



OSCEval News is the evaluation newsletter of the Office of Internal Oversight.

Its aim is to provide insights into the OSCE's work in evaluation, by sharing key evaluation findings and conclusions, as well as new developments regarding the OSCE's overall evaluation culture.

Evaluation is a management tool that contributes to decision-making, strategic planning, and organizational learning.



This edition of OSCEval News is dedicated to the

## Evaluation of the War Crimes Capacity Building Project in Bosnia and Herzegovina, 2014-2017

Case study IV of the  
OIO Evaluation of Capacity Development and Learning in the OSCE

### Introduction

The War Crimes Capacity-building Project (WCCP) was carried out by the OSCE Mission to BiH over the period 2014-2017. It intended to support the *National War Crimes Processing Strategy* (NWCPs) by building capacities of justice sector staff who process war crimes.

The case study on the WCCP is one of five evaluations that contribute to an organization-wide independent Evaluation of Capacity Development and Learning in the OSCE, undertaken by the Office of Internal Oversight (OIO) in 2018.

The purpose of the evaluation is to assess the relevance, effectiveness and sustainability of OSCE activities in support of learning and capacity development, and to identify good practices within the organization that can be shared with executive structures and contribute to organizational learning.

### Project Description

The International Criminal Tribunal for the former Yugoslavia (ICTY) was established in 1993 to prosecute serious violations

of international law committed during the armed conflict in Bosnia and Herzegovina (BiH). To the extent that such cases were prosecuted by domestic courts, they were supposed to take place under ICTY oversight, a role which ended in 2004. In December 2008 the BiH Parliament approved a *National War Crimes Processing Strategy* (NWCPs), intended to reduce the case backlog. It envisioned that the less serious cases would be processed by local courts by 2015, and that the more complex cases would be handled at state court level by 2023.

The processing of war crimes cases progressed slower than anticipated, though. For this reason the WCCP was initiated by the OSCE Mission to BiH. In addition to 11 peer-to-peer meetings, it delivered 64 training events over a total of 140 days, overall offering 2150 training slots, and enrolling 537 justice sector staff.

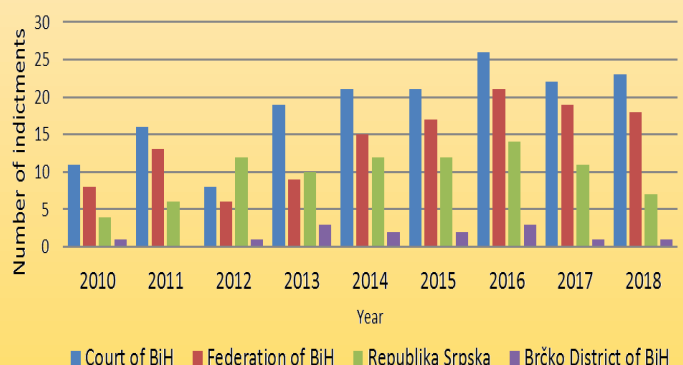
### Evaluation Findings and Conclusions

#### Relevance and Added Value

The evaluation established that the project activities were relevant to the needs of BiH. They addressed knowledge gaps in the entire chain of war crimes case processing, from investigations, to indictments, to court proceedings and court case outcomes, and across all justice sector professions. The project was also relevant for the *strategic plans* of BiH for the implementation of the NWCPs, as well as for the specific target group (prosecutors, judges, investigators), with regards to its content, and the methods used (classroom training with exercises, role plays and scenarios, joint training).

The activities were also found to be of added value, as their magnitude and outputs made WCCP a key assistance provider in the area of war crimes case processing.

War Crimes Case Court Proceedings Completions in BiH, 2010–2018



## Gender Mainstreaming

The 2004 OSCE Action Plan for the Promotion of Gender Equality established that gender equality should be mainstreamed in the OSCE's activities. In the WCCP, this was done through the training modules on wartime sexual violence, by integrating other topics bearing particular impact on female victims and witnesses, the promotion of equal participation of men and women in training activities, and the promotion of a balanced gender representation among trainers. Reportedly, the training resulted in changed practices with regard to the handling of cases involving sexual violence, including the manner in which witnesses to such crimes were approached and how victims were treated. Meanwhile, whereas sexual violence against women was given prominent attention during the training, only little attention was paid to sexual violence against men.

## Monitoring and Evaluation

The project carried out *activity- and output-based* monitoring by documenting events, as well as the number and origin of participants. Monitoring also included pre- and post-training knowledge tests of around half of the training events in order to assess *short-term outcomes* in terms of knowledge gains. *Mid-term outcomes* with regards to changed policies and practices, were indirectly carried out through the mission's *War Crimes Monitoring Project (WCMP)* that attended war crimes court cases. Similarly, data on the *long-term outcomes* in terms of the processing speed of war crimes, was collected by the WCMP.

## Methodology

With few exceptions, the training events were interactive, either in terms of classroom teaching combined with interactive discussions, or by pairing theoretical elements with role play/simulations that were based on real war crimes cases. Some of the training events included joint cross-professional/cross-justice sector events, sometimes called "peer-to-peer meetings", that included representatives from several justice sector professions and/or sectors. Highly interactive lectures proved to be the most effective learning methods.

## Effectiveness

The evaluation also established that the project was effective. Interview data, data from post-training knowledge test, and survey data showed considerable learning effects from the training. Survey and interview data also showed improved *practices* in terms of co-ordination, co-operation, and the quality of investigations, of witness support, indictments, prosecutions, and court decisions.

OIO, however, found no indication of the training having enhanced *policies*, including standards, checklists or other forms of guidance documents. With regards to *long-term outcomes* in terms of an increased rate of completed war crime court cases and war crimes indictments, *individual* level survey data showed that the training accelerated case processing to a considerable degree. However, *aggregate annual* data showed that the number of war crimes case court indictments *decreased* over the period 2014-2018, whereas the annual rate of completed war crime court cases evinced no trend. However, the courts were handling cases that were rushed through in earlier years and should never have led to indictments. Moreover, courts appeared to be handling cases more carefully. There were, however, too few prosecutors to work on the most complex cases. Hence, the WCCP appears to have improved case management, but due to various legacy effects, it did not speed up case completion.

## Sustainability

This concerns the question whether the benefits generated by the assistance would be sustained if the OSCE's assistance was discontinued. The evaluation found that sustainability was constrained. BiH is not self-sufficient with regard to capacity development of justice sector staff, but rather dependent on continuous external financial assistance and expertise from the OSCE and other organizations. Evaluation data also indicates that a discontinuation of external training assistance would lead to the deterioration of war crimes related knowledge and a slow-down of the processing of war crimes cases. Human and financial resources are also unsatisfactory. Around 140 justice sector staff members are financed by the EU's IPA project, which means that BiH is dependent on external assistance not only for capacity development, but also to cover a core budget item such as staff costs.

## The Way Forward

The project was relevant, of added value, effective, and gender equality considerations had been incorporated to some extent. For future projects that support the processing of war crimes in BiH, the evaluation recommended that the mission (1) adjust the project towards a stronger focus on highly interactive lectures, and reduce the delivery of low or non-interactive training events, (2) pays more attention to issues linked to sexual violence against men, and (3) in cooperation with justice sector training institutions in BiH, adjusts the capacity development offerings towards training-of-trainer events that strengthen the capacities of justice sector employed certified trainers on war crimes issues.

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