortcomings to relevant authorities on all level of governance and propose situation- specific solutions for discussion (administrative assistance, inter-agency cooperation, increased resources, revised and streamlined procedures, etc.)



COMPONENT 5:

Tracking mechanism improving mutual access to criminal case files by law enforcement agencies, prosecutors' offices and courts

Activity 5.1 - Present best practices from different EU Member States on tracking crime cases from police to court, in particular cases of OC&C.

Activity 5.2 - Outline a concept to improve the electronic workflow in the relation police – prosecutor – court, based on the existing IT infrastructure

Activity 5.3 - Conduct a pilot project to test the concept's viability in practice

INSTITUTIONS



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