Independent Judicial Commission Recommends Reform of Court Administration

A report on court administration in Bosnia and Herzegovina, initiated by the Independent Judicial Commission (IJC), has found that courts are underfunded, that they lack direction and that the court system makes inefficient use of Judges' working time. The report, entitled "Justice in Due Time", was sent last week by the Director of the IJC, Rakel Surlien, to courts and Ministries of Justice at all levels across BiH. The report recommends reforms in the internal operation of courts.

The project team of five international and domestic experts was led by Judge Anne Austbø, president of one of the largest first-instance courts in Norway. Since January this year, the team has conducted an extensive series of interviews with court and Justice Ministry officials and examined case files from five target courts in both BiH Entities; the Sprsko Sarajevo District Court, the Banja Luka Basic Court, the Zenica Cantonal Court, and the Municipal Courts of Konjic and Ljubuški.

The report concluded that the courts place too much emphasis on internal rules and procedures and insufficient emphasis on providing the public with quality service and resolving cases promptly. Statistical reporting in the court system needs serious revision in order to shift focus more to resolving outstanding cases.

"Cases tend to pile up on the judges' desks," said Judge Anne Austbø, recommending that judges receive training in effective case management. Courts should include high-level administrators to whom Judges can delegate routine tasks, and judges should make better use of their working time in a way

that keeps cases moving. They also need to be more sensitive to the problem of delay, and exercise their discretion in order to minimise delays, she said.

The report also found the Canton-based administrative structure of the Federation courts to be inherently inefficient, and it calls for better funding of courts overall, with more discretion for the courts in their use of funds. Nonetheless, the report suggests that many of the solutions to operational problems are already within the capability of court and ministry officials, and it calls on them to assess and address the inefficiencies within their own courts. Many improvements could be made immediately.

“We found great potential for improvements in court efficiency,” Judge Austbø said. “If followed, our recommendations, coupled with the forthcoming amended procedure laws, should have enormous impact on improving the timeliness of justice in Bosnia and Herzegovina.”

This project was funded by the Norwegian government and is part of the International Community’s strategy to increase the quality and efficiency of the judicial system. The report can be found on the internet at https://www.ohr.int/ijc/pdf/court-admin-report-bos.pdf