



## **Regional Anti-Corruption Action: Supporting the Judiciary in Combating Corruption in the Western Balkans**

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| <b>CSO:</b>     | Lawyers’ Committee for Human Rights (YUCOM) |
| <b>Year:</b>    | 2014  |
| <b>Country:</b> | Serbia, Croatia, and Bosnia-Herzegovina     |
| <b>Amount:</b>  | \$19,990                                    |
| <b>Sector:</b>  | Rule-of-law                                 |

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|------------------------|--|
| <b>Corruption</b>      | Lack of due process in court trials  |
| <b>Tools Employed:</b> | Constructive Engagement, Capacity Building, Awareness Raising, Information and Communications Technology |

This pilot project of the [Barry Metzger Rule of Law Initiative](#), established a regional network of Civil Society Organizations (CSOs) in Serbia, Croatia, and Bosnia-Herzegovina, and laid the foundation for a long-term initiative to support countries to strengthen the rule of law through judicial reform.

### **Corruption in Judicial Proceedings**

Corruption remains widespread in the Western Balkans and the judiciary has a major responsibility to address the problem. A key component in fighting corruption is for judges to be held accountable in upholding the rule-of-law, by following procedural rules and human rights standards when conducting trials. This is an essential ingredient in achieving judicial reform. Recent widespread reforms in the region have brought changes in the structure of the courts and in the laws related to corruption offenses, but they must be effectively implemented for the rule-of-law to be sustained.

### **YUCOM and YIHR Approach**

To ensure procedural laws were properly applied in the courtroom, the Lawyers’ Committee for Human Rights (YUCOM) in Serbia partnered with the Youth Initiative for Human Rights (YIHR) in Croatia and Bosnia-Herzegovina to develop a regional trial monitoring program. The approach developed and applied a systematic process to observe actual court proceedings

and document areas in which court officials deviated from the law, thus denying due process of law.

The regional network was launched with a two-day meeting in Belgrade where the organizations shared their expertise and past experiences in fighting corruption in the judiciary. The project implementation began with training workshops in each of the countries. Experts (including judges) presented the laws on the relevant court procedures to more than 80 monitors, including human rights activists, journalists, and citizen volunteers. The results of the case monitoring were published daily on a [web portal](#), launched during an earlier PTF-funded project to YUCOM. The reports provided observations on the procedure, such as presentation of evidence and handling of objections, with special note of violations. The site, which draws approximately 3,000 visitors each month, also includes hearing schedules and media coverage of the cases. A platform for visitor comments encourages discussion, many drawing attention to unreported corruption.

Judges, prosecutors, and other key actors learned that there is public interest in whether or not due process is followed in judicial proceedings, which hold the potential for influencing judicial behavior. Increased accountability increases compliance, and monitors reported that their presence brought a more precise implementation of the laws. As YUCOM reported,

*“We could clearly see the impact of the monitoring on a recently concluded case ...*

*before the court out of Belgrade. On the 20th of February [the accused] was liberated of all the accusations. Monitors have commented that the process was highly politically influenced, which could be seen at the beginning of the monitoring process, but by its end the procedure was respected correctly and upon the given evidence ... he was liberated."*

The team produced a policy paper entitled "Strengthening the Judiciary in Combating Corruption," a comparative overview of the effectiveness of the judiciary in combating corruption, including recommendations and a strategic framework for continuing the reform. Copies were printed in local languages for distribution to more than 400 stakeholders. The paper was presented at a regional conference in Belgrade at the conclusion of the pilot project. Each of the three CSOs presented their monitoring results and hosted panel discussions among judges, attorneys, anti-corruption officials, journalists, and researchers.

There were some unforeseen challenges along the way that prevented the monitoring of some of the trials. Some were cancelled or postponed because of a lawyers' strike in Serbia and mass flooding in Bosnia-Herzegovina. Others were missed when the courts provided inaccurate or incomplete logistical information. There were also obstacles around officials' non-compliance with Freedom of Information (FOI) requests for case and trial details. These challenges provide useful insight when planning future projects.

## Outcomes and Results

- ✓ Eighty monitors were trained to systematically evaluate corruption trial proceedings, a step toward changing the nature of reporting on corruption cases from sensational and political to professional and legitimate.
- ✓ The capacities of CSOs were strengthened and they developed a new level of professionalism and expertise.
- ✓ Citizen awareness of the fight against corruption was raised through the website, video, and publication of a policy paper.
- ✓ Monitoring increased procedural compliance by introducing a new level of accountability. It also

provides evidence that can strengthen future advocacy and data that can help measure the impact of reform on the system.

- ✓ Formation of a regional network to monitor corruption trials and compare experiences.

## Lessons Learned

- ✓ In Croatia, more monitors would be needed for a comprehensive program, as hearings in different cases were often scheduled at the same time. Across all countries, more monitors would ensure a more comprehensive impact.
- ✓ Obtaining information about cases, including the hearing schedules, is one of the most difficult parts of the monitoring process and affects researchers' ability to evaluate consistently and effectively. Additional efforts need to be made in this regard to ensure officials abide by FOI laws.
- ✓ Although laws may have been passed to improve access to information and due process, the challenge is in the implementation. Monitoring is critical.
- ✓ There is interest among a wide range of stakeholders in trial monitoring as a tool in bringing about judicial reform.

## Next Step

The PTF Metzger Rule of Law Initiative now supports a broader regional network in the Western Balkans, guided by the experience of this pilot project. One focus is the ongoing judicial reform. A complementary focus is to support four countries in the Western Balkans in their application process to join the European Union.

## Documentation

For more information and to access project documents, visit our website at [www.ptfund.org/western-balkans/](http://www.ptfund.org/western-balkans/)

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