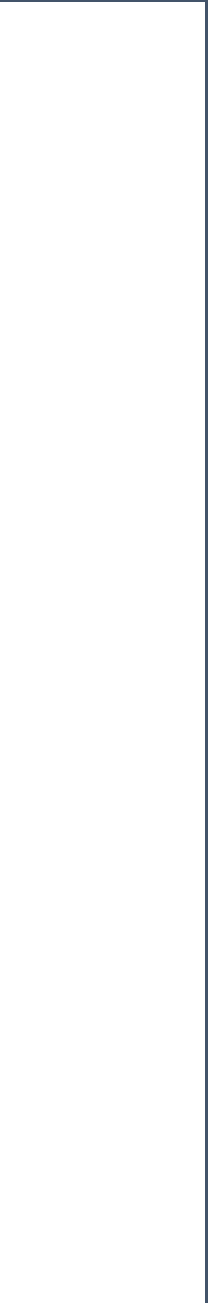


POLICY NOTE

HOW TO STRENGTHEN INDEPENDENCE IN THE WORK OF PUBLIC PROSECUTORS AND IMPROVE THE PROCESSING OF CORRUPTION CASES

Belgrade, February 2024





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1 EXECUTIVE SUMMARY

Survey results and round tables organized across Serbia revealed that only a limited number of public prosecutors are aware of the novelties envisaged in the new Law on Public Prosecution related to decreasing hierarchical competencies of the head of prosecutor offices and Supreme Prosecutor and increasing autonomy of public prosecutors in case handling and decision making.

Furthermore, it is recognized that the suppression of corruption and the fight against organized crime need to be addressed in the broader context of the professional status of public prosecutors, organizational capacities, and available resources. Independence in the work of public prosecutors is a precondition for success in suppressing corruption and establishing a track record. This border approach is recognized in the EU 2023 Report on Serbia¹ that highlighted the problem of unjustified transfer of public prosecutors from the Special Department for Suppression of Corruption in Belgrade to the General Crime Department in the middle of the corruption investigation. The new legislation adopted in spring 2023 has now introduced safeguards in relation to the reallocation of work within the Public Prosecutor's Office and the transfer of cases from one prosecutor to another. However, public prosecutors should be informed and empowered to enforce these mechanisms in practice. The practical Guideline could support public prosecutors in exercising their rights in case handling and improve the environment for the fight against corruption and organized crime.

¹ *Serbia 2023 Report, Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions, 2023 Communication on EU Enlargement policy, p. 24.*

Although the new constitutional and legislative frameworks introduced guarantees of independence for public prosecutors and significantly changed their position to ensure the impact of the novelties, there is a need to change the mentality of public prosecutors, which requires effort and long-term engagement. The public prosecutors should be encouraged to report undue influence and use other guarantees introduced by Law. Furthermore, there is a need to strengthen the High Prosecutorial Council and its bodies responsible for deciding on complaints and reacting in undue influence cases. This could be achieved through the

organization of focus groups with targeted public prosecutors, establishing a strong network, preparing guides for the application of the new instruments, monitoring the work of the High Prosecutorial Council related to the protection of public prosecutors' autonomy, etc.

To ensure public support, the prosecution should strengthen the transparency of the work, both in the case of handling and also in career path, and apply modern communication strategies to promote accurate portrayals of the work of public prosecutors and engage with the media to provide information on the challenges and successes of the profession.

2 INTRODUCTION

CONSTITUTIONAL AMENDMENTS

The European Common Position on Serbia regarding Chapter 23, which covers the judiciary and fundamental rights, includes an interim benchmark² related to constitutional amendments. The benchmark calls for constitutional changes in line with recommendations from the Venice Commission, adherence to European standards, and a comprehensive and inclusive consultation process.

Furthermore, the National Judicial Reform Strategy for Serbia, spanning from 2013 to 2018, recognized the necessity for constitutional and legislative changes to enhance judicial independence, reduce undue influence, increase transparency, improve processing efficiency, and optimize the system's resources—the original plan aimed to finalize constitutional amendments and legislative changes by 2017.

However, as of February 2022, constitutional amendments addressing these issues were only adopted, marking a significant delay. The next steps included the adoption of implementing laws by March 2023 and implementing bylaws by mid-2024. This timeline suggests a protracted process for enacting the necessary legal framework to realize the envisioned judicial reforms in Serbia as part of the EU accession framework.

The delays in implementing these reforms may impact the overall effectiveness of the judiciary and the realization of the intended improvements. The success of the reform efforts will depend on the timely adoption and effective implementation of the supporting legislative and regulatory measures.

² The interim benchmarks serve as specific criteria or goals that the country should achieve to demonstrate advancement in the area.

The amendment of the Constitution and adoption of the Law on the Public Prosecution in 2023 imply a significant shift in the concept and functioning of public prosecution. This transformation is designed to break away from the traditional model of the prosecutor's office, which may have been influenced by historical structures, particularly the Soviet prosecutor's office, and bring it in line with contemporary constitutional and legal principles.

NEW PROFESSIONAL STATUS OF THE PUBLIC PROSECUTOR

A key element of the legislative changes is transforming the public prosecutor's office. This requires a shift in the mindset and practices of those working within the public prosecution system. The goal is to enhance the autonomy of the public prosecutor's office as a state body and provide greater autonomy to the individuals holding public prosecutor functions. Enabling solutions are introduced to provide wider autonomy to the public prosecutor's office. This may involve granting the prosecutor's office greater control over its internal affairs, decision-making processes, and the execution of its functions. The intention is to reduce external influences and ensure that the prosecution operates with high autonomy.

Specifically, the Law on Public Prosecution introduced the following novelties:

1. prohibited undue influence and defined mechanisms for protection against undue influence;
2. regulates mandatory instruction in specific cases and complaints against mandatory instruction;
3. abolishing the higher prosecutor's office's competence to supervise the work of the lower prosecutor's office;
4. limitation of competencies of the Supreme Prosecutors;
5. limitation of the mandate of the head of prosecutor office (it could be only once);
6. introduction of the public prosecutor's right to complain on the annual schedule;
7. options for temporary transfer are significantly reduced;
8. disciplinary liability and procedure are reformed in line with recommendations.

The role of public prosecutors as gatekeepers of the courtroom is a crucial aspect of the justice system. Public prosecutors play a key role in the criminal justice process, as they represent the state, initiate and conduct criminal proceedings, and ensure that justice is served. Their primary function is to seek the truth and uphold the rule of law.

CHALLENGES IN THE FIGHT AGAINST CORRUPTION

In relation to the fight against corruption, there are numerous challenges. One of the most important challenges is independence and impartiality in the decision-making process. Namely, the influence of external pressures, political interference, or corruption within the prosecutor's office can undermine the fight against corruption. Having in mind that the Venice Commission, as well as the European Commission, recognized that the constitutional and legislative framework that existed in Serbia prior to the Constitutional amendments from 2022 lacked guarantees of independence, the Prosecutors Association of Serbia would like to assess the effects of the new framework on the prosecutors work.

The constitutional and legislative framework is the only precondition for the independent work of public prosecutors and a successful fight against corruption. Establishing a track record will provide evidence for the positive impact of the new legislative framework. In that context, public prosecutors have to establish conviction rates for corruption cases, especially high corruption cases. The existing lack of successful prosecutions may indicate areas for improvement in the investigation, presentation of evidence, or legal strategy.

Addressing these challenges in practice requires a comprehensive approach, including legal reforms, capacity building, fostering international cooperation, ensuring the independence of the prosecution in the daily work, and enhancing public trust in the justice system. Additionally, the proper human resource strategy is also necessary to ensure the system is attractive to young professionals.

To address all challenges, informed decision processes are needed. The Prosecutors Association of Serbia conducted a survey with public prosecutors and organized round tables to collect relevant information on changes introduced by the new constitutional and legislative framework, as well as possible impacts on the processing of corruption cases.

More than 100 public prosecutors participated in the comprehensive survey. The majority of surveyed public prosecutors have experience with corruption cases. Specifically, **71 % of public prosecutors have experience handling corruption cases, while 97 % of public prosecutors believe there is corruption in Serbian society.**

Although prosecutors believe that there is corruption in Serbia, **91% of public prosecutors believe that prosecutorial response to corruption is inadequate and inefficient for suppressing corruption.** This position raises concerns since professionals are unsatisfied with the state's response to the corruption.

The PAS organized eight round tables across Serbia with public prosecutors from special departments for suppression of corruption and prosecutors from higher and basic prosecutor offices dealing with corruption and corruption-related cases. The purpose of the round tables was to discuss provisions of the new Law on Public Prosecution and its implications on the independence of work of public prosecutors, as well as its impact on the processing of corruption cases.

Based on the survey results and round table discussions, the Prosecutors Association of Serbia defined several areas for improvement. The following text describes each area of intervention that should lead to the effective implementation of the new legislation and better results in the suppression of corruption.



3 HOW CAN WE INCREASE THE SATISFACTION OF PUBLIC PROSECUTORS WITH THEIR PROFESSIONAL STATUS?

Both survey results and round table discussions revealed that a significant number of public prosecutors are not satisfied with their professional status. Survey participants have polarized views on satisfaction with their professional status. Only **3% of public prosecutors are very satisfied with their professional status, and 36 % are satisfied. However, 44 % of prosecutors are unsatisfied with their professional status, while 17 % do not want to comment.**

This is specifically important, having in mind the years of experience. **Almost 70% of survey participants have more than 10 years of experience as a public prosecutor.**

Increasing satisfaction with the professional status of public prosecutors, especially given the significant experience of a majority of survey participants, involves addressing various aspects related to their roles, working conditions, and overall professional environment.

Recognition and appreciation are some of the measures that could lead to increasing satisfaction. Findings from the roundtables show that there is no proper appreciation of the public prosecutor's profession in the general and professional public, which deters young people. Furthermore, providing resources for specialized training in areas of interest and relevance to the work of public prosecutors will also contribute to satisfaction. Establishing a clear and transparent career path with opportunities for advancement is also perceived as a road to improving professional status. Providing prosecutors with a degree of autonomy in decision-making within their legal responsibilities and respect for their professional status is important for prosecutors' perception of their status. By systematically addressing these aspects, legal authorities and organizations can contribute to a more positive and satisfying professional environment for public prosecutors. Regularly evaluating the effectiveness of these initiatives through surveys and discussions will help fine-tune strategies and ensure ongoing improvement.

HOW CAN WE MAXIMIZE THE APPLICATION OF THE NEW LEGISLATION
TO IMPROVE THE PROFESSIONAL STATUS OF PUBLIC PROSECUTORS?



4 HOW CAN WE MAXIMIZE THE APPLICATION OF THE NEW LEGISLATION TO IMPROVE THE PROFESSIONAL STATUS OF PUBLIC PROSECUTORS?

Although relevant changes in the legislation introduced in 2023 can improve the professional status of public prosecutors, other factors are also important. More than **70% of survey respondents believe that amendments to the laws could improve the status of public prosecutors**. Despite continuous reforms, public prosecutors perceive other factors as relevant for improving their status and, consequently, the success of prosecution as a service.

As factors influencing the status of public prosecutors, the survey respondents believe that **the relation of executive and legislative power towards judiciary is important (18 %)**, **the personal initiative of public prosecutors to protect own professional status (17 %)**, **the quality of work of the High Prosecutorial Council (16 %)** and **the general situation in the society (15%)**. Other factors are also important, such as **media (7 %)** and **salaries of public prosecutors (12 %)**.

The factors influencing the status of public prosecutors identified by survey respondents reflect a multifaced set of considerations. Addressing these factors comprehensively can contribute to a more positive and supportive environment for public prosecutors.

To address the relation of executive and legislative power towards the judiciary, it is important to continue to advocate for and support a clear separation of powers, emphasizing the independence of the judiciary. This should be achieved through provisions of the relevant bylaws and their application.

Public prosecutors' personal initiative to protect their professional status could be achieved by fostering a culture that values and rewards individual initiative within the professional standards framework. Furthermore, it is necessary to recognize and showcase examples of public prosecutors taking positive initiatives. This could be achieved through the High Prosecutorial Council practice and statements of the "commissioner for autonomy", as well as by promotion in the process of confidential counseling.

The quality of work of the High Prosecutorial Council (HPC) could be improved by enhancing transparency and accountability in the operations of the HPC and establishing mechanisms for feedback from public prosecutors regarding the functioning of the Council.

In relation to media, it is relevant to develop communication strategies to promote accurate portrayals of the work of public prosecutors and engage with the media to provide information on the challenges and successes of the profession.

Understanding the interplay of these factors is crucial for creating an environment where public prosecutors feel empowered, valued, and supported in their professional roles. Regular communication between authorities, legal bodies, and public prosecutors can help identify evolving concerns and facilitate ongoing improvements in the system.



5 NEED TO FULLY IMPLEMENT PROVISIONS ON THE LIMITATION OF THE HIERARCHY

As highlighted in the introduction, the new Law on Public Prosecutors introduced a range of measures with the aim of limiting possibilities for internal undue influence through the hierarchy. Public prosecutors have high expectations from introduced reforms, especially in relation to the limitation of hierarchy. Specifically, **86% of public prosecutors believe that the abolition of the monocratic system and the powers of the Supreme Public Prosecutor will have an impact on the strengthening of professional autonomy in their work. 93% of public prosecutors believe that the introduction of the definition of undue influence will improve the autonomy of public prosecutors. In comparison, 92% of public prosecutors consider that prohibition of abuse of hierarchical powers of superior prosecutors will have effects on strengthening the professional position of public prosecutors.**

However, the expectations from the novelties introduced in relation to the issuing of mandatory instruction are limited. Only **58% of public prosecutors believe that prosecutors will be encouraged to present their opinion in the specific case.** In contrast, the head of the prosecutor's office will be more cautious in issuing mandatory instructions. **14% of public prosecutors expect that the number of mandatory instructions will decrease in the future due to introduced changes. In comparison, 10% of public prosecutors believe that the number of complaints about mandatory instruction will increase.**

It is the same position public prosecutors have in relation to the newly introduced right to submit a complaint to the High Prosecutorial Council against the decision on an annual schedule. Although this novelty will directly tackle problems identified in the EU progress report in relation to the transfer of public prosecutors from one department to another within the same public prosecutor office,³ public prosecutors are not sure that legislative changes will

make their position similar to the position of the judge. However, **75% of public prosecutors believe that some changes will happen, but only if public prosecutors will exercise their rights and submit complaints and, depending on the practice of the High Prosecutorial Council.**

The call for the full implementation of provisions on the limitation of hierarchy in public prosecution suggests a desire to enhance independence and prevent undue influence within the prosecution system.

Round tables reveal that now when the legal framework clearly outlines and emphasizes the limitations on hierarchical interference within the public prosecution, training and awareness among public prosecutors are needed. Training programs and awareness campaigns for public prosecutors and relevant stakeholders to understand the importance of limiting hierarchical influence and the potential consequences of violating such limitations should be developed and organized. Public prosecutors recognized that they were not aware of all protection mechanisms incorporated in the Law. In addition, discussions during round tables stressed that public prosecutors should be encouraged to report undue influence and use other guarantees introduced by Law. Furthermore, there is a need to strengthen the High Prosecutorial Council and its bodes responsible for deciding on complaints and reacting in cases of undue influence.

To regain citizens' trust in the prosecution service, a public awareness campaign should be organized to raise public awareness about the importance of an independent and impartial prosecutorial system, emphasizing how limitations on hierarchy contribute to a fair and just legal system.

It is essential to create an environment where prosecutors feel secure in their independence and are empowered to uphold the rule of law without undue influence.

3 *Serbia 2023 Report "The transfer of two deputy public prosecutors from the Special Department for Suppressing Corruption of the Higher Public Prosecution to the General Crime Department in Belgrade, which took place without proper justification, was contested by the prosecutors themselves and led to widespread criticism. The disciplinary charges, filed by the two (deputy) prosecutors against their superior who transferred them without justification, were dismissed in June by the HPC disciplinary prosecutor as, according to the legislation of that time, there was no rule asking for proper written justifications in such instances. The deputy prosecutors had been working on corruption and money laundering cases related to the state-owned Electric Power Company of Serbia (EPS). The transfer was made in the middle of the investigation and after the arrest of suspects. Even if the HPC Commissioner for Independence assessed that the transfer was conducted in accordance with the law, it noted that the transfer should not have taken place during the proceedings of such a high-profile case. The new legislation implementing the 2022 constitutional amendments has now introduced safeguards in relation to mandatory instructions and the reallocation of work within the Public Prosecutor's Office."*

6 NEED TO STRENGTHEN THE PROFESSIONAL CONDUCT OF EACH INDIVIDUAL PUBLIC PROSECUTOR

One of the important novelties introduced by the new Law on public prosecution is the abolition of the obligation of public prosecutors to justify their decisions as case handlers to the head of the public prosecution office.

After more than 6 months of implementation of the new Law, only **9%** of public prosecutors identified that there is a difference in the practice and that they are not reporting each specific case and decision to the head of the public prosecutor's office. **20%** of public prosecutors do not expect that any changes will occur in the future, while **42%** of public prosecutors believe that the effects of this change will depend on each individual public prosecutor and their readiness to exercise this new right.

The abolition of the obligation for public prosecutors to justify their decisions to the head of the public prosecution office represents a significant change in the dynamics of the prosecutorial system. The effects of this normative solution depend on the professional conduct of each individual public prosecutor.

To strengthen the professional conduct of each public prosecutor in light of this change, it is important to offer guidance on exercising the new right, emphasizing ethical considerations and the need for responsible decision-making. The round tables discussions disclosed that many public prosecutors are now aware of this change, while those who are aware are not empowered to change practice if the head of the public prosecution office did not change it.

Furthermore, to ensure that this rule is applied in the practice, it is necessary to establish internal oversight mechanism to monitor impact of the change in reporting practice. The oversight mechanism should be accompanied by periodic reviews to ensure that the newfound discretion is exercised responsibly and in line with legal and ethical standards.

In addition to oversight mechanisms, clear and transparent guidelines for public prosecutors regarding the exercise of their new reporting rights should be developed. The guidelines should clarify the instances where reporting or consultations may still be advisable to ensure accountability.

To ensure application in the practice leadership support should be ensured. Leadership within the public prosecution office should support and uphold the principles of responsible decision-making without reporting each and every individual case to the head of public prosecution office. Leaders should be encouraged to lead by example and demonstrate a commitment to ethical conduct.

By incorporating these measures, the public prosecution office can work towards strengthening the professional conduct of individual public prosecutors in the context of the revised reporting requirements. Regular monitoring and adjustments will be essential to ensuring a smooth transition and upholding the integrity of the prosecutorial system.



7 FULLY USE PROVISIONS ON LIMITATION OF TEMPORARY TRANSFER OF PUBLIC PROSECUTORS

Temporary transfer of public prosecutors was one of the challenges in the previous period, especially in relation to the special departments for the suppression of corruption. A significant number of public prosecutors were temporarily transferred from basic prosecutor offices to the special departments in the higher prosecutor office. This was perceived as a mechanism of undue influence on these public prosecutors. To prevent abuse of this instrument and possibilities of undue influence, the Law on public prosecution limited possibilities for the use of this instrument (i.e., the temporary transfer is not possible anymore to the higher prosecutor office).

60% of public prosecutors believe that the limitation of the use of temporary transfer will have a significant effect in the future, while **37%** of public prosecutors expect limited effects and believe that the number of transferred prosecutors will decrease in the future.

To fully utilize the provisions on the limitation of the temporary transfer of public prosecutors and address the challenges associated with it, there is a need to communicate the changes in the law and the limitations on temporary transfers effectively to the entire prosecutorial staff. As it is proposed for other novelties, it will be valuable to establish a monitoring mechanism to track and assess the use of temporary transfers within the prosecutors' office. Furthermore, regular reviews should be implemented to ensure compliance with the new limitation and identify any potential issues. A regular assessments should be conducted to evaluate the impact of the limitation on temporary transfers. Assessment should include the collection of feedback from public prosecutors to identify any challenges or areas for improvement.

By implementing these strategies, the prosecutor's office can work towards fully using the provisions on the limitation of temporary transfer, mitigating the risk of undue influence, and preserving the independence and integrity of the prosecutorial function. Regular evaluation and adjustments will be crucial to maintaining the effectiveness of these measures over time.

WHAT IS NEEDED FOR AN EFFICIENT FIGHT AGAINST
CORRUPTION?



8 WHAT IS NEEDED FOR AN EFFICIENT FIGHT AGAINST CORRUPTION?

88% of public prosecutors believe that new legislative solutions in relation to the professional status of public prosecutors will contribute to the fight against corruption. It seems that internal hierarchy and internal undue influence were the biggest obstacles to the successful fight against corruption.

However, the new provisions on the election of head of public prosecutors and removal of the Government and National Parliament from the procedure are not perceived as significant contributors to the fight against corruption. **21%** of public prosecutors do not expect new solutions to contribute to the efficiency and effectiveness of the fight against corruption. One of the reasons for this hesitant opinion of public prosecutors is that **28%** of public prosecutors believe that political influence will find a way to influence the High Prosecutorial Council in the process of selection of public prosecutors, while **37%** believe that changes will depend on the mode of operation of the High Prosecutorial Council.

To enhance the efficient fight against corruption, it is essential to address the concerns raised by public prosecutors regarding internal hierarchy, internal undue influence, and potential political influence on the High Prosecutorial Council.

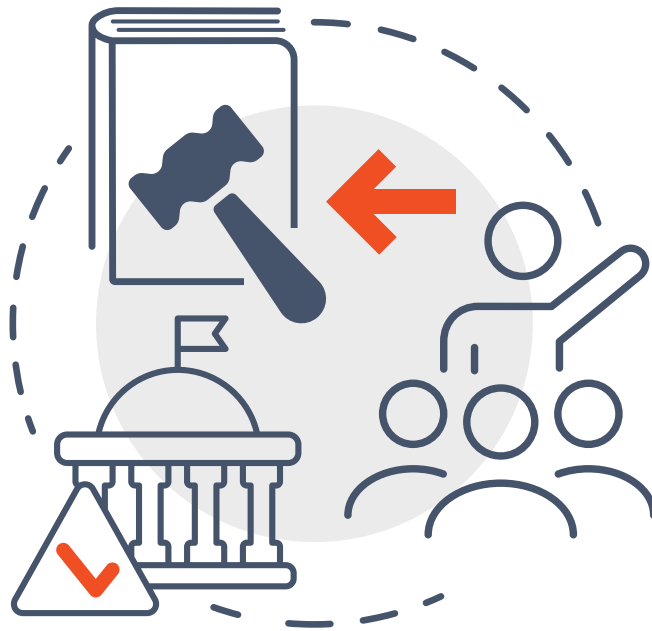
Internal mechanisms need to be strengthened. Specifically, implement the measures to strengthen internal mechanisms with the public prosecutor's office, ensuring that internal hierarchies do not influence decisions and actions. Furthermore, transparent and accountable process for case assignment, decision-making, and professional evaluations.

It is necessary to take measures to safeguard the independence of the High Prosecutorial Council from political influence. Criteria and procedures for the selection of public prosecutors should be clear. Establishing clear criteria and procedures for selecting public prosecutors, minimizing the potential for external interference. Furthermore, the selection process of the head of public prosecutors should be transparent to build public and internal confidence.

Regular assessments should be conducted to evaluate the effectiveness of anti-corruption measures. Findings should be used to make data-driven improvements and adjustments to existing mechanisms. Legislation should be continuously reviewed and updated legislation related to the professional status of public prosecutors to address emerging challenges and enhance their role in the fight against corruption.

A robust monitoring and evaluation system should be established to assess the impact of new legislative solutions on the fight against corruption. Feedback from public prosecutors should be collected to make informed adjustments.

Addressing internal challenges, ensuring the independence of the High Prosecutorial Council, and building a comprehensive strategy that involves various stakeholders will contribute to a more efficient and effective fight against corruption within the prosecutor's office.



9 IMPROVE COOPERATION BETWEEN POLICE AND PUBLIC PROSECUTORS TO ENSURE SUCCESS IN THE FIGHT AGAINST CORRUPTION

94% of public prosecutors believe that changes in regulating the relationship between police and public prosecution will contribute to the efficiency of the fight against corruption.

The establishment of a “prosecutorial police” is perceived among the majority of public prosecutors as a good approach to improving the cooperation between police and public prosecutors, while another solution is the introduction of investigators within the prosecution system. Both approaches have positive and negative sides, and there are examples from the Western Balkan region of the success and failure of these reforms.

The establishment of prosecutorial police could be done in different ways. However, it is important that dedicated officers within the police force work closely with prosecutors while coordination will be enhanced, investigation streamlined, and information sharing will be timely. To achieve that, the roles, responsibilities, and powers of prosecutorial police should be defined.

In relation to introducing investigators within the prosecution system, presenting ingrati of investigative capacity within the prosecution. To accomplish that, a framework for the selection, training, and supervision of investigators within the prosecution should be established.

A legal framework should be established defining the relationship, roles, and responsibilities between police and public prosecutors. This legislative framework could be on the level of bylaws to incorporate all relevant details of police and public prosecutor’s cooperation.

To ensure uniform framework across the country, protocols for sharing information between police and prosecution should be developed. Furthermore, a secure and efficient system for exchanging evidence, case updates, and relevant intelligence should be implemented.

In addition, a mechanism for resolving conflicts or disagreements between police and prosecutors should be established. International best practices in police-prosecutor cooperation from jurisdictions with successful anti-corruption efforts should be adopted and applied.

By implementing these steps, the synergy between police and public prosecutors can be enhanced, contributing to a more effective and successful fight against corruption.



10 IMPROVEMENT OF THE NORMATIVE FRAMEWORK

To ensure an effective fight against corruption, the Law on the organization of and competencies of state institutions in the fight against organized crime, terrorism, and corruption should be amended. Amend the Law to concentrate the competence of the special departments for suppression of corruption (POSK) for all corrupt criminal acts and exclude the lightest criminal offenses against the economy from the POSK's competence. It would ensure efficiency to grant exclusive jurisdiction to the POSK for all criminal acts against official duty and to extend the POSK's jurisdiction to cover the most serious crimes against the economy, including tax evasion.

The existing organizational structure is burdened by the insufficiently specified organizational position of POSK in the repressive system of the fight against corruption. It is necessary to clarify and strengthen the organizational position of the POSK in the repressive system of the fight against corruption and clearly define the roles, responsibilities, and coordination mechanisms with other relevant institutions.

The selection/appointment of POSK judicial office bearers should be transferred to the High Prosecutorial Council, not by the annual schedule of the head of public prosecutor offices. The assignment must be made for a mandate that ensures consistency, security, autonomy, and independence, lasting at least six years.

It is necessary to provide all POSK departments with at least one financial forensic scientist, along with the amendment of the Act on the systematization of the workplace in the prosecutor's office, as well as an adequate salary that will incentivize experts in this field to work in prosecution. It is necessary to clearly prescribe the procedural role of the financial forensic expert in the Criminal Procedure Code (e.g., whether he can be questioned).

By incorporating these recommendations, the legal framework and operational effectiveness of POSK can be strengthened, contributing to a more robust and successful fight against corruption.

STRENGTHEN CAPACITIES OF PUBLIC PROSECUTORS

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To enhance the effectiveness of the fight against corruption, it is important to ensure further specialization of judges, prosecutors, and associates of the POSK through advanced training. In relation to the use of evidence, encourage prosecutors to use demonstrative evidence more extensively during preliminary hearings, opening statements, and main trials where technical prerequisites exist.

To establish a track record in the seizure of assets, public prosecutors should apply the Law on the seizure of assets consistently and initiate the procedure of seizure and 'extended' confiscation of property when the conditions for this have been met.

One of the preconditions for the proper functioning of the special departments is adequate staffing. The POSK should have an adequate number of public prosecutors and employees to process all criminal charges effectively. Furthermore, the round table discussions reveal the challenge of the lack of interest of public prosecutors to work in the special departments. It is necessary to implement measures to motivate the best prosecutors to join POSK (i.e., career advancement opportunities and recognition of outstanding performance).

Implementing these recommendations could contribute to building a more effective and specialized prosecutorial system focused on the suppression of corruption and economic crimes.



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