

**Centre for the Promotion
of Civil Society - Sarajevo
Sarajevo, 23 March 2005**

**Final Review of
"The Return of Judges and Prosecutors to Minority Areas
of Bosnia and Herzegovina" Project**

**Implementer:
International Organization for Migration (IOM)**

Project Summary:

Introduction

The establishment of an independent judicial and prosecutorial system in Bosnia and Herzegovina (both entities) is advancing slowly. The past few years have seen a pronounced progress in many parts of the country. Various factors influence the establishment of a professional and independent judicial and prosecutorial system. These are primarily as follows:

- The ratification of new laws in Bosnia and Herzegovina adapted to the legislation of European countries with long democratic traditions. The aim is to produce a new legislative framework, which would be approximately identical in the Federation of Bosnia and Herzegovina and Republika Srpska.
- Education and appointment of capable staff (judges and prosecutors) prepared to withstand the influence of politics and build up the citizens' faith in the independence of legal procedures. Lifelong education of judges and prosecutors and constant transfer of knowledge and experience with colleagues from other countries is a continuous necessity.
- The need to strengthen institutional capacities. Working conditions, office furnishing, acquisition of computer equipment and a different approach to its usage. Many courts and prosecution offices in the country do not possess even the most basic conditions for normal operations, which makes investment necessary to create the basic preconditions for normal functioning.
- Appropriate representation of all nationalities in the judicial and prosecutorial staff is necessary in order to regain the trust of all citizens in the integrity of court proceedings, etc. Many courts and prosecutorial offices in the country are representatives of a single 'nationality' and do not correspond with the pre-war national structure of the population. That is why continuous efforts are made at balancing the national structure of judges and prosecutors employed in these institutions.

All positive changes which have taken place were mostly initiated and run by international institutions. Various support projects made the progress visible in these institutions. The entire process of progress is made complex by the organisation of the state and the various levels of authority, which are to facilitate the work and functioning of these institutions in the future. The Project entitled "**The Return of Judges and Prosecutors to Minority Areas of Bosnia and Herzegovina**" implemented by the **International Organisation for Migration (IOM)** has significantly influenced the eradication of some of the above listed problems and has facilitated the establishment of an independent, multiethnic and professional judicial and prosecutorial system in Bosnia and Herzegovina.

Project Task

The data gathering and evaluation of project activities was conducted by associates from the *Centre for the Promotion of Civil Society* in Sarajevo. The evaluation team was comprised of:

Mr. Fadil Šero – *Executive Director*
Tufo Omir – *Project Manager*
Šejla Đurbuzović – *Programme Assistant*
Nenad Novaković – *Programme Assistant*

Having in mind the necessity for an expert evaluation of the project, the *Centre's* management formed an expert team corresponding to the various expert areas of the project activities: two legal experts, a philosophy/sociology expert and an economics expert. The thus formed project evaluation team considered the various aspects of its contents and decided to utilise a wider range of data gathering so as to be able to provide a relevant evaluation of the project's success. We also decided to have our information gathering include (in terms of territory) the largest possible number of project stakeholders. We opted for the following locations: Goražde, Istočno Sarajevo, Zenica, Konjic, Mostar, Livno, Bihać, Banjaluka, Doboј, Orašje and Tuzla. The evaluation was conducted with judges and prosecutors listed in Annex 1.

We have interviewed: the Cantonal Prosecutorial Office **Tuzla**, the President of the Court in **Doboј**, the Cantonal Prosecutorial Office **Bihać**, the President of the Main Court in **Konjic**, and the President of the Court in **Goražde**.

Conclusion: In accordance with the duties stipulated by the Contract, we surveyed eleven towns within seven regions. **Mostar** Region– towns of *Livno, Mostar and Konjic*, **Zenica** Region – town of *Zenica*, **Sarajevo** Region – towns of *Istočno Sarajevo and Goražde*, **Tuzla** Region: towns of *Tuzla and Orašje*, **Doboј** Region – town of *Doboј*, **Banjaluka** Region – town of *Banjaluka* and **Bihać** Region – town of *Bihać*.

Brief Project Description

The purpose of the project was to support and facilitate the return, appointment and professional reintegration of 35 judges and prosecutors in Bosnia and Herzegovina. The project aim was to provide support to the recent judicial reforms as the basis for strengthening democratisation, the rule law, the struggle against racism, xenophobia and discrimination against minorities and minority nationalities as well as to support the process of return to Bosnia and Herzegovina.

The overall aim was to improve the judicial structure necessary for a more extensive return through targeted reintegration of domestic experts capable of competent, just and impartial judgements.

This project was implemented by IOM (International Organisation for Migration) with financial aid provided by CIDA, the Government of the Republic of Ireland and Japan. The partner agencies were the Ministries of Justice of the Federation of BiH and Republika Srpska as well as the Transitional High Judicial Council of Bosnia and Herzegovina.

The expected outcomes were as follows:

- All candidates were interviewed by the Council with assistance and advice from the Independent Judicial Commission and the OSCE Department for Human Rights
- Candidates to be employed in the Supreme, Cantonal, Municipal and District Courts and Prosecutorial Offices
- Assistance provided to all candidates in the form of rental subsidies for up to 12 months until their requests for return of property are met
- All courts and prosecutorial offices are to receive necessary equipment and materials
- All candidates are to complete or continue their education at the Training Centre for Judges in both entities before taking up their posts

1. Information Gathering

The information gathering was carried out directly by the Centre's associates. We prepared a survey questionnaire and list of questions for focus groups and court and prosecutorial presidents. The questions for court and prosecutorial presidents were identical. During the surveying of project stakeholders in the courts and prosecution offices, we conducted interviews (direct conversations with the presidents of these institutions) although they were not planned by the evaluation request. We did not encounter significant problems during our information gathering apart from the preoccupation of project stakeholders with their everyday duties, which did not allow them time enough for the interview. We therefore arranged precise appointments by telephone. We were punctual and conducted our activities according to the pre-arranged plan. Our other problem were the external conditions, high levels of snow and closed-off roads in Bosnia and Herzegovina, which called for extended efforts for the purpose of adequate information gathering. This is why we opted for project stakeholder focus groups only in Istočno Sarajevo, Zenica and Goražde. Assembling project stakeholders and focus group discussion would not have succeeded in other locations because the risks of travelling were too great and the professional duties of judges and prosecutors in the morning hours were a limiting factor.

2. Information Sources

2.1.Existing Information

In the preparatory phase of project activity evaluation we had access to information about the project task, scope of project realisation, evaluation timeframe and methodology. We had sufficient information in the preparatory phase to begin the process and conclude it in accordance with the Contract.

2.2.Project Stakeholders

Project stakeholders are state institutions (courts and prosecution offices), judges and prosecutors.

2.3.Key Information Providers

Judges, prosecutors and institutions involved in the project implementation, IOM management and project implementation staff (authorised representatives of state institutions).

3.Data Analysis and Interpretation

We analysed and compared the gathered data on view from the survey questionnaire, minutes from focus group meetings and interviews with court presidents and derived conclusions about the stakeholders' satisfaction with the project. Their views reflected the individual or group opinions of the effects achieved by the project. We paid particular attention to the project's comprehensiveness and the series of individual activities that made up a whole—the project task and its effects in local communities and in the entire area.

4. Data Gathering Methodology

We used four main methods of data gathering in the project evaluation so as to produce adequate conclusions based on multiple instruments:

- *Questionnaire survey,*
- *Direct interviews,*
- *Focus group interviews,*
- *Documentation survey*

4.1.Survey¹

We prepared this method of non-experimental data gathering as a typical field investigation. With the help of appropriate instruments/techniques we gathered, systematised, presented and analysed the relevant data. The questionnaire was made up of five parts. The first part contained instructions explaining the purpose of the data gathering for the project evaluation, which included all stakeholders and specific instructions for answering the questions. The second part was comprised of questions about the outcomes/effects of the project; the third part contained questions pertaining to the project's implementation and certain opinions on matters, which were the subject of the opinion survey. The fourth part pertained to the project contents and the fifth to project requirements. The questionnaire was filled out by judges and prosecutors who were direct users of the project. ²

4.2. Interview

We opted for this method in order to gather the attitudes and opinions of the presidents of courts and prosecution offices where the project was implemented. The interview method was prepared with appropriate questions, which pertained to the project implementation, stakeholders, effects and final outcomes for the said courts and prosecution offices. We opted for this approach because we wanted to have an insight into the realisation of the project "in the field", within the very courts and prosecution offices, so that we may have sufficient information about the social effects of the project within the institutions and their local environments. All those interviewed were prepared for the interview in advance (they received the interview questions in advance). During our visits, we also used the opportunity to survey the relevant documentation.

¹ The survey questionnaire was filled out by project stakeholders in Konjic, Mostar, Livno, Bihać, Banja Luka, Orašje, Doboj and Tuzla.

² We were compelled to use this method by the weather conditions (blocked roads preventing the gathering of stakeholders into focus groups) and the workloads of judges and prosecutors during the evaluation period.

4.3. Interviews in Focus Groups

We organised focus group interviews in the Sarajevo region. The conditions allowed for the implementation of this method, which enables a larger number of project stakeholders to collectively evaluate its results. A debate and evaluation of good and bad sides of the project leads to an evaluation of the project closest to its realistic achievements. We employed this method in Goražde, Zenica and Istočno Sarajevo. The questions in focus groups were identical to those posed to court and prosecution office presidents.

4.4. Documentation Survey

The method of documentation analysis was performed on the spot, at the court or prosecution office, and was aimed at establishing—on the basis of relevant indicators—how resources were used and how invitations for bids were processed when so required by the project. We were not interested in the funding amounts in order to determine the suitability of their expenditure and their division among various items, although these were also discussed during the interviews. Rather, we were interested in the methods required by the project and IOM procedures. The recipients of project funding (presidents of courts and prosecution offices) were very obliging in this process. The procedure for inviting and selecting bidders was conducted by IOM. We reviewed the following documentation: contracts and receipts on delivered (purchased) equipment. The documentation showed that IOM fulfilled its planned service provision for project stakeholders. The survey questionnaire showed that the project stakeholders were satisfied with the provided equipment.

5. Evaluation Study:

5.1. Project Effects

5.1.1. Project Results

We categorised the key achievement and results of the project into three levels:

- *First*, the project has a wider social significance: support to the return of pre-war residents to their previous places of residence that took place during the process of **reconstruction** of courts and prosecutorial offices. This process directly coincided with appointing new staff to courts and prosecutorial offices, which gave these intuitions a multinational dimension.
- *Second*, technical assistance was provided for institutions (courts and prosecutorial offices) to facilitate their necessary **reconstruction** in accordance with the law. This is an important dimension of the programme because it further encouraged these institutions to become "open" towards **minority return**. It would have been inappropriate to provide assistance only for those returning to their previous positions of employment. Due to the general situation (lack of resources, equipment, etc.) this would have had negative effects for the collective where the said person returns and is re-employed. The technical assistance provided to the institutions had a **very** positive effect.
- *Third*, the programme provided concrete assistance to individual stakeholders (minority returnees) to "*facilitate their integration into the environment and working place, as well as the performance of their duties.*" This type of

assistance was significant insofar as "*helping returnees during the sensitive period of return to work and helping the courts create the preconditions for furnishing the offices of judges and prosecutors*". The assistance proved effective. It is very interesting that we heard no complaints apart from remarks that, in view of their needs, a wider range of assistance would have been welcome. "*The thing that meant most to me was that I was not left on the sidelines and that there are institutions concerned with judges and prosecutors – returnees. I see this project as a type of reward for returning.*"³ **The return of minority groups to courts and prosecutorial offices increased the multiethnic structure of these institutions, which is in accordance with the requirements of the Constitutional Court for national equality in these institutions.**

5.1.2. Project Degree of Success, Strengths and Weaknesses (activities that contributed most and least to its success)

As pointed out before, the realisation of the project coincided with the reorganisation of the judicial and prosecutorial system in accordance with the implementation of the new Law. The coming into effect of this Law and its implementation included a certain technical support that was provided wholly or partially through the assistance programme. The coinciding of the two processes further enhanced the effectiveness of the project. In brief: "*help arrived at just the right time.*" Through our contacts with project stakeholders, we found that the positive side of the project and the assistance provided in purchasing various types of office equipment and furniture was the largest contribution to improvement, efficiency and speediness of operations conducted within the institutions included in the project. The assistance was not uniform but varied and depended on the most immediate needs of the institution at stake (e.g. assistance for roof repairs on a court building was one of most immediate needs or the purchase of "audio recording devices that the prosecutorial office did not have" and which were necessary for depositions of the defendants, etc.) According to the stakeholders' assessment, the project fulfilled its purpose and achieved its goals. In most cases⁴ there was no mention of any bad aspects of the project, apart from the fact that its duration was so short.⁵

5.1.3. Overall achievements and fulfilment of set project goals

We pointed out the set project goals and its positive dimensions in the previous sections of the report. If we wish to focus on the project's overall achievements, they can be defined as material assistance in line with various stakeholder requirements (needs of project users) ranging from court building repairs, purchase and installation of computer equipment, office furniture to technical assistance and working resources. All of this had concrete effects on the achievements and set goals. The courts and prosecutorial offices increased their efficiency and the satisfaction of users with the services they provide. Direct financial aid was provided for rent and accommodation upon return for those judges and prosecutors who required it; and this was another positive component of the project. It was significant because, in the initial phase, minority returnees had a problem of scarce resources. This enabled them to secure practically normal living conditions in areas to which they returned. We believe this to be an

³ Judge from Livno.

⁴ In one case, it was pointed out that the equipment was not used by the person to whose name it was connected. It was not received by the stakeholders stated in the project report. Bihac.

⁵ Surveyed judges in Konjic and Livno.

equally important dimension of the project (in the first phase) as the equipment provided for institutions.

5.1.4. Stakeholder satisfaction with project results. Achievements and direct benefits

Direct benefits: improvement of working conditions in institutions through furnishing of office space (as required by the institution); acquisition of computer equipment significantly aided the work of the entire institution and its new members—minority returnees. The enhancement of efficiency and the satisfaction of project stakeholders—judges and prosecutors—in these institutions had a positive effect on creating a trusting environment. The significance of this practice for the environment and local community should also be pointed out. Primarily, it was valuable in enhancing the reputation and significance of the court and prosecutorial institutions in the eyes of the public. Building repairs, acquisition of office furniture and technical equipment—geared at modernising these institutions—has a certain (psychological) positive effect in local communities. The project users found it easier to deal with their new environment and surroundings, both at work and in the local community. This also had a positive effect on their families and their adaptation to the environment where they had previously lived.

The effects of the project on individual segments (family) are difficult to measure, but stakeholders' attitudes point to these dimensions, which must be kept in mind when considering the overall effects and results achieved. We cannot reduce the effects solely to the technical side of the project, but must take into account those dimensions that support individuals in overcoming problems in environments to which they return. The most illustrative example is the opinion of the prosecutor from Livno who states that this is "*a great contribution to population return, the implementation of the Dayton Peace Accords and judicial reforms.*" Many returned from other countries, such as Sweden, Germany, Yugoslavia, Croatia, Norway and Slovenia. This required the moving of entire families to their pre-war environments. These families were integrated into their new environments and are managing to overcome problems that initially arose upon returning to their pre-war places of residence. The Prosecutor from Banja Luka, says: "*For me it had the effect of encouragement and hope that progress in social reforms was evident in the society in which we live and the republican prosecutorial institution where I work. I am satisfied with my job and am happy to see that this has also affected my family relationships and my contacts with other people. The republican prosecutorial office was at that time left with practically no resources at all, so aid was extremely important.*"

A number of judges and prosecutors we interviewed only work in the specific location, but live elsewhere (Adnan G. and Munib H. work in Istočno Sarajevo, but live in Sarajevo). Due to the close proximity of their place of work and residence, judges Dragan Ć. and Zoran P. work at the court in Goražde, but live in Rogatica. This aspect has another positive side. Citizens of Serb nationality returning or intending to return to Goražde see this approach of employing judges of Serb nationality at the Goražde court as a positive step facilitating their own return. This will affect their decision to permanently return to Goražde. This project cannot solve all the problems a returnee family may encounter upon returning to their pre-war place of residence. Slavko P. from the court in Mostar says: "*Initially, the project enabled me to pay rent for my apartment and the monthly aid for accommodation and living conditions was very helpful.*" In that way, for the largest number of users, according to Mr. Slavko P. "*that aid helped them dedicate more of their attention to the job they returned to.*"

5.1.5. Efficiency of project components

All project components are connected and directly linked to the set project goal: to enable the most efficient possible return of judges and prosecutors to their previous positions, which would have a positive effect on the community and institutions where they are employed. The needs varied from institution to institution, so they cannot all be classified under the same dimension. But, it is necessary to conclude that the methodology employed by IOM to identify the problem was appropriate because it enabled the project stakeholders to identify their key needs. In some cases, they were various and most urgent needs that received positive reactions. The purchase of office furniture or audio recording devices, computer equipment or aid for renting apartments for those who did not have an alternate place of residence, are evident indicators. Goal: facilitate efficient minority return that would enable greater effectiveness of courts and prosecutorial offices in local environments. Although these components are different, they are part of a whole. The difference shows that the project implementer determined well the needs of the stakeholders. The flexibility of the project show that, in such cases, efficiency and success at achieving the set goals is greater.

5.1.6. Social, political, professional and economic effects (positive and negative) on project stakeholders, their families, institutions and communities.

According to the assessment of the stakeholders, the greatest result of the project is aid to minority returnees in facilitating their integration into their previous living and working environment. In that sense, the project was successful. The good sides of the project are material aid in furnishing the institutions in which the key stakeholders work as well as technical and other assistance. No negative sides were observed. The activities that contributed the most to achieving this goal were the purchasing of technical equipment for offices, which significantly improved working conditions and thus had a positive effect on project stakeholders. Since it was a matter of furnishing office space and purchasing computer equipment, the stakeholders believe that the entire community benefited from this project which had a positive effect on more efficient, better quality and more professional services provided. They, therefore, believe that the project is transferable and expandable, that it helped the process of return. The stakeholders were well integrated into their environments and feel comfortable there. The greatest benefit is enjoyed by the state institutions and also by individual project stakeholders involved in the programme.

5.1.7. Unplanned or negative effects

No negative effects were observed in the realised project content. The project was comprehensive and aimed at facilitating sustainable return for judges and prosecutors, at positively effecting the return of minority groups and at enhancing the capacity and efficiency of the courts and prosecutorial offices in seven Bosnian-Herzegovinian regions. No negative effects were observed.

5.1.8. Project transferability and the acceptability of its re-implementation

The project is transferable. The majority of stakeholders believe that the project can be implemented in other areas. We present here some of the characteristic responses to the possibility of re-implementing or transferring the project: *"of course, that would be extremely useful, it was for mine as I'm sure it would be for other institutions," "certainly," "yes, and I'm*

interested to know if it will be implemented elsewhere," (Svjetlana B. and Želimir B.). The prevailing general opinion is that the project is transferable and can be re-implemented. When it comes to re-implementing the project, we would like to point out the opinion of the Dobož Court President: "The Court still does not have an adequately furnished courtroom, so the extension of the project is deemed a priority. There are some promises in terms of furnishing the writing-room and main hall in the land-registry office.

After my appointment as Court President, I contacted the IOM staff to see whether the project could be extended. They were very polite and nice, but a repetition of the project was not possible because all funding had already been invested in accordance with the programme. The Court is still in a difficult situation, because the electrical installations are in a poor condition and there is no funding in the budget for their reconstruction." This statement is illustrative of the project stakeholders' interest in repeating the project, which says enough about the successfulness of its implementation.

5.2. Project Implementation

5.2.1. Activities and events that made up the project

The project was made up of a series of activities put together as a whole. Methodology: Letter of Offer from the IOM, regular contacts between an authorised person from an institution and the IOM project staff. Joint assessment of court and prosecutorial office needs, purchase of equipment and reports for IOM. Concrete individual activities:

- repairs of court buildings,
- furnishing of office space,
- purchase of computer equipment,
- technical equipment (recording device for depositions, automatic telephone exchange, telephone and photo equipment, etc.)
- aid towards rental costs for minority returnees

5.2.2. Methodology employed

Written offer by IOM. Application for the project. Analytical planning of courts and prosecutorial offices' needs, joint (stakeholder and IOM) analysis of needs and possible effects, financial resources necessary for realisation, realisation (invitation for bids as planned by IOM procedures), purchase of equipment, furnishing of office space, financing of individual needs of project stakeholders—rental subsidies and overall assessment at the end of the project. The above also reflects the chronological order of activities in the realisation of the project. In brief, the following methods were employed:

- assessment and analysis of project stakeholders' needs,
- assessment analysis of effects after the needs are met,
- Assessment of financial requirements for the realisation of set needs,
- purchase or concrete realisation of planned activities,
- effects analysis
- reporting

"Letter of offer from the IOM, regular telephone contacts between the prosecution secretary and the project staff. Agreement of both subjects on the needs of the prosecutorial office and

the capacities of the project; and a follow-up report from the prosecutorial office after receiving equipment and the realisation of project tasks," Prosecutor from Banja Luka.

5.2.3. Project implementer

The project was implemented by the IOM. Good organisation during the realisation of planned activities. Positive assessment of persons employed by the IOM.

5.2.4. The role of IOM

- To provide technical support for the duration of the project
- To provide all administrative and technical support necessary for the return of judges and prosecutors.
- Assessment of needs of courts and prosecutorial offices where the judges and prosecutors are returning and, where possible, deciding on whether any equipment the IOM can provide is necessary
- Providing direct aid to returnees selected and employed in special positions
- To provide information and materials through an extensive information campaign including job ads in local papers and the Official Gazette in both entities.

IOM was the project implementer. The stakeholders' assessment was positive. According to them, IOM identified the stakeholders' key needs. They employed efficient equipment suppliers and deliverers. They monitored the project realisation and *"evaluated its outcomes/effects."* *"The role of IOM was good and transparent."* *"Cooperation with IOM staff was excellent."*⁶ *The role of IOM was to recognise our needs for a certain type of resources that we considered necessary, which was demonstrated after implementation. To employ efficient equipment suppliers, which they did, and to monitor the effects of our work."* – Prosecutor from Banja Luka

5.2.5. Resources and inputs invested

Resources invested in:

- Furnishing court building,⁷
- Furnishing court library,⁸
- Computer equipment,
- Technical equipment (recording device for depositions, automatic telephone exchange, telephone and photo equipment, etc.)
- Office furniture, and
- Rental subsidies for the accommodation of minority returnees.

5.2.6. Financial investment and investment in staff and its adequacy

The project stakeholders included in the evaluation expressed the opinion that the assistance was adequate and timely. Taking into account their working conditions and the needs of courts and prosecutorial offices, the majority of them believe that the project should be continued. Some returnees who had used the rental subsidy to pay for accommodation in

⁶ Interviewed project stakeholders from Goražde, Livno, Konjic and Orašje.

⁷ Court in Konjic and Tuzla.

⁸ Court in Livno.

places they returned to, were unable to prolong their contracts and are now commuting to work from their place of residence. We have already pointed out that this was the case with judges and/or prosecutors working in Goražde or East Sarajevo, but living in Rogatica or Sarajevo. We would like to point out the opinion of the President of the Court in Dobož: *"I give the project top marks, especially because it was realised when the courts were in a difficult financial situation and when donations such as this one were dearly needed to make us operational. In a professional sense, I believe this was a great progress because before the judges and administrative staff were forced to do their jobs on outdated equipment. The new equipment proved to be particularly useful for judges, as opposed to working with typewriters, and it enabled more efficient and swift performance of duties. The second project characteristic I would mark as positive is the creation of multiethnic courts in the segment appointments to judicial positions, and the regaining of trust in the court as an institution. I would like to emphasise the good inter-personal relationships and professionalism of the appointed judges."*

5.3. Project Content

5.3.1. The socio-economic and political environment that preceded and contributed to project success

The implementation of the project was preceded by two very important factors that influenced the results of the project. First, the reorganisation of the judicial and prosecutorial system in Bosnia and Herzegovina and the constitution of regional courts and prosecutorial offices. This resulted in the merger of certain courts and prosecutorial offices in Bosnia and Herzegovina, which produced the need to strengthen courts and prosecutorial offices in a single regional centre. This process demanded the enhancement of these institutions with new human resources. On the other hand, the expressed interest of people to return to their pre-war places of residence and the absence of such personnel facilitated the need for the return and appointment of judges and prosecutors of "other nationalities"⁹, mainly judges and prosecutors who used to live in these locations. The positive trend of the return of citizens to their previous places of residence is not seen as something negative in the local communities—on the contrary. There has been an increase in trust among the residents of different national groups in local communities.¹⁰ For these reasons, the project struck at the heart of the problem of needs and appropriate solutions.

These two factors are closely linked to the set project goals and had the most direct influence on project success. With this in mind, the results of the project stem most directly from the satisfied needs of project stakeholders and institutions in local environments. In other words, the timing, needs and goals of the project were set up very well. Local communities where the project was realised had a practical need for the project task. In view of the state of courts and prosecutorial offices in Bosnia and Herzegovina and the needs that arose out of their reorganisation, the financial resources of the project were not sufficient to satisfy all the needs and solve all their problems, but the planned goals were achieved.

⁹ "Minority returnees" were identified by the project, which caused a certain dose of dissatisfaction on the part of the project stakeholders themselves during the interviews. They do not see themselves as minority nationalities, but as equal with others in their local communities. Basically, the project was aimed at the return of persons (judges and prosecutors) that were quantitatively a minority. The term "minority" is used in our colloquial and political jargon to mean minority groups: Roma, Czech, Slovene and other groups.

¹⁰ Particularly emphasised by the President of the Court in Dobož.

The reinstatement of citizens' trust in the judicial and prosecutorial system¹¹ is another component that is very important and contained in the indirect goals of the project. It is difficult to measure this dimension precisely, but it is significant for the trust all citizens place in courts and prosecutorial offices in the country.

5.3.2. The effect of the project on the local environment and project stakeholders

The project facilitated the process of reorganising the courts and prosecutorial offices in the communities where it was implemented. We should keep in mind the dual benefit of the project for the courts and prosecutorial offices as institutions and the individual project stakeholders. Illustrative in this respect is the opinion of Mr. Slaven K., Court President from Tuzla: *"My general assessment is that the project has achieved its purpose. Individual stakeholders and institutions are satisfied because services were efficient and timely and the IOM staff was professional."* This is the best illustration of the project's results and the manner of its implementation.

The so far limited effects of the process of return of citizens to Bosnia and Herzegovina are mainly linked to unemployment, that is, the lack of preconditions for sustainable return. This project strikes at the heart of the problem of people returning to their previous places of residence. Employment is provided through the opening of new positions for minority groups/returnees, as well as accommodation, office furnishing and assistance provided to institutions to which these people returned. This **comprehensive approach** to return is an example of "good practice" for all institutions (international and local) of how to approach the problem of citizens' return in a country that has suffered the traumas of war. It has multiple effects. We will point out only some of them that we came across during the project evaluation:

- The project was not concerned with the return of "ordinary" citizens that would be involved in entrepreneurial business, but with the return of judges and prosecutors, high-ranking professions in the judicial and prosecutorial system. They are, as expected, in a position to provide "services" (pass verdicts and file criminal charges) on behalf of citizens in certain areas where citizens of another nationality are the majority. This was particularly pointed out as positive for the local community in Istočno Sarajevo through the following opinion: *"Living in smaller communities, judges and prosecutors are, whether they want to or not, involved in neighbourly, family, friendship and other relations within the community which can be a challenge to a professional and fair trial. Judges of a different nationality can, in some cases and for a certain community be accepted as more objective than judges which had resided in those communities for longer periods."* – Judges Adnan G. and Munib H.
- A good atmosphere in the new working and local environment encourages the process of return of others to their pre-war places of residence. Ordinary citizens react positively to the judges' and prosecutors' decisions to return to their pre-war positions. This increases the overall multiethnic structure of society in those local communities and thus fulfils the required multiethnic structure of state institutions. The enforcement of trust in the fairness of these institutions in the eyes of the public has a positive psychological effect on the process of return to BiH.

5.4. Project Needs

¹¹ Courts in Livno and Konjic.

5.4.1. Stakeholders' needs addressed through the project

In the most literal sense, all services provided during the realisation of the project were appropriate, both for the institutions and the individuals addressed by the project. The purchased equipment, office furniture or the furnished court building in Konjic demonstrate direct and visible effects. Previously, we pointed out the significance of this psychological perception by the citizens of these communities. Of course, all needs of the institutions cannot be satisfied by this one project in the judicial and prosecutorial system reforms, but the urgent key needs have been satisfied. The duration of the project, partially pertaining to the provision of rent subsidies for the accommodation of returnee judges and prosecutors, may have been too short.¹² The returnees to pre-war places of residence mainly faced much more complex problems than employment and relationships with their colleagues in the institutions to which they returned. Primarily, these were problems of accommodation, which include a series of needs that are not part of the project's activities and could therefore not be completely fulfilled and remain objective problems of the returnees.

If we reduce this problem to services addressed within the project, those provided were appropriate to its stakeholders. During our previous investigation, we pointed out that IOM, along with the stakeholders, worked on assessing the most urgent needs that were included in programme activities. These needs were appropriate for project stakeholders.

5.4.2. Expectations of stakeholders in increasing capacities that could be built

Having in mind the stated elements/needs, apart from the mentioned effects, the project stakeholders pointed out the facilitation of "*easier implementation of law and working with depositions and court procedures, as well as performing other everyday activities important for the functioning of the court and prosecutorial office.*" All project components make the courts and prosecutorial offices more efficient and facilitate the performance of their duties in accordance with the requirements of their profession. If we take into account the number of individual stakeholders (over sixty) who have returned to their pre-war places of employment and some forms of various legal regulations and practices in the two entities, then it becomes evident that professional improvement is necessary in order to keep up with the new legislation.

5.4.3. Current practices in developing capacities of judges and prosecutors

Professional improvement and education and training for the use of new technical equipment that makes up the new modern functioning of courts and prosecutorial offices is realised through collective education and training organised by the Centre for Education of Judges and Prosecutors.¹³ The project enabled its stakeholders, judges and prosecutors, to attend education programmes introducing the use of new methodology that they could not have applied without the adequate equipment donated by IOM. Otherwise, this Centre provides various forms of education and further education for judges and prosecutors in different legislative practices and their implementation. It is a matter of the implementation of laws ratified and part of the practice of courts throughout Europe or the exchange of experience important for the improvement of judicial and prosecutorial practice. The needs are great and can be inspirational for various forms of support and assistance.

¹² Opinion of the majority of users of these services.

¹³ Cantonal Prosecutorial Office in Bihac – project stakeholder.

5.4.4. Changes considered possible or significant by project stakeholders

Changes in communities where the project was realised are visible through the efficiency achieved by using new equipment, which facilitates the working process. At this point, we will point out the opinion of one of the project's stakeholders: *"More similar projects would certainly help the work of formed institutions and what I keep thinking about: Also the society in which I live and every individual citizen whose rights it is my duty to protect and thus contribute to development and prosperity in society."* Efficient protection of citizens' rights in accordance with the law is a very important characteristic of a social environment. The project was part of a wider plan of activities geared in that direction.

5.4.5. Pilot attempt effects

The pilot attempt was appropriate for all stakeholders and should be continued if at all possible. As a recommendation, the project stakeholders are interested in further investment, primarily in computer equipment, photocopiers, transfer of equipment for fieldwork where it was not included in the project content. Judges Dragan Ć. and Zoran P. suggested similar future projects: *"to introduce as a project component professional literature that judges, and not just in this court, do not have access to. It occurs that judges do not have access to most recent legal regulations or certain collections of regulations, court practices of other court, etc."* A need to prolong the rental fee assistance for those returnees without their own places of residence was also expressed.¹⁴

The inadequate attitude of the state towards the institution of judiciary and prosecution cannot be compensated through this or similar projects which are aimed at assistance and support. For these reasons, it is impossible to satisfy all the needs of these institutions. Its most significant dimension is the multiple understanding of the problem and a systematic approach to the realisation of the programme of minority return of judges and prosecutors: securing of employment, purchase of equipment for the institutions to which they return, providing these institutions with their most urgent requirements, returnee accommodation in a set time interval are very important and make up a project whole.

6. Conclusion

The project had very positive effects in the communities where it was realised. It was implemented during the reorganisation of the judicial and prosecutorial system in Bosnia and Herzegovina—the project stakeholders believe it was *"aid administered at just the right time"*. The comprehensiveness of the project of judges and prosecutors returning to minority areas had a multidimensional effect on project stakeholders: court and prosecutorial institutions where it was realised (Republika Srpska and the Federation of BiH), individual stakeholders (judges and prosecutors) and their families. The satisfaction of project stakeholders (institutions and individuals) expressed during the evaluation convinced us of the results that were achieved.

The social significance of the project's results is visible in the enhancement of the multinational structure of the courts and prosecutorial offices in Bosnia and Herzegovina,

¹⁴ In the Prosecutorial Office in Istočno Sarajevo, individual stakeholders expressed surprise at the fact that they received rental fees for only eight (8) months instead of ten (10).

which is one of the constitutional obligations of state institutions. By strengthening the institutional capacity of courts and prosecutorial offices, their efficiency and professionalism towards the users of their services—the citizens, was also enhanced. The return of judges and prosecutors to their previous places of employment will encourage the return of other citizens and it will encourage institutions to enhance a multiethnic structure on all levels and in all professions.

An important dimension of the project is its successful implementation that managed to fortify the belief that return to minority areas is possible but that it entails the comprehensive solution of returnees' problems. We believe that this project and IOM's experiences will encourage international and local organisations to continue activities on the return of citizens to their previous places of residence. The return of judges and prosecutors from other countries to which they had escaped such as: Croatia, Serbia and Montenegro, Norway, Sweden and Germany is proof of trust in the institutions that implemented the project.

Executive Director
Centre for the Promotion of Civil Society
Mr Fadil Šero

APPENDIX:

Annex 1. List of judges and prosecutors—project stakeholders

Annex 2. Survey Questionnaire

Annex 3. Interview questions for focus groups and presidents of courts and prosecutorial offices

Annex 1

Region	Town	Judges and Prosecutors
Mostar	Livno	Lemo Karmela Mihajlović Božo Begić Nedim Barašin Milorad
	Stolac	Karadeglić Branko Bučuk Salko Pezo Mehmed
	Prozor/Rama	Alajbegović Firdeus
	Konjic	Anić Mile Tomić Predrag Mijatović Tatjana Leko-Ljubić Draženka
	Mostar	Pavlović Slavko Kebo Hamo
Bihac	Bihac	Pušac Vojislav Kulenović Vasvija
Banjaluka	Prnjavor	Odobašić Muharem
	Drvar	Kukrić Snežana
	Banjaluka	Hadžić Mirsad Medić Adem Kršlaković Fikret Barić Želimir Bukić Amor Brković Svetlana Kulenović Zlatko Osmić Darko
Doboj	Doboj	Barišić Jozo Majher Ivan
	Tešanj	Jelić Marko
	Maglaj	Lukeš Tihomir
Tuzla	Zavidovići	Saletović Klaudija
	Gradačac	Miljković Slađana
	Orašje	Huskić Selma Savić Miloš
	Odžak	Jenko Spomenka
	Tuzla	Gluhajić Staniša, Duknić Zika
Sarajevo	Sarajevo	Gogala Zorica Martinović Aleksandra Milošević Branka Knežević Zdravko Marković Miroslav Pavlić Milan Bubalović Tadija Malešević Snježana Božić Zoran Lalović Ljiljana Trifunović Vesna

	Istočno Sarajevo	Blitvić Miodrag Gulamović Adnan Hadžić Asja Džindo Mirsad Halilović Munib
	Goražde	Pašić Fazlić Jasmina Draško Lazar Bijelović Miljana Čorić Dragan Popović Zoran
Zenica	Zenica	Dodik Božidarka Bjelošević Vesna Plasto Jelisaveta Marjanović Suljić Vukica Antonović Zvezdana
	Kakanj	Lečić Mirko
	Bugojno	Kalaba Dragan
	Vareš	Tojčić Stojan

Annex 2

Dear Sir/Madam,

The **Centre for the Promotion of Civil Society**—a nongovernmental organisation situated in Sarajevo with offices in Banja Luka, Livno and Goražde was contracted by the IOM as an independent evaluation institution to assess the success of the project in whose activities you were most directly involved. The **International Organisation for Migration (IOM)** as the implementer of the project is obliged to the donator to provide an independent evaluation institution which will assess the real effects of this project in Bosnia and Herzegovina, that is, those communities where it was implemented. The *Centre for the Promotion of Civil Society* was chosen as an independent institution for the evaluation of the project's successfulness. It is for those precise reasons that we wish to gather as much information as possible from project stakeholders, civil servants and institutions involved in the project's implementation, the training centre, members of local and international institutions involved in the project, the IOM management and staff entrusted with project implementation.

Through the survey questionnaire, interviews, discussions in focus groups and a documentation survey, we would like to acquire an objective insight into the success/failure and effects of the set project goals. Our associate contacted most project stakeholders and based on these conversations with you concluded that, either due to your workload or the winter weather conditions, there were no preconditions to organise "focus groups" involving a larger number of project stakeholders from various locations in one centre. We, therefore, abandoned this task/idea and chose instead a "variant" somewhat more difficult for us. We have prepared a survey Questionnaire that we enclose kindly requesting that you fill it out by Tuesday (15 March 2005). From 15 March 2005, You will be contacted and visited by an associate of the Centre, who will collect the hopefully filled out survey Questionnaire, interview you and if necessary look through your project related documentation. The survey Questionnaire is anonymous and you are not obliged to sign it.

We kindly ask you to take the time to fill out this survey Questionnaire and to be at the disposal of the Centre associate who is to visit you. For all additional information, please contact the following Centre associates: Šejla Đurbuzović or Nenad Novaković, who are directly involved in the evaluation process, telephone 033 213 278, 216 669 (Sarajevo), Fatima Čefo 034 201 998 (Livno) and Ozren Trišić 051 217 421 (Banja Luka).

Sincerely,

Executive Director
Mr Fadil Šero

The questions asked are direct and we kindly ask you to respond in the same manner. We would prefer to have your response to each question. In case there is something we did not ask and you consider it important for an assessment of the project's success, please add your response. If you need more space, please use additional sheets of paper.

Project Outcome/Effect

- 1. What difference (added value) resulted from the project? What is the project's greatest result?**

- 2. Was the project successful?**

- a) Yes
- b) No
- c) I don't know
- d) No response

- 3. What were the project's:**

a) Good sides/strengths

b) Bad sides/weaknesses

4. What activities:

a) Contributed the most?

b) Contributed the least?

5. Did the project achieve its overall purpose and its specific goals?

a) Yes. Comment.

b) No. Comment.

6. Are you satisfied with what you gained through this project? What did you achieve, learn, gain?

a) Yes. Comment.

b) No. No response

Project Implementation

12. Which activities, events was the project made up of? Please, list!

13. What methods were employed?

14. Who implemented the project?

15. What was the role of IOM?

16. Who else (other institution) was involved? What was their role and contribution?

17. What resources and inputs were invested?

18. Were the financial and human resources investments adequate?

a) Yes

b) No

Comment _____

Project Content

19. What contributed to the success of the project from the social/economic/political environment?

a) Yes. What specifically?

b) No. Comment.

20. How well was the project integrated in the stakeholders' local environment? How well did it fit in with the professional, social and educational needs of the project stakeholders?

Project Needs

21. Were the stakeholders' needs appropriately addressed/represented through the project?

22. What were your main needs and their characteristics?

23. Which of your professional capacities can be improved?

24. What is the current practice in developing your professional capacities?

25. What further changes do you see as possible or important?

26. Was the pilot project adequate?

- a) *Yes*
- b) *No*
- c) *Comment.*

Thank you for your cooperation!

Annex 3

Questions for Interviews in Focus Groups and for Presidents of Courts and Prosecutorial Offices

1. HOW DID YOU FIND OUT ABOUT THE PROJECT?
2. WHAT IS YOUR GENERAL ASSESSMENT OF THIS PROJECT?
3. WHAT DID PARTICIPATING IN THIS PROJECT MEAN TO YOU IN A PROFESSIONAL SENSE?
4. WHICH PROJECT ELEMENT DO YOU CONSIDER MOST USEFUL (INSTITUTIONAL GRANT – EQUIPMENT – ASSISTANCE TO RETURNEES, RENTAL FEES...)
5. HOW WAS THE PROJECT SIGNIFICANT FOR THE INSTITUTION YOU WORK IN?
- 6.
7. WHAT ARE THE MOST IMPORTANT PRACTICAL BENEFITS/STRENGTHS YOU GAINED BY PARTICIPATING IN THIS PROJECT?
8. WHAT COULD HAVE BEEN DONE BETTER IN THIS PROJECT?
9. IF A NEW SIMILAR PROJECT WERE TO BE REALISED, WHAT, IN YOUR OPINION, SHOULD IT ENTAIL SO AS TO BE MORE SUCCESSFUL?
10. HOW DID YOUR COLLEAGUES RECEIVE YOU WHEN YOU WERE APPOINTED TO YOUR NEW POSITION?
11. WHAT IS YOUR ASSESSMENT OF THIS PROJECT’S SIGNIFICANCE WHEN IT COMES TO REINSTATING THE TRUST OF CITIZENS IN FAIR AND IMPARTIAL JUSTICE SYSTEM?
12. WHAT IS YOUR ASSESSMENT OF THE ASSISTANCE AND SUPPORT PROVIDED BY THE IOM STAFF DURING PROJECT REALISATION?