



COUNCIL OF EUROPE CONSEIL DE L'EUROPE

EUROPEAN COMMISSION
FOR THE EFFICIENCY OF JUSTICE
(CEPEJ)

PILOT-SCHEME
FOR
EVALUATING JUDICIAL SYSTEMS

II. Access to Justice and to all courts

II. A. Legal aid/cost of justice

4. Annual public budget spent on legal aid

Annual budget: NA Year :
Source :
.....

5. If possible, specify

- the annual public budget spent on legal aid in criminal cases

Annual budget: NA Year :
Source :
.....

- annual public budget spent on legal aid in other court cases

Annual budget: NA Year :
Source :
.....

6. Total number of legal aid cases (in a year)

Number of cases: 2845 Year :
Source : 2002...
..... Court Data

7. If possible, specify:

- the total number of legal aid cases in criminal matters (in a year)

Number of cases: 2278 Year :
Source : 2002
..... Court Data.....

- the total number of legal aid cases in other court cases (in a year)

Number of cases: 937 Year :
Source : 2002
..... Court Data.....

8. Does your country have an income and asset test for granting legal aid?

Yes / No: NO

9. If yes, what is the maximum income level for granting legal aid?

Income level: Year :

10. Is it possible to refuse legal aid for lack of the merit of the case?
(eg. for frivolous or vexatious actions, or cases without merit)

Yes / No: **NO**

If yes, is the decision taken by : - the court
- a body external to the court
(please indicate the right answer) - a mixed decision-making body (court and external)
- other:

What factors are taken into account ?

Factors:

11. In general do litigants have to pay a court tax or fee to start a proceeding at a general jurisdiction court?

Yes / No / Otherwise: **YES**

If yes, is this true for : - criminal cases? Yes / No **YES**
- other than criminal cases? Yes / No **YES**

12. Does your country have a private system of legal expenses insurance for individuals?

Yes / No / Otherwise: **NO**

13. Do judicial decisions have an impact on who bears legal costs which are paid by the parties during the procedure?

Yes / No / Otherwise: **YES**

If yes, is this true for : - criminal cases ? Yes / No **YES**
- other than criminal cases? Yes / No **YES**

14. In your country, have studies been carried out on the costs of cases brought to courts concerning: - users? Yes / No **NO**
 - the State? Yes / No **NO**

If yes, please indicate the references of these studies published in the year 2002 or 2003:
 (Author / instance) (Title) (Type of courts or costs reported on):

.....

II. B. Users of the courts and victims

15. Are there official internet sites/portals (eg. Ministry of justice, etc..) through which the general public may have free access to:

- legal texts (eg. codes, laws, regulations, etc..)? Yes / No **YES**
 internet address: **WWW.PROPISI.COM**

- to the case-law of the higher court/s? Yes / No **NO**
 internet address:

- to other documents (for examples legal forms)? Yes / No **NO**
 internet address:

If yes, please give the internet address

16. Is there a public and free-of-charge specific information system to inform and to help victims of crimes? Yes / No **NO**

Comments:

17. Is there a public, free of charge and personalised specific information system, managed by the police or the justice system, on the follow up given to complaints by victims of crime? Yes / No **NO**

Comments:

18. Does your country have a public compensation fund to compensate financially victims of crimes? Yes / No **NO**

Comments:

19. Does your country have users' or legal professionals' (judges, lawyers, officials, etc.) surveys to measure public trust and satisfaction with the services delivered by the judiciary?
Yes / No **NO**

If yes, are these surveys
- at national level Yes / No
- at court level Yes / No

20. Is there a national or local procedure for making complaints about the performance of the judiciary (eg. through an ombudsman)? Yes / No **YES**

Please specify:

- at court level/internal procedure Yes / No **YES**
- at court level/external procedure Yes / No **YES**
- at national level/internal procedure Yes / No **YES**
- at national level/external procedure Yes / No **YES**

Comments:

21. As a general rule, do the institutions which receive such complaints have an obligation to respond and/or to deal with the complaint within a certain time limit?

- time limit to respond: Yes / No **YES**
- time limit for dealing with the complaint: Yes / No **YES**

III. Functioning of courts and efficiency of justice

III. A. Functioning

22. Total number of courts

Number of courts: **...188.....**

23. Number of general jurisdiction first instance courts

Number of courts: **...138.....**

24. Number of specialised first instance courts
Please specify the different areas of specialisation

(area of specialisation) (number of courts)

Budget **NA** Year 2002
 Budget Year

31. Which institution is formally responsible for setting up the budget devoted to courts?

- the ministry of Justice (or equivalent) Yes / No **NO**
- the Government Yes / No **NO**
- the Parliament Yes / No **YES**
- the Judicial Council Yes / No **NO**
- the Courts Yes / No **NO**
- other:

32. Who manages the budget of the courts?

- the President of the Court Yes / No **YES**
- the person administratively responsible for the court Yes / No **NO**
- other:

33. Which institution is responsible for arranging and scheduling the court hearings/sessions?

- in criminal cases: the court / public prosecutor / lawyer / other: **The Court**.....
- in other than criminal cases the court / public prosecutor / lawyer / other: **The Court**

III. B. Efficiency

34. Total number of criminal cases received by the public prosecutor (in a year)

Number of cases: **8022** Year : 2002
 Source :

35. Total number of criminal cases dropped by the public prosecutor (in a year)

Number of cases: **1968** Year : 2002
 Source :

Please indicate also, out of this total, those dropped as the offender has not been identified

Number of cases:**320**..... Year : 2002
Source :

36. Total number of criminal cases which are concluded by a sanction/measure, imposed or negotiated by the public prosecutor (in a year)

Number of cases:**5936**..... Year : 2002
Source :**Court Data**.....

37. Total number of criminal cases charged by the public prosecutor before the courts (in a year)

Number of cases:**19628**..... Year : 2002
Source : **Court Data**

38. Total number of incoming criminal cases in the courts involving robbery cases (in a year)

Number of cases:**6218**..... Year : 2002
Source : **Court Data**

39. Total number of judicial decisions, involving robbery (in a year)

Number of cases:**4100**..... Year : 2002
Source : **Court Data**

Please indicate, if possible:

Number of convicted persons:	6095	% of convicted persons:	84,78 %
Number of acquitted persons:	551	% of acquitted persons:	15,22 %

40. Percentage of decisions involving robbery subject to an appeal to a higher court (in a year)

Percentage of decisions: **100 %** Year : 2002
Source :

41. Total number of incoming criminal cases in the courts, involving intentional homicide (in a year)

Number of cases:**10504**..... Year : 2002

Source : **Court Data**

42. Total number of judicial decisions, involving intentional homicide (in a year)

Number of decisions: **6267** Year : 2002
Source : **Court Data**

Please indicate also if possible:

Number of convicted persons:	6306	% of convicted persons:	79,76 %
Number of acquitted persons:	524	% of acquitted persons:	11,97 %

43. Percentage of decisions concerning intentional homicide subject to an appeal to a higher court (in a year)

Percentage of decisions: **100 %** Year : 2002
Source :

44. Total number of incoming civil and administrative cases in the courts (in a year)

Number of cases: **173109** Year : 2002
Source : **Court Data**

45. Total number of judicial decisions in civil and administrative matters (in a year)

Number of decisions: **116379** Year : 2002
Source : **Court Data**

46. Percentage of decisions concerning civil and administrative matters subject to an appeal to a higher court (in a year)

Percentage of decisions: **100 %** Year : 2002
Source :

47. Total number of incoming divorce cases in the courts (in a year)

Number of cases: **9163** Year : 2002
Source : **Court Data**

48. Total number of judicial decisions in divorce cases (in a year)

Number of decisions: **6924** Year : 2002
Source : **Court Data**

49. Percentage of decisions concerning divorce cases subject to an appeal to a higher court (in a year)

Percentage of decisions: **100 %** Year : 2002
Source :

50. Total number of incoming employment dismissal cases in the courts (in a year)

Number of cases: **4979** Year : 2002
Source : **Court Data**

51. Total number of judicial decisions of employment dismissal cases (in a year)

Number of decisions: **2985** Year : 2002
Source : **Court Data**

52. Percentage of decisions concerning employment dismissal cases subject to an appeal to a higher court (in a year)

Percentage of decisions: **100 %** Year : 2002
Source :

IV. Use of Information Technology in the court

53. Annual IT budget allocated to the courts (if possible in Euros)

Annual budget: **NA** Year : 2002
Source :

54. In general, do the courts in your country have computer facilities?

- for judges Yes / No **YES, partly**
- for non-judges court staff Yes / No **YES, partly**

55. Is there a centralised institution which is responsible for collecting statistical data regarding the functioning of the courts and judiciary? Yes / No **YES**

If yes, please specify the name and the address of this institution

(Name) ...**SUPREME COURT OF THE REPUBLIC OF SERBIA**..... (Address)**RESAVSKA 42 11000 SERBIA AND MONTEGRO**.....

56. What kind of facilities can be used by the clients of the courts to communicate with the courts?

- Telephone Yes / No **YES**
- Mail Yes / No **YES**
- Fax Yes / No **YES**
- E-mail Yes / No **Two-thirds of the courts doesn't have e-mails**
- Internet Yes / No **Two-thirds of the courts doesn't have internet**

57. Is there an electronic form to carry out certain procedural steps? Yes / No **NO**

V. Fair trial

58. Percentage of adversary judgements in criminal cases in first instance

Percentage of judgements:**NA**..... Year : 2002
 Source :

59. Is there a right to an interpreter for all those within your jurisdiction if the persons cannot understand or speak the language used in court? Yes / No **YES**

60. Is there an effective remedy to a superior jurisdiction for all cases? Yes / No **YES**

61. Are reasons given for all prison sentences? Yes / No **YES**

62. Average length, in days, of robbery cases from the formal beginning of the prosecution until the first instance judgment

Average length: days Year :

Source : **170** **2002**
.....**COURT DATA**.....

63. Average length, in days, of robbery cases from the formal beginning of the prosecution until the appellate judgment

Average length: **254** days Year : **2002**
Source : **COURT DATA**

64. Average length, in days, of divorce cases from the deposit of the complaint until the first instance judgment

Average length: **126** days Year : **2002**
Source : **COURT DATA**

65. Average length, in days, of divorce cases from the deposit of the complaint until the appellate judgment

Average length: **128** days Year : **2002**
Source : **COURT DATA**

66. Average length, in days, of employment dismissal cases from the deposit of the complaint until the first instance judgment

Average length: **160** days Year : **2002**
Source : **COURT DATA**

67. Average length, in days, of employment dismissal cases from the deposit of the complaint until the appellate judgment

Average length: **141** days Year : **2002**
Source : **COURT DATA**

68. Do you, on a regular basis, measure the size of backlog cases in the courts?

Yes / No **YES**

69. Do you have a way of analysing queuing time during court procedures?

Yes / No **NO**

If yes, please specify:

.....

VI. Judges

70. Gross annual salary of a first instance professional judge at the beginning of his/her career

Annual salary :**9122 €**..... Year : 2004
Source :MINISTRY OF JUSTICE DATA.....

71. Gross annual salary of a judge of the Supreme Court or of the highest appellate court

Annual salary :**12427 €**..... Year : 2004
Source : MINISTRY OF JUSTICE DATA

72. Can judges combine their work with other professions (for example as a university professor, arbitrator, consultant)? Yes / No **NO**

If yes, please specify:

.....

73. Are judges recruited and nominated by an independent institution? Yes / No

(if yes), who are represented in this institution:

- the members of the judiciary Yes / No **NO**
- officials not part of the judiciary Yes / No **NO**
- a mixture of the two categories referred to above Yes / No **YES**

Is the process of selection and nomination of judges carried out according to pre-established procedures? Yes / No **YES**

74. Is there a system of induction and continuation training for judges?

No / Yes, but not compulsory / Yes, compulsory **YES, but not compulsory**

What is the average percentage of judges who have attended a continuation training session each year?

Percentage of judges:**47 %**..... Year : 2002
Source :

75. Is there a system of supervision and control on the courts - other than through appeal? Yes / No **YES**

If yes, please specify:

By the immediately higher Court instance and by the Ministry of Justice Department for Court's Supervision

76. Is there in your country a system of temporary judges? Yes / No

If yes, are these temporary judges paid on the basis of their activity? Yes / No

If yes, please specify:

.....

77. Annual number of disciplinary proceedings against judges

Number of proceedings: **NA** Year : **2002**

Source :
.....

78. Annual number of sanctions against judges

Number of sanctions: **NA** Year : **2002**

Source :
.....

VII. Public prosecutors

79. Annual budget for the public prosecution

Annual budget: **13 712 165 €** Year : **2004**

Source :
Official Gazette of the Republic of Serbia, Number 33/04

80. Number of professional public prosecutors (in full time equivalent)

Number of prosecutors: **Around 700.....** Year : **2003**

Source :
Ministry of Justice Data

81. Gross annual salary of a public prosecutor at the beginning of his/her career

Annual salary :**9122 €**..... Year : 2004
Source : **Ministry of Justice Data**

82. Gross annual salary of a public prosecutor of the Supreme Court or of the highest appellate court

Annual salary :**12427 €**..... Year : 2004
Source : **Ministry of Justice Data**

83. Can public prosecutors combine their work with other professions? Yes / No **NO**

If yes, please specify:

84. Are public prosecutors recruited and nominated by an independent institution? Yes / No **YES**

(If yes), who are represented in this institution:

- the public prosecutors ? Yes / No **NO**
- other stakeholders outside? Yes / No **NO**
- a mixture of the two categories referred to above? Yes / No **YES**

Is the process of selection and nomination of public prosecutors done according to pre-established procedures? Yes / No **YES**

85. Is there a system of induction and continuation training for public prosecutors?

No / Yes, but not compulsory / Yes, but compulsory **NO**

What is the average percentage of prosecutors who have participated in continuation training each year?

Percentage of prosecutors: **NA** Year : **2002**
Source :

86. Is there a system of supervision and control on public prosecutors? Yes / No

If yes, please specify: **By the immediately higher Prosecution Office**

87. Annual number of disciplinary proceedings against public prosecutors

Number of proceedings: **NA** Year : **2002**
Source :

88. Annual number of sanctions against public prosecutors

Number of sanctions: **NA** Year : **2002**
Source :

VIII. Lawyers

89. Number of lawyers practising in your country

Number of lawyers: **Over 6000** Year : **2004**
Source : **BAR ASSOCIATION OF SERBIA DATA**

90. Is there a national bar association? Yes / No **YES**

91. Have quality standards been formulated for lawyers? Yes / No **YES**

If yes, who is responsible for formulating these quality standards?

- the bar association Yes / No **YES**

- the legislature Yes / No **NO**

- other Yes / No **NO**

92. Can disciplinary proceedings be instituted against lawyers? Yes / No **YES**

93. Annual number of disciplinary proceedings against lawyers

Number of proceedings: **NA** Year : **2002**
Source :

94. Annual number of sanctions against lawyers

Number of sanctions: **NA** Year : **2002**
Source :

95. Is it possible to complain about the performance of lawyers? Yes / No **YES**

If yes, please specify:

.....**TO THE BAR ASSOCIATION**

96. What is the amount paid to a lawyer by the State in respect of legal aid for a first instance divorce case?

Amount:**NA**..... Year : 2002

Source :

IX. Mediators and mediation proceedings

97. Number of accredited or registered mediators

Number of mediators:**NA**..... Year : 2002

Source :

98. How much public budget is devoted to mediation?

Amount:**NA**..... Year : 2002

Source :

99. Number of incoming mediation cases (in a year)

Number of cases:**335**..... Year : 2002

Source :**COURT DATA**.....

100. Number of cases solved through mediation (in a year)

Number of cases:**228**..... Year : 2002

Source :**COURT DATA**.....

If possible, please specify:

- number of criminal cases solved through mediation:

NA

- number of cases other than criminal solved through mediation:

NA

101. In which areas of law is mediation most practised and successful in your country?

- in criminal cases? Yes / No **NO**

- in other than criminal cases? Yes / No **YES**

Year : 2002 Source :

X. Enforcement agents and execution of court decisions

102. Number and types of enforcement agents

- in criminal cases:

(Type)	(Number)	(Year)	(Source)
COURT EXECUTORS	...NA.....	2002
.....
.....
.....

- in other than criminal cases:

COURT EXECUTORS	...NA.....	2002
.....
.....

103. Is there an institution to supervise or control the activities of enforcement agents?

Yes / No **YES**

If yes, please specify:

THE PRESIDENT OF THE COURT

104. Annual number of disciplinary proceedings against enforcement agents

Number of proceedings: **NA** Year : 2002

Source :

105. Annual number of sanctioned enforcements agents

Number of agents: **NA** Year : 2002

Source :

106. Is it possible to file a complaint against an enforcement agent? Yes / No **YES**

If yes, please specify:

TO THE PRESIDENT OF THE COURT

107. Does the court play a role in the execution of court decisions? Yes / No **YES**

If yes, please specify:

COURT OF ORIGINAL JURISDICTION IS AUTHORISED IN THE EXECUTION OF COURT DECISIONS

108. Are the courts competent to decide against public authorities? Yes / No **YES**

Are the courts involved in executing decisions against public authorities? Yes / No **YES**