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Capacity needs assessment **for enhancing provision of victim/witness support** *during the pre-investigative stage of criminal proceedings in Bosnia and Herzegovina*

CAPACITY NEEDS ASSESMENT

for enhancing provisions of victim/witness support

during the pre-investigative stage of criminal proceedings in Bosnia and Herzegovina

United Nations Development Programme

CAPACITY NEEDS ASSESSMENT FOR ENHANCING PROVISION OF VICTIM/WITNESS SUPPORT
DURING THE PRE-INVESTIGATIVE STAGE OF CRIMINAL PROCEEDINGS IN BOSNIA AND HERZEGOVINA

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ACRONYMS

BiH	Bosnia and Herzegovina
COE	Council of Europe
CPC	Criminal Procedure Code
CSO	Civil Society Organization
CSW	Center for Social Welfare
EU	European Union
FBiH	Federation of Bosnia and Herzegovina
ICITAP	International Criminal Investigative Training Assistance Program
NGO	Non-governmental organization
OSCE	Organization for Security and Co-operation in Europe
RS	Republika Srpska
SIPA	State Investigation and Protection Agency
SPWCC	Support to Processing of War Crimes Cases in BiH
UNDP	United Nations Development Programme
WSO	Witness Support Office

EXECUTIVE SUMMARY

The criminal justice system in Bosnia and Herzegovina (BiH) has received substantial aid from the international community in the years since the war concluded in 1995. Much of that assistance has been directed at improving the system in its ability to try war crimes cases. And much of the assistance has been centered on State institutions such as the Prosecutor's Office of BiH and the Court of BiH. In adopting the State War Crimes Strategy has decided that many of those cases will be tried at the local level in the Cantonal and District Courts.

One concern that has been identified is the ability of local justice institutions to provide adequate victim/witness protection and support. In 2010 both United Nations Development Programme (UNDP) and Organization for Security and Co-operation in Europe (OSCE) conducted needs assessments with respect to the resources of local courts and prosecutors' offices to provide such support. Those assessments found that there were serious problems in the local criminal justice systems adequately identifying and addressing the needs of victims and witnesses in war crimes cases. UNDP, through its project "Support to Processing of War Crimes Cases" (SPWCC), began to assist BiH in addressing those problems. In the years since 2010 SPWCC has provided assistance to establish Witness Support Offices (WSO's) in the courts and prosecutors' offices in Sarajevo, East Sarajevo and Banja Luka; and has recently helped establish additional WSO's in Travnik, Novi Travnik and Bihać. The experience from those efforts has raised the question as to the need for services in the pre-investigative phase of criminal cases.

This assessment was commissioned by UNDP to determine the capacities of the criminal justice system in BiH to provide support and protection to witnesses and victims during the pre-investigative phase of criminal matters.

Before conducting such an assessment it was necessary to determine what services would be expected in meeting the minimum standards accepted in the international community. A review of publications including directives of the European Parliament and Council of Europe (COE) provided a baseline of minimal standards for services to be provided to all victims and witnesses in criminal matters. Once those criteria were identified interviews with local police officials and prosecutors at various levels in Federation of Bosnia and Herzegovina (FBiH) and Republika Srpska (RS) were

conducted to develop information as to the current availability of services. In addition interviews were held with officials at several Ministries of Interior, at Police Academies and with Centers for Social Welfare (CSW). This provided a wealth of information as to the current state of victim/witness support and protection in BiH. Visits to most of the prosecutors' offices and police stations provided first hand observation of the physical facilities that are being used and the challenges that are presented in providing a proper environment to support victims and witnesses.

The results of the assessment demonstrate that in almost all instances the police agencies do not have the resources to provide protection or support that meets minimal standards expected in a European nation. Most physical facilities observed are not conducive to providing protection of identity and privacy for the victims and witnesses. Police do not routinely advise victims or witnesses of the expectations they should have, of the following steps in the criminal process, of the availability of support, of the availability of protection measures, etc. Indeed, most agencies indicated that there are no serious protection measures available in their local area. In many instances the police do not see it as their responsibility to provide support for traumatized individuals; and at those agencies where they do see this as a responsibility; they lack the ability to provide such support. Police officers are not specifically trained at the police academy about victim/witness support responsibilities. In most areas there is no coordinated effort to marshal the resources of Civil Society Organizations (CSOs) to support victims and witnesses. And in most areas it is believed that the CSWs do not have the resources and/or do not see it as their responsibility to provide assistance to victims and witnesses during criminal investigations and proceedings, with the notable exception of juveniles.

The assessment did find that there is a willingness of the professionals in the police agencies and prosecutors' offices to improve the situation that currently exists. In most agencies there was recognition that providing both protection and support to those victims and witnesses who need it results in better investigations and prosecutions. There was a willingness to explore ways to better use existing resources and to consider additional options. Beyond the scope of this assessment were the actual capacities of the CSWs to provide support services to all those needing such services in the criminal justice system.

The fact remains that there is much that needs to be done before the criminal justice systems of BiH begin to meet minimal standards in this area. The assessment makes suggestions as to steps that can be taken to improve the services provided. These suggestions come directly from the ideas discussed with those professionals interviewed.

The suggestions include those that can be initiated in the short term such as the following:

- Development of a training course that can be inserted into the Police Academy curriculum for new police officers that covers victim/witness needs and support and protection measures as well as the importance of these measures.
- Assessment of the capacities of the CSWs to provide support services to victims/witnesses.
- Production of a standard brochure that explains to victims/witnesses their rights and duties; and which has a place for local authorities to insert contact information for a local victim/witness information contact.
- Begin a comprehensive compendium of resources that are available to provide support and protection services to victims/witnesses.

Additional suggestions are likely to require more time to implement, such as:

- Development of Community Policing Officers to serve as local *victim/witness information officers*.
- Draft and have enacted a "Victim and Witness Rights Law".
- Establish WSO's in each of the remaining prosecutors' offices.
- Produce local victim/witness services booklets listing all local organizations, contact persons and the services they can provide to victims/witnesses. Establish a system to update these booklets on an annual or biannual basis.
(i.e. referral mechanism)
- Conduct an assessment of the physical facilities of each police agency with attention to how they can be improved to provide protection and privacy for victims/witnesses.

INTRODUCTION:

Since the war in BiH in 1992 through 1995 the criminal justice system has been significantly modified in an effort to improve its capabilities and to enhance access to justice for the citizens of BiH. Much of that effort has been directed at the development of a professional, practical efficient and effective system to address War Crimes Cases. It must be noted that dramatic changes were made in the entire criminal justice system after the war. A Court of BiH was created that could address War Crimes Cases, Economic and Organized Crime, Corruption and other criminal acts against the state.¹ With enactment of the Criminal Procedure Code (CPC) in 2003 an adversarial system was created, greatly expanding the role and the duties of the Prosecutor's Office.² With the enactment of the Law on Protection of Witnesses under Threat and Vulnerable Witnesses a framework was established to provide certain protections to victims/witnesses in criminal cases.³ This act in addition to the protective measures created provided for support to be given witnesses when required. And in 2004 the Law on Witness Protection Program in BiH was enacted.⁴

As these laws were being enacted and as BiH worked to develop a National Strategy for War Crimes Cases, much attention was given to the capacities existing within the Criminal Justice System in BiH to provide adequate protection and support to victims and witnesses in criminal cases investigated and prosecuted, especially in the local courts of BiH. It has been the findings in a number of different assessments that capacities for providing this type of protection and support are extremely limited in all but a few courts.⁵ These studies demonstrated that victim/witness support as a practical matter was provided by an established Witness Support Office (WSO) only in the Court of BiH. Likewise, the Witness Protection Program enacted by statute was available only at the State level and was managed by State Investigation and Protection Agency (SIPA). The government of BiH, its political subparts and the

¹ Law on the Court of BiH, BiH Official Gazette, No. 49/09, 74/09, 97/09.

² Criminal Procedure Code of BiH, BiH Official Gazette, No. 36/03 Amendments: 26/04, 63/04, 13/05, 48/05, 46/06, 76/06, 29/07, 32/07, 53/07, 76/07, 15/08, 58/08, 12/09, 16/09, 93/09

³ Law on the Protection of Witnesses under Threat and Vulnerable Witnesses, BiH Official Gazette, No. 21/03, amendments 61/04, corrections 55/05. Similar laws were enacted by the entities: Republika Srpska, Official Gazette 48/02 and Federation of Bosnia and Herzegovina, Official Gazette 36/03.

⁴ Law on Witness Protection Program in Bosnia and Herzegovina, Official Gazette, No. 29/04.

⁵ In a report predating adoption of the National War Crimes Strategy (NWCS) it was noted that there was a lack of the ability of the prosecutors and the courts to provide witnesses protection under the law and support as required. Solving War Crimes Cases in Bosnia and Herzegovina, UNDP, Sarajevo, (2008). After the NWCS was adopted two additional studies confirmed that this lack of resources to provide protection and support continued. Needs Assessment in the Field of Support to Witnesses/Victims in BiH, UNDP, Sarajevo (2010) and Witness Protection and Support in BiH Domestic War Crimes Cases, OSCE, Sarajevo (2010).

international community has responded to this identified lack of resources to some degree. For example, UNDP through its SPWCC Project has, to date, provided for the establishment of a WSO in five locations at courts and prosecutors' offices with plans to establish two additional WSO offices this year (2013) with a final goal being to have such an office in each cantonal/ district court and prosecutor's office throughout BiH.

Experience in those prosecutors' offices having a WSO has indicated that perhaps the involvement of support and protection at an earlier stage might improve the situation for victims/witnesses within the system as well as encourage more cooperation of victims/witnesses in the reporting and investigation of crime. As a result of those observations this study was commissioned to assess the situation in the pre-investigative phase of criminal proceedings.

The purpose of this needs assessment is to provide the basis for developing a comprehensive strategy to best enhance the capacity of the entire criminal justice system to provide adequate support to all victims and witnesses in criminal matters in BiH at all stages of those matters.

METHODOLOGY:

To accomplish this purpose it was necessary to first develop a set of criteria that meet international standards as to the provision of services to victims of, and witnesses to, criminal acts. While there has been much written as to the need for support services to both victims and witnesses, the tendency is to speak in generalities rather than in measureable specifics. A number of documents exist that do provide a basis on which minimal criteria can be developed. Perhaps most helpful is Directive 2012/29/EU of the European Parliament and of the Council of the European Union of 23 October 2012. Also of help are *The Attorney General Guidelines for Victim and Witness Assistance* published by the United States Department of Justice in 2005, COE Resolution 1784 (2011) *Protection of witnesses as a cornerstone for justice and reconciliation in the Balkans*; and UN A/RES/40/34 of 29 November 1985 *Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power*.

A review of these and numerous other documents demonstrates that certain aspects of support to victims/witnesses are universally recognized. For example the Directive of the Council of European Union 2012/29/EU enumerates many of those rights including requiring member states to recognize the following:

1. Right to understand and be understood.
2. Right to receive information from the first contact with a competent authority.
3. Right to receive information about their case.
4. Right to access victim support services.
5. Right to review of a decision not to prosecute.
6. Right to the return of property.
7. Right to reimbursement of expenses.
8. Right to a decision on compensation from the offender in the course of criminal proceedings.
9. Right to protection.
10. Right to avoid contact with the offender.
11. Right to protection of privacy.
12. The need to train all practioners as to these rights.

In a similar fashion the United States Department of Justice in 2005 published *The Attorney General Guidelines for Victim and Witness Assistance*. While these guidelines provide very specific tasking for practioners in the United States federal criminal justice system, they also provide a general framework for a set of minimal standards for assistance provided to victims and witnesses at various stages of criminal justice activity. Helpful to our development of criteria for pre-investigative stage assistance are those labeled investigative stage in the publication. The following guidelines suggested by the Department of Justice would appear to have merit in the pre-investigative stage in BiH:

1. The investigative agency's responsibilities begin with the report of a criminal act and extend throughout the prosecution of the case. A designated person in charge of the investigation is responsible for assuring the rights of the victim/witness are respected.
2. At the earliest time possible after the detection of a criminal act the responsible investigator shall identify the victims of the crime.
3. At the earliest time possible, consistent with investigating the crime, victims/witnesses shall be advised of their rights, entitlements and available services. This should be by personal advisement as well as accompanied by a brochure or card. The advice shall include:
 - a. The rights of victims/witnesses under any law,
 - b. The place where the victim can receive emergency care (medical, social, etc.),
 - c. The identity and contact information of a victim/witness specialist at the agency or at the prosecutor's office,
 - d. The identity and contact information for service providers,
 - e. The availability of restitution or compensation for the injuries suffered,
 - f. The availability and scope of protective measures that are available; and how to seek those measures,
 - g. The identity and contact information for any public or private agencies or organizations that provide support services to victims/witnesses,
 - h. The right to receive information as to the status of their case and how that information will be made available to them.

4. During the course of the investigation the victim/witness shall be informed of the status of the investigation and what steps in the procedure are next.
5. Protection from harassment and intimidation shall be provided to the victim/witness in coordination with the prosecutor's office and other available resources.
6. Advice as to the return of property seized as evidence and the procedures to obtain such property shall be given to the victim.
7. Advice as to the logistics of cooperation with authorities as well as any compensation available for expenses incurred shall be given to victims/witnesses.
8. Upon request the agency should assist the victim/witness with explaining to employers, creditors, etc what has happened and why the victim/witness is needed for investigative and prosecution purposes.

A review of these suggestions shows that even though the systems are different, the basic rights to be provided are the same. We have therefore developed criteria that can be used to measure whether local jurisdictions meet the minimal expected standards of the international community. See Appendix A for the criteria developed from these sources.

We note that BiH has been challenged to provide these services to victims and witnesses by the COE, Bosnia and Herzegovina is expected to: Ensure that witness support measures... are available from the beginning of the investigation, for instance by setting up support sections employing social workers and psychologists, in particular in the offices of the specialized prosecutors, where they exist, and in the police units responsible for the investigation of crimes under international law.⁶ It should also be noted that the Directive of the European Union provides:

*Member States shall ensure that victims, in accordance with their needs, have access to confidential victim support services, free of charge, acting in the interests of the victims before, during and for an appropriate time after criminal proceedings.*⁷

⁶ Council of Europe, Resolution 1784: Protection of Witnesses as a Cornerstone for Justice and Reconciliation in the Balkans (2011) at paragraph 16.1.8.

⁷ Directive 2012/29/EU Of the European Parliament and of the Council of the European Union of 25 October 2012, at Article 8.1.

Applying these criteria an assessment of the existing resources and procedures that are in place was undertaken. This investigation was conducted by interviews of responsible personnel at almost all local police agencies, the entity Police Academies, some Ministries of Interior, two CSW's and almost all prosecutor's offices within BiH. See Appendix B for a list of the interviews conducted and Appendix C for the standard questions used at the various interviews. It should be noted that the list of standard questions was used as a guide and that a particular question was not asked when it became clear that it would provide no additional information. Also additional questions were asked to expand the discussion where it was helpful. Finally, each interview sought to develop a conversation on what could be done to improve the situation for victims and witnesses.

Using the results of these interviews and reviewing the findings of other recent studies and reports observations have been made as to the capacities of local criminal justice systems to meet the criteria developed. These observations indicate certain resource, procedural and facility issues that must be addressed if minimal compliance with the criteria is to be reached.

Finally drawing upon these observations and using the input of practitioners in all disciplines interviewed, we have compiled a set of next steps or suggestions for intervention. It is recognized by the reporter that some of these suggestions are likely to be beyond the resource capacity of the local institutions at this time. They are made however to inform donors as well as government bodies of what must be done to improve the situation of victims/witnesses in BiH to begin the process of meeting international standards.

OBSERVATIONS:

As noted previous assessments and studies have found serious deficiencies in the ability of BiH institutions to provide support and protection to victims/witnesses in criminal cases. For example a finding in The Report to the COE's Parliamentary Assembly on Witness Protection and Support at the International Criminal Tribunal for the Former Yugoslavia was that: at entity level, no government funded projects carrying out psychological and social witness support exist.⁸

In its report in 2010 on witness protection and support in War Crimes trials OSCE concluded that: Although the laws stipulate that support should be given to victims and witnesses, in reality, only the State Court of BiH has the capacity to provide social support to witnesses.⁹

Likewise in 2010, UNDP's assessment of victim witness services it was noted that a section or office responsible for providing psychological support for witnesses exists only within the State Court and not within any cantonal or district court or prosecutor's office.¹⁰

In general our observations during this assessment indicate that the overall situation has not changed significantly. While we were focused on the pre-investigative stage of the criminal process we also interviewed prosecutors' offices and other participants. It is our conclusion that with a very few exceptions no government social agency or organization believes itself legally responsible for providing professional psychological support services to witnesses in the Criminal Justice System. The main exception to this belief is in the area of juvenile justice where the new laws (enacted in the RS and awaiting enactment in the FBiH) make clear the obligations of The courts to make available services and support and for the CSW's to provide both counseling and support. There have been some notable improvements in local areas. In particular, in Banja Luka, Sarajevo and East Sarajevo, the establishment of Witness Service Offices within the prosecutors' offices with the assistance of UNDP's SPWCC project has made a marked improvement in the services rendered to victims and witnesses.¹¹ In addition, the presence of these units has had a positive impact

⁸ Jean-Charles Gardetto's Report to the Council of Europe's Parliamentary Assembly on Witness Protection and Support at the International Criminal Tribunal for the Former Yugoslavia, (12 January 2011) at paragraph 69.

⁹ OSCE, Witness Protection and Support in BiH Domestic War Crimes Trials: Obstacles and Recommendations a year after adoption of the National Strategy for War Crimes Processing (2010), at page 17.

¹⁰ UNDP, Needs Assessment in the Field of Support to Witnesses/Victims in BiH (2012), at page 17.

¹¹ These offices were recently also established in prosecutor's offices and courts in Bihac, Travnik/Novi Travnik, and are currently being established at the prosecutor's office in Mostar and at the Basic Court in Brcko District.

on the attitude of those operating within the system as to the benefits to police and prosecutors when psychological and social support services can be delivered to potential witnesses in cases. The issue of sustainability of some of these offices is however a serious question. In particular it is difficult for the offices to obtain funding in their budget to keep the psychologist or other witness service professional on staff.

During our assessment we were told that in many police and prosecutors' offices the manning documents authorized a position or two for psychologists. In most agencies those positions were not filled due to lack of funding. Even in those instances where the positions have been filled other duties prevent these resources from being used to provide the services required for victims and witnesses in adult criminal cases. We note that in Banja Luka there are currently two psychologists on staff within the police directorate, one of whom is available to assist with victims/witnesses (as well as with the staff). To date it appears that the psychologist works mostly with victims/witnesses as well as the accused in juvenile justice cases. We also note that in Brcko District there is a psychologist on staff of the police agency who is able to assist victims or witnesses. While this psychologist also works primarily with juveniles again this has proven to be a very positive step forward in providing services to those victims and witnesses needing them. In each of these cases all those interviewed believed that the presence and availability of the psychologist was a positive development.

In our assessment of the pre-investigative phase of criminal justices matters in BiH we found that no cantonal or district system fully complied with the criteria used in the assessment. By law and in practice all systems fully complied with criteria 5, right to review of a decision not to prosecute. In addition, most systems complied with criteria 1, prompt identification of the victim. On the negative side almost no agency complied with criteria 2, 3, 4, 6, 7 or 13; and the system as a whole does not comply with criteria 12, training. It should be noted though that identifying the victim as a traumatized person or needing support services is not uniform. It should also be noted that our assessment also indicated that in almost all systems the involvement of the prosecutor's office came almost immediately in cases involving serious crimes. The remaining criteria were not fully met by most systems within BiH.

SPECIFIC OBSERVATIONS:

Through this assessment we were able to note findings as to the conditions that exist in most of the systems within the cantons and *districts* of BiH. These specific findings are listed:

1. Police training on support to and protection of witnesses is inadequate. The Police Academies do not address issues of victim/witness support and/or protection as a subject block of instruction in their basic course for police officers. While these topics may be touched upon in other basic subjects such as basic investigation, criminology, etc. they are not given the importance of being directly addressed. The same situation applies to the skill of identifying persons suffering from trauma. It was noted by the academies that these matters may have been covered in specialized courses, such as domestic violence, human trafficking, etc., usually presented with assistance of international organizations. It is difficult to reach the large majority of officers through specialized courses and the academies lack any control over who is assigned to participate in specialized courses by local agencies. Thus the needed training when provided in a special course may not get to those officers most likely to need it or to put the training to use.
2. Victim/Witness Support is not seen as a core duty of police officers. The attitude of police officers varied widely as to the matter of their involvement in victim/witness support and protection. Many police do not see that support to victims/witnesses is within their mandate as police officers. Some say they do not belong to a social welfare agency. They believe their duties are those mandated by the law and their internal regulations or book of rules. Some officers indicated that even informing victims or witnesses of the criminal justice process was outside their mandate and that providing such information could cause problems with the prosecutor's office. On the other hand many police officers indicated that developing a positive relationship with victims and witnesses was an essential part of professional police work. They said that identifying that a witness needed support; and then finding such support was an important part of developing a good case for prosecution. As developing a case for prosecution requires the active cooperation of witnesses these officers say that early development of a good relationship is essential.

3. Police agencies in BiH do not have a WSO or a person designated to provide that service. The exception to this finding is in Brcko District where there is an existing WSO located within the police agency.¹² In almost all cases there was no organized provision of support services within the police agencies. Those resources that might exist and might be used were accessed on an ad hoc basis.
4. Safe Houses for Domestic Violence Victims are an exception to the failure to provide support and protection services. Almost all police agencies and prosecutors' offices were aware of and referred people to safe houses located in their area. This was done almost universally for victims of domestic violence. In many cases these houses are maintained by Civil Society Organizations (CSO's) to provide temporary housing for victims. In some cases there are formal agreements for their use and in other cases the agreement is informal. This is a significant achievement in the area of government/CSO cooperation.
5. Many of the police facilities we visited are not conducive to create good impressions on the part of victims/witnesses. Most police facilities are overcrowded and in need of renovation. Most of the local police facilities did not have the ability to protect the identity of individuals being interviewed. Interviews are often conducted in crowded offices and confidentiality of information is difficult to maintain. Likewise, the facilities are generally well used and in need of repair. These facilities were not designed with the traumatized victim/witness in mind. It was noted by some police that in sensitive cases they would interview at locations other than the police station in order to develop a better relationship.
6. For many reasons the first officers who arrive at the scene of a criminal act are less experienced officers. In particular the first officers to the scene of a crime are often those assigned patrol duties or working the night shifts. These are usually the younger officers who have not received specialized trainings. They are the first to make contact with the victims and the witnesses to the crime. This is noted as they most likely have no training concerning traumatized persons and of the need to provide support or protection to the witness. The situation is not as problematic as it might seem because the practice of most agencies in serious crimes is to quickly call more experienced officers and/or inspectors to the scene.

¹² Witness Support Office in Brcko District Police will cover the needs of the Brcko District Prosecutor's Office.

These officers and inspectors have more training and on the job experience. In addition, if the case is serious a prosecutor will be consulted and becomes involved with the investigation almost immediately.

7. Protection is inadequate. Most police officers believe that there is no effective protection that can be accessed for most victims/witnesses within BiH. While they are aware of the State Witness Protection Program; and, the role that SIPA plays, they do not see this as a realistic option in the vast majority of criminal cases. They also are aware that in a small area it is difficult to protect a person and his/her family. Most courts do not in the opinion of the police have adequate facilities to hear witnesses without inadvertently disclosing their identities.
8. Coordination with CSOs is generally weak. In most of the systems surveyed there was little or no active cooperation between police and CSOs with respect to victim/witness support services. Likewise, many prosecutors' offices indicated no cooperation with CSOs with the exception of those running safe houses. In several areas the prosecutors' offices and police indicated that there were no CSOs within their geographic area that were involved with working with victims or witnesses to criminal acts located. In other areas it is clear that neither the prosecutor nor the police have reached out to locate CSOs or other NGOs that might be of assistance. Only in a few of the systems there were agreements setting out areas of cooperation between police, prosecutors, courts and certain CSOs (Notably Tuzla, Zenica and Travnik). This is a positive step but one that some individuals fear may relieve the government of its responsibilities to victims/witnesses in the long run.
9. Positions for psychologists exist in agency manning documents. In most of the agencies surveyed it was noted that positions for psychologists exist within existing organizational structures or books of rules. In almost all cases these positions have not been filled. Notable exceptions are in Banja Luka and Brcko District where psychologists are on staff. It is also clear that these positions with the exception of Brcko District were not originally intended to support services to victims/witnesses but were intended to support the staff at the agency. These positions exist in both police agencies and prosecutors' offices.

10. The Juvenile Justice Act in the RS has had a major impact on both the demands placed upon resources and attitudes toward the need for such support. This act requires the intervention of psychological assistance in all juvenile justice cases. While the law is only now beginning to be implemented in the RS, it is clear from all interviews that the CSWs are being pushed to their limits to fulfill their obligations under the acts. In FBiH some of the agencies are preparing for the eventual implementation of the drafted Juvenile Justice Act. Police, prosecutors and the two Centers we interviewed all agree that resources in the centers are either inadequate in smaller centers or barely adequate in the larger centers to meet the obligations now faced in this limited area of criminal matters. On a beneficial note the law has required police, prosecutors and the centers to work together to address the potential requirements of the law. This interaction could provide a model for cooperation in adult cases.
11. Victim/Witness Rights Brochures are general in nature and not readily available in most areas. We found victim/witness brochures available in a few police stations and prosecutors' offices. The brochures which were produced with assistance from the international community were general in nature and did not reference locally available support services. Likewise, these brochures do not give out all the information envisioned in criteria 3. The brochures which were likely designed for general distribution throughout the country did not include a place for a local contact person to be identified. The brochures were not carried by the police who responded to criminal acts nor were they routinely provided to victims and witnesses. The brochures which were available at the stations do give general information that is of some help to victims/witnesses.
12. A compendium of local resources available to provide services for victims/witnesses is not available in most areas. A small number of police agencies and prosecutors' offices have available to them a published booklet of support services available. These have been prepared in the few areas where agreements exist between CSOs and the government agencies and the courts. These booklets provide valuable information to the police officers and prosecutors as to where they can refer victims/witnesses to receive services. It is not clear how often these are updated. This is the type of document that could be kept current by a WSO in the prosecutor's office or police agency as part of their function or duties.

13. Community policing exists throughout BiH. During the interview process it became evident that each police agency had officers assigned to a community policing function. Some of these agencies had established this function a number of years ago and many had more recently established them with the assistance of the Swiss Agency for Development and Cooperation. The officers assigned to community policing had received extensive training to perform this function. In some agencies this function was the primary duty of the assigned officers, while in other it was but one of their assigned duties. In a few agencies the officers indicated that the community service officers did not have enough work.
14. Current law does not adequately spell out victim/witness rights. Certain support to victims/witnesses is mandated in the Law on Protection of Witnesses under Threat and Vulnerable Witnesses. That law is ambiguous in how such support will be given. It establishes no clear designation of what agency or agencies has the obligation to perform support services and yet imposes an obligation upon the Prosecutor and then the Court to provide these services during proceedings. The mandate of this support is provided in Article 6 of the Law which states:

During the investigation, the Prosecutor, and after the indictment has been issued, the Court, shall provided the witness agrees, and without disclosing any of the witness's personal details, ensure that the body responsible for issues of social care is aware of the involvement of the vulnerable witness in the proceedings and shall enable the assistance of this body as well as psychological support to the witness, including the presence of appropriate professionals at examination or hearings.

As noted in the Council of the EU such services are to be provided by the member states throughout the proceedings, from the beginning until an appropriate time after the conclusion of the formal court proceedings. The current BiH law clearly does not provide this minimum standard of services. In addition, its ambiguity allows agencies to deny responsibility to provide these needed services.

In conclusion, our observations indicate that with respect to protection and support of victims/witnesses current resources and current legal requirements in BiH do not begin to approach the minimum standards expected of a European country. It is also clear that substantial additional investment in the criminal justice and social welfare systems will be required to address all of the deficiencies noted.

It should be noted however that certain aspects of providing adequate support services to victims and witnesses can be addressed with current resources and improved use of those resources. It is also noted that there has been improvement in some areas and with changing attitudes. The observations made during this assessment suggest certain actions be taken on both a short term and long term basis. The international community should support action in these areas.

RECOMMENDATIONS:

The needs assessment conducted suggests that the following recommendations based upon ideas discussed with the professionals interviewed would be of assistance in addressing the current lack of capacities to meet minimal international standards for support and protection of victims/witnesses:

1. *Assessment of Capacities of CSWs.*

It is recommended that a comprehensive assessment of the capacities of all CSWs to provide social and psychological support to victims/witnesses to criminal matters throughout the process including after the criminal proceeding is completed be conducted. The CSWs are not adequately resourced to meet all of their current responsibilities. A substantial number of the police agencies interviewed as well as a majority of prosecutors' offices believed that as a result of these resource deficiencies the CSWs were already stretched beyond their capacity in providing services to juveniles under the existing and anticipated juvenile justice acts. Indeed many of those interviewed felt that the centers could not now meet all of the requirements of those acts. In less populated areas the belief of those interviewed from the criminal justice system was that the CSWs did not have the necessary resources to even begin to meet juvenile justice demands.

During the interviews with the two larger CSWs, Sarajevo and Banja Luka, the centers indicated that under current law they are not mandated to provide services to victims/witnesses in their capacity as participants in the criminal cases. They did acknowledge that they would serve them as they would any citizen requesting such services. Both centers acknowledged the special role assigned them under the juvenile justice laws. They indicated also that the law was placing a significant burden on their resources. Again both centers indicated that if the law required them to serve victims/witnesses in their role as such, they would do so. To do so in every serious criminal case would put a substantial strain on their ability to respond.

An assessment of the capacities of each CSW would answer the question as to whether it is practical to place this mandate specifically upon them. Before any law is enacted to clarify duties to victims/witnesses the capacity of the agencies to fulfill those duties should be established.

With this assessment additional options could be explored as to how to enhance the agencies' capacity to respond to the additional burden. We discussed with the centers whether a system that included reimbursement from a criminal justice agency for overtime to pay social workers and/or psychologists employed by the centers and who responded during other than normal working hours would be possible. It was felt that under a negotiated agreement that could possibly enhance their ability to respond. It was also discussed whether the CSW could serve as a coordinator for CSOs who could provide services to victims/witnesses. Again this was believed to be possible. The ability of many of the smaller CSWs to engage in these activities must be ascertained before suggesting this as a solution. This assessment should be conducted as soon as is possible.

2. *Victim/Witness rights should be covered explicitly in basic training for police officers.*

One step that can be taken almost immediately is the development of a block of instruction to be included in the basic training for police officers. This block of instruction would include the rights of victims/witnesses, support that should be given to them, information that should be given, protection that could be offered, identifying traumatized individuals and why support and protection is helpful to good police investigation and good prosecution. Almost all agencies indicated that newer less experienced officers respond to many of the crimes. It is important that they understand the needs of victims/witnesses and the benefits of the initial contact with police being a positive experience.

It is noted that under the systems in place more experienced officers do respond quickly to serious crimes as the practice is that they are called to the scene. Further it is noted that in most systems the prosecutor is also involved at a very early time. It is important that all officers understand the need to respect the rights and needs of victims/witnesses and the necessity of developing a positive relationship. This block of instruction should not be lengthy as that would make it less likely to fit into the schedule of the academies. It could be developed with assistance of international organizations such as the United States Department of Justice International Criminal Investigative Training Assistance Program (ICITAP) or other agency.

Develop as well a specialized training curriculum to improve police officers recognition of vulnerable victims and witnesses as well as the resources to provide support. This training should be developed in a way that it could be taught at the various police agencies in conjunction with their internal training teams or officers. The training must be based upon local conditions and resources. It could include presentations by local CSW psychologists, Victim/Witness specialists from the State Court, CSO specialists who work with victims and witnesses and WSOs in the prosecutors' offices. The curriculum could be developed with assistance from the academies and local experts.

3. *Campaign to raise awareness of Victim/Witness rights.*

It is critically important that victims/witnesses are aware of their rights, of what support and/or protection may be available to them and of the criminal justice processes. In addition to informing the public of the rights of victims/witnesses a public campaign would also raise the awareness level of police and other participants in the criminal justice system as to their duty to provide those services. Some officers interviewed indicated that they believed that such a campaign would make an impression on police officers who may now believe that they have no obligations to provide what they call social services. Reminding them that these are rights and are expected by citizens may be helpful to change those attitudes. This would be a secondary benefit of the program which would primarily be designed to raise the public's understanding of these issues. A public that is aware of their rights will know to ask for the support and/or protection that is available. Any such campaign should involve CSOs that are working in the justice sector. This program should be initiated now as it will likely assist in building public support for improvement to the system.

4. *WSO should be established in each prosecutor's office.*

It is strongly recommended that the establishment of a WSO in each prosecutor's office be a priority. In addition it must be explored as to how to make all these units become permanent. Those prosecutors' offices that had established these offices are very much aware of how valuable they are. Clearly they significantly improve the provision of support to victims/witnesses. In addition prosecutors are becoming aware that their cases are better prepared and presented when

they have a witness who has support and/or protection. In assessing the pre-investigative phase of criminal matters it has become evident that in all serious cases (and these are those where protection or support needs are more likely needed) the prosecutor is directly involved at a very early stage. Thus the establishment of these units in the prosecutor's office would seem to meet the needs of the pre-investigative stage.

An improvement to the process would be the establishment of an agreement between prosecutor and police agency that the WSO contact information could be distributed by the police and that in appropriate cases the unit could be asked by the police to respond to a crime scene. Finally, it should be noted that the positions of psychologist in the manning documents of prosecutors' offices and/or police agencies could be used to establish these units. It is noted that the police are under the Ministry of Interior and the prosecutor under the Ministry of Justice. They must cooperate in investigations so perhaps they could cooperate in sharing these resources if they can obtain funding to fill the positions which currently are frequently vacant. It appears from this assessment that creation of a separate WSO in police agencies would be unnecessary duplication. It would lead to wasted resources and could lead to a less efficient system. Having a separate WSO responsible for providing services during the short time before prosecutors are involved could confuse the witnesses. It should be noted that in Brcko District the presence of an operating witness support person (psychologist) within the police agency has been functioning with cooperation from the prosecutor. This comment does not suggest that change to that system is necessary.

5. *Community Police Officers could be assigned additional roles as Victim/Witness Information Officers.*

The assessment found that community policing exists in some form in most areas of the country. In some areas the community police have addition "regular" duties as well as this assignment. In other areas this is their primary duty. In some areas it was found that it was felt the community police did not have a significant level of duties to justify their assignment. It is suggested that an additional duty and designation could be made to allow these officers to serve the important function of information contact officers.

Every police officer could be directed to inform victims and witnesses as to the contact information of their Community Police Officer/Information Officer. The Community Police Officer then would be assigned to answer any questions that the individual had with respect to the criminal justice process, as to resources available to the individual and could direct those needing support services or protection to the WSO in the prosecutor's office. The Officer could also update the police agencies list of available services on a regular basis.

A training program for these officers would be developed to ensure that they were aware of the purpose of their designation as victim/witness contact persons and how to fulfill that role. To accomplish this on a nationwide basis would require some time and an investment of training resources.

6. *Development of a national compendium of available resources and contact personnel.*

It became obvious during this assessment that there was a lack of knowledge within the criminal justice system as to all of the potential resources that could be called upon to provide support to victims/witnesses. In some locations there was a fairly good local resource list. In other areas there was a general lack of information. The development of a national compendium of all possible government and CSO resources that could be available to support victims/witnesses should be developed and provisions made to have it updated regularly. The list could include professionals who are available on an on call basis to assist with traumatized individuals. That list should then be broken down into area lists that could be made available to all WSOs, prosecutors' offices and police agencies. The list would include the nature of services available as well as specific contact information. The list would be available also to the information contact officers.

An agreement as to what organization or organizations should compile and update the compendium should be made. This project should be coordinated by either the Ministry of Interior or Ministry of Justice, and its implementation would be a good task for some CSOs. By necessity this project would need to be ongoing as the agencies, CSOs, etc in each area change over time, as does their mission. Indeed the development of this compendium could also serve as starting point for coordination of services among CSOs.

7. *Local conferences between CSOs, CSWs, prosecutors' offices and police authorities.*

Once the compendium was compiled it would be helpful in regional areas to have a series of conferences where all local CSOs, CSWs, prosecutors and police would be invited to discuss the provision of support services to victims/witnesses during and after the criminal case proceedings. The purpose of these conferences would be to reach common understandings as to what services were locally available, to educate the public as to the services being provided and to develop action plans on what could be done to improve the availability and quality of services as well as to delegate responsibilities in a clear manner.

8. *Development of victim/witness rights brochures/handouts.*

It is suggested that a standardized brochure, handout or card be prepared that would summarize those rights and support available to victims/witnesses be prepared. These documents should indicate clearly that the individual has a right to speak with either an "information contact officer" and/or a WSO concerning his/her rights, as well as providing contact information for that person or office. The document should summarize the rights that exist and indicate what support is available for those needing it. The contact information should be local and directed to a specialist or an information officer who will have the information available to answer the individual's questions. These brochures or cards should be available in sufficient quantity to be given to every victim or witness by the first police officer who has contact with them. These documents should be regularly reviewed and updated as necessary.

9. *Filling of positions for Psychologists.*

Many of the prosecutors' offices and police agencies have positions in their manning documents for psychologists. Mostly these positions are vacant. The presence of a psychologist on staff would be of assistance in many ways to ensure delivery of support services to victims/witnesses. The psychologist could perform an important role in conducting agency specific training on issues such as the identification of traumatized persons, addressing the needs of traumatized persons, assessing such persons for treatment needs, etc. They could also form part of the WSO that is to be created in the prosecutor's office.

In the police agencies these positions could be used in a similar fashion to provide local training to the police officers in that agency. They could also coordinate with the WSO in the prosecutor's office and keep the Community Police Officers informed as to referral opportunities for victims/witnesses.

10. *Draft law establishing victim and witness rights; suggest improvement to Law on Police Officials.*

As noted during the assessment the current laws relating to victim/witness rights are ambiguous as they pertain to what type of support can be expected, the duration of such support and what agency or organization is expected to provide the support. The current law on protection also does not make clear the duration of such protection and how it will be provided. Likewise, the proposed law on police officials does not specifically address these issues. A review of that proposed law suggests that it could be improved by specifically noting the obligation of police to take into account the special needs of traumatized victims/witnesses. That obligation could logically fit in article 45.

The mandate of specific duties and responsibilities is a complex matter as during different stage of proceedings the responsibility under current BiH law falls on either the prosecutor or the court. There is no current provision for responsibility pre-investigation or after the close of the formal criminal proceedings. The Directive of the COE makes clear that support and protection must be available from the initial contact with authorities through a reasonable post proceedings period as required in the individual case. The law should address this. In addition the law must be based on the reality of the situation in BiH. As we learned from the discussions with police and with the CSWs, capacities to address properly the demands of the Juvenile Justice Acts are not uniformly available. The law that is drafted must consider realities; and provisions must be made to adequately address resources to provide any services that are mandated. The law must be specific as to which agency or agencies are responsible for providing the support services.

11. A thorough assessment of the physical facilities of police agencies.

This assessment clearly indicated that in the opinion of all interviewed most police facilities and prosecutors' offices are not designed well for the protection of vulnerable witnesses or victims. Indeed a number of both police and prosecutors indicated that they interview witnesses at outside locations because of the negative impression created at the station. A serious look at the facilities with protection and support in mind could inform future design and construction efforts. The assessment team should combine an architect as well as victim/witness support and protection personnel to review each police station and prosecutor's office with the goal of establishing what improvements could realistically be made to existing facilities to improve the safety of as well as the support for victims and witnesses. Likewise, the assessment should provide suggestions for any facilities being renovated or replaced.

CONCLUSION:

During the course of this assessment it became clear that there is a serious lack of capacity within the justice and social welfare systems of BiH to meet the minimal standards in providing protection and support to victims and witnesses in criminal cases. It was encouraging seeing that most participants in the system realized this and strongly supported efforts to improve the situation. It was further encouraging that improvements were being made in the creation of WSO's in prosecutors' offices; and in the beginning of cooperation between the justice system and CSOs in some areas. Additional progress is both necessary and possible. While some of the suggestions made are long term and depend on significant resources being provided; others can be implemented on a more expedited basis and with minimal additional funding. We hope that our suggestions might be of assistance in enhancing the very important support due the victims and witnesses in criminal cases.

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Appendix A

Criteria to provide support to Victims/Witnesses in Criminal Cases

1. Identification of the “victim” at the earliest possible stage.
2. Designation of a person, persons or office in the agency who will serve as a contact person for victims and witnesses to obtain information about their case.
3. Inform victim/witness of their rights under applicable laws as well as the availability of protective and support services:
 - a. Location of emergency care facilities if applicable,
 - b. Location and contact person for medical services if applicable,
 - c. Location and contact person for psychological services if applicable,
 - d. Location and contact for social services support if applicable,
 - e. Identity and contact information for a person or office assigned to assist victims and witnesses in accessing services,
 - f. Information in written form as to these matters,
 - g. Information as to the next steps in the proceedings,
 - h. Information as to procedures for return of property taken as evidence,
 - i. Information as to the availability of the right to participate in the proceedings and any compensation for expenses.
4. Timely information provided to victims and witnesses of the status of the investigation and stage of the proceedings.
5. The right to a review of a decision not to prosecute a case.
6. Timely information provided to victims and witnesses of the nature and timing of police and court proceedings, including what to expect at those activities.
7. Maintenance of an up to date directory or listing of victim/witness services available from government and Civil Society Organization sources. This includes a list of all such service providers and contact information for each.
8. Proper and effective police coordination with a victim/witness specialist or office at the prosecutor’s office.
9. Proper and effective coordination by prosecutors with Center for Social Welfare.
10. Proper and effective coordination by prosecutors with Mental Health Center.
11. Proper and effective coordination by prosecutors with Civil Society Organizations providing support to victims and witnesses.

12. Adequate initial and ongoing training of all police officers likely to come in contact with victims/witnesses as to the following matters:
 - a. Recognition of the symptoms of trauma,
 - b. Proper interrogation techniques for traumatized witnesses,
 - c. The Law on Witnesses under Threat or Vulnerable Witnesses,
 - d. Law on Witness Protection Program of BiH,
 - e. The protective services actually available to victims/witnesses,
 - f. The support services actually available to victims/witnesses.
13. Development by police agencies in coordination with the local prosecutor's office of a protocol to be followed by police officers when having initial contact with victims/witnesses in Criminal Cases.

Appendix B

List of Interviews Conducted

Date	Location(s)	Institution:	Persons
15.05.2013	Sarajevo	Court of BiH (C BiH) Sarajevo Canton Prosecutor's Office (SC PO) Sarajevo Canton Ministry of Interior (SC Mol) Federal Police Directorate (FPD) Federal Ministry of Interior Police Academy (FMol PA)	Alma Taso-Deljković (C BiH) Mirsad Sehović (SC PO) Džafer Hrvat (SC Mol) Mirsad Bajraktarević (FPD) Himzo Kekić (FMol PA)
16.05.2013	Mostar	Ministry of Interior Herzegovina-Neretva Canton (Mol HNK) Cantonal Prosecutor's Office of Herzegovina-Neretva Canton (CPO HNC)	Amir Begić, Adil Veleđar, Ivan Miličević, Zoran Cegar (Mol HNK) Nijaz Mehmedbasić (CPO HNC)
17.05.2013	East Sarajevo, Sarajevo	District Prosecutor's Office East Sarajevo (DPO ES) Public Security Centre East Sarajevo (PSC ES) Federal Ministry of Interior (FMol)	Neven Kramer (DPO ES) Mirza Hukelić (DPO ES) Radenko Vasiljević (PSC ES) Elvedina Hodžić (FMol)
20.05.2013	Banja Luka	Special Prosecutor's Office RS (SPO RS) Ministry of Interior RS (Mol RS) Banja Luka Social Welfare Centre (BL SWC) District Prosecutor's Office Banja Luka (DPO BL)	Miodrag Bajić (SPO RS) Dr. Mile Sikman (Mol RS) Dragi Milosević (Mol RS) Borka Vukajlović (BL SWC) Zoran Bulatović (DPO BL)
21.05.2013	Doboj	Public Security Centre Doboj (PSC D) District Prosecutor's Office Doboj (DPO D)	Milić Lazarević (PSC D) Slavko Krulj (DPO D)
21.05.2013	Brčko	Brčko District Prosecutor's Office (BD PO) Brčko District Police (BDP)	Zekerija Mujkanović (BD PO) Milorad Mihajlović, Dubravka Lukac (BDP)

Date	Location(s)	Institution:	Persons
22.05.2013	Orašje	Posavina Canton Ministry of Interior (PC Mol) Posavina Canton Prosecutor's Office (PC PO)	Miroslav Živković (PC Mol) Luka Dabić (PC PO)
22.05.2013	Tuzla	Tuzla Canton Prosecutor's Office (TC PO) Ministry of Interior Tuzla Canton (Mol TC)	Gordana Tadić (TC PO) Enver Skenderović (Mol TC)
22.05.2013	Goražde	Bosnian-Podrinje Canton Ministry of Interior (BPC Mol) Bosnian-Podrinje Canton Prosecutor's Office (BPC PO)	Mirsad Tiro (BPC Mol) Mirsad Bilajac (BPC PO)
23.05.2013	Zenica	Zenica-Doboj Canton Prosecutor's Office (ZDC PO) Zenica-Doboj Canton Ministry of Interior (ZDC Mol)	Vesna Bjelošević (ZDC PO) Mirsad Pehadžić (ZDC Mol)
23.05.2013	Travnik	Central Bosnia Canton Prosecutor's Office (CBC PO) Central Bosnia Canton Ministry of Interior (CBC Mol)	Sanja Hodžić (CBC PO) Branko Dakić, Senad Latić, Vinko Šimunić, Zorislav Volić Vukadin, Emir Kahrić (CBC Mol)
23.05.2013	Bihać	Una-Sana Canton Ministry of Interior (USC Mol) Una-Sana Canton Prosecutor's Office (USC PO)	Marjan Šimić (USC Mol) Nazif Felić (USC PO)
23.05.2013	Ljubuški	West Herzegovina Canton Ministry of Interior	Milenko Mladenović
24.05.2013	Trebinje	Public Security Centre Trebinje	Dragan Nosović
30.05.2013	Sarajevo	Social Welfare Centre Sarajevo	Mirsada Poturković

Appendix C

Questions to Assess Compliance with Criteria for Victim/Witness Support in the Trial of Criminal Cases in Bosnia and Herzegovina

Prosecutors:

Does your office have a designated victim/witness specialist or victim/witness services or support office?

Has your office any agreements with the local Center for Social Welfare? Have you explained to them their obligations to provide assistance to witnesses and victims?

Has your staff received training as to:

1. The Law on Protection of Witnesses under Threat and Vulnerable Witnesses,
2. Law on Witness Protection,
3. The identification of persons suffering from trauma,
4. Techniques for interviewing persons suffering from trauma,
5. The availability of Protective measures for victims/witnesses,
6. The availability of resources to provide psychological assistance to those needing those services,

The availability of resources to provide other support services to victims/witnesses?

Has your office coordinated with local law enforcement agencies with respect to providing support and protection to victims/witnesses? How is this working?

Has your office coordinated with SIPA with respect to providing support and protection to victims/witnesses? How is this working?

Has your office coordinated with the Center for Social Welfare with respect to providing support services to victims/witnesses? How is this working?

Has your office coordinated with Mental Health Centers with respect to providing support services to victims/witnesses? How is this working?

Has your office coordinated with Civil Society Organizations with respect to providing support services to victims/witnesses? How is this working? Which Organizations?

Has your office coordinated with Victim Services Office at State Court with respect to providing support services to victims/witnesses? How is this working?

Do you have a protocol that specifies:

1. What rights victims have,
2. What rights witnesses have,
3. What support services are available locally - Medical, psychological, financial, transportation, translation,
4. What protection is available,
5. How information will be provided to victims/witnesses as to proceedings?

Does your office provide assistance to victims and witnesses in seeking return of their property taken as evidence?

Does your office provide written advice to victims/witnesses of their rights and possible support services?

What would be most helpful to your agency to improve this situation?

What resources does the Center for Social Welfare have to provide services to victims/witnesses?

How could most prosecutors be reached with respect to available resources?

Police Officials:

Does your agency have a designated victim/witness specialist or victim/witness services or support office? - Are victims/witnesses informed of this person's contact information at the time of their first contact with police? Is this information also provided in writing?

Have your officers and staff received training as to:

1. The Law on Protection of Witnesses under Threat and Vulnerable Witnesses,
2. Law on Witness Protection,
3. The identification of persons suffering from trauma,
4. Techniques for interviewing persons suffering from trauma,
5. The role of the victim at a trial,
6. The availability of victim/witness specialists at the prosecutor's office,
7. The availability of protective measures for victims/witnesses,
8. The availability of resources to provide psychological assistance to those needing those services,
9. The availability of resources to provide other support services to victims/witnesses?

Has your agency coordinated with the local prosecutor's office with respect to providing support and protection to victims/witnesses? How is this working?

Has your agency coordinated with SIPA with respect to providing support and protection to victims/witnesses? How is this working?

Has your agency coordinated with the Center for Social Welfare with respect to providing support services to victims/witnesses? How is this working?

Has your agency coordinated with Mental Health Centers with respect to providing support services to victims/witnesses? How is this working?

Has your agency coordinated with Civil Society Organizations with respect to providing support services to victims/witnesses? How is this working? Which Organizations?

Has your agency coordinated with Victim Services Office at State Court with respect to providing support services to victims/witnesses? How is this working?

Do you have a protocol that specifies:

1. What rights victims have,
2. What rights witnesses have,
3. What support services are available locally - Medical, psychological, financial, transportation, translation,
4. What protection is available,
5. How information will be provided to victims/witnesses as to proceedings?

What would be most helpful to your agency to improve this situation?

Ministry Officials:

How do you perceive Prosecutors' offices are performing in adequately providing information and support to victims/witnesses in Criminal Cases?

How do you perceive local law enforcement agencies are performing in adequately providing information and support to victims/witnesses in Criminal Cases?

How do you perceive local courts are performing in adequately providing information and support to victims/witnesses in Criminal Cases?

Has your Ministry compiled a directory of public and nongovernmental assistance and services available to victims and witnesses in Criminal Cases?

Has your Ministry reached any agreements with Civil Society Organizations to provide support to victims and witnesses in Criminal Cases?

At what stage of the matter should support services be provided? –Pre-investigation, investigation, prosecution or trial?

Has your Ministry developed a protocol specifying what rights victims/witnesses have?

What role do you see for the Ministry in organizing the provision of support services to the victims and witnesses in Criminal Cases?

Has your Ministry informed the Center for Social Welfare of their obligations under the law with respect to providing services to victims/witnesses?

How could this situation be improved? What support can you give to improve this situation?





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