

# STRENGTHENING INFRASTRUCTURAL CAPACITIES OF JUDICIARY AS A PRECONDITION FOR EFFICIENCY OF CRIMINAL JUSTICE

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**Abstract:** Achieving an efficiency of criminal justice requires an ideal balance between reasonable length of procedure, protection of defendant's procedural rights and reasonable usage of resources. Having that in mind, it is understandable that significant efforts have been made in last decades by legal theoreticians, legislators as well as legal practitioners to identify all relevant factors that could have a positive influence on efficiency. One of these factors lies in ensuring appropriate infrastructural conditions in courts and prosecutors' offices. The term infrastructure traditionally assumed adequate buildings/facilities for courts and prosecutors' offices but the situation has been significantly changed since 1990's. A new technologies brought not just the evolution but the revolution in automatization of internal procedures, case management, video conferencing and recording of hearings, improvement of investigative techniques as well as in transparency of judiciary. Strengthening infrastructural capacities of judiciary has become one of the biggest challenges when it comes to reform of criminal justice system having in mind significant financial resources that need to be allocated through the state budget as well as through the project support. Beyond investments, the important obstacle in improvement of the ICT infrastructure could be found in coordination with renovation of court and prosecution facilities as the most usual way of their improvement. The last, but not less important obstacle is in resistance that has existed among judges, public prosecutors and administrative staff. Although persistent in their requests to get better working conditions they are not likely to change their work routine and built professional skills.

**Keywords:** judicial efficiency, criminal proceedings, infrastructure, ICT.

## OVERBURDENING OF SERBIAN JUDICIARY

The Serbian judicial system faces with chronic overburdening that lasts for decades. A huge backlog and workload; lack of comprehensive training; poor working conditions and inadequate premises for courts and prosecutor's offices; obsolete and fragmented case management system and outdated internal procedures are just some of problems that prevents efficiency.

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**Table 1.** Annual Workload in Serbian Courts<sup>2</sup>

Annual Workload			
Court	2013	2014	2015
SUPREME COURT OF CASSATION	11.544	9.161	20.842
ADMINISTRATIVE COURT	21.756	19.423	20.315
COMMERCIAL APPELLATE COURT	12.395	10.921	14.514
MISDEMEANOR APPELLATE COURT	31.009	39.103	29.583
APPELLATE COURTS	83.215	61.290	55.555
HIGHER COURTS	112.372	112.879	128.093
BASIC COURTS	901.737	822.272	967.475
COMMERCIAL COURTS	94.417	82.495	83.170
MISDEMEANOR COURTS	532.301	594.641	816.936
<b>TOTAL</b>	<b>1.800.746</b>	<b>1.752.185</b>	<b>2.136.483</b>

Inefficiency in service of documents plays also an important role in the length of proceedings. It's not rare to have a few months or even a multiannual periods of procedural inactivity caused by multiple unsuccessful attempts to deliver court documents or just to get a proper address of recipient. That has especially serious consequences in criminal proceedings in connection with status of limitation period as well as with access to justice guaranties for victims. In addition to extensive caseload there is a chronic problem with the caseload inconsistency e.g. the annual caseload in basic courts ranged from 1.295 to 118.258 cases per court and from 108 to 33.823 in higher courts in 2015. The extensive and inconsistent caseload per judge remains an issue, too. The average annual caseload per basic court judge ranged from 23.55 to 119, 25 in 2015. An average caseload per higher court judge was 36.50 and ranged from 22.41 (1.40) to 61.48<sup>3</sup>. In parallel with a huge and misbalanced workload, significant differences exist also in court efficiency depending of case type. From data given bellow is visible that courts still struggling to resolve annual caseload despite the huge backlog that needs to be reduced.

**Table 2.** Average clearance rate in Serbian courts<sup>4</sup>

AVERAGE CLEARANCE RATE	
The first instance civil cases (basic and higher courts)	92.02%
The first instance commercial cases	114.54%
The first instance administrative cases	91.96%
The first instance criminal cases (basic and higher courts)	124.65%

<sup>2</sup> *Comprehensive assessment of court and prosecution network with a focus on costs and allocated resources, efficiency, workload and access to justice*, Belgrade, 2017.

<sup>3</sup> *Analysis of the court work (general and special jurisdiction)*, Supreme Court of Cassation, 2015, p. 41.

<sup>4</sup> *Ibid.*

The second instance civil/commercial/criminal cases	108%
Supreme Court of Cassation	91.69%

When it comes to public prosecutor's offices, significant changes in average annual workload came with the new Criminal Procedure Code implementation since 2014.

**Table 3.** Average workload in Serbian public prosecutor's offices<sup>5</sup>

ANNUAL CASELOAD			
Prosecutor's Office	2013	2014	2015
Republic Public Prosecutor's Office	15.310	30.033	30.886
Appellate Public Prosecutor's Offices	41.675	19.497	20.037
Higher Public Prosecutor's Offices	65.019	92.642	87.894
Basic Public Prosecutor's Offices	241.874	350.190	341.601
Organized Crime Prosecutor's Office	3.263	3.099	3.154
War Crime Prosecutor's Office	852	953	936
<b>TOTAL</b>	<b>367.993</b>	<b>496.414</b>	<b>484.508</b>

From data given below it is clear that in more than 53% of basic public prosecutor's offices the annual caseload exceeds 1000 of cases per public prosecutor's office (in 3 prosecutor's offices exceeds even a 2000). An average annual caseload per deputy public prosecutor in basic prosecutor's offices in 2015 was 1197 and 494 in higher prosecutor's offices. The average clearance rate in prosecutor's offices is around 80%.

The annual workload in Serbian courts remains huge and accompanied with significant number of old cases' backlog keeps judiciary in the zone of inefficiency. As of September 1st 2016, the judicial system in the Republic of Serbia, encompasses 2789 judges. Average number of judges per 100.000 citizens is 39, compared to EU average 21, according to CEPEJ Report from 2016 that presents data from 2014. Compared to data from 2010, when average number of judges per 100.000 was 33.7. In 2012 this number was even a higher 40.5 and was reduced due to rationalization of court network in 2014. The interesting fact is that there are no transparent and objective criteria adopted by the High Judicial Council (hereinafter: HJC) and the State Prosecutorial Council (hereinafter: SPC) in order to determine total number of judges and public prosecutors, while both councils has criteria for their allocation. 86% of total number are first instance judges, compared to European average of 74%. Only 12% of judges serve as a second instance judges compared to European average of 22%. The significant difference exists also when it comes to percent of the supreme-court judges - 1% in Serbia compared with 6% that is European average.<sup>6</sup>

In accordance with current systematization adopted in 2012 (and amended on 2012, 2013 and 2015) there are 741 vacancies for the position of deputy public prosecutor. Currently 114 are not fulfilled. The number of public prosecutors per 100.000 citizens in Serbia is 9.2 com-

<sup>5</sup> *Ibid.*

<sup>6</sup> *European judicial systems Efficiency and quality of justice*, CEPEJ STUDIES No. 23, Edition 2016 (2014 data), Strasbourg, 2016, table 3.13.

pared to European average 11.3<sup>7</sup>. 90% serve as first instance prosecutors compared to 78% that is European average. 9% of total number serve as second instance prosecutors compared to 18% that is European average. Just 2% of Serbian public prosecutors serve in the third instance compared to 18% as European average.<sup>8</sup>

When it comes to non-judicial staff, according to CEPEJ, their average number per judge in 2014 was 3.7 that is close to European average (3.9 including common law countries and 3.2 for continental law countries) and has been decreased from 4.5 since 2010. The number of non-judicial staff per 100.000 has been significantly reduced in last decade.<sup>9</sup> The average number of staff per public prosecutor is 1.8 compared with 1.5 that is European average. The number of administrative staff per 100.000 has been significantly reduced in last decade<sup>10</sup>.

## BALANCED APPROACH TO INCREASING JUSTICE EFFICIENCY

Improvement of the justice efficiency requires a balanced approach that includes various activities in the field of procedural laws, human resources (adequate number and well trained staff) and organizational measures, providing adequate budget but also continuous improvement of the judicial infrastructure (premises and ICT). Accession negotiations with the EU have brought such a comprehensive and strategic approach to justice efficiency.

It has been already said that Serbia has one of the highest ratios of judges to population in all of Europe, along with a very high ratio of staff to judges. In spite of that, the HJC and SPC still operate without clear criteria for determination of total number of judges and prosecutors. Also, there is no any prediction of potential reduction of number of judges, despite the fact that in Serbia currently operate 234 enforcement agents, 152 public notaries and 419 mediators whose work and taking over jurisdiction under various types of cases significantly disburden courts.

Implementation of the new Criminal Procedure Code based on prosecutorial investigation, brought additional caseload to prosecutor's offices since 2014. Legislative amendments have enabled extended use of plead guilty/plea bargaining and other simplified forms of criminal proceedings as a way to speed up proceedings but they were not followed by adequate additional administrative capacities for the public prosecutor's offices.

Having in mind that quantitative and qualitative characteristics of human resources represent the horizontal issue determining judicial efficiency and quality of justice adoption of the Human Resource Strategy for the judiciary has been recognized as a one of the priorities for improvement of the judicial efficiency in the Action Plan for Chapter 23 (hereinafter: AP CH23). Importance of this issue is underlined in the Functional Review but also by the European Commission which included the adoption and implementation of the HR Strategy for the entire judiciary, leading to a measurable improvement in the workload spread, efficiency and effectiveness of the justice system, on the list of interim benchmarks<sup>11</sup> (IB No. 11) for CH23.

Having all said above in mind, it's obvious that implementation of future HR Strategy will required support in determination the criteria for more efficient allocation of HR in the judiciary, taking into account caseload, available budget and infrastructural preconditions. In

<sup>7</sup> CEPEJ (2016): table 3.2.

<sup>8</sup> CEPEJ (2016): table 3.33.

<sup>9</sup> CEPEJ (2016): table 3.

<sup>10</sup> CEPEJ (2016): table 3.46.

<sup>11</sup> *Common Negotiation Position for Chapter 23*, available on: <http://mpravde.gov.rs/files/Ch23%20EU%20Common%20Position.pdf>, last accessed on March 17<sup>th</sup> 2017.

addition to infrastructure improvement and salaries, budget allocation is important when it comes to quality of the initial but especially continuous training for judges, prosecutors and their assistants and administrative staff. The Judicial Academy (hereinafter JA) annual budget is approx. 1.5mil. € and stagnates in last few years. The biggest portion of the JA's budget is allocated on salaries of JA's attendants of the initial training who still wait to be elected on judicial functions. That results in extremely reduced resources for training programs that are essential for capacities of judicial office holders as well as for non-judicial staff. During 2016 Judicial Academy organized 359 trainings for 7886 trainees. Trainings were delivered by 807 lecturers on 94 different topics.<sup>12</sup> Trainings were mostly financed from donor aid programs and focused on judges and prosecutors and their familiarity with recent legislative changes. Practical skills and non-judicial staff training are traditionally marginalized or out of JA's and donors' focus. The same goes for court management staff that need serious improvement of various skills. Additional issues regarding the training could be found in lack of serious and comprehensive TNA that's usually limited practice on small target groups or based on a very few courts or prosecutor's offices sample. Training programs are not always tailor made and doesn't ensure compatibility with real training needs identified by potential users. That has serious influence of judicial efficiency and requires reconceptualization of the trainings having in mind assistants' work and their duties that are overlapping with judges'/prosecutors' work as well as the importance of the administrative and management staff in improvement of efficiency and effectiveness.

## JUDICIAL INFRASTRUCTURE AS A FACTOR OF IMPROVING EFFICIENCY

Apart from changing and harmonising legal framework during negotiation process, part of efforts must be devoted to the tackling other inadequacies of the justice system such as providing adequate physical infrastructure and equipment, which largely affecting efficiency, performance of judiciary and delivery of justice. Having in mind that the biggest part of buildings are shared between two or more courts and/or prosecutor's offices, efficiency of criminal proceedings is preconditioned by infrastructural investments in judiciary in general. Additionally, having in mind that procedural efficiency includes reasonable length of proceedings but also ensuring other aspects of fair trial, planning of infrastructure's improvement should also include that perspective.

Currently, insufficient capacity of existing infrastructure affects delivery of service and access to justice. Lack of courtrooms in courts and interview rooms in prosecutor's offices along with poor working conditions leads to reduced quality of court service and prosecution. High number of employees in limited space influence efficiency and productivity. Also, high number of cases per year influences the efficiency of operations, requirements for additional archive space. Insufficient space jeopardizes mostly relations with citizens, access for people with limited mobility. Proper facilities for witnesses, lawyers, and security staff are problem in most of courts and prosecutor's offices.<sup>13</sup> The status of judicial budget as well infrastructural investments play significant role in balancing HR and judicial efficiency. The judicial budget hasn't been significantly increased or decreased last few years but there was subject of some reductions in late 2015 due to austerity measures adopted by the Government to consolidate

12 Action plan for Chapter 23 with implementation status as of 31. December 2016, available on: <http://mpravde.gov.rs/files/Action%20plan%20for%20Chapter%2023%20with%20implementation%20status%20as%20of%2031.%20December...pdf>, last accessed on March 17<sup>th</sup> 2017.

13 *Serbia Judicial Functional Review*, World Bank, Washington, 2014, available on: <https://openknowledge.worldbank.org/handle/10986/21531>, last accessed on March 25<sup>th</sup> 2017.

State budget. Limited budget funds do not enable adequate planning of renovation, adaptation and construction of facilities in judiciary. Most of budget is provided for the maintenance and running costs.

According to CEPEJ data (2016 Report) the annual court budget is 22 €<sup>14</sup> compared to 36 € that is European average. However, this amount is 0.65% of GDP per citizen<sup>15</sup> that is significantly above the 0.33% that is European average. It is important to notice that approx. 80% of total annual judicial budget (122.458.496 €) is allocated on salaries.

However, the working conditions in courts and prosecutor's offices were improved due to significant investments in judicial infrastructure since 2012. Approx. 1.718.491.000 rsd. have been invested since 2014 in building, renovation and reconstruction of 28.317m<sup>2</sup> of judicial infrastructure and approx. 133.516.000 rsd. has been invested in refurbishment and equipment (TOTAL 1.938.813.000,00 rsd.).<sup>16</sup> Investments in infrastructure have an important influence, not only on working conditions, but also on efficiency of internal proceedings and utilization of HR use.

The Comprehensive Assessment Report of the current state of each facility in judiciary was prepared by IPA 2012 Project *Judicial Infrastructure Assessment (JIA)* in 2016. The purpose of that Project is to improve - the infrastructure of judicial bodies by establishing technical conditions for reconstruction/renovation and/or additional spaces needed and upgrade of ICT infrastructure of buildings in which courts and prosecutors' offices are seated in order to enable them to perform their tasks in a manner that is consistent with European standards. The JIA Project so far resulted in development of Model Court Guidelines and Model Public Prosecutor's Office Guidelines as well as the Methodology & Checklists for Infrastructure Assessment. The JIA also conducted On-site Assessments and drafted Comprehensive Report including proposed interventions in accordance with Model Guidelines. Based on these results the MoJ, HJC and SPC improved their Buildings Database and prepared a preliminary list of priority buildings. The priority list was prepared by a ponderation of numerous indicators such as: territorial jurisdiction of judicial institutions in judicial building, number of employees in the judicial building, number of judicial institutions in the judicial building, number of cases during the year, compatibility with Model Courts guidelines and Model Prosecutors guidelines, building and land ownership status, backlogs and year of construction and year of the most recent reconstruction of the facility.

In addition to ensuring the adequate number of court rooms and investigation rooms and cabinets for prosecutors as well as modern equipment, the special attention of the infrastructural investment in upcoming years should be paid on specific requirements coming from procedural safeguards (especially for victims and witnesses) and EU standards regarding access to justice for persons with disabilities.

When it comes to special requirements to protect victims and witnesses, it is important to ensure info-desks in all courts and prosecutor's offices; video surveillance in all courts and prosecutor's offices; additional/separate entrances for accused and victim; entrance security check; video link equipment; separate waiting room for victims and witnesses; premises for victims' support service, etc.

Enabling physical access to courts and prosecutor's offices for persons with disabilities was out of focus for decades, that's obvious from data given below.

<sup>14</sup> CEPEJ (2016): table 2.12.

<sup>15</sup> CEPEJ (2016): table 2.25.

<sup>16</sup> See more in: *Comprehensive assessment of court and prosecution network with a focus on costs and allocated resources, efficiency, workload and access to justice*, Belgrade, 2017.

## THE ROLE OF ICT IN JUDICIAL EFFICIENCY

The ICT modernization as horizontal issue has the strong influence on judicial efficiency, effectiveness, transparency and promotion of confidence in judiciary,<sup>17</sup> especially in criminal proceedings. “Computers are incredibly fast, accurate, and stupid; humans are incredibly slow, inaccurate and brilliant; together they are powerful beyond imagination.”<sup>18</sup> There is no doubt that an e-justice systems are built linking and reshaping heterogeneous components, building blocks of technological, organizational and normative nature.<sup>19</sup> With technological deployment “specific tasks and the associated institutional responsibilities are transferred to machine technologies, and therefore detached from the traditional channels of responsibilities and awareness.”<sup>20</sup> Significant number of tasks traditionally undertaken by humans and that concerned production, management, and processing of paper documents are now digitized and automatically executed by computers. Digitalisation must assemble a diverse skill set of people who can create content, establish business processes, develop software, etc.<sup>21</sup> Case Management Systems (hereinafter: CMSs) constitute the backbone of judicial operation that collect key case related information, automate the tracking of court cases, prompt administrative or judicial action and allows the exploitation of the data collected for statistical, judicial, and managerial purposes. Their deployment force courts to increase the level of standardization of data and procedures. CMSs structure procedural law, and court practices into software codes, and in various guises reduce the traditional influence of courts and judicial operators over the interpretation of procedural law.<sup>22</sup> Schedule of hearings; service of documents (including e-filing); recording of hearings; use of audio and video link are some of the key points where ICT can significantly increase procedural efficiency but also to strengthen procedural guarantees, especially when it comes to protection of vulnerable victims and witnesses. “Integrated e-filing justice interoperability systems used by the different judicial and law enforcement agencies: courts, police, prosecutors’ offices and prisons departments might change the administrative responsibility on the management of the investigation and prosecutions when their actions are coordinated via integrated ICTs architectures.”<sup>23</sup> Various aspects of transparency, more coherent court practice and access to justice could be improved through legal information systems that collect legislation and case law made it digitally available to the public. The change of media from paper to electronic collections, with enhanced data access, can create questions related to the right to privacy of the persons mentioned in the judgments, right to be balanced with the principle of publicity of court decisions. “Making digitally available laws and case laws might affect the way in which they are interpreted

17 Velicogna, M., Justice Systems and ICT What can be learned from Europe?, Utrecht Law Review, available on: <file:///C:/Users/Milica%20Kolakovic/Downloads/41-41-1-PB.pdf>, last accessed on March 20<sup>th</sup> 2017.

18 This quote is frequently cited as Einstein’s but there is no any evidence that he ever said that. See more on: <https://www.benshoemate.com/2008/11/30/einstein-never-said-that/>, last accessed on March 26, 2017.

19 Velicogna, M, *Electronic Access to Justice: From Theory to Practice and Back*, available on: <https://droitcultures.revues.org/2447>, last accessed on March 20<sup>th</sup> 2017.

20 Czarniawska, B., Joerges, B., The Question of Technology, or How Organizations Inscribe the World, *Organisation Studies*, 19(3), 1998, pp. 363-385, available on: <http://citeseerx.ist.psu.edu/viewdoc/download?doi=10.1.1.195.4715&rep=rep1&type=pdf>, last accessed on March 20<sup>th</sup> 2017.

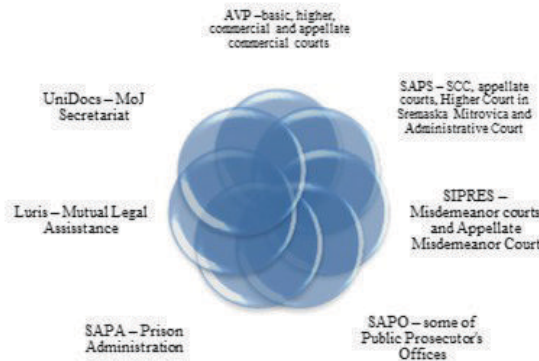
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22 Steelman, D.C., Goerd, J., and Mcmillan, J.E., *Caseflow Management. The Hart of Court Management in the New Millennium*, National Center for State Courts, Williamsburg, Va., 2000, available on: <http://nscs.contentdm.oclc.org/cdm/ref/collection/ctadmin/id/1498>, last accessed on March 26<sup>th</sup> 2017.

23 Cordella, A., and Iannacci, F., “Information Systems in the Public Sector: The E-Government Enactment Framework”, *Journal of Strategic Information Systems*, 19(1), 2010, pp. 52-66.

making it easier for the civil society and media to voice their interpretation of the law on the specific case or criticize a specific judgement based on pre-existing court decisions. Moreover, legal information systems are not necessarily neutral in identifying relevant case law and jurisprudence.”<sup>24</sup>

Seen from the other angle, the ICT tools are irreplaceable in development of central statistics systems in order to monitor judicial efficiency at various levels (per single court/prosecutor’s office; per court/prosecutor’s office type; per type of crime, etc.) Currently, the non-existence of interoperability among the CMS systems in Serbia and limited e-data exchange result in additional paper work and causing extensive administrative workload as for judges and prosecutors as for their assistants and administrative staff. The Republic of Serbia began court automatization a decade ago. Originally, several discrete initiatives introduced electronic case registration and document indexing systems from various donor sources. Although all initiatives had a big positive impact on future court automation, only some of them can be seen as successful. The judiciary relies on a variety of unlinked ICT systems for case processing, case management, and document management. There is no meaningful, accurate, and timely statistics generated by the case management system to become more effective in managing overall system performance. The collating of statistical data currently requires substantial efforts and leads to inconsistent data collection via numerous entities. However, the courts enter data manually instead of downloading from the case management system. This is time-consuming, inefficient, and prone to errors. This negatively affects daily operations and impedes much needed evidence-based management and planning.



**Figure 1.** Structure of ICT system in Serbian judiciary<sup>25</sup>

The important role in unification of the ICT system has the shared responsibility for ICT within Serbian judiciary. Establishment of an overall governance group representing primary justice institutions has been established in 2016, by constitution of ICT Sectorial Council<sup>26</sup>. The scope of work of the ICT Sector Council is to institutionalize the coordination and management of ICT in the judiciary, in accordance with the activities of the AP CH23 and work plan of the Department for e-justice of Ministry of Justice. ICT Sectorial Council consist of all

24 Contini, F., Cordella, A. *Assembling law and technology in the public sector: the case of e-justice reforms*, available on: [https://www.researchgate.net/profile/Antonio\\_Cordella/publication/277332369\\_Assembling\\_law\\_and\\_technology\\_in\\_the\\_public\\_sector\\_the\\_case\\_of\\_e-justice\\_reforms/links/5569c9e-708aec22683035ac1.pdf?disableCoverPage=true](https://www.researchgate.net/profile/Antonio_Cordella/publication/277332369_Assembling_law_and_technology_in_the_public_sector_the_case_of_e-justice_reforms/links/5569c9e-708aec22683035ac1.pdf?disableCoverPage=true), last accessed on March 26<sup>th</sup> 2017.

25 *Comprehensive assessment of court and prosecution network with a focus on costs and allocated resources, efficiency, workload and access to justice*, Belgrade, 2017, p. 46.

26 The Sectorial Council was established in cooperation of the MoJ, SCC and RPPD.



relevant stakeholders in the judiciary and it should be looked, as temporary institutional body established to make transfer of ICT jurisdiction from MoJ to HJC (High Judicial Council).

In previous period, several analyses were conducted which gives a comprehensive overview of ICT as well as recommendations for the future. Overall view and recommendations on ICT were given in Serbian Judicial Functional Review, prepared by World Bank and more detailed insight regarding ICT and especially court case management systems were given in Assessment of Case Management Systems (CMS), donated by USAID Mission in Serbia. Latest feasibility study with total cost of ownership for the centralized case management system for the courts of general jurisdiction and the administrative court has been done by the DEU through framework contract. The main goal of particular contract was to support the justice system of the Republic of Serbia on strategic, technical and financial level in order to address the best feasible solution to further development and harmonization of the system covering necessary software, network infrastructure, hardware, training, software maintenance and support of legislative changes.

It is foreseen that new centralised CMS must replace existing decentralised MEGA AVP system in all instances of courts and their units, enabling courts of general jurisdiction to have better management of security issues in the field of data protection and interoperability – interconnectivity between courts, as well as government institutions and agencies. By the latest strategic decision of ICT Sectorial Council, based on the developed feasibility study, new centralised CMS should follow several major characteristics: system should be robust, commercial of the shelf product, manufactured by world-wide known vendors, bundling full fledged Enterprise Content Management, related tools and scanning/digitalisation features from the same vendor in order to avoid several points of responsibility; needs to be able to operate with thousands of business users in high performance, cost independent of changes in total number of users; software vendor needs to be present on the market in Serbia with representative office, due to better understanding of needs from the judiciary; solution needs to be able to communicate with other ICT system within judiciary and public administration.

Efficient performance of criminal justice procedures requires coordination and development of interoperability not only within judiciary but among various state authorities as Ministry of Finance, Ministry of Interior, Prison Administration, etc.

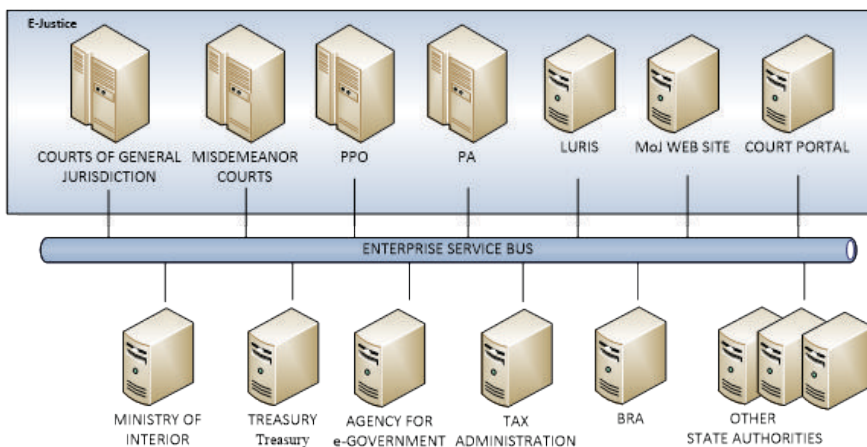


Figure 2 – e-Justice layout <sup>27</sup>

<sup>27</sup> *IT Development Guidelines in Justice Sector*, ICT Sectorial Council, Belgrade, 2016, p. 18.

Due to fact that there was no strategic decision and orientation with cost estimation, court management of different court type has different idea on how the electronic case registration and case management should look like. Therefore, during past decade, Serbian judiciary have had a dozen ICT systems, from pure case registration system on obsolete technology, along with simple imaging of the incoming court papers (as picture) without possibility of text recognition and possible search feature, to fully-fledged case management systems on modern technology and possibility of paper text recognition, which is not properly or even not used at all.

Even it seems that Serbian judiciary is making significant progress, it is still struggling with incompatible or inappropriate ICT systems, making, already inefficient justice sector, more inefficient and not transparent. All major investments in ICT systems were donated, even though it remains under-funded from the national budget. In 2016, MoJ department for e-Justice (former ICT department) has started several projects, among which some of them can be defined as crucial. On the ICT infrastructure level, identity management has been implemented, allowing basic courts desktop computers to be visible with proper user role in the whole judiciary system. On the level of case management systems, there is a pilot project for roll-out of prosecutors' offices and prison administration case management (expected to start in mid-2017). On the statistical level of reporting and monitoring, pilot project has started implementing central statistics for basic and higher courts. On the interconnectivity level, MoJ has started implementation of *Enterprise Service Bus* – interoperability technology platform in order to establish unique communication between all ICT system within judiciary and other government bodies and agencies. On the same platform, unique e-filing portal will be established, allowing citizens to be able to file any type of the court document and to monitor case progress.<sup>28</sup>

## FUTURE STEPS

According to the AP CH23, improvement of the judicial infrastructure in general as well as of the ICT system needs to be continued in order to enable judiciary to perform more efficient but also to monitor the statistical parameters of judicial efficiency, reporting and to exchange information between courts and all other judicial and government bodies. In addition to ICT investments and governance the important factor in this process should be advancement of ICT skills' through tailor made training for judges, public prosecutors and non-judicial staff that also need to be provided with better working conditions and adequate premises to make their results comparable with other judicial systems. There is an also need for utilization of use of existing infrastructural capacities, through e-scheduling of hearings and more flexible working hours. Positive influence on efficiency of criminal justice can also have more frequent acting in accordance with art. 354 of the CPC that allows performing a hearings in other, more appropriate (or better equipped) court rooms, out of building of the competent court. Significant time and money savings could also be made through more advanced use of video link and more efficient service of documents system. This is of the key importance to avoid negative effects of numerous postponed hearings due to unsuccessful delivery of documents or inability of court parties to come into a court that usually causing an empty court rooms in parallel with a huge backlog and overbooked judges schedule.

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