

Annex I

Description of the Action

Name of applicant:	The Council of Europe	
Title of the action:	Strengthening the capacities of law enforcement and judiciary in the fight against corruption in Serbia (PACS)-Serbia	
Location of the action:	Belgrade, Serbia	
Total eligible cost of the action (A)	Amount requested from the Contracting Authority (B)	% of total eligible cost of action (B/Ax100)
€ 1 183 748	EUR 1,056,968.64	89.29% EU
Total duration of the action:	28 months	
Contact details for the purpose of this action:		
Postal address:	1, Avenue de l'Europe - 67075 Strasbourg Cedex	
Telephone number:	+ 33 3 88 41 20 00	
Fax number:	+ 33 3 88 41 27 81 /82 /83	
Contact person for this action:	Ardita ABDIU, Economic Crime Unit (ECU)-Directorate of Directorate General of Human Rights and Rule of Law (DG I)	
Contact person's email address:	ardita.abdiu@coe.int	

Strengthening the capacities of law enforcement and judiciary in the fight against corruption in Serbia (PACS-Serbia)

6	FACTORS ENSURING SUSTAINABILITY	46
6.1	Policy support.....	46
6.2	Environmental protection measures.....	46
6.3	Socio-cultural and gender issues	46
6.4	Institutional and management capacity (public and private)	46
6.5	Economic and financial analysis	46
7	MONITORING AND EVALUATION	47
7.1	Definition of indicators.....	47
7.2	Reports/evaluations.....	47
7.2.1	Reports	47
7.2.2	Evaluations	48
8	APPENDIX	50
8.1	Annex I - Logical framework.....	51
8.2	Annex II – Indicative Timetable	58

1 PROJECT SUMMARY

Project title	Strengthening the capacities of law enforcement and judiciary in the fight against corruption in Serbia (PACS)-Serbia
Duration	28 months
Budget/funding	EUR 1 183 748,06 (EU/IPA 2011); EUR 126 779,42 (CoE/JP)
Objectives of the action	<p>Overall objective To contribute to democracy and the rule of law through the implementation of institutional reforms aimed at preventing and combating corruption.</p> <p>Purpose To strengthen the capacities of law enforcement agencies and judiciary to detect, investigate, prosecute and adjudicate corruption cases.</p>
Expected Result 1	<p>Strengthened capacities to investigate and adjudicate corruption offences</p> <p>1.1 Risk analysis available assessing all legislative and organisational obstacles to efficient criminal investigations and proceedings and provide recommendations and assistance for improvement of internal procedures and tools (including information of public on results);</p> <p>1.2. Strengthened capacities of law enforcement and judiciary through multidisciplinary trainings and specialized courses to judiciary, prosecutorial services and law enforcement officers on corruption, economic crime cases, accounting and auditing; and through available training curricula of relevant institutions;</p> <p>1.3. Available newly introduced techniques (IT tools and possibly use of data base) and strategic capacities of prosecutorial services to investigate corruption and white collar crime;</p> <p>1.4. Specialised undercover agents those that use special investigative means (SIMs) from law enforcement structures in charge of cooperating with prosecutorial services;</p> <p>1.5 Increased public awareness and trained journalists on reports concerning allegations pertaining corruption cases and their adjudication;</p>
Expected Result 2	<p>Strengthened capacities to fight corruption within the justice sector</p> <p>2.1. Available risk analysis and recommendations on the current situation with regard to possibilities and actual extent of corruption within the judiciary, prosecution and law enforcement;</p> <p>2.2. Introduced ethical rules/implementation guidelines and with regards Judicial, Prosecutorial and Law Enforcement Codes of Conduct/Ethics to organisational aspects (including selection/appointment procedures);</p> <p>2.3. Available opinions and advice on implementation to the High Judicial Council and State Prosecutors Council with regard to disciplinary rules and measures against ethical violations from judges and prosecutors when construed as corruptive practices/allegations;</p> <p>2.4. Trained judges, prosecutors, and law enforcement officers on aspects of detecting corruption and controlling conflict of interests within those structures.</p>
Counterparts	Ministry of Justice (MoJ); Ministry of Interior, High Judicial Council, State Prosecutorial Council, The Republican Prosecutor's Office, Courts, Judicial Academy, Police Academy
Implementation	Council of Europe (Economic Crime Unit, DG-I)

2 BACKGROUND

The Republic of Serbia ratified the Council of Europe's Criminal Law Convention on Corruption (ETS 173) on 18 December 2002, which then entered into force on 1 April 2003. The Republic of Serbia did not make any reservations to the Criminal Law Convention on Corruption. Furthermore, the Additional Protocol to the Criminal Law Convention (ETS 191) was ratified by the Republic of Serbia on 9 January 2008 and which entered into force in respect of the Republic of Serbia on 1 May 2008. The Republic of Serbia did not make any reservations to the Additional Protocol to the Criminal Law Convention on Corruption. Serbia has been member of Group of States against Corruption (GRECO)¹ since April 2003. Furthermore, the Republic of Serbia ratified the Council of Europe's Civil Law Convention on Corruption (ETS 174) on 9 January 2008, which then entered into force on 1 May 2008.

Following a series of legislative amendments especially those in 2009, the Criminal Code of Serbia has been evaluated by GRECO as "*largely in line with the Criminal Law Convention on Corruption (ETS 173)*". However, the same evaluation report² lists a limited number of specific deficiencies that yet need to be addressed. In particular:

- it must be ensured that the offences of active and passive bribery in the public sector cover all acts/omissions occurring in the exercise of the function of a public official, whether or not within the scope of his/her official competences;
- it should be clarified that private sector bribery covers all persons who direct or work for – in any capacity – private sector entities as intended by the Convention.
- The legal basis for nationality jurisdiction is to be reviewed in order to abolish the requirement of dual criminality and to extend jurisdiction over corruption offences, committed by foreigners abroad, but involving officials of international organisations,

¹ www.coe.int/greco

² GRECO' 3rd Evaluation Report (October 2010)

FBD

Strengthening the capacities of law enforcement and judiciary in the fight against corruption in Serbia (PACS-Serbia)

members of international parliamentary assemblies and officials of international courts who are, at the same time, Serbian nationals.

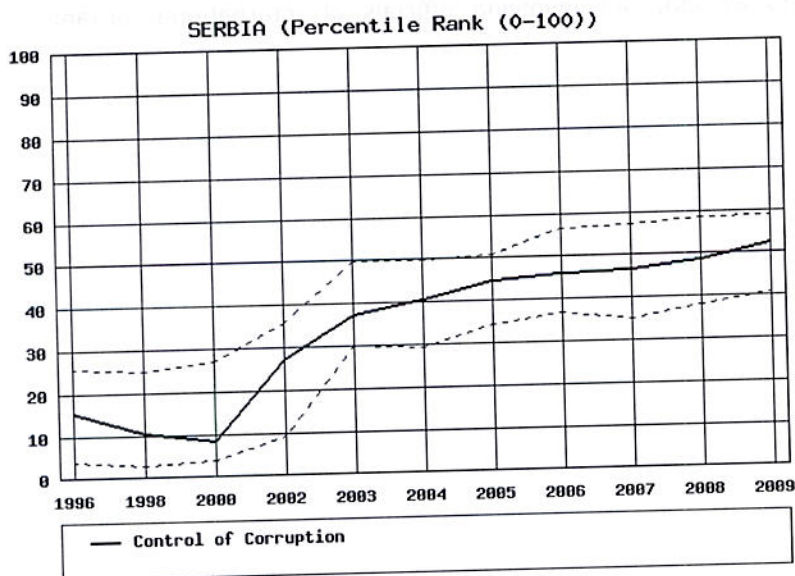
- The possibility to return the bribe to the bribe-giver, who declares the offence before it is uncovered, should be abolished in order to limit any risk of abuse.

Furthermore the same report refers that the Serbian criminal legislation provides a sound basis for the investigation, prosecution and adjudication of corruption offences, its effectiveness in practice needs to be increased, yet more must be done, and more specifically:

- to secure convictions not only for petty bribery, but also high-level corruption in the public sector;
- need to remain alert to related problems, other than traditional bribery, such as trading in influence and corruption in the private sector;
- the issue of concerning the very few investigations that have been launched to date in respect to corruption related offences;
- further developed, including by raising the awareness of law enforcement authorities regarding the content of the existing incriminations of corruption

2.1 Situation in the sector

According to World Bank's Worldwide Governance Indicators, Serbia's control of corruption has shown much improvement between 2000 and 2005, but ever since has slowed down and remained more or less around 50%, with a rising tendency, though:



(Source: World Bank, <http://info.worldbank.org/governance/wgi/>)

Transparency International's (TI) Corruption Perceptions Index (CPI) shows improvement since 2003; however, the country still ranks comparatively low at 78 in 2010, with Bosnia-Herzegovina being the only country on the Balkan ranking lower at 91 and at 86 in 2011.

Year	2003	2004	2005	2006	2007	2008	2009	2010	2011
Rating	2.3	2.7	2.8	3.0	3.4	3.4	3.5	3.5	3.3

(Source: TI, www.transparency.org/policy_research/surveys_indices/cpi)

Freedom House's Nations in Transit Ratings shows a steady decline in the field of corruption:

Strengthening the capacities of law enforcement and judiciary in the fight against corruption in Serbia (PACS-Serbia)

Year	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011
Rating	6.25	6.25	5.25	5.00	5.00	5.00	4.75	4.50	4.50	4.5	4.5	4.25

(Source: <http://www.freedomhouse.org/uploads/nit/2009/Serbia-final.pdf>)

According to the Evaluation Report of the Joint First and Second Evaluation Round of 23 June 2006, p. 4, the "authorities of the Republic of Serbia consider corruption as 'one of the most serious problems in the Republic of Serbia'. In their replies to GRECO's questionnaire, they reported that in 2001, 109 organised criminal groups with 649 members were identified. Criminal investigations had revealed numerous connections between organised crime and corruption at all levels of the administration." Until today this connection between organized crime and corruption has remained a serious problem.

Serbia has passed some important anti-corruption laws in recent years, namely:

- Anti-Corruption Agency Law;
- Law on Amendments and Additions to the Law on Financing of Political Parties;
- Law on the Liability of Legal Entities for Criminal Offences;
- Law on Seizure and Confiscation of the Proceeds from Crime;
- The Law on the Judicial Academy
- Package of Anti-Corruption Laws adopted by the National Assembly of the Republic of Serbia on October 23, 2008³.

The new Criminal Procedure Code was adopted in September 2011. Its implementation for WC and OC started on 15 January 2012, while for other courts and prosecutors' offices it will start being implemented from 15 January 2013.

³ www.mpravde.gov.rs/en/articles/legislation-activities/adopted-laws/

Strengthening the capacities of law enforcement and judiciary in the fight against corruption in Serbia (PACS-Serbia)

The new Civil Procedure Code was also adopted in September 2011 but entered into force on 01 February 2012. The law on enforcement of judgments and the law on notaries have been adopted in May 2011.

Despite the passage of some of the above mentioned laws and the fact that Serbia adopted a National Anti-Corruption Strategy in 2005, the fight against corruption has not shown yet adequate results. With any future efforts for improvement, law enforcement and judiciary will play a key role.

2.1.1 Investigation and adjudication of corruption

Current statistical data suggest that:

- detecting/reporting;
- investigating;
- prosecuting; and
- adjudicating

corruption cases is still a challenge for the prosecution and the judiciary. According to a rough estimate based on data from a recent "Corruption Benchmarking Survey" carried out by UNDP/TNS Medium Gallup in October 2009 only an estimated 0,009 % of all cases of received bribes are reported to law enforcement agencies:

Population	7,3 Million
Part of population having paid a bribe recently	15 % = 1,1 Million
Number of cases reported annually* ⁴	0,009 % = ca. 100

(Source: www.undp.org.rs/)

⁴ Official court statistics missing.

Strengthening the capacities of law enforcement and judiciary in the fight against corruption in Serbia (PACS-Serbia)

The low number of detected and reported cases calls for assessing possible means of improvement in the detection and reporting procedures for corruption offences. Similar might be true for the investigation and prosecution of corruption cases: Of the reported cases, an average of about a third is being prosecuted and adjudicated:

	a	b	c		
	Complaints	Indictments	Convictions	% c of a	% c of b
2006					
Receiving bribes	97	43	38	39	88
Offering bribes	43	45	40	93	89
2007					
Receiving bribes	129	38	31	24	82
Offering bribes	109	36	29	27	81
2008					
Receiving bribes	91	33	23	25	70
Offering bribes	102	35	31	30	89
2009					
Receiving bribes	58	46	?? ⁵	79	??
Offering bribes	18	22	??	100	??

(information until 2008 is based on GRECO Evaluation Report, 3rd Round, Theme 1. 1 October 2010, p. 7)

Practitioners in court and prosecution point out that the major problems are enforcement of laws and building quality evidence against corruption related offenders. The reality in so far has been that for the prosecution building up a "corruption case" is still proving to be a challenge as

⁵ No current available data from Ministry of Justice

FBD

Strengthening the capacities of law enforcement and judiciary in the fight against corruption in Serbia (PACS-Serbia)

is for the judiciary to accept and verdict it. There is a need for a thorough analysis and use of current data base/s in order to assess the situation. Furthermore, improved methodology and quality of data collected through statistics will provide a clearer picture of the effects of changes in policies and legislation.

Statistics of the Republican Public Prosecution for Criminal Offences related to Corruption Offences for year 2011 read as follows

Criminal Offence	Total Investigated	Total Indicted	Sentences			Acquitted	Total of Judgments
			Imprisonment	Fined	Suspended		
Abuse of office Article 359 of the Criminal Code (CC)	1567	1772	238	8	449	20	1116
Embezzlement Article 364 CC	152	288	37	1	161	6	244
Soliciting and Accepting Bribes Art. 367 CC	75	89	46	2	7	3	64
Bribery Art 368 CC	26	126	12	8	19	1	32

2.1.2 Preventing corruption within judiciary and prosecution

One of the major obstacles in the fight against corruption seems to be corruption within judiciary and prosecution itself. Going by the perception of citizens surveyed by the recent "Corruption Benchmarking Survey" carried out by UNDP/TNS Medium Gallup in October 2009, the legal sector ranks in the top third of society's sectors in terms of corruption:

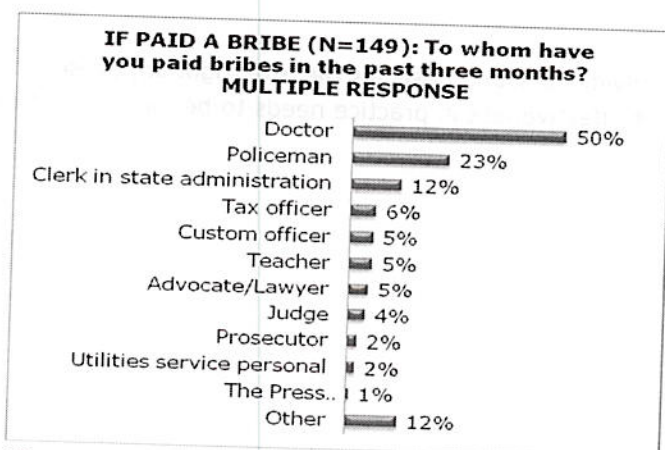
To what extent do you perceive the following sectors in this country to be affected by corruption?	Top Score (Significantly + Extremely)
Health system	78%
Political parties	76%
Customs	72%
Judges	70%
Advocates/lawyers	66%
Prosecutors	65%
Police	65%

Strengthening the capacities of law enforcement and judiciary in the fight against corruption in Serbia (PACS-Serbia)

Parliament /legislature	62%
Government	61%
Education	56%
City/administration	55%
International aid and donor projects implementation	51%
Tax office	51%
Media	48%
Business/private sector	44%
President	43%
Bank, financial sector	39%
NGOs	39%
Local administration - registry and permit service	37%
Land utilization/cadastre	35%
Utilities service (telephone, electricity, water supply)	33%
Religious bodies	25%
The military	23%

(Source: www.undp.org.rs/)

Compared with other sectors, such as health, judiciary and prosecution rank relatively low as far as bribery is concerned:



(Source: www.undp.org.rs/)

However, a rough estimate of the number of bribes occurring in the judiciary calculated from the results of the recent "Corruption Benchmarking Survey" (2009) is still comparatively high:

Population	7,3 Million
Part of population having paid a bribe recently	15 % = 1,1 Million
Number of bribes received by judges recently	4 % = 44.000
Number of bribes received by prosecutors recently	2 % = 22.000

This numbers have to be put in perspective with the number of judges (about 2.600) and prosecutors (about 700) in Serbia. Corruption in the judiciary, prosecution and law enforcement is probably one of the main reasons for the low confidence when it comes to reporting a corruption offence: Only 16% of those experiencing corruption would report it to law enforcement agencies (Source: "Corruption Benchmarking Survey" 2009).

According to statistics provided for by Ministry of Justice, the following numbers of cases of corruption have been prosecuted in the judiciary (compared to health and administrative sector):

Strengthening the capacities of law enforcement and judiciary in the fight against corruption in Serbia (PACS-Serbia)

Corruption (prosecuted)	Judiciary	General Administration	Health Services
2000	0	0	0
2001	0	0	0
2002	0	2	3
2003	11	18	13
2004	12	17	8
2005	X	X	X
2006	X	X	X
2007	X	X	X
2008	X	X	X
2009	X	X	X
2010	X	X	X

Some initial steps have been taken to introduce specific anti-corruption measures for the public administration, however the public administration reform is being considered in itself as not complete, lacking adequate follow up with regards to reducing corruption possibilities while pointing out the need for sustainable and sound good governance tools.

The Council of Europe's Group of States against Corruption (GRECO)⁶ in its 3rd Evaluation Round Report (October 2010) states that:

"While the criminal legislation of Serbia provides a sound basis for the investigation, prosecution and adjudication of corruption offences, its effectiveness in practice needs to be increased. More

⁶ www.coe.int/greco

Strengthening the capacities of law enforcement and judiciary in the fight against corruption in Serbia (PACS-Serbia)

must be done to secure convictions not only for petty bribery, but also high-level corruption in the public sector. The authorities also need to remain alert to related problems, other than traditional bribery, such as trading in influence and corruption in the private sector; very few investigations have been launched to date in respect of these offences. It would appear that the authorities, aware of the problem, have already embarked upon concrete measures to ensure more rapid and effective criminal investigations in this field (e.g. establishment/reinforcement of specialised anti-corruption structures within law enforcement agencies, planned amendments to the Criminal Procedure Code). In this respect, efforts need to be pursued and further developed, including by raising the awareness of law enforcement authorities regarding the content of the existing incriminations of corruption." In this report GRECO addresses 15 recommendations to Serbia. It will assess the implementation of these recommendations in the second half of 2012, through its specific compliance procedure.

Earlier to that, in June 2010, GRECO issued an addendum to the Compliance report concerning the joint 1st and 2nd Evaluation on the Republic of Serbia which had taken place in 2008. The addendum to the compliance report appraises the implementation of 13 out of 25 recommendations. These recommendations cover issues such as:

- The procedure of appointment of judges and prosecutors;
- The protection of whistle-blowers;
- The procedures for issuing licenses and permits, and
- The role of private auditors in alerting the public authorities in cases of corruption.

At the same report as a conclusion, GRECO states that only 20 out of 25 recommendations have been implemented or dealt with in a satisfactory manner.

2.1.3 Conclusion

In view of the situation, a project addressing the strengthening of capacities to prevent and fight corruption through and within the justice sector/law enforcement should support and take further the on-going legislative and institutional reforms in the right direction and contribute to the sustainability of efforts that Serbia has been investing in so far. Since preventing corruption is a long lasting process, emphasis should be given to institutional capacity building of the justice/law enforcement institutions that play a key role in the prevention and the combating of corruption. Furthermore, only by increasing capacities to better implement the existing legislation and in line with the European and international standards, the prevention and the fight against corruption can become a tool within the Serbian administration in order to achieve its stated objective, that is prevent and fight corruption through good governance and sustainable reforms.

Prevention and combating corruption, as two essential components will play an important role in strengthening capacities within judiciary and law enforcement as well as within their linked and related structure, administrations and ministries (High Councils, Ministry of Justice and Ministry of Interior). They will increase the quality of law enforcement, the implementation of new corruption related offences and of provisions that ensure transparency, independence and high ethics in the judiciary.

2.2 Government/Sector policy

The fight against corruption and the establishment of good governance remain to be priorities for Serbia on its road towards European integration and towards economic development. During the last couple of years, the Serbian government has introduced new legislation and policies. In December 2005, the National Assembly adopted the National **Anti-Corruption Strategy** and in December 2006, the Government of the Republic of Serbia adopted the **Action Plan** for its

implementation. Consequently, following the process of negotiations concerning the application status with EU, the Ministry of Justice has initiated as of spring 2011 the preparation of a new Anti-corruption Strategy against Corruption. There have been, so far, two drafts as of spring 2011. First draft was not acceptable as it was lacking clear vision of tasks / actions required to curb corruption. Judiciary remains in the focus of EU and Council of Europe. Even with the latest actions, pending issues were not resolved. Empowering the judicial system, so as to more efficiently investigate, prosecute and adjudicate corruption related cases is a must, in particular with the new CPC. In addition, establishing fully functional inter-institutional co-operation ought to be aimed at.

Between 2008 and 2011, the Serbian parliament passed a number of important **laws** aimed at preventing and combating corruption and economic crime, including:

- Criminal Procedure Law
- Civil Procedure Law
- Law on legal profession
- Law on notaries
- Law on enforcement of judgements
- Law on Financing of Political Activities;
- Law on the seizure and confiscation of the proceeds from crime;
- Law on Criminal Liability for Legal Entities;
- Amendments to the Law on Civil Service;
- Law establishing the Anti-corruption Agency of Serbia;
- Law on Prevention of Money Laundering and Terrorism Financing.

In that respect the **Anti-corruption Agency** was finally established as an independent body accountable to the Serbian Parliament as of 2008, and became operational as of January 2010. The Agency will unify current activities against corruption including:

- enforcing the National Anti-Corruption Strategy;
- monitoring, controlling and regulating issues of conflict of interest;
- handling procedures related to the declaration of assets and financial interests of high public officials;
- monitoring political party financing;
- facilitating national and international anti-corruption cooperation efforts and networking.

The **Anti-Corruption Council** as an advisory structure of the Serbian Government is expected to continue coordinating the national policy and measures in the fight against corruption with different governmental institutions and the newly established Anti-corruption Agency. Furthermore, the Anti-Corruption Council continued also to raise public awareness on several high-profile corruption related criminal cases. The Council noticed that there has been little progress in the investigation and prosecution of corruption cases, with the number of final convictions remaining low, in particular in high level cases.

The newly re-structured **Court Structure** which was implemented in January 2010, provided 34 Basic Courts with 102 Court Units, 26 High Courts, and 4 Courts of Appeal and the Supreme Court of Cassation. The organisation of the **Prosecution service** was also changed in response to the new Court Networking system, this provided basic, higher and appellate prosecution offices accordingly to the new number of the court. Additionally a new Administrative Court became operational in January 2010. In July 2010, the appointment of members of the Constitutional Court was completed.

One of the two specialised department within the **Republic Public Prosecutors** is the office of the **Special Organised Crime Prosecutor** dealing also with high level cases of corruption established according to the Workplan and Programme of the Republic Public Prosecution for 2009. The other specialised Department is for the War Crime related offences.

Strengthening the capacities of law enforcement and judiciary in the fight against corruption in Serbia (PACS-Serbia)

Furthermore, **anti-corruption regional departments** were established in the Republic Public Prosecutor's office and the District Public Prosecutor's office in Belgrade, Kragujevac, Niš and Novi Sad as the result of organizational changes aimed at enhancing capacities in combating corruption. These organizational changes were aimed at implementing the recommendations of the Council of Europe for departmentalization and specialization of the Public Prosecution as well through the implementation of the UNDP Project - Institutional Support Project for Combating Public Corruption. A list of corruption offences was introduced and specialised training was provided in order to increase the quality of operations of the Public Prosecution. The above mentioned anti-corruption departments shall deal with the prosecution of corruption and economic crime offences of state administration officials, elected officials, as well as high public officials. As referred in the EU Progress Report for Serbia 2010⁷, Judiciary and Prosecution services continue to be affected by the reappointment procedure for judges and prosecutors which received a lot of criticism from the public, professional groups and international community - among other GRECO⁸ - pointing out its level of transparency and the risks that such procedure presents to the independence of the judiciary. The bodies responsible for this exercise are the **High Judicial Council** and the **State Prosecutorial Council**. They acted in a transitory composition until April 2011, when they were set up in their permanent composition. In June 2011 review process started. By December 2011 the process was completed for prosecutors with 162 decisions taken (29 are positive so some 17,9% of non-elected prosecutors were taken back), while in the case of judges there were 336 decisions taken by 8 December and 501 pending. For judges, there are 82 positive decisions or some 24,

⁷ http://ec.europa.eu/enlargement/pdf/key_documents/2010/package/sr_rapport_2010_en.pdf

⁸ Joint First and Second Evaluation Rounds, Addendum to the Compliance Report on the Republic of Serbia Adopted by GRECO at its 47th Plenary Meeting (Strasbourg, 7-11 June 2010): "Likewise, while important efforts have been made to restructure the judiciary in order to rationalise its functioning and generally improve its efficiency, it remains crucial to keep under close review the measures underway to achieve the intended reform of the judiciary, so that the independence and transparency of the process are at all times preserved".

4% of non-elected judges taken back. EU Delegation together with OSCE and CoE is closely monitoring the review process. Although number of issues were satisfactorily corrected the quality of process and decisions remained the point of concern.

In 2011 EU report⁹ EU it is stressed that there is still some room for undue political influence on the judiciary requiring firm commitment to eliminating external influences and to providing for adequate financial resources and training. Corruption has to be "fought effectively as it represents a threat to the stability of democratic institutions and rule of law".

The Serbian police has shown investigative capacities, but further sustained efforts are needed. At the Ministry of Interior level the work of the Service for the fight against organised crime (SBPOK) is of crucial importance since it has within its framework number of relevant units – the ones dealing with anti-money laundering, corruption, commercial crimes, financial investigations (recently established Unit in accordance with the Law on the seizure and confiscation of the proceeds from crime).

2.3 International policy considerations

The European Commission's "**Serbia 2010 Progress Report**" on the Enlargement Strategy and Main Challenges states and list the following considerations and concerns:

(...) the institutional framework to fight corruption is in place with the Anti-Corruption Agency starting its work in January 2010. However, corruption remains prevalent in many areas and continues to be a serious problem. Although the quotes are from 2010 Report all of them remain valid and more specifically in the following sector areas:

⁹ http://ec.europa.eu/enlargement/pdf/key_documents/2011/package/sr_analytical_rapport_2011_en.pdf

Strengthening the capacities of law enforcement and judiciary in the fight against corruption in Serbia (PACS-Serbia)

Anti-corruption Policy

- The legislative framework still shows shortcomings, in particular with regard to supervision of political party funding and the protection of whistle-blowers;
- The Anti-Corruption Agency needs to be strengthened;
- Implementation of existing laws needs to be improved;
- Further efforts are needed to better process corruption cases, from investigation to final convictions.

Judicial System

- Serbia's judicial system only partially meets its priorities. There are serious concerns over the way recent reforms were implemented, in particular the reappointment of judges and prosecutors;
- the High Judicial Council should develop criteria for assessing judicial productivity and as a long term goal, assume full responsibility over reviewing judicial productivity.

Public Administration

- the capacity of the public administration is good but reform in this area is advancing at a slow and uneven pace. Further improvement of the legislative framework and a stronger commitment to respect the mandate of independent regulatory bodies and provide them with adequate resources are needed.

Police

- at the level of the Interior Ministry, there is no effective strategic planning and human resource management which adversely affects prioritising and budgeting;
- Intelligence-led policing and the criminal intelligence system need to be improved;
- lack of openness and transparency of recruitment procedures and career development within the police remains of concern;

Strengthening the capacities of law enforcement and judiciary in the fight against corruption in Serbia (PACS-Serbia)

- slow steps towards developing an efficient internal control system ensuring proactive investigations and monitoring of the legality and conformity with standards of police conduct¹⁰.

Organised Crime/Terrorism

- The capacities of the law enforcement agencies to use modern investigative techniques (SIMs), in particular in the area of financial investigations, need to be further strengthened.

The European Union's **Stabilisation and Association Agreement** (SAA) with Serbia, which is in the process of ratification by member states since June 2010, underlines in Article 80 "Reinforcement of institutions and rule of law" the importance of the fight against corruption:

"In their cooperation on justice, freedom and security, the Parties shall attach particular importance to the consolidation of the rule of law, and the reinforcement of institutions at all levels in the areas of administration in general and law enforcement and the administration of justice in particular. Cooperation shall notably aim at strengthening the independence of the judiciary and improving its efficiency, improving the functioning of the police and other law enforcement bodies, providing adequate training and fighting corruption and organised crime."

In this context, also Article 86 "Preventing and combating organised crime and other illegal activities" has to be mentioned:

The Parties shall cooperate on combating and preventing criminal and illegal activities, organised or otherwise, such as: [...]
(c) corruption, both in the private and public sector, in particular linked to non-transparent administrative practices;"

¹⁰ October 2009 and August 2010, 316 criminal charges were filed against police officers (EU Progress Report for Serbia 2010)

Strengthening the capacities of law enforcement and judiciary in the fight against corruption in Serbia (PACS-Serbia)

The European Commission's **Multi-annual Indicative Planning Document** (MIPD) for 2011-2013 states that "...The reform of the judicial system in Serbia follows a national strategy but the appointment of judges and prosecutors is not fully transparent yet. This puts into question the independence of the judiciary and reform should continue. Shortcomings in the fight against corruption and organised crime persist and the relevant authorities need further strengthening. Corruption is prevalent in many areas of the country and is a serious problem. Public procurement, privatisation and public expenditure are particularly affected."...while stating as one of its Sector Objectives of EU support the "Strengthened capacity of law enforcement bodies and higher final conviction rates in areas such as corruption and organised crime", finally the MIPD emphasis that "Tangible results and a credible track record in the fight against corruption are important elements for moving forward in the stages of the EU accession process."

The National **Anti-Corruption Strategy** and its Implementation Action Plan (adopted by the National Assembly on 8 December 2005) recommends under Chapter 2, No. 2 "Judiciary and Police System" extensive measures to enhance the capacity of law enforcement and judiciary to investigate and prosecute corruption offences as well as fight corruption within the law enforcement and judiciary itself.

The National **Judicial Reform Strategy** was adopted by the Serbian National Assembly in May 2006. Its basic objective was to restore public trust in the judicial system of the Republic of Serbia by establishing the rule of law and legal certainty. The Strategy relies on four key principles: judicial independence, transparency, accountability and efficiency. These basic principles break down, among others, into the following goals for Long Term Reforms 2010-2011:

- Investigative judges and prosecutors performing roles in accordance with best practices.
- Criminal procedure is more efficient in the Republic's courts. High Court Council assumes full responsibility for selection, promotion, discipline and dismissal of judges.
- Additional training programs for prosecutors established in order to improve criminal case proceedings.
- Rationalized court network operates efficiently and in accordance with the best comparative practices.
- Results analysed and curriculum of the National Judicial Training Institute improved, final comprehensive training program developed, its implementation begins.

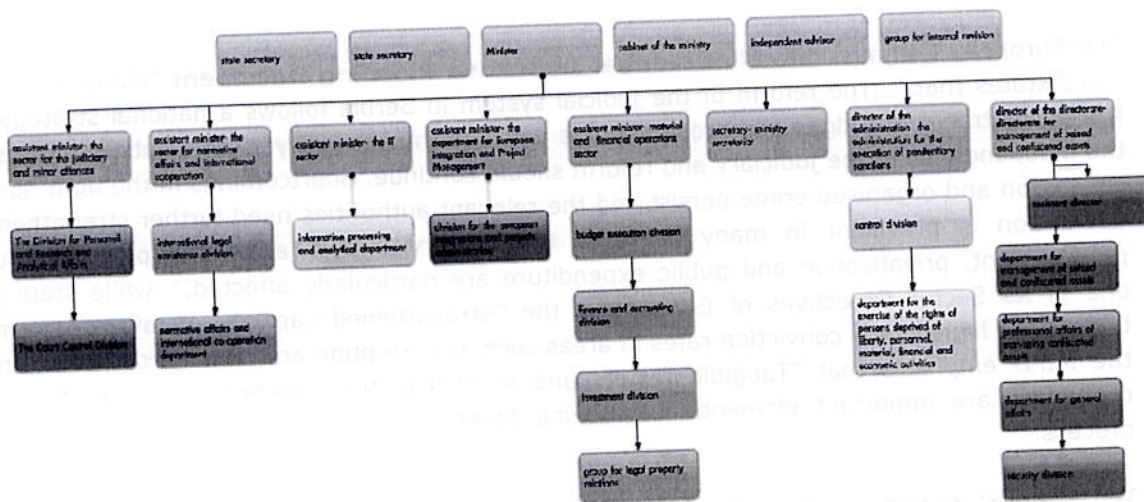
Multi Donor Trust Fund supports the revision of the National Judicial Reform Strategy for the period 2012 – 2017 building upon achievements so far and aiming at preparing judiciary for new challenges and European integration.

2.4 Beneficiaries and parties

2.4.1 Ministry of Justice

According to the National Judicial Reform Strategy the **Ministry of Justice** along with the High Judicial Council (HJC) oversee the redesign of the procedure, methodology, and standards for the preparation and transmission of judicial and court efficiency statistics. Same goes When the Ministry of Justice along with the Prosecutorial Services--State Prosecutorial Council (SPC) oversee the relevant issues for the prosecutors. This is with a view to achieving maximum accuracy and consistency and conforming to the best practices identified by the Council of Europe and other international bodies.

Strengthening the capacities of law enforcement and judiciary in the fight against corruption in Serbia (PACS-Serbia)



The number of affected officials in the judicial sector is included in the Statistical Yearbook of Serbia 2010:

STATISTICAL YEARBOOK OF SERBIA 2010

СТАТИСТИЧКИ ГОДИШЊАК СРБИЈЕ 2010

		COURTS, PUBLIC PROSECUTOR'S OFFICES ¹⁾		
28.1. СУДОВИ, ТУЖИЛАШТВА ¹⁾		2007	2009	
Редовни судови / Ordinary courts of law				
Врховни		1	1	Supreme courts
Окружни		30	30	District courts
Општински		138	138	Municipal courts
Судије		2260	2290	Judges
Судије поротници		5648	4246	Judge assessors
Трговински судови / Economic courts of law				
Виши трговински суд		1	1	Supreme economic courts
Трговински судови		17	17	Economic courts
Судије		246	233	Judges
Судије поротници		598	432	Judge assessors
Јавна тужилаштва / Public prosecutors' offices				
Републичко		1	1	Republic
Тужилаштво за ратне злочине		1	1	For war crimes
Окружна		30	30	District
Општинска		109	109	Municipal
Јавни тужиоци - заменици		640	687	Republic prosecutors - deputies

¹⁾ Без података за Косово и Метохију.

¹⁾ Kosovo and Metohia data not included.

(<http://webzrs.stat.gov.rs/axd/en/>)

2.4.2 High Judicial Council (HJC) and State Prosecutorial Council (SPC)

A body of judiciary administration, the High Judicial Council (HJC) was initially established by end of 2008. It was sitting in its transitional capacity until April 2011 when the new members were elected and the Council resumed its work in the new, permanent composition. From June 2011 HJC was tasked with Revision of Decisions of the First composition of the High Judicial Council on the termination of judicial office. Some negative developments affected its capacity to take legitimate decisions. One judge-member was arrested in September 2011 and another resigned in November 2011. Beginning of December 2011 HJC stopped with session related to review. HJC should resume its work after one member replacing the judge who resigned is elected in Parliament. Constitutional Court will take a pilot decision on the legality of the decisions taken between November and December 2011. Once the process is finalized overall assessment of the re-appointment procedure should be made.

Strengthening the capacities of law enforcement and judiciary in the fight against corruption in Serbia (PACS-Serbia)

The State Prosecutorial Council's (SPC) role is to guarantee the independence and autonomy of the public prosecution service. The SPC is as well as HJC composed of eleven members. It was also working in transitional composition from June 2009 until April 2011.

Both Councils are responsible for defining total number of positions and for the selection, appointment, promotion, dismissal and disciplinary measures concerning judges and deputy prosecutors respectively.

Both Councils should have Disciplinary Prosecutors and Disciplinary Commission. HJC set up disciplinary authorities in December 2010 while SPC has not yet done that.

2.4.3 Republican Public Prosecutors

The Public Prosecutor's Office is an independent state body whose jurisdiction is governed by the Constitution of the Republic of Serbia and the Law on Public Prosecutor's Office. In the Republic of Serbia, there are the State Public Prosecutor's Office, 30 District Prosecutors' Offices, and 109 Municipal Public Prosecutors' Offices, with a staff of 687 prosecutors.

As mentioned above the **specialised department** within the Public Prosecutors Office for prosecution of serious **corruption** cases was established according to the Work Plan and Programme of the Republic Public Prosecution for 2008. Furthermore, establishment of anti-corruption departments in the Republic Public Prosecution and District Public Prosecutions took place in Belgrade, Kragujevac, Niš and Novi Sad as the result of organizational changes aimed at enhancing capacities in combating corruption. These organizational changes were aimed at implementing the recommendations of the Council of Europe for departmentalization and specialization of the Public Prosecution as well through the implementation of the UNDP Project – Institutional Support Project for Combating Public Corruption. A list of corruptive criminal offences was introduced and specialised training was provided in order to increase further the quality of operations of the Public Prosecution. The mentioned Department shall deal with the prosecution of corruption and economic crime related offences linked with corruption and fraud of the state administration officials, elected officials, as well as high public officials.

2.4.4 Courts

Article 142 of the Republic of Serbia Constitution states that the courts in the Republic of Serbia are autonomous and independent and that they adjudicate in cases based on the Constitution, laws and other general acts where required by the law, as well as based on generally accepted rules of the international law and ratified international agreements. The judicial power is exercised through the courts of general and special jurisdiction whose establishment, organisation, jurisdiction, arrangements and composition are determined in the law. The highest instance court in the Republic of Serbia is the Supreme Court of Cassation. Most of the cases are dealt with in a number of courts located in larger cities. Through their judgements judges play a decisive role in ensuring the overall efficiency of the system of combating economic crime and corruption.

The re-appointment procedure for both judges and prosecutors is under way from 2009. In June 2011 the Review of the First re-appointment started and is still not finalized (see above).

2.4.5 Police

Within the Ministry of the Interior, three organisations are competent for the fight against corruption:

- the criminal police;
- the directorate for the fight against organised crime (hereafter DFAOC); and
- the specialised section for the fight against corruption (hereafter SFAC).

Strengthening the capacities of law enforcement and judiciary in the fight against corruption in Serbia (PACS-Serbia)

Criminal police has a general competence for discovering criminal offences, including corruption offences.

The SFAC was established in 2005 within the Directorate for financial crime.

The DFAOC was established in 2001 (2005 as a directorate) and is competent for discovering offences committed by organised criminal groups. Approximately 300 police officers work at the DFAOC, 25 of them dealing with corruption cases. A specific unit dealing with financial crime has been set up within the DFAOC with sections on money laundering, on forgery of money and other means of payments and on misuse of information technologies. Police officers working in the DFAOC are required to have at least five years' experience as criminal investigators (15 years for the Head). Other DFAOC's officials have specific professional skills from different areas, which may enhance a multidisciplinary approach to the section's activities.

Within the Ministry of the Interior, the Inspector General started to be operational in June 2003 where 48 police officers were employed by his office. The main task of the Inspector is to control the legality of police officers' work. He is empowered to conduct investigations on cases of corruption committed by members of the Ministry of the Interior. Citizens have a right to address the Inspector General and to submit complaints on the work of the police. The Inspector General is appointed by the government and has the same rank as an assistant minister. He is accountable directly to the Minister of the Interior. From April 2004 to September 2005, the Inspector General's office received 5,500 complaints, of which 3,560 were pursued (570 grounded, 2,520 ungrounded and 470 submitted to other competent agencies). Within the same period of time, the Inspector's office brought 91 criminal charges against 117 Ministry of Interior employees, 63 of which related to corruption offences.

Every police officer has to go through three months' training at the police academy. In addition, police officers receive specific training in different fields, including in corruption and financial crimes related to corruption.

2.4.6 Judicial Academy (formerly the Judicial Training Centre)

A very high-level professionalism and competence on the part of the judges and prosecutors is an essential requirement for the good functioning of the justice system, and need to be supported by modern and comprehensive training curricula and methodology. A Judicial Academy was established by law in 2009 with the task of providing initial and continuous training for judges and prosecutors. The Academy replaced the former Judicial Training Centre (established by MoJ and the Judges' Association of Serbia with the strong support from Council of Europe) and began operating in 2010 with strong support from the EU. Amendments of 2011 to the Law on Judicial Academy strengthened the merit based approach to recruitments. The JA is competent for vocational training and continued professional development of judges, prosecutors and judicial staff. The JA operates on scarce resources and has not yet finalized its curricula. Nevertheless it will be a logical partner of the project in the development of anti-corruption curricula and in the provision of professional training.

2.4.7 Police Academy

In keeping with the contemporary training requirements and needs, the Government of the Republic of Serbia adopted a decision on 27 July 2006 establishing the Criminal Police Academy (CPA) as an independent higher education (university-level) establishment, with the aim of implementing academic and professional study curricula at all levels for the purposes of police education, as well as other forms of training and professional improvement which is relevant for criminal-police and security professions. The Criminal Police Academy was created as a result of a merger between the High School of Internal Affairs and the Police Academy being their legal successor. The CPA will be a logical partner of the project in the development of anti-corruption curricula and in the provision of professional training.

2.4.8 Bar Association

The Bar Association¹¹ consists of 8 regional bar associations (with the one in Belgrade being the largest), incorporating around 7,000 professionals and 16 law firms (as of August 2009). Both the Association of Judges and the Association of Prosecutors have adopted codes of ethics for their members. These codes are expected to be subject of training by the Judicial Academy.

2.4.9 Journalists / Public

The public image of the justice system in Serbia needs improvement. This is considered partly as a result of the practices from the past and the troubled times. In Serbia as in many other countries, justice has also been under – justified or unjustified – attacks from the media, partly due to insufficient training of journalists who were not able to understand the rationale of decisions and procedures. At the same time, other factors may have led to the same result. Therefore, in order to increase public trust in the judiciary and raise awareness of the public, the journalist, media and the investigative journalism become a very important tool in the process of the prevention of corruption.

2.5 Problems to be addressed

The low numbers of investigated, prosecuted and adjudicated corruption offences come back to the following two reasons as far as the justice and law enforcement sector is concerned:

- The justice and law enforcement sector not having the necessary capacity to investigate and adjudicate;
- The justice and law enforcement sector not being sufficiently corruption proof.

¹¹ <http://www.advokatska-komora.co.yu/index-e.htm>

Both points are addressed by the National Anti-Corruption Strategy and its Implementation Action Plan (adopted by the National Assembly on 8 December 2005), which recommends under Chapter 2, No. 2 "Judiciary and Police System" extensive measures to enhance the capacity of law enforcement and judiciary to investigate and prosecute corruption offences as well as fight corruption within the law enforcement and judiciary itself. This is further specified by the National Judicial Reform Strategy's Action Plan (of May 2006). Among the goals for Long Term Reforms 2010-2011 are the following:

- Judges and prosecutors performing roles in accordance with best practices.
- Criminal procedure is more efficient in the Republic's courts. High Court Council assumes full responsibility for selection, promotion, discipline and dismissal of judges.
- Additional training programs for prosecutors established in order to improve criminal case proceedings.
- Rationalized court network operates efficiently and in accordance with the best comparative practices.
- Results analysed and curriculum of the National Judicial Training Institute improved, final comprehensive training program developed, its implementation begins.

2.5.1 Need 1: Strengthened capacities to investigate and adjudicate corruption offences

Current statistical data suggest that detecting/reporting, investigating, prosecuting and adjudicating corruption cases is still a challenge for the prosecution and the judiciary.

Capacities of the justice and law enforcement sector can be only strengthened if the weak points are precisely identified. Since investigation, prosecution and adjudication of a corruption case are intertwined and depend on each other, only a careful assessment will make sure that the right issues are addressed and all weak points are tackled with, e.g.: Is the low number of investigated cases due to a lack of reported cases or due to failed detection by investigators? Is the low number of prosecuted cases due to unjustified complaints or due to problems in the cooperation of investigators, prosecutors or of the quality of proceedings in the court? Could the number of prosecuted cases be raised if, e.g., special investigative means were used more intensely? Is the Judiciary and more precisely judges prepared and trained enough to lead proceedings in their chambers? Are all the judges dealing with petty corruption or/and grand corruption cases trained enough to proceed those cases, and especially white collar crime cases? Thus, a review of the investigation, prosecution and adjudication of corruption offences will allow for issuance of specific recommendation for each sector. Furthermore, ensuing implementation of recommendations needs to be transparent to the public to allow for new trust in the justice administration.

Notwithstanding the outcome of the risk assessment, further training on corruption, economic crime cases, accounting and auditing for officials of judiciary, prosecutorial services and law enforcement will strengthen capacities and prevent for corruption cases to remain untried.

To further strengthen the capacities of the judicial and law enforcement sector, new techniques (and possibly use of data base) and strategic approaches of prosecutorial services to investigate corruption and white collar crime are necessary with full participation in these trainings of judiciary in order to strengthen further their knowledge on fully acquiring evidence collected from use of special investigative means.

Special investigative means are essential evidence in many corruption cases. According to the Addendum to the Compliance Report by GRECO Addendum on the Republic of Serbia, p. 4/5, targeted training on special investigative techniques has been provided to prosecutors, judges and police officers in 2008 and 2009. However, with current changes in the criminal law and the criminal procedure law, the reforms that are being undertaken by the judiciary and the

Strengthening the capacities of law enforcement and judiciary in the fight against corruption in Serbia (PACS-Serbia)

administration, such techniques and specialised trainings remain to be high in demand and necessary for the big number of professionals (law enforcement officers, prosecutors and judges).

Public transparency of prosecuting and adjudicating corruption cases is an element of critical importance. The more public scrutiny and awareness of on-going judicial proceeding is possible of sanctioning corruption in the justice sector, the more likely the process will be efficient.

2.5.2 Need 2: Strengthened capacities to fight corruption within the justice sector

Any effort to combat corruption will in the end be futile if no efficient system of sanctioning corruption is in place. As stated above corruption risks in the justice sector are perceived as one of the major obstacle to efficiently prosecuting corruption in Serbia.

There is little sense in dealing with corruption in the judiciary if assistance is only based, e.g., on a general public perception or some general assumptions without a detailed look at the precise types, causes and locations of corruption. Do judges actually ask for bribes or do court staffs or lawyers only pretend to have been asked for the payment of a bribe by a judge? In which form of informal practices have corrupt mentalities manifested itself in the judiciary? To what extent is judiciary connected to politicians and especially when concerning their appointment and dismissal procedures? Which parts of the work flow can be optimized to minimize corruption risks? Therefore, as a first step, the current situation with regard to possibilities and actual extent of corruption within the judiciary, prosecution and law enforcement needs to be analysed, based on a perspective from outside as well as inside the judicial/enforcement sector, with recommendations especially on introducing ethical and disciplinary rules, management and procedural aspects (including selection/appointment procedures).

The issue of disciplinary rules and measures against ethical violations from judges and prosecutors when construed as corruptive practices/allegations needs to be addressed and judges, prosecutors and law enforcement agents need to be trained on aspects of detecting corruption and controlling conflict of interests within the structures.

2.6 Expected results and deliverables

2.6.1 Expected results

It is expected that by the end of the project:

- Legislative and organisational obstacles to efficient criminal investigations and proceedings are identified and tackled with by ensuing information to the public about the results.
- Relevant officials of judiciary, prosecutorial services and law enforcement are trained on corruption, economic crime cases, accounting and auditing, and are able to apply training in everyday work. The trainings are part of the training curricula of relevant training institutions.
- New techniques (and IT tools and possibly use of data base) and strategic capacities of prosecutorial services to investigate corruption and white collar crime are introduced.
- Undercover agents in charge of cooperating with prosecutorial services and law enforcements aimed at collecting evidence by inter alia use of special investigative have received specialized training they can apply in everyday work.
- Journalists are sensitised on how to control media tycoons and trained in view of better reporting on corruption cases and their adjudication. Furthermore, they will be specially trained on investigative journalism aspects. The trainings are part of the training curricula of relevant training institutions.
- The current situation with regard to possibilities and actual extent of corruption within the judiciary, prosecution and law enforcement is analysed and recommendations are provided.

Strengthening the capacities of law enforcement and judiciary in the fight against corruption in Serbia (PACS-Serbia)

- Recommendations are available and ready to be implemented in order to introduce ethical and disciplinary rules, management and procedural aspects (including selection/appointment procedures) aimed at preventing and combating corruption within judiciary and assist implementation.
- Legal opinions and advice to the High Judicial Council and State Prosecutors Council are available with regard to disciplinary measures against ethical violations from judges and prosecutors when construed as corruptive practices/allegations.
- Judges, Prosecutors and Law Enforcement are trained on aspects of detecting corruption and controlling conflict of interests within the structures. The trainings are part of the training curricula of relevant training institutions.

Achieving of these results will enhance the capacities to prevent and counter corruption and therefore it is expected that the number of investigations, prosecutions and adjudications for corruption offences will increase within short- or midterm perspective.

The achievement of the above mentioned results will strengthen the justice and law enforcement sector of Serbia which should lead to the increased level of trust in the judiciary/law enforcement and the state in general and may be conducive for foreign investments.

2.6.2 Deliverables¹²

Under **Result 1** the deliverables will include:

- Assessment and risk analysis reports with concrete recommendations on improvement of criminal investigations and proceedings
 - Training events (multidisciplinary and specialised)
-

¹² To be specified in detail in the Inception Report.

Strengthening the capacities of law enforcement and judiciary in the fight against corruption in Serbia (PACS-Serbia)

- Legal and Technical Expert advice and recommendations
- Awareness raising and training events
- Setting up a benchmarking system in measuring progress and level of efficiency of tracking/handling of corruption/economic crime cases in the Serbian judiciary and law enforcement system.

Under **Result 2** the deliverables will include:

- Assessment report on risks and extent of corruption within the judiciary
- Expert advice on ethical rules, management and procedural aspects (including selection/appointment procedures) with regards to corruption
- Technical and legal advice on disciplinary measures within the judiciary/law enforcement
- Training events

2.7 Lessons learnt

Previous experience of Council of Europe technical assistance projects in Serbia and in the region as well has been in overall satisfactory. However, certain good practices and lessons learnt are worth of sharing and being kept under consideration for future actions in order to improve impact and quality of assistance. Those would include:

- Close coordination with EU Delegation
- Ensure local ownership through involvement to maximum as possible of all main stakeholders and beneficiaries;
- Capacity building of local staff and institutional management involved in project deliveries through direct and indirect "on site" participation;
- Deep consideration of the historical, cultural and ethnical values and circumstances in the field where the project is implemented;
- Ensure sufficient absorption of capacities available and avoid donor congestion when organising activities that may fall under the same theme umbrella with other donors and technical assistance providers;
- Sufficient financial planning of support and management time for project team (in Serbia and in Strasbourg) in order to ensure smooth and quality result oriented actions;
- Ensure follow up and information dissemination when delivering project results in order to maintain the momentum as well as ensure continuation of reforms.
- Sharing information and planning with other governmental and non-governmental organisations in Serbia and in the region in order to avoid duplication, but also ensure joint partnerships and coordination of efforts.

The most relevant ones for the implementation of this proposed project include the following:

PROSECO Project on networking among prosecutors in south-eastern Europe (2008 – 2010) € 1.5 million. This project aimed at strengthening the legislation and institutional capacities of Prosecutors' Offices of South-eastern Europe in view of more effective co-operation against organised and other forms of serious crime. The lessons learnt include, inter alia: improved legislation drafting; elaboration of training plans; the use of multi-agency horizontal approach to training activities to ensure that participants learn from each-other's experience and to promote integration and development of networks; the use of proven methods of needs assessments and procurement.

TYEC 1-Turkey – Project on Ethics for the Prevention of Corruption (2007 – 2009) € 1.5 million. The TYEC project had four main aims: Support the implementation of the Code of Ethics across the public administration in line with GRECO recommendations; Develop codes of ethics for other categories of officials or holders of public office; Develop systems of monitoring the effectiveness of prevention and other anti-corruption measures; and Ensure and enhance coordination of anti-corruption measures.

Strengthening the capacities of law enforcement and judiciary in the fight against corruption in
Serbia (PACS-Serbia)

GEPAC: Project against corruption in Georgia (2007 – 2009) € 700,000

GEPAC Project aimed at strengthening Georgian institutions' capacities in their anti-corruption efforts through the implementation of the Anti-corruption Strategy and Action Plan.

Azerbaijan – Support to the anti-corruption strategy (2007 – 2009) € 700,000

The project comprised of the following components: Support the improvement of the strategic anti-corruption framework in line with GRECO recommendations; Support the improvement of the draft laws/amendments to domestic legislation elaborated in cooperation with relevant partner institutions and benchmarking against international standards in the fight against corruption and efficient implementation of the relevant legislative framework; Support the establishment of a network and system to prevent the use of the financial system for money laundering and terrorism financing purposes and enable the authorities of Azerbaijan to cooperate nationally and internationally in fighting money laundering and terrorism financing in accordance with European and international standards; Enhance the capacities for the prevention of corruption through micro-system studies and through institutionalizing efficient management of ethics' provisions and conflict of interest in the public service.

UPAC - Support to good governance: Project against corruption in Ukraine (2006-2009) € 1,750,000. This project assisted Ukraine's anti-corruption effort in a broad manner. It comprised three components: 1. Support to the creation of the strategic and institutional framework against corruption; 2. Strengthening of capacities for the prevention of corruption; 3. Strengthening of the legal framework and the enforcement of anti-corruption legislation.

Project against Corruption and Money Laundering in Moldova (MOLICO) (2006-2008) € 3.5 million The project supported the Republic of Moldova in its efforts against corruption, money laundering and financing of terrorism in line with European and other international standards.

Strengthening the capacities of law enforcement and judiciary in the fight against corruption in Serbia (PACS-Serbia)

CARDS Regional Police Project - CARPO (01.03.2004-30.06.2007) € 4,444,000 (same 6 countries participating in PACO). This project included as one of its outputs the strengthening of financial investigations capacities aimed at the confiscation of proceeds from crime and experience exchange among the financial intelligence units in the region. Within this project over 20 in-country and regional activities were organised and each project area adopted a strategy on financial investigations which became part of the Brijuni Strategy signed by Ministers of Interior of the respective countries/project areas. This Project shall seek to further improve the implementation of this strategy in Serbia and use the lessons learnt through its implementation so far.

PACO Serbia Project (2006-2008) The project aimed at strengthening the institutional and legislative framework for preventing and combating economic crime (including money laundering, terrorist financing and cybercrime); increasing the human and infrastructural capacities of institutions involved in detection and prevention of money laundering and terrorist financing; increasing the capacities of institutions involved in detection and prevention of cybercrime as well as supporting Serbia in the ratification and implementation into national law of European Treaties (Convention on Money-Laundering and Financing of Terrorism, and the Cybercrime Convention) to which it is not yet party.

2.8 Other interventions and linked activities

Numerous technical assistance projects with immediate relevance for the fight against corruption, especially in the justice sector, have been or are still carried out¹³. However, none of the projects covers the needs and activities that PACS would address:

¹³ Information is mainly taken from the respective donor's/implementing agency's website, and from the Serbian MoJ's website.

2.8.1 Projects with specific corruption relevance

Assessment of corruption

Assessment of corruption and crime in the Western Balkans, Programme of dedicated surveys on crime and corruption in countries/territories of Western Balkans, Duration: 12 months, Starting date: 18 January 2010,
www.unodc.org/southeasterneurope/en/xee/t93-assessment-of-corruption-and-crime-in-the-western-balkans.html

Anti-Corruption Agency

“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. (IPA 2008)

Transparency

“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. (IPA 2007)

“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 AMLP. (IPA 2008)

ABA Rule of Law Initiative (ROLI): In addition to work with prosecutors and judges in the area of anti-corruption, ROLI continues its work on the Freedom of Information Act (FOIA). ROLI recently released an assessment of Serbian FOIA law, “Law on Free Access to Information – Analysis of the Law and its Implementation in Practice”, and held media conferences in Belgrade and Niš to publicize the assessment. ROLI expects that the assessment will be the basis for future reform efforts to be undertaken when the political situation has improved.
Ethics.

ABA Rule of Law Initiative (ROLI): By providing technical assistance to the drafting committees of the Prosecutors’ Association of Serbia and the Judges’ Association of Serbia, ROLI has been working with the internal Ethics Councils of these groups in their efforts to codify a professional code of conduct and disciplinary provisions.

ABA Rule of Law Initiative (ROLI): ROLI is assisting the JAS in drafting and promoting a comprehensive set of disciplinary rules and provisions, to be proposed as future legislation. With ROLI support, the JAS is lobbying for a fully independent judiciary in the new Serbian constitution. ROLI assisted the JAS in organizing a series of roundtables on the constitutional foundation of the independence of the judiciary, from which the JAS has taken recommendations and put together a working draft for submission to the parliament.
Anti-corruption strategy

SIDA: Teaching civil servants to resist corruption – Getting the general public to participate in and have an influence on how the state is run is important to democracy. Our support is aimed at training civil servants and administrations in how to combat corruption. Within the area of corruption, our previous support has led to the creation of Serbia’s anti-corruption strategy.

2.8.2 Projects in the justice/enforcement sector without direct corruption relevance

Capacity building

- Support to Prosecutors' Network in South Eastern Europe, PROSECO (2008 – 2010) - The overall objective of the project was to strengthen the capacities of the CARDS countries to develop and implement judiciary co-operation against serious crime based on the European Union *acquis* and other European and international standards and practices by supporting the Prosecutor's Network. In particular, the project focused on strengthening the legislation and institutional capacities of General Prosecutors' Offices of South Eastern Europe in view of a more effective co-operation against serious crime. Within this project, Council of Europe organised a Regional Thematic Conference on "Financial Investigations and Confiscation of Proceeds from Crime" in September 2008. The main topics of the Conference were: legislative and technical preconditions for financial investigations cross border financial investigations and confiscation of proceeds from crime and agencies for handling seized or confiscated property.
- Serbia - CAR Capacity building of the Directorate for Confiscated Property and improvement of the system for criminal asset confiscation in Serbia (2010-2013).
- "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. (IPA 2007)
- OSCE has recently (2009) organized together with the US Department of Justice four training seminars across Serbia on assets recovery – the training focused on the new legislation and was delivered by local speakers (prosecutors and judges). They have an Organised Crime Units within their office in Belgrade. They will continue to provide similar training in 2010.
- The OSCE Mission to Serbia provides the Government of Serbia with legal advice and expert assistance in promoting the reform of the Serbian judicial system. In co-operation with the Serbian Ministry of Justice, courts, prosecutors' offices, and professional associations of judges and prosecutors, the Mission supports the implementation of the National Judicial Reform Strategy. In 2010, the Mission will continue to support the Judicial Training Academy in providing expertise for the drafting of training curricula and establishing an initial training programme for candidate judges and prosecutors. The Mission also continues supporting the government officials, in particular the Ministry of Justice, in promoting the law-making process by publishing a set of rules that will codify the law-drafting methodology. This would help the Ministry in better prioritizing, planning and drafting legislation, as well as the application of regulatory impact analysis.
- Project development on introduction of a modern automated mutual legal assistance system in the Ministry of Justice, National Strategy for Judicial Reform, NPI (100,000 €, the Netherlands) (2009) (www.mpravde.gov.rs/images/2009%20Work%20Plan.pdf).

Independent judiciary

USAID This 9.5 million US\$ program started in August 2008. Its work with the judiciary will end in 2013. Separation of Powers Program. Project components include: For its work with the judiciary:

- Assists the new High Judicial Council establish its own budget and long term planning office so Serbia's judges can assume more control over their own affairs, track the income and expenses of courts more closely, boost their efficiency and make court operations more transparent and responsive to the needs of court users Works with a wide range of courts

Strengthening the capacities of law enforcement and judiciary in the fight against corruption in Serbia (PACS-Serbia)

- and officials to establish a training and career track for and placement of professional court administrators who can assist with long-term improvement of court operations.
- Helps reduce backlogs and court processing times in Serbia's non-commercial, trial-level courts.

Police accountability

The OSCE Mission assists the Ministry of Interior of the Republic of Serbia in enhancing the existing and developing new, accountability systems and procedures and introducing them across the Police Service. Effective internal oversight is key to improving police culture, improving the public's perception of the police service, and promoting accountability and transparency within the service itself.

Legal and judicial development

DfID supported the following 2008-2010 program: Accelerated and Measurable Progress in the Reform of the Justice Sector as part of the Process of Serbia's EU Accession Legal and judicial development.

Asset recovery

Council of Europe, Technical Assistance Project to support the Criminal Assets Recovery (CAR) System in Serbia. The project is guided by the EU Progress Report of Serbia, recommendations of the mutual evaluation reports by Moneyval and built on the results of the previous EU funded projects implemented by the Council of Europe, such as PACO-Serbia and CARDS-Police. Activities proposed cover a wide range of measures including legislative support, provision of specialised training, policy and strategic advice and enhancement of public awareness of the role of modern assets recovery systems in effective fight against economic crime. 36 months, 2,140,000 Euro.

3 THE INTERVENTION

3.1 Overall objective

The overall objective of this Project is to contribute to democracy and the rule of law through the implementation of institutional reforms aimed at preventing and combating corruption.

3.2 Project purpose

Project purpose is to strengthen the capacities of law enforcement agencies and judiciary to detect, investigate, prosecute and adjudicate corruption cases in Serbia.

3.3 Expected results (ER)

The following are the expected results of this project, the achievement of which shall lead to the achievement of the Project Purpose and contribute to the achievement of the Overall Objective:

Result 1 - Strengthened capacities to investigate and adjudicate corruption offences

Result 2 - Strengthened capacities to fight corruption within the justice sector

3.4 Activities

Overall objective	To contribute to democracy and the rule of law through the implementation of institutional reforms aimed at preventing and combating corruption	
Project Purpose	To strengthen the capacities of law enforcement agencies and judiciary to detect, investigate, prosecute and adjudicate corruption cases	
Result 1	Strengthened capacities to investigate and adjudicate corruption offences	
Activities		
1.1.	Carry out risk analysis in order to assess regulatory and organisational obstacles to efficient criminal investigations and proceedings and provide recommendations for improvement of internal procedures, coordination between institutions which have jurisdiction on combating corruption (i.e., exchange of information and tools used to provide public information on those risk analysis results).	<p>Following the risk analysis, and issuance of short-medium-long term recommendations, consultancy/advice will be provided on those priority identified recommendations to Ministry of Interior, Ministry of Justice, Prosecutors Office, and Courts/High Judicial Council. A working group of international and national experts will be created to facilitate and monitor the delivery of this Activity.</p> <p>Workshops/roundtables will be organised to enlarge the debate on the key issues.</p> <p>Long-term Adviser Up to 17 days of international STC Up to 13 days of national STC Cost of Research Cost of 1 RTD (1 day),</p>

GBD

Strengthening the capacities of law enforcement and judiciary in the fight against corruption in Serbia (PACS-Serbia)

		<p>Cost of 2 (1 day) Workshops Cost of 1 Publication Cost of Visibility Events</p>
1.2	<p>Prepare and provide multidisciplinary trainings and specialized courses to judiciary, prosecutorial services and law enforcement officers on corruption, economic crime cases, accounting and auditing; assist implementation of trainings into the training curricula of relevant institutions.</p>	<p>Identification of training needs and institutional capacities to carry out criminal procedures against economic crime/corruption will be carried out (planned during Inception Phase) prior to design and initiation of trainings.</p> <p>Consultancy and training will be provided to Ministry of Interior, Ministry of Justice, Prosecutors Office, Courts/High Judicial Council, Judicial Academy and Police Academy as core beneficiaries; where possible relevant officials from institutions such as MoF – Customs, Tax police, FIU, SAO and ACA could be included.</p> <p>Long-term Adviser Up to 25 days of international STC Up to 25 days of national STC Cost of 2 Specialised Courses (4 days); Cost of 4 (2 day) Trainings Cost of 1 Publication/Training Manual</p> <p>Targeted trainings to be held for following core groups:</p> <ul style="list-style-type: none"> • prosecutors of the Prosecutors Office for Organized Crime • investigative judges of the Special Department of the Higher Court in Belgrade, • members of the Department for Anti-corruption of the RPPO, • members of the SBPOK working on anti-corruption cases, • officers of the Financial Investigation Unit of the MoI, • judges of the criminal department of the Appellate Court in Belgrade
1.3	<p>Introduce new techniques (IT tools and possibly use of data base) and strategic capacities of prosecutorial services to investigate corruption and white collar crime.</p>	<p>Consultancy and training will be provided to Ministry of Interior, Ministry of Justice, Prosecutors Office and Courts/High Judicial Council.</p>

Strengthening the capacities of law enforcement and judiciary in the fight against corruption in Serbia (PACS-Serbia)

		<p>Long-term Adviser Up to 30 days of international STC Up to 30 days of national STC Cost of 1 Workshop/Training on Scooping Paper (2 day) Cost of Scooping Paper Cost of 1 RTD/Training on New Techniques (1 day), Cost of Visibility Event</p> <p>Targeted trainings to be held with targeting following groups:</p> <ul style="list-style-type: none"> • prosecutors of the all prosecutors of the Prosecutors Office for Organized Crime • investigative judges of the Special Department of the Higher Court in Belgrade, • members of the Department for Anti-corruption of the RPPO, • members of the SBPOK working on anti-corruption cases, • officers of the Financial Investigation Unit of the MoI, • judges of the criminal department of the Appellate Court in Belgrade
1.4	Provide specialized training for undercover agents in charge of cooperating with prosecutorial services and law enforcements aimed at collecting evidence by inter alia use of special investigative means (e.g. controlled deliveries, surveillance).	<p>Consultancy and training will be provided to Ministry of Interior, Ministry of Justice, Prosecutors Office, Judicial Academy and Police Academy.</p> <p>Long-term Adviser Up to 20 days of international STC Up to 20 days of national STC Cost of 1 Initial National Scooping Workshop (2 day); Cost of 1 (4 day) International and Specialised Training; Cost of Publication; Cost of Visibility Event</p> <p>Targeted trainings to be held with following groups:</p> <ul style="list-style-type: none"> • prosecutors of the all prosecutors of the Prosecutors Office for Organized Crime • investigative judges of the Special Department of the Higher Court in Belgrade, • members of the Department for Anti-corruption of the RPPO,

FBD

Strengthening the capacities of law enforcement and judiciary in the fight against corruption in Serbia (PACS-Serbia)

		<ul style="list-style-type: none"> members of the SBPOK working on anti-corruption cases.
1.5	Organize awareness rising and training workshops for journalists and civil servants in view of reporting on corruption cases and their adjudication, as well as investigative journalism; assist implementation of trainings into the training curricula of relevant institutions.	<p>Consultancy and training will be provided to School of Journalism.</p> <p>Long-term Adviser Up to 20 days of international STC Up to 10 days of national STC Cost of 1 Raising Awareness Event (1 day), Cost of 3 Trainings (2 day) Workshops Cost of 1 Publication Cost of Visibility Event</p>
1.6	Setting up a benchmarking system in measuring progress and level of efficiency of tracking/handling of corruption/economic crime cases in the Serbian judiciary and law enforcement system.	<p>The benchmarking system will be carried out throughout the process of implementation of the project and delivered at the end of the project in order to allow all target and beneficiary groups to provide inputs and data in building up the system which is expected to be used by the Serbian authorities as of the end of the project.</p> <p>Long-term Adviser Project Team Up to 10 days of international STC Up to 10 days of national STC Cost of 1 Publication Cost of Visibility Event Cost of 3 working group workshops Cost of Visibility Event</p>
Result 2	Strengthened capacities to fight corruption within the justice sector	
Activities		
2.1	Carry out risk analysis on the current situation with regard to possibilities and actual extent of corruption within the judiciary, prosecution and law enforcement and provide recommendations.	<p>Consultancy will be provided to Ministry of Interior, Ministry of Justice, Prosecutors Office, Courts/High Judicial Council. A working group of international and national experts will be created to facilitate and monitor the delivery of this Activity. Workshops/roundtables will be organised to enlarge the debate on the key issues.</p> <p>Long-term Adviser Up to 25 days of international STC Up to 25 days of national STC Cost of Research Cost of 1 RTD (1 day), Cost of 1 Publication</p>

Strengthening the capacities of law enforcement and judiciary in the fight against corruption in Serbia (PACS-Serbia)

		<p>Cost of Visibility Event Inputs: LTA daily advise, STA consulting, legal opinions, meetings</p>
2.2	<p>Assist with implementing recommendations from risk analysis, especially with regards to introducing ethical rules and with regards to organisational aspects (including selection/appointment procedures in the judiciary).</p>	<p>Consultancy and training will be provided to Ministry of Interior, Ministry of Justice, Prosecutors Office, Courts/High Judicial Council and Anti-corruption Agency</p> <p>Long-term Adviser Up to 30 days of international STC Up to 25 days of national STC Cost of 1 RTD (1 day), Cost of 1 Workshops (1 day) Cost of 1 Publication Cost of Visibility Event Inputs: LTA daily advice STA consulting, meetings.</p>
2.3.	<p>Provide legal opinions and advice to the High Judicial Council and State Prosecutors Council with regard to disciplinary rules and measures against ethical violations from judges and prosecutors when construed as corruptive practices/allegations and assist implementation.</p>	<p>Consultancy will be provided to Ministry of Interior, Ministry of Justice, Prosecutors Office, Courts/High Judicial Council</p> <p>Long-term Adviser Up to 35 days of international STC Up to 30 days of national STC Cost of 1 Publication Cost of Research Cost of 1 (1 day) Workshops Cost of Visibility Events Inputs: STA consulting/legal opinions and technical papers</p>
2.4	<p>Provide training for Judges, Prosecutors and Law Enforcement on aspects of detecting corruption and controlling conflict of interests within the structures; assist implementation of trainings in the framework of the training curricula of relevant institutions.</p>	<p>Consultancy and training will be provided to Ministry of Interior, Ministry of Justice, Prosecutors Office, Courts/High Judicial Council In cooperation with Anti-corruption Agency</p> <p>Long-term Adviser Up to 30 days of international STC Up to 20 days of national STC Cost of Specialised Training Course (6 days) Cost of Cascade Training (6 days) Cost of 1 Publication Cost of Visibility Events Inputs: LTA daily advise, STA consulting, study visits</p> <p>Targeted trainings to be held with targeting following groups:</p> <ul style="list-style-type: none"> • High Judicial Council – all members including all of the members of Disciplinary/Ethics comities

		<p>(Disciplinary Prosecutor)</p> <ul style="list-style-type: none"> • State Prosecutorial Council – all members including all of the members of Disciplinary/Ethics committees (Disciplinary Prosecutor) • Ministry of Interior – Internal control Department and relevant body within the Police Directorate. • Ministry of Justice – Secretariat and Department for judiciary and supervision
--	--	--

4 ASSUMPTIONS

4.1 Assumptions

Political commitment to further strengthening capacities of law enforcement agencies and judiciary to detect, investigate, prosecute and adjudicate corruption cases in accordance with international standards and best practices is the key assumption made under this Project. In spite of possible political instability, political commitment will be maintained. This assumption has been confirmed by official policy documents adopted by the Serbian authorities and through the recent adoption of the legislative package elaborated with the support of PACO Serbia Project.

It is assumed that Project stakeholders, and in particular the key institutions of Serbia, shall be committed to the achievement of this Project's results, are willing and able to enhance co-operation and co-ordination with each other and nominate suitable persons to the Steering Committee.

These assumptions appear to be reasonable in the light of the positive previous experience in this regard under the Joint Programme.

4.2 Risks

The risk in this Project is one of the assumptions not holding true. This risk is however not considered to be high based on previous experience. More particularly:

- Lack of political support

Proposed response: This risk is relatively high in the light of previous experience; however it is not crucial for the achievement of the expected results. Adoption of certain legislation or rules by the Parliament or government cannot be influenced by the Project Management and indeed does not require any technical assistance. Moreover, Result 1 and 2 will mainly focus on existing legislation and bylaws as – there is no clear need of revising the laws (solid legislative grounds for the operation against economic crime system have been already reported as created).

- Lack of political stability

Proposed response: This risk is also relatively high in the light of previous experience; however it is not likely to influence the results. If it materialises it may delay certain processes within the project or make its work more difficult but within the scope of flexibility built in the Project and

Strengthening the capacities of law enforcement and judiciary in the fight against corruption in Serbia (PACS-Serbia)

through ensuring professional management the Project Team shall be able to cope with any negative influence. The Project addressing one of the policy priorities such as fighting corruption in the country and thus enhancing it way to European integration guarantees that any adverse effects would only be of temporary and manageable nature.

- Lack of co-ordination and of co-operative approach by stakeholders;

Proposed response: Experience from previous projects allows perceiving this risk as moderate and unlikely to prevent the project from achieving its results. Co-operation of stakeholders under other projects in the area of economic crime (such as PACO Serbia, CAR and MOLI Serbia) has been in so far very good. The project foresees further strengthening of an existing capacities and introducing better tools to be applied in terms of prevention and fight against corruption. The project, furthermore will increase capacities of already existing structures in the judiciary and prosecutorial services by which it will ensure the sustainability of the justice system reforms in Serbia.

- Lack of government financial resources to consolidate achievements of the Project

Proposed response: The focus of the project being on capacity building, technical advice and training by nature thus does not require any substantial investments of the part of Government. All existing structures/institutions and professional groups benefiting from the projects are already established and operational so no further substantial investment in the staff or infrastructure is necessary to enhance their capacities.

4.3 Sustainability

The project does not seek to create new structures but rather to support public services in efficiently carrying out their functions and at the same time to strengthen their capacities and enhance interagency co-operation.

It is expected that the selected intervention logic will ensure the sustainability of results based on the assumption that the government's commitment to effectively prevent and control corruption will be maintained in the future.

Improvement in the legislative and organizational framework of the justice and law enforcement sector with regard to effectively sanctioning corruption and with regard to corruption risks within the justice sector itself will set solid foundations for further developing the system. Given the on-going European integration process and firm political commitment to follow on its track, it is assumed to be very unlikely to see this trend changed.

The risk assessments will be coupled with activities to improve the enforcement of the legislation through training on the one hand and supporting the implementation of legislative and organizational recommendations on the other.

It is expected that this project will prove the value of the justice/law enforcement system and will convince the authorities to make sufficient resources available in the future to follow up on the results of the project and maintain the capacity. This is further strengthened by the potential of the justice system to pay back in a longer run a significant part of the investment made in its development through tracking and confiscation of corruption proceeds, also through the complementing of CAR – Serbia and MOLI-Serbia projects.

The activities are designed to be sustainable in that the training materials and programmes will be available online once finalised and in the course of the project's implementation and can be updated and used in the future also without external assistance. Strong ownership of these tools by the beneficiary will be ensured. Trainers trained by the project will be available for future trainings. There is of course a risk that these trainers will assume other functions over

Strengthening the capacities of law enforcement and judiciary in the fight against corruption in Serbia (PACS-Serbia)

time and no longer be available. Thus, additional training of trainers may be required in the future. Therefore the project will be oriented towards effective establishment and maintenance of institutional memory by also using the Judicial Training Academy and the Police Academy as two main institutions where institutional memory of training materials will be ensured throughout the project thus leaving behind information and sustainable tools that shall be of use in the future. A similar effect is expected from the introduction of specialised courses in the above mentioned training institutions for law enforcement and judiciary. New generations of professionals will receive the advanced knowledge and specialised training, which will facilitate the mitigation of results through retirement, career changes, etc.

At the end of the implementation period of the project, a clear set of recommendations for further improvement of the capacities of the law enforcement agencies and judiciary will be available.

Strong synergies will be established between this project and the Criminal Assets Recovery Project that started on 1 April 2010 (CAR-Serbia) as well as the Anti-money laundering Project (MOLI-Serbia), which both help addressing a wide of issues related to the prevention and control of economic crime at all levels.

It is furthermore expected that the activity aimed at increasing the awareness of Serbian society through the media will produce an additional multiplier effect. The general public is the first instance where corruption offences are perceived and prevented. Therefore transparency on sanctioning corruption will further enhance the efforts by the government and ensure an efficient mid- and long-term monitoring of the results achieved.

Experience of the previous projects shows that a mix of measures addressing at the same time the whole system – prevention and repression, legislation and its enforcement, support to policies and strategies, training of professionals currently in service, training of trainers and elaboration of training curricula for both public and private sector players – produces very good and sustainable results. This is why it is assumed that the results produced by the project will be sustainable financially, institutionally and policy-wise.

There are no physical, environmental, economic or social risks identified that would be likely to prevent this project from achieving the planned results. Political risks have been discussed above.

5 IMPLEMENTATION

5.1 Methods of implementation and reasons for the proposed methodology

The methodology of implementation of these activities, and thus of the project itself is evident in the above description of activities.

The project will seek to further strengthen the capacities of the justice and law enforcement sector. Weak points in investigating and adjudicating corruption offences as well as corruption risks within the justice and law enforcement sector itself will be assessed and recommendations provided as well as their implementation be assisted.

A set of training activities is proposed to enhance the capacities of the key institutions and professional groups to fulfil their roles provided for in the legislation and increase their efficiency. Public transparency of prosecuting corruption cases is an element of critical importance. Therefore the Project shall provide training for media representatives.

Following the reasons for the proposed methodology and approach, the modus of action includes a mixture of the following types/nature of tools when organising activities and providing support to implement the proposed activities:

The following types of inputs are proposed:

Expert advise – provided by the LT-Adviser within his/her competence/experience or, as necessary, by ST-Advisers selected according to their specific field of competence, through direct conversation with individual officials or groups of officials on the issues specified in the Workplan and wherever necessary.

Expert opinions – will be provided in writing, as necessary, to comment on the pieces of legislation or their drafts or other documents, by independent experts from the Council of Europe Member States via the CoE Secretariat.

Roundtables and seminars - allowing stakeholders/professional groups and individuals to look at ways in which their own policies can be reformed. They will also be used to contribute specialist knowledge to a broader debate on a given issue.

Workshops - allow a particular task to be undertaken involving multiple co-operating parties. Experts put their knowledge at the disposal of practitioners and officials. Workshops can also be used to provide specific advanced training.

Training courses – allow participants to acquire new knowledge and/or professional skills through interaction with a qualified trainer. Elements of self-education can be included.

Training of trainers – to enhance the sustainability of the Project's results the ToT approach shall be applied wherever possible throughout the Project. National trainers trained by the project will be able to provide the necessary trainings to newly hired staff beyond the Project duration.

Research – a way to get a comprehensive overview of a given issue to serve a basis for further analysis.

Translations - make important texts and information accessible in local languages and can be used as a tool in training activities and seminars.

Strengthening the capacities of law enforcement and judiciary in the fight against corruption in Serbia (PACS-Serbia)

Publication and dissemination of texts and/or audio-visual CD-ROMs - ensure that certain expertise or knowledge is made available to the widest possible audience.

Press coverage and visibility actions - to increase public awareness of the subject matter of the Project and to ensure the visibility of the Project, the donor and the implementation agency.

5.2 Physical and non-physical means

To ensure the proper implementation of the Project throughout the period of 28 months, the following means will be made available:

5.2.1 Premises and office equipment

The Council of Europe in Belgrade will make offices available for the Project Team in Belgrade. A monthly lump sum will be allocated under the budget to cover the administrative / overhead costs of the Project running and office maintenance in Belgrade.

5.2.2 Personnel/Project Team

The following staff will be funded under this Project:

- A Long-Term Adviser (Belgrade based);
- A Local Project Officer (Belgrade based);
- A Project Assistant/Accountant (Belgrade based); and
- A Project Assistant (Belgrade Based).

The international Long-Term and other project team members will be selected by the Council of Europe in a transparent procedure based on CoE's Human Resource rules and procedures and open calls for tender for consultancy services when provided so in such rules and in consultation with the EU Delegation and the National Project Coordinator.

No permanent staff of the Council of Europe will be funded under this Project.

The Project Team will propose a Workplan detailing short-term and long-term consultants/experts (national and international) that will be needed for the implementation of project activities. The Council of Europe will ensure the active participation of local professional skills where available, and a suitable mix of Europe and local consultants/experts in the project team. All local experts are to be independent and free from conflicts of interests. Civil servants and other staff of the public administration of Serbia shall in principle not be recruited as consultants within the project team. They may provide short-term inputs as necessary but in that case shall not be remunerated.

5.2.3 Long-Term Adviser

The position-holder will be deployed in Belgrade and shall be responsible for the successful accomplishment of the project's overall and specific objectives through ensuring, in co-operation with the counterparts and the lead beneficiary institution, the implementation of the measures and activities agreed upon in the Project Workplan. This includes:

- Day-to-day expert advice on the project and implementation of the workplan and liaison with the counterparts in the beneficiary institutions assigned to the project, and with the Project Co-ordinator;
- Responsibility for the delivery of specifically contracted Project's results;
- Proposing subject matter related terms of reference for other experts for short term assignments; co-ordinating, organising, and ensuring quality of their work;

Strengthening the capacities of law enforcement and judiciary in the fight against corruption in Serbia (PACS-Serbia)

- Providing the necessary expertise and advice to the Project team and national coordination structures;
- Co-operating, and representing the project (when necessary) and its objectives in meetings, with other international technical assistance projects/experts;
- Drafting and preparing technical papers which provide technical and legal advice in line with the required recommendations and specific standards concerning the subject matter of the projects expected results.

Qualifications required

- Advanced university degree in law, political science, or in a related field, and extensive professional experience at international and/or national level in areas of work related to anti-corruption, good governance, criminal justice and law enforcement;
- Proven experience in the delivery of international technical assistance projects; experience in the implementation of EU funded projects is an asset;
- Proven experience in the elaboration and implementation of training plans and training activities for the judiciary and/or law enforcement;
- Knowledge of the relevant international standards in the related fields, and in particular those set by the Council of Europe;
- Familiarity with the current affairs of the relevant country, and experience in working in the region;
- Strong leadership and management skills;
- Proven ability to work in an international, multi-cultural and difficult environments;
- Experience in the management and supervision of staff;
- Confirmed drafting skills (samples to be submitted if short-listed), and excellent oral and written English;
- The candidate shall not be a civil servant or public official in the national system of Serbia.

Council of Europe will be looking for candidates who are able, through negotiation and diplomatic skills to uphold the standards and values of the Council of Europe in a sometimes challenging environment. Implementing projects with public funds, candidates will also display a high level of commitment to the stringent use of resources, and the principles of accountability and transparency vis-à-vis counterparts and interested parties.

5.2.4 Position of Local Project Officer

- Be part of the project-team and support the Long -Term Adviser in his/her daily work;
- Ensure day-to day implementation of the workplan and liaison with the counterparts in the beneficiary institutions assigned to the project, and with the Project Co-ordinator, during the LTA's absences in Belgrade;
- Responsibility for overall coordination and any necessary advice concerning the management of the project
- Assist the overall management and coherence of the project;
- Coordinate the project Workplan and its calendar of activities in cooperation and under the guidance of the Long-Term Adviser, the National Project Coordinator and the Project Coordinator;
- Assist Project Coordinator in Strasbourg as well as short-term and long-term consultants/experts when carrying out tasks and missions in the field;
- Ensure office management and organise the work of the Project Assistant;
- Ensure relevant contribution to project reporting, including financial reports;
- Support and advice the long and short term consultant/experts while in Belgrade when necessary.

Qualifications required:

- University Law degree;

Strengthening the capacities of law enforcement and judiciary in the fight against corruption in Serbia (PACS-Serbia)

- Not less than 3 years of professional experience at national or international levels in criminal justice/law enforcement-related fields, of which at least some experience in matters related to corruption, ethics, money laundering and economic crime;
- Administrative experience (including target setting and planning, administration, finance and reporting);
- Experience in the coordination of international technical cooperation projects;
- Serbian mother tongue, proficiency of spoken and written English language and, ideally, knowledge of French;
- Excellent knowledge of Excel and Microsoft programmes;
- Communication, and IT skills;
- Ability to work in an international environment.

5.2.5 Positions of Local Project Assistant/Accountant – Belgrade

The assistant will be responsible for assuming the general secretarial and administrative support functions. will have at least secondary education, speak and write Serbian language at the level of mother tongue and very good command of English, as well as accounting and linguistic skills. It is expected that the candidates will ideally possess at least 2 years of working experience in a similar position.

5.2.6 Consultancy Services

Given the nature of the activities undertaken, consultancy services will constitute a major input into the Programme's implementation.

International and National short-term Experts/Consultants should have the following qualifications and skills: Very good knowledge and experience of dealing with reforms and actions related to anti-corruption measures, and measures promoting good governance; very good knowledge and experience of inspection, judiciary and training aspects and training-the-trainers; very good knowledge of the relevant international standards in the aforementioned fields.

Those local/national experts/consultants that are entitled to be receiving fee for their services and that will be engaged throughout this project shall not be subject of any conflict of interests with their duties and they shall not be civil servants in Serbia.

5.3 Organisation and implementation procedures

The implementation of the Programme will be based on a Contribution agreement between the European Commission (the contracting authority) and the Council of Europe (the implementing partner). The Council of Europe will sign contracts with all consultants/experts, service providers and suppliers.

5.3.1 The Delegation of the European Union to Serbia (EUD)

EUD will be responsible for:

- Providing funds for project implementation
- Co-Chairing the Steering Committee
- Exercise ex-post control over the expenditures on the contract
- Approving progress reports and workplans
- Giving consent to procurement if provided in the contract
- Approving budget modifications.

5.3.2 The Steering Committee (SC)

Strengthening the capacities of law enforcement and judiciary in the fight against corruption in Serbia (PACS-Serbia)

The Steering Committee of this project will consist of representatives of the Ministry of Justice, Ministry of Interior, General Prosecutor Office, High Judicial Council, State Prosecutors Council, Judicial Training Academy and representative of the EU Delegation and of the Economic Crime Division of the Council of Europe. The Ministry of Finance, State Audit Office, Anti-Corruption Council and Anti-Corruption Agency will be invited as observers. The Steering Committee meetings will also involve other relevant authorities related to project results and activities. Definite composition of the Steering Committee will be discussed in the inception phase and approved by the start-up event.

The Steering Committee will take strategic decisions and supervise the proper implementation of the Project. It will address major issues that the project might face. The Steering Committee shall be called to meet for the first time during the inception phase at the beginning of the project and then on a regular quarterly basis and whenever such need arises. The responsibilities of the Steering Committee are the following:

- Monitoring the implementation of the project and discussing its achievements;
- Approving work plans and progress reports, including the inception and the final one;
- Assessing emerging issues for sound project implementation and approving the resulting guidelines for the Project Management;
- Approving the necessary departures from the original TOR or workplan
- Approving specifications for procurement and procurement plans

The Steering Committee will be co-chaired by the National Project Coordinator and the EUD representative.

5.3.3 National Project Coordinator

The National Project Coordinator designated by the Ministry of Justice (MOJ) will be responsible, in co-operation with the Long Term Consultant, and the Project Coordinator in Strasbourg for:

- Contributing to the preparation of the work plan.
- Monitoring the proper implementation of activities of the project and reporting to the Steering Committee.
- Mobilising and coordinating other institutions involved in the project.
- Ensuring proper participation and representation of relevant Serbian institutions in activities organised by the Project.

The National Project Coordinator shall receive the necessary secretarial support from the MoJ and not from the Council of Europe.

5.3.4 The Council of Europe

The Council of Europe, through the Project Co-ordinator and the Project Team will be responsible for the implementation of the project, its monitoring and assessment and for the use of the funds under a contract with the European Commission. The Council of Europe is expected to ensure the achievement of the project results as listed above. In order to achieve these results the Council of Europe may propose alternative or complementary project activities to those identified in this section, where it can clearly justify them. Within the Council of Europe, the Directorate General of Human Rights and Legal Affairs, the Economic Crime Division and more specifically it is the Corruption and Money Laundering Unit which will be responsible for co-ordination and supervision on day to day basis of the project.

5.4 Timetable

The envisaged duration of the Project is 28 months. An indicative Project timetable appears in Annex II. It provides a tentative timeframe for all the activities planned under the Project. It will be updated in the Project's inception report and be used as a benchmark in the course of the implementation of the Project to assess the progress made.

5.5 Costs and financing plan

The total cost of the Project for the 28-month period is 1,183.748 Euro provided by the European Union with contribution from the Joint Programme of the Council of Europe. The amount of the Council of Europe's contribution to this contract is 126.779 Euro.

6 FACTORS ENSURING SUSTAINABILITY

6.1 Policy support

This Project is the continuation of an action implemented between 2005 and 2008 in full co-operation with the Serbian authorities (PACO Serbia). It seeks to consolidate and strengthen the work carried out in areas agreed upon with the Project's key stakeholders, with a view to ensuring the full ownership by the national authorities at central and local level, of the initiatives undertaken within the framework of the Project. Furthermore, this project has the potential to unfold synergies with a 3 years project against money laundering, due to start in 2010 (MOLI-Serbia), and a 3 years project for asset recovery (CAR-Serbia), each implemented by Council of Europe.

6.2 Environmental protection measures

Environmental protection is an indirect benefit of the action. The link between corruption in relevant administrations and environmental harm is obvious.

6.3 Socio-cultural and gender issues

Equal opportunities, including respect for gender and minorities protection, are key values of the Council of Europe. They will be taken into account in all activities of the Project.

6.4 Institutional and management capacity (public and private)

The Council of Europe, an international organisation of 47 European member states has wide experience and expertise in managing co-operation Projects in the field of democratic institutional strengthening, including local self-government. It has a staff of more than 2,000 based in Strasbourg and in field offices in various European countries.

In Serbia, the Council of Europe has an office in Belgrade which can provide technical and political support to the Project staff and its expected results. Previous projects implemented by the COE in Serbia were run successfully and achieved their expected results in spite of a difficult political situation, thanks to the support of and co-operation with the government partners.

6.5 Economic and financial analysis

As discussed above, the implementation of this project and maintaining its results does not require any substantial investments of the part of Government. Ensuring the basic operations of the key institutions in terms of staffing, premises and equipment seems to be secured and this is sufficient for the project to run.

7 MONITORING AND EVALUATION

7.1 Definition of indicators

Indicators, sources of verification as well as related assumptions are provided in the logical framework, in Annex I.

7.2 Reports/evaluations

7.2.1 Reports

The following reports will be submitted to the EUD and national authorities in Serbia:

All Reports must be approved by the Contracting Authority as stipulated in the applicable General Conditions or superseding provisions.

The daily implementation and reporting of specific activities of the project will be monitored and the responsibility of the Project Coordinator in Strasbourg. The former will ensure that reports are prepared and submitted as required, and provide all necessary support to the Project Team in Belgrade. The latter will ensure timely feedback on behalf of Serbian partners. The Council of Europe will submit the following reports:

Nature/Content	Type	Reporting Period	Recipients
Inception Report English and Serbian Versions	The inception report will contain an update of the AC situation in Serbia, a detailed work plan and the names of the Project Team members. In its elaboration, the Logical Framework Approach shall be followed linking the project objectives to expected results and the activities needed in order to achieve the results. It will contain the proposed detailed composition of the Steering Committee. The inception report will outline the management structure of the project clearly describing the responsibilities of the main players as well as the decision-making process and information flow between the project participants. It will also cover the project activities and progress made in the inception phase. Final version should incorporate any comments of MoJ and members of the Steering Committee.	At the end of the inception phase (after 3 three months) Final version within 2 weeks of the Start-up event.	Submitted to: MoJ EU Delegation Adopted at the Start-up event CC: external monitor
Brief monthly Report	The report will list in detail the activities undertaken and assess the progress towards achievement of project objectives. This update will stress particularly the	To be submitted by the 5 th day of every upcoming month	Submitted to: MoJ EU Delegation CC: external

Strengthening the capacities of law enforcement and judiciary in the fight against corruption in Serbia (PACS-Serbia)

English Versions	achievement of results. 2 pages maximum.		monitor
Annual Progress Reports English Versions	These reports will list more in detail the activities undertaken and assess the progress toward achievement of project objectives. The update will stress particularly the achievement of results and identify also potential risks during the forehad implementation period. Update of the country situation will also be included, supported by case statistics.	To be submitted every 12 months not later than 30 days after the end of the reporting period in English. Accompanying further pre-financing payment request when and as foreseen under the Special Conditions. The first report will cover the quarter starting after the period covered by the inception report. Serbian version 6 weeks after the adoption of the English text.	Submitted to: MoJ EU Delegation Approved by the Steering Committee CC: external monitor
Final Report (Narrative and Financial) English and Serbian Versions	The final report should follow the inception report format and include an in-depth assessment of project implementation results and the level of achievement of the objectives. The final report will be complemented by an evaluation of the impact of the project aimed at identifying the impact and the achievements of the project at the end of it. The Final Report and the Evaluation Report will contain lesson learnt and recommendations to be followed up by the beneficiary. The report will be finalised after incorporation of any comments from the MoJ and members of the Steering Committee.	Not later than 6 months after the end of the project implementation period and accompanying final payment request	Submitted to: MoJ EU Delegation Outline approved by the Closing Conference CC: external monitor

Monthly reports will be considered approved and final if within 15 days of their submission to each party when there have been no comments or objections/recommendations for changes. Inception, Progress and Final reports will considered accepted and final if no comments are received within 30 days of their submission to the EUD and within 15 days of their submission to the Steering Committee.

Financial reports shall be produced whenever payment is requested from the contracting authority and at the end of the project. Their structure shall be the same as that of the budget.

7.2.2 Evaluations

Strengthening the capacities of law enforcement and judiciary in the fight against corruption in Serbia (PACS-Serbia)

The contracting authority will monitor the project according to standard EU procedures. Project monitoring and evaluation will be based on periodic assessment of progress on delivery of specified project results and towards achievement of project objectives.

In addition, as part of standard Council of Europe implementation procedures, the project activities will be monitored and evaluated at several levels, as described above. In particular:

at the political level: the project activities will be monitored within the framework of Council of Europe's usual monitoring procedures concerning the implementation of commitments entered into at the moment of accession. In particular, the Programme will draw on the monitoring procedures of the Parliamentary Assembly of the Council of Europe, the Committee of Ministers.

-
at policy level: the project activities will be monitored by the Project Steering Committee and by the Result Oriented Monitoring (ROM) commissioned by EUD in Belgrade

-
at technical level: the Council of Europe will commission an external evaluation of the project three months prior to its scheduled end. The evaluators will be selected in consultation with the EU Delegation. The external evaluation will provide an assessment of the overall project progress from its start until the end against the objectives and indicators of achievement, as well as its overall impact, by addressing i. a. the following points:

- Results and impact produced;
- Efficiency/effectiveness of implementation;
- Assumptions/influence of external factors;
- Sustainability potential;
- Relationship with other projects/donor actions;
- Conclusions and implications for future projects.

8 APPENDIX

Annex I: Logical framework

Annex II: Indicative Project timetable

Annex III: Detailed budget

Strengthening the capacities of law enforcement and judiciary in the fight against corruption in Serbia
PACS-Serbia

8.1 Annex I - Logical framework

Strengthening the capacities of law enforcement and judiciary in the fight against corruption in Serbia (PACS-Serbia) EU/IPA 2011-CoE/JP No. 2588			
Overall objective	Objectively verifiable indicators (OVIs)	Sources of verification	Assumptions
To contribute to democracy and the rule of law through the implementation of institutional reforms aimed at preventing and combating corruption.	<ul style="list-style-type: none"> - Clear contribution of introduced systems to decrease the level of corruption through strengthened capacities to fight corruption; - Progress in Serbia's compliance with European anti-corruption standards recorded in comparison with the initial phase. 	<ul style="list-style-type: none"> - EU Annual Progress Report; - GRECO reports; - Official statistics of key institutions; - Country reports/surveys on corruption show improvement of situation. 	<ul style="list-style-type: none"> - Political will to prevent corruption continues to exist; - Political will exists in all beneficiary institutions.
Project purpose	Objectively verifiable indicators (OVIs)	Sources of verification	Assumptions
To strengthen the capacities of law enforcement agencies and judiciary to detect, investigate, prosecute and adjudicate corruption cases.	<ul style="list-style-type: none"> - Increased number of corruption related cases reported, investigated, prosecuted and adjudicated (pending the adoption of standardised reporting methodology, both basic counting units – cases and suspects to be used), taking into consideration seriousness (all levels of corruption) and diversity (different sectors and fields) ; - At least 50% of recommendations from risk analysis implemented (i.e., out of those identified, the number of those prioritised and addressed) and extent to which they are implemented (e.g., full compliance, partial compliance, non-compliance); - Capacity of AC stakeholders increased through high quality custom made trainings. - Track record on typology and related number of cases in different stages of criminal procedure developed. 	<ul style="list-style-type: none"> - Project progress and activity reports; - GRECO reports; - Official statistics of key institutions. 	<ul style="list-style-type: none"> - Political will to prevent corruption continues to exist; - Political will exists in all beneficiary institutions.

Strengthening the capacities of law enforcement and judiciary in the fight against corruption in Serbia
PACS-Serbia

Result 1	Objectively verifiable indicators (OVIs)	Sources of verification	Assumptions
<p>Strengthened capacities to investigate and adjudicate corruption offences.</p>	<ul style="list-style-type: none"> - Minimum 50% of recommendations from risk analysis implemented and the extent to which they are implemented specified (full compliance, partial compliance, non-compliance); - At least five legislative and institutional obstacles to efficient detection, investigation, prosecution and adjudication of corruption offenses identified and addressed; - Improved methodology and quality of statistical data; - Increased number (compared to baseline) of reported, investigated, prosecuted and adjudicated cases (pending the adoption of standardised reporting methodology, both basic counting units – cases and suspects to be used), taking into consideration seriousness (all levels of corruption) and diversity (sectors and fields); subsequent identification of main bottlenecks in the system; - Increased capacity of trainees due to implemented trainings (confirmed through subsequent survey), minimum 15 trainings and 10% of all beneficiaries trained; - Sufficient number of ToT trainees available for identified needs, roughly estimated at 30 amongst different beneficiaries - judges, prosecutors and police officers and long-term training plan in place; - Benchmarking system available at the end of the project 	<ul style="list-style-type: none"> - Project progress and activity reports (e.g. feedback, statistics, reports from trainings etc.); - Official statistics of key institutions including examples on relevant cases; - Project evaluation; - Media reports on corruption; - Feedback from trainees with regard to quality and relevance of acquired skills/competences. - Performance reports provided by High Court Council and State Prosecutorial Council - Benchmarking System / Tools document - Training Needs and Capacities Report 	<ul style="list-style-type: none"> - Willingness of key institutions to cooperate in risk analysis and to implement its recommendations; - Readiness of beneficiaries to fully and regularly report; - Sufficient absorption capacity of stakeholders to be fully involved in project, (e.g. trainings); - Availability and quality of baseline data; - Baseline data on attended trainings and relevant performance related available; - Trainees selected appropriately.
Activities	Name of the activity	Means	

Strengthening the capacities of law enforcement and judiciary in the fight against corruption in Serbia
PACS-Serbia

1.1	Carry out risk analysis in order to assess regulatory and organisational obstacles to efficient criminal investigations and proceedings and provide recommendations for improvement of internal procedures, coordination between institutions which have jurisdiction on combating corruption (i.e., exchange of information and tools used to provide public information on those risk analysis results).	Following the risk analysis, and issuance of short-medium-long term recommendations, consultancy/advice will be provided on those priority identified recommendations to Ministry of Interior, Ministry of Justice, Prosecutors Office, and Courts/High Judicial Council. A working group of international and national experts will be created to facilitate and monitor the delivery of this Activity.
1.2	Prepare and provide multidisciplinary trainings and specialized courses to judiciary, prosecutorial services and law enforcement officers on corruption, economic crime cases, accounting and auditing; assist implementation of trainings into the training curricula of relevant institutions.	<p>Costs: Fees LTA/STA, per diems, international travel, translation/interpretation, conference cost.</p> <p>- Inputs: LTA daily advise, STA consulting, legal opinions, meetings and Project team.</p> <p>Identification of training needs and institutional capacities to carry out criminal procedures against economic crime/corruption will be carried out (planned during Inception Phase) prior to design and initiation of trainings.</p> <p>Targeted trainings to be held for following core groups:</p> <ul style="list-style-type: none"> • prosecutors of the Prosecutors Office for Organized Crime • investigative judges of the Special Department of the Higher Court in Belgrade, • members of the Department for Anti-corruption of the RPPO, • members of the SBPOK working on anti-corruption cases, • officers of the Financial Investigation Unit of the MoI, • judges of the criminal department of the Appellate Court in Belgrade <p>Costs: Fees LTA/STA, per diems, international travel, conference cost, per diems for participants to cover subsistence and accommodation cost.</p> <p>Inputs: LTA daily advise, STA consulting, meetings and Project team.</p>

Strengthening the capacities of law enforcement and judiciary in the fight against corruption in Serbia
PACS-Serbia

1.3.	<p>Introduce new techniques (IT tools and possibly use of data base) and strategic capacities of prosecutorial services to investigate corruption and white collar crime.</p>	<p>Consultancy and training will be provided to Ministry of Interior, Ministry of Justice, Prosecutors Office and Courts/High Judicial Council.</p> <p>Targeted trainings to be held with targeting following groups:</p> <ul style="list-style-type: none"> prosecutors of the all prosecutors of the Prosecutors Office for Organized Crime investigative judges of the Special Department of the Higher Court in Belgrade, members of the Department for Anti-corruption of the RPPO, members of the SBPOK working on anti-corruption cases, officers of the Financial Investigation Unit of the MoI, judges of the criminal department of the Appellate Court in Belgrade <p>Costs: Fees LTA/STA, per diems, international travel, and conference cost, per diems, RTD, visibility event.</p> <p>Inputs: LTA daily advice, STA consulting, meetings, scooping paper, round table discussion and visibility event and Project team.</p>
1.4.	<p>Provide specialized training for undercover agents in charge of cooperating with prosecutorial services and law enforcements aimed at collecting evidence by inter alia use of special investigative means (e.g. controlled deliveries, surveillance). Consultancy and training will be provided to Ministry of Interior, Ministry of Justice, Prosecutors Office, Judicial Academy and Police Academy.</p>	<p>Targeted trainings to be held with following groups:</p> <ul style="list-style-type: none"> prosecutors of the all prosecutors of the Prosecutors Office for Organized Crime investigative judges of the Special Department of the Higher Court in Belgrade, members of the Department for Anti-corruption of the RPPO, members of the SBPOK working on anti-corruption cases. <p>Costs: Fees LTA/STA, per diems, international travel, conference cost; per diems for participants to cover subsistence and accommodation cost.</p> <p>Inputs: LTA daily advice, STA consulting, meetings and Project team.</p>

Strengthening the capacities of law enforcement and judiciary in the fight against corruption in Serbia
PACS-Serbia

1.5.	Organize awareness rising and training workshops for journalists and civil servants in view of reporting on corruption cases and their adjudication, as well as investigative journalism; assist implementation of trainings into the training curricula of relevant institutions.	<p>Consultancy and training will be provided to School of Journalism.</p> <p>Costs: Fees LTA/STA, per diems, international travel, Raising awareness event cost; per diems for participants to cover subsistence and accommodation cost, 3 trainings (2 day each), publication</p> <p>Inputs: LTA daily advice STA consulting, meetings, and Project team.</p>
1.6	Setting up a benchmarking system in measuring progress and level of efficiency of tracking/handling of corruption/economic crime cases in the Serbian judiciary and law enforcement system. The benchmarking system will be carried out throughout the process of implementation of the project and delivered at the end of the project in order to allow all target and beneficiary groups to provide inputs and data in building up the system which is expected to be used by the Serbian authorities as of the end of the project.	<p>This activity will be carried out throughout the entire period of the implementation project and will be building up by all the data and statistics as well as information collected and analysed during the risk assessments as well as trainings. Each exercise carried out as such will aim at and establish the elements of the benchmarking system in measuring progress.</p> <p>Costs: Fees LTA/STA and Publication.</p> <p>Inputs: LTA daily advice STA consulting, meetings, and Project team.</p>
Result 2	Objectively verifiable indicators (OVIs)	<p>Sources of verification</p> <p>Assumptions</p>

Strengthening the capacities of law enforcement and judiciary in the fight against corruption in Serbia
PACS-Serbia

<p>Strengthened capacities to fight corruption within the justice sector</p>	<ul style="list-style-type: none"> - Minimum 50% of recommendations from risk analysis implemented and the extent to which they are implemented is specified (full compliance, partial compliance, non-compliance); - At least three regulatory and institutional framework issues will be addressed in order to implement recommendations from risk analysis (e.g. promoting ethical conduct, preventing conflict of interest and removing organisational obstacles to combating corruption); - Establishing methodology for collecting statistical data on internal corruption; - Increased capacity of trainees due to implemented trainings, minimum five trainings ; - Minimum 10 ToT trainees available for identified needs (i.e. depending on recommendations from risk analysis). 	<ul style="list-style-type: none"> - Project evaluation; - Project progress and activity reports (e.g. feedback, statistics, reports from trainings etc.); - Official statistics of key institutions including examples on relevant cases; - Media reports on corruption within the law enforcement and judiciary; - Feedback from trainees with regard to quality and relevance of acquired skills/ competences. 	<ul style="list-style-type: none"> - Willingness of key institutions to cooperate in risk analysis and to implement its recommendations; - Readiness of beneficiaries to fully and regularly report; - Sufficient absorption capacity of stakeholders to be fully involved in project, (e.g. trainings); - Availability and quality of baseline data; - Baseline data on attended trainings and relevant performance related available; - Trainees selected appropriately.
<p>Activities 2.1</p>	<p>Name of the activity Carry out risk analysis on the current situation with regard to possibilities and actual extent of corruption within the judiciary, prosecution and law enforcement and provide recommendations.</p>	<p>Means Costs: Fees STA, per diems, international travel, translation/interpretation, conference cost. Inputs: STA consulting, meetings.</p>	<p>Means Costs: Fees STA, per diems, international travel, translation/interpretation, conference cost. Inputs: STA consulting, meetings.</p>

Strengthening the capacities of law enforcement and judiciary in the fight against corruption in Serbia
PACS-Serbia

2.2	Assist with implementing recommendations from risk analysis, especially with regards to introducing ethical rules and with regards to organisational aspects (including selection/appointment procedures in the judiciary).	<p>Costs: Fees STA, per diems, international travel, translation/interpretation, conference cost.</p> <p>Inputs: LTA daily advise, STA consulting, legal opinions, meetings.</p>
2.3.	Provide legal opinions and advice to the High Judicial Council and State Prosecutors Council with regard to disciplinary rules and measures against ethical violations from judges and prosecutors when construed as corruptive practices/allegations and assist implementation.	<p>Costs: Fees STA, per diems, international travel, translation/interpretation, conference cost.</p> <p>Inputs: LTA daily advise, STA consulting, legal opinions, meetings.</p>
2.4.	Provide training for Judges, Prosecutors and Law Enforcement on aspects of detecting corruption and controlling conflict of interests within the structures; assist implementation of trainings in the framework of the training curricula of relevant institutions.	<p>Targeted trainings to be held with targeting following groups:</p> <ul style="list-style-type: none"> • High Judicial Council – all members including all of the members of Disciplinary/Ethics comities (Disciplinary Prosecutor) • State Prosecutorial Council – all members including all of the members of Disciplinary/Ethics comities (Disciplinary Prosecutor) • Ministry of Interior – Internal control Department and relevant body within the Police Directorate. • Ministry of Justice – Secretariat and Department for judiciary and supervision <p>Costs: Fees LTA/STA; per diems for participants to cover subsistence and accommodation cost; international travel, translation/interpretation.</p> <p>Inputs: LTA daily advise, STA consulting, study visits.</p>

G8D

8.2 Annex II – Indicative Timetable

Expected results	Proposed Activities	2012				2013				2014				2015				
		Q4	Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4
Inception phase		X																
0.1	Set up Project Team.	X																
0.2	Equip project offices.	X																
0.3	Prepare a detailed work-plan and an inception report.		X															
0.4	Organise a start-up event/Steering Committee.		X															
ER 1. Strengthened capacities to investigate and adjudicate corruption offences																		
1.1	Carry out risk analysis in order to assess regulatory and organisational obstacles to efficient criminal investigations and proceedings and provide recommendations for improvement of internal procedures, coordination between institutions which have jurisdiction on combating corruption (i.e., exchange of information and tools used to provide public information on those risk analysis results).									X								
1.2	Prepare and provide multidisciplinary trainings and specialized courses to judiciary, prosecutorial services and law enforcement officers on corruption, economic crime cases, accounting and auditing; assist			X												X		

Strengthening the capacities of law enforcement and judiciary in the fight against corruption in Serbia
PACS-Serbia

	implementation of trainings into the training curricula of relevant institutions.																				
1.3	Introduce new techniques (IT tools and possibly use of data base) and strategic capacities of prosecutorial services to investigate corruption and white collar crime.								X						X						
1.4	Provide specialized training for undercover agents in charge of cooperating with prosecutorial services and law enforcements aimed at collecting evidence by inter alia use of special investigative means (e.g. controlled deliveries, surveillance). Consultancy and training will be provided to Ministry of Interior, Ministry of Justice, Prosecutors Office, Judicial Academy and Police Academy.								X						X						
1.5	Organize awareness raising and training workshops for journalists in view of reporting on corruption cases and their adjudication; assist implementation of trainings into the training curricula of relevant institutions.						X							X							
1.6	Setting up a benchmarking system in measuring progress and level of efficiency of tracking/handling of corruption/economic crime cases in the Serbian judiciary and law enforcement system. The benchmarking system will be carried out throughout the process of implementation of the project and delivered at the end of the project in order to allow all target and beneficiary groups to provide inputs and data in building up the system which is expected to be used by the Serbian authorities as of the end of the project.									X				X							X
ER 2. Strengthened capacities to fight corruption within the justice sector																					
2.1	Carry out risk analysis on the current situation with regard to possibilities and actual extent of corruption within the judiciary, prosecution and law enforcement							X							X						

Strengthening the capacities of law enforcement and judiciary in the fight against corruption in Serbia
PACS-Serbia

	and provide recommendations.																			
2.2	Assist with implementing recommendations from risk analysis, especially with regards to introducing ethical rules and with regards to organisational aspects (including selection/appointment procedures in the judiciary).																			X
2.3	Provide legal opinions and advice to the High Judicial Council and State Prosecutors Council with regard to disciplinary rules and measures against ethical violations from judges and prosecutors when construed as corruptive practices/allegations and assist implementation.																			X
2.4	Provide training for Judges, Prosecutors and Law Enforcement on aspects of detecting corruption and controlling conflict of interests within the structures; assist implementation of trainings in the framework of the training curricula of relevant institutions.																			X