

Bulletin



Prosecutor's Office of Bosnia and Herzegovina

Sarajevo /// May 2013 /// Issue No. 1



10 years of existence

Cooperation of the Prosecutor's Office of BiH with the BiH Institutions

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Establishment and background of the Prosecutor's Office

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Message of the Chief Prosecutor

Dear citizens,

At the beginning of 2013 the Prosecutor's Office marks the tenth year of its work and existence.

In the past period, together with other judicial institutions and law enforcement agencies, this institution invested huge efforts in prosecuting those suspected and accused of the most serious criminal offences, including organized crime and war crimes.

Following the work of the Prosecutor's Office the citizens could note that this institution is determined to fight against organized crime, corruption and terrorism, and to prosecute perpetrators of war crimes with the view of establishing the rule of law and creating a safer environment for all citizens of Bosnia and Herzegovina and future generations.

As the Chief Prosecutor of the Prosecutor's Office of BiH I assure you that I will invest maximum efforts in strengthening both this institution and cooperation between

judicial and security institutions in Bosnia and Herzegovina with a view of making the fight against all types of crimes falling within the responsibility of the Prosecutor's Office of BiH more efficient.

Furthermore, in the next period the Prosecutor's Office will continue undertaking extensive activities aimed at implementing the National War Crimes Strategy in order to solve as many war crime cases as possible in future and to bring responsible individuals to justice.

In the years to come we will be in the process of advancing on the road to European integration, which requires a more efficient engagement of judicial and police institutions, more efficient fight against all types of crimes as well as establishment of the rule of law and a state in which the citizens respecting the law will feel safe and protected, while offenders and criminals will not be able to escape with impunity.



In the period to come I will insist on a more intensive fight against corruption, especially in cases of corruption which involve high level officials, as well as in cases of abuse of office and cases involving huge illicit gains.

A recently held structured dialogue meeting on judicial reform between the EU and BiH resulted with a set of recommendations that envisage an enlargement of the BiH Prosecutor's Office capacities, especially those of the Special Department for War Crimes, as well as a relocation of the Prosecutor's Office of BiH to a new building where the Prosecutor's Office will be the only occupant.

These steps will expedite our work and enhance the efficiency in handling of the cases.

Activities pertaining to the fight against organized crime will also be more intensified focusing on crimes which seriously jeopardize the public safety and harm the young population, such as illegal trafficking in narcotic drugs and other serious criminal offences.

In the next period the Prosecutor's Office will strengthen the cooperation with all police and judicial agencies in Bosnia and Herzegovina, and strengthen cooperation with police and judicial agencies in the region and the European Union countries, given that the



■ Mr. Goran Salihović, Chief Prosecutor, and Mr. Serge Brammertz, ICTY Chief Prosecutor



■ Mr. Goran Salihović, Chief Prosecutor, and Ms. Mary Ann Hennessey, Head of the Council of Europe Office in Bosnia and Herzegovina



■ Visit of the delegation of the Office of the War Crimes Prosecutor of the Republic of Serbia



■ Mr. Goran Salihović, Chief Prosecutor, and Mr. Mladen Bajić, Chief State Attorney of the Republic of Croatia

case processing in the past few years indicated that the criminal dealings often exceed the borders of one country, while organized criminal groups often include citizens of several countries.

Intensified activities have been on the way to strengthen regional cooperation in war crimes processing. To this end, the Prosecutor's Office of BiH and the prosecutor's offices of the neighbouring countries signed protocols on war crimes cooperation.

We are faced with the tasks and activities which should, in the period to come, help Bosnia and Herzegovina in improving the security situation and creating an environment that will facilitate the progress of our country towards the future membership in the Euro-Atlantic Integration.

Please rest assured that in the future the Prosecutor's Office of Bosnia and Herzegovina will intensify its work seeking to achieve an overall progress in the realm of judiciary and safety and rule of law for all citizens of Bosnia and Herzegovina.

This bulletin-brochure is intended to provide the public with more details about the Prosecutor's Office of BiH, this judicial institution's background, its internal organization, the manner in which it operates and about the cooperation maintained with the law enforcement agencies, citizens and local communities.

We hope that this bulletin will provide an abundance of useful information about the Prosecutor's Office of BiH, its mission and role in establishing the rule of law in future.

Sincerely,

Goran Salihović
*Chief Prosecutor of
the Prosecutor's Office of BiH*

News

Chief Prosecutor of the Prosecutor's Office of BiH in an official visit to the United States of America

Main topics of the discussions between the Chief Prosecutor and high-ranking officials of the US judiciary and police include strengthening of capacities for the fight against corruption and organized crime, as well as for prosecution of war crimes in BiH, and regional and international cooperation among prosecutors.

The Chief Prosecutor of the Prosecutor's Office of BiH, Mr. Goran Salihović, is visiting the United States of America, and during this visit he will meet the highest-ranking officials of judicial and security institutions in the USA.

The Chief Prosecutor of the Prosecutor's Office of BiH had a meeting in Washington with Mr. James Cole, United States Deputy Attorney General. The United States of America reiterated its support to the Prosecutor's Office of BiH in prosecution of war crimes, corruption, organized crime and terrorism at these meetings.

During his visit to Washington the Chief Prosecutor of the Prosecutor's Office of BiH also had a meeting with Mr. Stephen Rapp, US Ambassador-at-Large for War Crimes Issues, who emphasized his support to the strengthening of regional cooperation and assisting in enhancement of prosecutorial capacities in the context of a more efficient prosecution of war crime cases.



During the visit to the U.S. Department of State, the Chief Prosecutor of the Prosecutor's Office of BiH also talked to Mr. Jonathan Moore, Deputy Assistant Secretary to the Office of South Central European Affairs. Mr. Moore explicitly noted that there were no obstacles, only unreserved support of the Government of the United States of America to the prosecution of persons suspected of and indicted with crimes of corruption, organized crime and terrorism.

Chief Prosecutor of the Prosecutor's Office of BiH also talked to Mr. William R. Brownfield, Director of the Bureau of International Narcotics and Law Enforcement Affairs. In the course of their discussions they identified important areas for cooperation and strengthening of prosecutorial capacities in several segments, which are of a particular importance to the implementation of the rule of law. ■



■ Mr. Goran Salihović, Chief Prosecutor, and Mr. James Cole, United States Deputy Attorney General



■ Mr. Goran Salihović, Chief Prosecutor, and Mr. Stephen Rapp, United States Ambassador-at-Large for War Crimes Issues



■ Mr. Goran Salihović, Chief Prosecutor, and Mr. William R. Brownfield, Director of the US Bureau of International Narcotics and Law Enforcement Affairs

Interview with Goran Salihović

There is no alternative to independent judiciary

„We have to believe that judiciary is the third pillar of the authority, that we are fully equal, that we must be equal with the executive and judicial authority, and there is no dilemma about it.“

Chief Prosecutor of the Prosecutor's Office of Bosnia and Herzegovina, Goran Salihović, met with the high-ranking officials of the US judicial and security institutions in Washington. Certainly, the most important talks were with the USA Deputy Attorney General, James Cole, the USA Ambassador for War Crime Issues, Stephen Rapp and Director of the Bureau of International Narcotics and Law Enforcement Affairs, William Brownfield.

The key topics, depending on the collocutors, included further prosecution of war crime cases, fighting corruption and organized crime and preservation of independence of the judicial system in Bosnia and Herzegovina.

The discussions about these issues stressed the practical purpose of the Chief Prosecutor's visit. In that regard Mr. Salihović stated:

„Basically, the purpose of my visit was to present the state of the judiciary in BiH, to inform the relevant USA officials about the situation in the Prosecutor's Office of BiH, to request financial, material and moral support, in other words, to ask them to help the BiH judiciary, especially the Prosecutor's Office in their efforts to deal with war crimes and to fight against organized crime, human trafficking and corruption.“

Support and readiness of the USA to render the necessary assistance was especially strong in respect of prosecution of those who committed war crimes in the territory of the former Yugoslavia. Talking about that, Mr Salihović pointed out the following:

„The time is running out. Twenty years have elapsed from the beginning of the war. Some victims have died, some perpetrators have died, and the public has its expectations, the International community and European Union have expectations, we all want to see this process brought to an end. The Hague Tribunal is also closing down, and although we have transferred certain number of cases to



■ Interview for the "Voice of America"

the entities, I believe that the solution is in strengthening the capacities of the Prosecutor's Office for prosecution of war crimes. In that regard we have already obtained agreement of the European Commission. Regional cooperation is crucial and this has received support here in the States. That concerns the agreement for prosecution of war criminals that we concluded with Serbia. On 3 June we will conclude such an agreement with the Republic of Croatia. I plan to conclude an agreement along this line with Montenegro too. They strongly support that. Hence, we are using all possibilities to bring to justice all those who committed crimes.“

The Budimir case, the most recent among a number of corruption cases with prominent politicians and officials in Bosnia and Herzegovina as suspects, gave rise to the question to which extent the Prosecutor's Office and the judicial system as a whole are ready and competent to fight against that evil:

„As far as our willingness and readiness to work are concerned, we will work. But we have to be realistic in view of the lack of sufficient capacities. We also have to be realistic in respect to work capacity of lower instances. I think that they especially lack the capacity. As far as we are concerned, I assure you that we are able to prosecute any perpetrator, that everybody is equal before the law, that we will start the procedure if we have evidence, while we will not do so if we don't have evidence, no matter who requests the prosecution. This means that we cannot and do not want to bring charges against any-

body if we don't have evidence. If we have evidence we will do it, and that should be clear to everybody. As far as the Prosecutor's Office is concerned I can say with full responsibility that we are not exposed to political pressure of any kind, that we are not exposed to any pressure at all, and that we perform our duties in regular circumstances. The only pressure, if we can use this qualification, is the financial pressure, but we are all affected by this problem. We have to share the destiny of all BiH citizens.“

In response to our question regarding the interest of the States in preservation of independence and further promotion of the BiH judicial system and the Prosecutor's Office and the general necessity to maintain the independence of the system, Mr Salihović said:

„That is not questionable. That support exists and the USA officials do support the independent judiciary, independent appointments and dismissals, they support what the European Union and European Commission insist on, that appointments of the prosecutors and court presidents must be independent. I also maintain that at this moment we cannot have political courts or political prosecutor's offices, which would take us back to the period of 20 years ago. We have to believe that judiciary is the third pillar of the authority, that we are fully equal, that we must be equal with the executive and judicial authority, and that there is no dilemma about it. That is the standard from which it is easy to depart but If we want to join the European Union and if we want to move forward, we will have to reach that standard again. When we move closer to the membership of the European Union BiH will be required to have independent judiciary. Much has been invested in the BiH judiciary to let the whole effort fail.“ – Goran Salihović, Chief Prosecutor of the Prosecutor's Office of Bosnia and Herzegovina, stated at the end of the interview for the Voice of America. ■

New Rulebook of the BiH Prosecutor's Office approved at the session of the HJPC

At the HJPC session held on 19 April 2013, a decision to increase the number of Prosecutors in the Prosecutor's Office of BiH by 12 additional Prosecutors was made. Subsequently, at the session held on 23 April 2013, the new Rulebook of the Prosecutor's Office of BiH was approved. That enabled an increase of the BiH Prosecutor's Office capacities and employment of additional 12 prosecutors whose appointment is intended to strengthen the Prosecutor's Office of BiH, especially for prosecution of war crime cases.

Additional capacities that increase the number of prosecutors and other necessary staff will provide for a more efficient work of the Prosecutor's Office. Also, the relocation of the Prosecutor's Office of BiH into a new building is expected to take place in the near future, which will ensure adequate work conditions of all employees.

The Prosecutor's Office of BiH continues enhancing its capacities, all with a view of strengthening the rule of law in Bosnia and Herzegovina on the path of our country to the European integration.

IT IS EXPECTED THAT THE PROTOCOL ON COOPERATION IN WAR CRIME CASES BETWEEN THE PROSECUTOR'S OFFICE OF BiH AND THE STATE ATTORNEY'S OFFICE OF THE REPUBLIC OF CROATIA WILL BE SIGNED IN EARLY JUNE.

A visit of the State Attorney General of the Republic of Croatia, Mladen Bajić, to the Prosecutor's Office of Bosnia and Herzegovina is planned for the beginning of June 2013, when a Protocol on Cooperation in Prosecution of War Crime Cases between these prosecutor's offices will be signed.

A similar protocol with the Office of the War Crimes Prosecutor of Serbia was signed in Brussels a few months ago, hence the signing of the protocol with the State Attorney's Office of the Republic of Croatia will significantly improve the prosecution of war crime cases, especially those involving suspects who are citizens or residents of both BiH and the Republic of Croatia.

It is planned that the Protocol with the State Attorney's Office of the Republic of Croatia be signed on 3 and 4 June in the presence of the European Commission officials in Sarajevo.

The International Community, the USA and the European Union support the strengthening of regional cooperation among the prosecutor's offices in the prosecution of war crime cases and strengthening of the rule of law in the countries of the region. ■



Chief Prosecutor and employees of the Prosecutor's Office of BiH were presented with the FBI recognition awards for their contribution in the fight against terrorism

Activities of the Chief Prosecutor

Chief Prosecutor and employees of the Prosecutor's Office of BiH were presented with recognition awards of the Federal Bureau of Investigation (FBI) for their contribution to the fight against terrorism

U.S. Ambassador to BiH - H. E. Patrick Moon presented the Chief Prosecutor of the Prosecutor's Office of Bosnia and Herzegovina, one Prosecutor, one Investigator, one Legal Officer and a Legal Advisor of the Prosecutor's Office of BiH with recognition awards of the Federal Bureau of Investigation (FBI) for their contribution to the fight against terrorism and their engagement in prosecution of the perpetrators of the October 2011 attack on the U.S. Embassy in Sarajevo.

Ambassador Moon expressed his gratitude to all persons who helped in handling of this case at the award ceremony.

Recognition awards were presented to the following persons:

- Chief Prosecutor
Goran Salihović,
- Prosecutor
Dubravko Čampara
- Legal Advisor
Adna Dobožlić-Ucoglan,
- Investigator
Mujo Smajlović, and
- Legal Officer
Mirsad Crnovršanin.



Chief Prosecutor met with representatives of the EU delegation in BiH

Some of the topics that were discussed at the meeting concerned international support within the IPA-2, efforts to strengthen the capacities of the Prosecutor's Office of BiH and possible donor assistance in carrying out the necessary activities.

Chief Prosecutor Salihović met with the EU Delegation in BiH team represented by Mr. Holger Schroeder, Mr. Severin Strohal and Ms. Una Kelly.

The IPA project of the European Union, within which the assistance to BiH institutions is provided, particularly the section related to prosecution of war crimes, was discussed at the meeting as well as IPA-2 project, which will be implemented during the 2014-2020 period and which also anticipates support to the judicial institutions with an emphasis on the fight against corruption.

The meeting was convened to resume previous discussions on the issue of operational assistance to the Prosecutor's Office of BiH through projects of the EU Delegation in BiH.

It was pointed out that some of the priorities in the future will be to secure required capacities, increase the number of prosecutors and ensure greater efforts and involvement in the process of tracing and identifying the missing persons.

The possibilities of international donor assistance in the process of strengthening the institution of the Prosecutor's Office of BiH in terms of both human and material resources were also discussed at the meeting with the aim to improve the effi-



ciency in prosecution and enhance the rule of law in Bosnia and Herzegovina on its path towards the progress in European integration.

Chief Prosecutor emphasized that estimates indicate that in accordance with the established standards, in view of the current number of war crime cases pending in the Prosecutor's Office, this judicial institution requires 240 prosecutors. "We are well aware that we can not get that many, but the appointment of 20 new prosecutors would greatly speed up the processing of cases," - Salihović stated.

The need for coordinated efforts of the Prosecutor's Office and the Court of BiH in carrying out of these activities was stressed at the meeting because the increase of capacities in

one institution would be reflected in an increase of caseload in both institutions.

It is also important to note that the new Rulebook on Internal Organization of the Prosecutor's Office of BiH, which was adopted at the HJPC's session held on 19 April 2013, provides for a greater number of investigators and legal officers in the Prosecutor's Office of BiH which should expedite investigations of war crime cases, which is in line with the recommendations of the structured dialogue on the judicial reform between the EU and BiH.

More investigators and legal officers working together with prosecutors shall largely improve the efficiency given that the investigations require a lot of time and activities before a prosecutorial decision can be made.

The Prosecutor's Office of BiH emphasizes that the planned increase in capacities, and relocation to a new building in which the Prosecutor's Office will be the only occupant, will greatly contribute to the efficiency in prosecution of war crimes and organized crime. ■



Chief Prosecutor of the Prosecutor's Office of BiH met with the Chief Prosecutor of the International Criminal Tribunal for the former Yugoslavia (ICTY)

Chief Prosecutor of the Prosecutor's Office of Bosnia and Herzegovina - Mr. Goran Salihović and Officials of the Special Department for War Crimes within the Prosecutor's Office of BiH met with the Chief Prosecutor of the ICTY OTP - Mr. Serge Brammertz and his associates.

Mutual cooperation in prosecution of war crimes was discussed at the meeting.

The recommendations of the European Commission issued within the framework of the structured dialogue meeting on judicial reform held on 8 and 9 April 2013 in Brčko, which emphasize the need for an adequate and timely allocation of the necessary financial and human resources for the prosecution of war crimes were also discussed at the meeting, as well as the fact that progress has been made in the process of transferring war crime cases to the entities and Brčko District.

The need for independence and integrity of the prosecutors, as well as the process of appointing prosecutors, was also highlighted as one of the priorities for the professional carrier of those holding prosecutorial functions.

Chief Prosecutor Salihović informed the Chief Prosecutor Brammertz about the activities and efforts on strengthening the capacities of the Prosecutor's Office of BiH, in terms of both human and material

resources, undertaken with the view of expediting the work on war crime cases, which were also supported by the associations of victims in BiH.

The Prosecutor's Office of BiH plans to enhance its capacities in future with additional 20 prosecutors and Chief Prosecutor Brammertz, supported the efforts of the Prosecutor's Office of BiH to strengthen the capacities in order to boost the efficiency in processing of complex war crime cases and cases which were transferred by the ICTY at the investigation stage.

Prosecutor Brammertz also called for heightened activities and more efficient processing of cases that were transferred from the ICTY.

Chief Prosecutor Salihović stressed that he would request full commitment from the prosecutors working on war crime cases and would hold them responsible in case of underperformance. Relocation of the Prosecutor's Office of BiH to another building with adequate and sufficient space for work is planned in the near future, which will, along with the increased number of prosecutors, help to strengthen the capacities and improve efficiency in work. The recommendations of the European Commission regarding capital investments provide, among other things, for a construction of a maximum security state prison, as well as construction of future premises of the Prosecutor's Office of BiH.

The recommendations of the European Commission recall that the remaining backlog of complex war crime cases at the state level should be addressed as a priority. In doing so, the Prosecutor's Office of BiH must be provided with the necessary human and material resources.

Regional cooperation among the prosecutor's offices working on war crime cases was also discussed at today's meeting.

Regarding regional cooperation in prosecution of war crimes, crimes against humanity and genocide, the European Commission and the Hague Tribunal welcome and congratulate the respective authorities for the signing of the "Protocol on Cooperation in Prosecution of Perpetrators of War crimes, Crimes against Humanity and Genocide" between the Prosecutor's Office of BiH and the Office of the War Crimes Prosecutor of the Republic of Serbia. The Prosecutor's Office of BiH is encouraged to sign the protocol on cooperation with its Croatian counterpart as soon as possible.

One of the topics of the meeting concerned the effective implementation of the National War Crimes Strategy and attempts to expedite the case processing and set clear deadlines.

The process of transferring less complex war crime cases to the entity level and the judiciary of the Brčko District and overall improvement of efficiency of war crimes processing at all levels were also discussed.

From its inception, the Prosecutor's Office of BiH has had a good continuous cooperation with the ICTY Office of the Prosecutor, which is now in its 10th year of running, because these institutions have the same mission and goal and that is detection and criminal prosecution of the perpetrators of war crimes.

The staff of the two institutions has been in contact almost daily and today's meeting represents a continuation of the good cooperation, which will sustain in future. ■



■ Officials of the Prosecutor's Office of BiH at a meeting with the officials of the ICTY Office of the Prosecutor

Chief Prosecutor of the Prosecutor's Office of BiH Ambassadors of Austria and the Federal Republic

Chief Prosecutor of the Prosecutor's Office of BiH Goran Salihović and associates met with the Ambassador of the Republic of Austria to BiH.

Activities and capacities of the Prosecutor's Office of BiH in its work on organized crime, corruption and economic crime cases were discussed at the meeting.

Chief Prosecutor informed the participants about the efforts of the Prosecutor's Office of BiH in many complex cases relating to major abuses of office and the processing of several cases related to corruption offenses, which will be among the priorities of the Prosecutor's Office of BiH.

Prosecutor Salihović pointed out that the Prosecutor's Office of BiH is determined to stand against corruption and strengthen the rule of law, and that no one will be untouchable.

Developments related to the Hypo Alpe-Adria Bank in Bosnia and Herzegovina were also discussed where the Chief Prosecutor informed the attendees that the Prosecutor's Office was following the prosecution of this case before the entity courts and that the Prosecutor's Office requested and received sometime in mid April, a segment of the case relating to the Hypo Alpe-Adria Bank from the Federation Prosecutor's Office.

The Federation Police Department should in the following period submit documents relating to this case as well.



Chief Prosecutor pointed out that this case would be considered a priority because it affects the international reputation of BiH.

The Ambassador informed the Chief Prosecutor about instances of certain illegal fraudulent activities of persons from Bosnia and Herzegovina against other BiH citizens who apply for work visas i.e. citizens were asked for money to obtain a visa, suggesting that the BiH judiciary should investigate these illegal activities and noting that these persons were operating in several other countries apart from BiH.

Representatives of the Embassy of Austria commended the efforts of the Prosecutor's Office of BiH in the prosecution of organized crime and

corruption, and wished the Chief Prosecutor every success in his future endeavours.

The meeting emphasized the importance of implementing the recommendations of the structural dialogue on judicial reform. The guests from Austria pointed out that strengthening of cooperation among the prosecutor's offices in the region was essential for an efficient prosecution of war crimes, organized crime and corruption.

The importance of strengthening cooperation between the judiciary of Austria and BiH was also highlighted at the meeting.

Prosecutor Salihović stressed that the activities intended to strengthen cooperation with prosecutor's offices in the region were continuing, and that a protocol on cooperation in prosecution of war crimes will be concluded on 3 and 4 June 2013 between the Prosecutor's Office of BiH and the State Attorney's Office of the Republic of Croatia.

The meeting participants pointed out that the strengthening of the judicial institutions, judicial independence, the establishment of the rule of law and independence in the appointment of prosecutors were the core elements for the upcoming process of European integration of Bos-



received of Germany to BiH

nia and Herzegovina, attracting investments to Bosnia and Herzegovina and the progress and development of Bosnia and Herzegovina.

Chief Prosecutor informed the Ambassador about the latest activities of the Prosecutor's Office of BiH in the fight against organized crime and corruption, as well as the activities on the planned expansion of the capacities of the Prosecutor's Office of BiH and relocation to a new building with adequate capacities to accommodate all employees of the Prosecutor's Office of BiH.

Chief Prosecutor noted that more activities would be undertaken in future to boost the capacities for the prosecution of war crimes and that the Prosecutor's Office would be persistent in establishing the rule of law in Bosnia and Herzegovina.

The Prosecutor also emphasized that the capacity building of the Prosecutor's Office would impact its future results and that the support of the Government and the international community were necessary in order to promote the rule of law and independence of the judiciary.

Representatives of the German Embassy commended the efforts of the Prosecutor's Office of BiH in prosecution of organized crime and corruption, and wished the Chief Prosecutor every success in his future endeavours. ■



Chief Prosecutor of the Prosecutor's Office of BiH met with a delegation of the BiH Council of Ministers

Chief Prosecutor of the Prosecutor's Office of BiH - Goran Salihović, met with the delegation of the Council of Ministers of BiH, comprised of the Minister of Security of Bosnia and Herzegovina - Fahrudin Radončić and Minister of Foreign Trade and Economic Relations - Mirko Šarović.

Chief Prosecutor informed the Ministers about the activities of the Prosecutor's Office of BiH with regard to the signing of the protocol on cooperation with the Prosecutor's Offices of the neighbouring countries Serbia, Croatia and Montenegro aiming to facilitate the prosecution of criminal offenders located in the neighbouring countries.

The anticipated capacity increase of the Prosecutor's Office of BiH, as well

as its relocation to the new building was discussed. Chief Prosecutor informed the Ministers that the representatives of the associations of war crimes victims had supported the increase in the number of prosecutors and capacities of the Prosecutor's Office, at the recently held meetings, particularly in the Special Department for War Crimes.

The Prosecutor's Office of BiH cooperates with law enforcement agencies at the state level, such as the State Investigation and Protection Agency - SIPA, Border Police, the Directorate for Coordination of Police Bodies of Bosnia and Herzegovina, Service for Foreigners' Affairs, Interpol, as well as other agencies of the Ministry of Security on a regular basis.

Cooperation with the Ministry of Foreign Trade and Economic Relations is also important because it is within the jurisdiction of the Prosecutor's Office of BiH to prosecute criminal offenses related to Smuggling of Goods, Customs Fraud, Tax Evasion, Illicit Trafficking in Arms, Military Equipment and Dual-use Products, as well as other criminal offenses falling within the jurisdictions of the Ministry itself.

It was also agreed that cooperation between these institutions should be intensified in future, as it was crucial in view of the fact that Bosnia and Herzegovina would soon border with the European Union. ■



■ On 18 April 2013, the Chief Prosecutor met with Mr. Željko Komšić, member of the Presidency of Bosnia and Herzegovina

Chief Prosecutor met with a delegation of the Constitutional Court of BiH

Chief Prosecutor of the Prosecutor's Office of BiH - Goran Salihović, met with the delegation of the Constitutional Court of BiH led by President Valerija Galić and comprising judges Mato Tadić and Mirsad Ćeman, and Registrar Zvonko Mijan. The meeting was also attended by representatives of the Council of Europe.

The meeting was devoted to the problems of non-compliance with the decisions of the Constitutional Court of BiH, which may constitute a criminal offense.

The meeting participants pointed out that it was very important to abide by and enforce the decisions of the Constitutional Court and the rule of law in Bosnia and Herzegovina.

Chief Prosecutor informed the meeting participants that in order to resolve this problem he had taken actions and issued a general instruction to prosecutors in connection with cases related to the criminal offense of failure to enforce decisions of the Constitutional Court of BiH, with the view of reviewing the status of such cases and investigating and prosecuting individuals responsible, if



there were legal grounds to do so.

Chief Prosecutor informed the representatives of the Constitutional Court that investigations had been initiated in some of these cases.

The representatives of the Constitutional Court informed the Chief Prosecutor about a large number of cases of non-compliance with the decisions of the Constitutional Court, the complexity of these issues and the need to engage instruments that would enable the enforcement of the decisions addressing

these problems while responsible individuals i.e. legal entities or natural persons identified as those who obstruct the enforcement of the decisions, should be criminally prosecuted.

Chief Prosecutor stressed the importance of compliance with the decisions of the Constitutional Court and the European Court of Human Rights in Strasbourg, such as the decision in the Sejdić-Finci Case, and stated that the Prosecutor's Office would, along with the Constitutional Court of BiH, proceed with activities on the enforcement of the decisions which were mandatory for the bodies and institutions of Bosnia and Herzegovina

The meeting participants expressed their gratitude to the representatives of the Council of Europe who have been actively involved in efforts to resolve this issue and who have attended the meeting.

It was pointed out that the enforcement of the decisions of the Constitutional Court was an essential step on the path towards the European integration for Bosnia and Herzegovina. ■



Chief Prosecutor met with representatives of the OSCE mission handling anti trafficking activities

Chief Prosecutor of the Prosecutor's Office of BiH - Goran Salihović and Prosecutor of the Special Department for Organized Crime, Economic Crime and Corruption - Sena Uzunović, met the delegation of the OSCE Mission to Bosnia and Herzegovina consisting of Mr. Trefor Williams, Mr. Christopher Engels and Ms. Selma Zeković.

During the meeting discussions were held on prosecution of the criminal offenses of Trafficking in Persons, cooperation of the OSCE and the Prosecutor's Office of BiH in this segment, as well as the work on war crime cases.

Previous cooperation on cases was analyzed and the parties agreed on activities to maintain such cooperation in future as well as on support of the OSCE to the activities and efforts of the Prosecutor's Office of BiH. ■



TABULAR OVERVIEW OF THE BIH PROSECUTOR'S OFFICE ACTIVITIES IN CASES RELATED TO KNOWN PERPETRATORS OF CRIMINAL OFFENCES FOR THE PERIOD FROM 01. 01 TO 31. 12. 2012

Data on criminal reports are presented by persons/cases for the period from 01.01 to 31.12.2012

Type of case "Kt"	Unsolved criminal reports from previous years	Criminal reports received during the reporting period	Total number of criminal reports pending during the reporting period	Criminal reports resolved during the reporting period	Partially resolved criminal reports during the reporting period	Unresolved criminal reports at the end of the reporting period
COLUMN =	I	II	III (III=I+II)	IV	V	VI (VI = III-IV)
Economic crimes	780/217	1117/257	1117/474	609/208	0	1288/266
War crimes	2957/303	1729/248	4686/551	1402/205	0	3284/346
General crimes	387/103	399/153	786/232	441/158	0	345/74
Total	4124/599	3245/658	7369/1257	2452/571	0	4917/686

Table II: Data on investigations presented per persons/cases for the period from 01. 01 to 31. 12. 2012

Type of case "Kt"	Unresolved investigations from the previous years	Investigations ordered during the reporting period	Total no. of investigations pending during the reporting period	Total no. of investigations resolved in the reporting period	Partially resolved investigations during the reporting period	Number of unresolved investigations at the end of the reporting period
COLUMN =	I	II	III (III=I+II)	IV	V	VI (VI = III-IV)
Economic crimes	605/170	385/126	990/298	245/125	0	745/171
War crimes	1084/309	109/33	1193/342	318/111	0	875/231
General crimes	371/74	298/119	669/193	275/101	0	394/92
Total	2060/553	792/278	2852/833	838/337	0	2014/494



Establishment and background of the Prosecutor's Office

The idea and intention to establish the Prosecutor's Office of Bosnia and Herzegovina emerged during the post Dayton period, following the end of the conflict in Bosnia and Herzegovina. It was already clear at that time that apart from the judicial systems operating at the entity and the Brčko District levels Bosnia and Herzegovina needed judicial institutions which will operate at the level of the state of Bosnia and Herzegovina.

That was the time when the original initiatives for establishment of the state prosecutor's office and the court were made, aiming at integration of the judicial system of Bosnia and Herzegovina divided by the war.

The 1998 Declaration of the Peace Implementation Council (so called Madrid Declaration) envisaged the establishment of the BiH judicial institutions and foundation of the Prosecutor's Office of Bosnia and Herzegovina as a special BiH body tasked to work on establishment of the rule of law in our country as a precondition of the lasting peace, establishment of the rule of law and economic development in Bosnia and Herzegovina.

The purpose of setting up the Prosecutor's Office was to establish a body which would conduct investigations and prosecute perpetrators of the criminal offences under jurisdiction of the state of Bosnia and Herze-



govina providing, in that manner, for an efficient exercise of jurisdiction by the state of Bosnia and Herzegovina.

On 6 August 2002 the High Representative of Bosnia and Herzegovina issued a decision enacting the Law on the Prosecutor's Office of Bosnia and Herzegovina, which was adopted by the Parliament of Bosnia and Herzegovina in October 2003.

The first four national Prosecutors in the Prosecutor's Office of Bosnia and Herzegovina were appointed on 16 January 2002. The first International Prosecutor in the Special Department for Organized Crime, Economic Crime and Corruption within the Prosecutor's Office was appointed in March 2003. ■



Jurisdiction and authority of the Prosecutor's Office of Bosnia and Herzegovina

The authority of the Prosecutor's Office is stipulated in the Law on the Prosecutor's Office, Criminal Procedure Code and Criminal Code of BiH. The Prosecutor's Office of Bosnia and Herzegovina is a body responsible for conducting investigations of criminal offences under the jurisdiction of the Court of Bosnia and Herzegovina and for the criminal prosecution of perpetrators therein before the Court of Bosnia and Herzegovina.

The Prosecutor's Office of BiH is responsible for the criminal offences which cause harm to the values and institutes established by the state, such as the state borders, currency, tax and customs system, armed forces, and the state institutions.

Thus, the Prosecutor's Office is responsible for the criminal offences of smuggling of persons or goods, counterfeiting of money, tax evasion and customs fraud, criminal offences related to the election process and legislation, non enforcement of the Constitutional Court of BiH decisions, terrorism, abuse

of office or authority and lack of commitment in office which causes harm to the state institutions of BiH, as well as for other criminal offences stipulated by law. In addition, the Prosecutor's Office shall receive requests for international legal assistance in criminal matters in accordance with laws, multilateral and bilateral agreements and conventions.

With regard to analyses of the criminal situation, the Prosecutor's Office is in charge of drafting statistical survey of its activities, namely work reports, and information about criminal situation in Bosnia and Herzegovina, in which the Chief Prosecutor may propose legal reforms.

The Prosecutor's Office of BiH has a coordinating role in cooperation with the police and law enforcement agencies in Bosnia and Herzegovina, hence many joint police actions involving participation of several hundred police officers from a number of police agencies in BiH have been carried out upon the order of the Prosecutor's Office.

That occurs in cases involving criminal offences that exceed the entity and the Brčko District borders, and even the state borders. In such situations the police and judicial agencies from the region or even wider area work together.

In the past years the Prosecutor's Office participated in a number of international activities in which judicial institutions of several countries prosecuted perpetrators of the criminal offences of counterfeiting of money, smuggling of illegal immigrants, illicit trafficking in narcotic drugs and other criminal offences.

Except in war crime cases, which are under the jurisdiction of the Court of BiH, and the specific organized crime cases, the Prosecutor's Office does not supervise the entity prosecutor's offices or the Prosecutor's Office of the Brčko District, which function independently and have their own territorial and legal competence.

At the very beginning of 2003 only 4 prosecutors were working in the Prosecutor's Office of BiH, and by a gradual increase through new appointments and recruitments and establishment of the BiH Prosecutor's Office Departments, the Prosecutor's Office has reached its present capacities.

With a view of boosting the efficiency, and especially meeting the need to handle a huge backlog of war crime cases within reasonable deadlines, the Prosecutor's Office is conducting activities to enhance its capacities.

Furthermore, activities for providing a larger office space for the Prosecutor's Office of BiH have also been intensified, especially activities related to relocating to a larger building sufficiently spacious to accommodate all the employees and offer adequate work conditions.



A total of 37 prosecutors is currently working in the Prosecutor's Office. All prosecutors are citizens of Bosnia and Herzegovina, they are from all over the country and they are members of all constitutive peoples of the country, and of Others, which is in accordance with the Decision of the Court for Human Rights in Strasbourg in the case of «Sejdić-Finci».

When employing staff the Prosecutor's Office must observe the national balance in accordance with the 1991 census, a practice followed by other state institutions.

In addition, when appointing prosecutors, the High Judicial and Prosecutorial Council of BiH was also mindful of gender equality, thus both women and men are equally represented among the employees.

In the past, the international prosecutors and international staff were also employed in the Prosecutor's Office, but their mandate expired at the end of 2012. Thus, from the beginning of 2013 the Prosecutor's Office of BiH employs only the prosecutors who are citizens of BiH. ■

Organization of the Prosecutor's Office of Bosnia and Herzegovina

The Prosecutor's Office of BiH consists of three departments headed by the Deputy Chief Prosecutors. The Departments handle cases that fall under their authority and the same applies to the Administration of the Prosecutor's Office of BiH, consisting of several departments. The Chief Prosecutor as the Head manages the Administration, while the Secretary of the Prosecutor's Office is responsible for management and coordination of the activities under the supervision of the Chief Prosecutor.

Organization of the Prosecutor's Office of Bosnia and Herzegovina:

Department I –

Special Department for War Crimes

Department II –

Special Department for Economic Crime, Organized Crime and Corruption

Department III

Administration of the Prosecutor's Office of BiH

- Office of the Chief Prosecutor
- The Registry
- Investigations and Witness Support Department
- Office of the Secretary of the Prosecutor's Office
- Department for Legal, Administrative, Technical and General Affairs
- Department for Material and Financial Operations
- Department for Information and Communications Technology - ICT and Electronic Evidence Processing
- Public Relations Department

The Chief Prosecutor has 4 deputies, who are also heads of the respective prosecutorial departments, with the exception of the Special Department for War Crimes where two Deputy Chief Prosecutors have managing authorities. ■



Special Department for War Crimes

The Special Department for War Crimes of the Prosecutor's Office of BiH commenced its work on 9 March 2005, and the inauguration ceremony was attended by numerous high officials, including the then Chief Prosecutor of the ICTY, Carla del Ponte.

The establishment of this department occurred at the time when the ICTY already published its exit strategy and commenced the gradual closure. From its establishment to the present time this department filed indictments against more than 280 persons.

Message of the Head of the Special Department for War Crimes

Dear reader,

The Special Department for War Crimes (Department I) commenced its work on 9 March 2005, following the adoption of laws necessary to meet conditions for the transfer of cases of the International Tribunal for the former Yugoslavia (ICTY) to the national judicial bodies, and for the work of the ICTY Rules of the Road Unit, which until its closure, was involved in the review of war crime cases. From its establishment this Unit had a very good cooperation with the ICTY in form of various activities at different levels.

I have been the Head of this Department since January 2010, following my appointment to the position of the Deputy Chief Prosecutor of the Prosecutor's Office of BiH by a decision of the High Judicial and Prosecutorial Council of BiH of 25 June 2009.

In terms of its organization, the Special Department for War Crimes of the Prosecutor's Office of BiH carries out its activities through the functioning of 6 prosecution teams formed on the basis of geographical and regional structure of BiH. The prosecution teams consist of two or three national prosecutors, legal officers, case managers, investigators and other administrative staff offering support to prosecutors in their work. Currently the Department has 80 employees, 20 of whom are prosecutors.

So far the Prosecutor's Office has undertaken a series of activities aimed at implementation of the strategic measures from the National War Crimes Strategy.

With regard to strengthening cooperation with the countries in the region, this Department played an active role in the drafting process of the Protocol ensuring that it reflects the common interests in the prosecution of war crime cases. As a first step towards this end, this Prosecutor's Office sent to the State Attorney's Office of the Republic of Croatia the draft Protocol for their consideration. This Draft was prepared on the basis of an agreed wording of the Protocol concluded with the Office of the War Crimes Prosecutor of the Republic of Serbia.

In addition, the Prosecutor's Office of BiH had rather long negotiations with the Office of the War Crimes Prosecutor of the Republic of Serbia about the conclusion of the Protocol on Cooperation in Prosecution of Perpetrators of Criminal Offences of War Crimes, Crimes against Humanity and Genocide, which was agreed upon on 23 November 2011 with the representatives of the Office of the War Crimes Prosecutor of the Republic of Serbia in Brussels and signed on 31 January 2013.

As of 1 January 2011 this Department of the Prosecutor's Office of BiH has been responsible for handling all requests for exhumation and all exhumation and re-exhumation cases.

A large number of hearings have been scheduled before the Court of BiH which points to the complexity and extensiveness of war crime cases and to the fact that due to a busy schedule of the judges and court



rooms, trials in almost all cases are long, taking a year or year and a half on average.

Some of the problems the Department I has faced is the time distance and the fact that a large number of witnesses do not reside in BiH, which requires extra financial resources for their interviews. With regard to the exhumation work, there is a lack of pathologists which significantly affects the length of the proceedings. The lack of office space is also notable, which indirectly affects the staff efficiency, insufficient and inadequate storage space for active and completed files and storage for temporarily seized items and other evidence.

Despite the difficulties we have faced, all employees of this department are determined to contribute to a more expedient prosecution of war crime cases and reconciliation in the region.

Vesna Budimir

*Deputy Chief Prosecutor,
Head of the Special Department
for War Crimes of the
Prosecutor's Office of BiH*

Message of the Deputy Chief Prosecutor

The Special Department for War Crimes of the Prosecutor's Office of BiH works on the cases against those suspected of serious violations of international humanitarian law. Those are complex cases with long lasting investigations, which normally require interviewing of a large number of witnesses and collecting of excessive documentary evidence necessary for a prosecutorial decision – filing of indictment against responsible perpetrators or closure of investigation.

The prosecutors in this Department work on the cases which are in the centre of public attention. Therefore, newspapers and electronic media often report extensively on the activities of our prosecutors, such as filing indictments, representing cases pending before the Court of BiH, deprivation of liberty of suspects, as well as about other activities closely monitored by the media and public.

For that very reason the prosecutors of the Special Department for War Crimes have special responsibility for the war crime victim families, which rightly expect that the Prosecutor's Office of BiH will hugely contribute to establishing of the rule of law and more effective prosecution of war crime perpetrators.

The adopted National War Crimes Strategy and its applicable concept of transfer of less complex cases to the entity courts and prosecutor's offices allows that



the most complex cases be prosecuted in the Prosecutor's Office and tried before the Court of BiH.

However, the applicable staffing plan and number of the prosecutors and their legal officers require understanding and support from both authorities and judiciary, and citizens and victims in promoting new recruitments which would in turn contribute to a more expedient and more efficient prosecution of war crime cases.

The prosecutors are aware of the importance of successful completion of these cases for the process of reconciliation and lasting peace. Therefore, with the support of the war victim families they will intensify their work on finding and prosecuting the perpetrators regardless of their current whereabouts and their nationality.

Sincerely,

Dragan Ćorlija
Deputy Chief Prosecutor

Organization, of the Special

There are currently 20 prosecutors working in the Special Department for War Crimes of the Prosecutor's Office of BiH. The Head of the Department is the Prosecutor who is at the same time the Deputy Chief Prosecutor.

The Special Department for War Crimes consists of 6 teams covering different regional territories in Bosnia and Herzegovina.

- Team 1 – works on cases relating to North-West Bosnia region and part of Posavina.
- Team 2 – works on cases relating to the Central Bosnia region.
- Team 3 – works on cases relating to the Eastern Bosnia, the Drina Valley and part of Posavina.
- Team 4 – works on cases relating to Sarajevo and Eastern Bosnia region, including Foča.
- Team 5 – works on cases relating to West Herzegovina and the Neretva Valley.
- Special Team – works on cases relating to Srebrenica territory in July 1995.

Besides the prosecutors, the teams of the Special Department for War Crimes also include legal offi-

Structure of regional prosecutorial teams in the Special Department for War Crimes



background and authority

Department for War Crimes



cers, analysts, case managers, and the Department also employs investigators and other professional staff needed for the efficient work on the cases.

At the beginning the Special Department was especially engaged with the cases, which pursuant to the ICTY Rule 11bis, were transferred to the BiH judiciary in accordance with the Exit Strategy of the ICTY.

In this way, and starting from 2005, six (6) cases against a total of ten (10) persons were transferred to the Prosecutor's Office of BiH together with the accused detained in the ICTY Detention Unit.

Following the transfer of the cases and their adjustment for prosecution in the judicial system of Bosnia and Herzegovina, all these cases were successfully prosecuted and in all of them convicting final verdicts were rendered.

Additionally, pursuant to the ICTY Exit Strategy, a certain number of cases in which investigations commenced in the ICTY Office of the Prosecutor and which were not completed by the end of 2004, we-

re also transferred to the Prosecutor's Office of BiH. These cases are referred to as Category II Cases, and these cases transferred to the Prosecutor's Office of BiH involved a total of 46 persons.

The Prosecutor's Office of BiH works on a certain number of war crimes cases initiated in the BiH judicial institutions, which before the establishment of the Prosecutor's Office had been transferred to the ICTY for their assessment within the Rules of the Road, and which obtained the standard marking «A», meaning that there was sufficient evidence that serious violations of international humanitarian law were committed.

The Prosecutor's Office of BiH also works on war crime cases initiated after 1 January 2003 and after the new Criminal Code and Criminal Procedure Code of BiH had entered into force, and on cases initiated before this date in the entities and the Brčko District, which pursuant to a decision of the Court of BiH were transferred to jurisdiction of the state judiciary.

The prosecutors of the Special De-

partment for War Crimes, together with their assistants, investigators and authorized police officers from the police agencies cooperating with the Prosecutor's Office, work on the cases, conduct investigations, file indictments and represent them in court rooms in a number of war crime cases.

By 31 March 2013 the Special Department for War Crimes filed indictments in 175 cases against 285 persons charged with war crimes and serious violations of international humanitarian law.

In some of these cases final verdicts were rendered, appellate proceedings and final verdicts are pending in some of them, some are in the trial phase and in a few of them indictments have been confirmed and the beginning of trial is expected.

During their work on the cases, in the past years the prosecutors and staff of the Special Department for War Crimes interviewed several thousand witnesses, who testified in war crime cases, both in the investigative phase and in trial.

Given that both injured parties and war crime victims presented their testimonies, the 20% or 1/6 of witnesses requested protective measures during their testimonies, such as protection of their identity from the public, distortion of image and voice or to testify from a separate room.

Tons of evidence was collected consisting of various documents, orders, expert analyses, archive material and similar documents as well as evidence related to the exhumation process and identification of war crime victims.

In its work the Prosecutor's Office of BiH has excellent cooperation with the ICTY Office of the Prosecutor given that these institutions work on war crime cases which often relate to the same or connected events. The ICTY prosecutes the accused with the highest level of responsibility while the Prosecutor's Office of BiH, entity prosecutor's offices and the Brčko District

Prosecutor's Office prosecute all other lower level accused.

In the past few years significant cooperation has been realized with the ICTY Office of the Prosecutor and the staff of the Prosecutor's Office of BiH has been in regular and almost daily contacts with the ICTY staff with respect to their work on the cases.

For the purpose of their work on the cases some staff of the Prosecutor's Office of BiH has been granted access to specific archives and data bases of the ICTY OTP.

Regular meetings of the highest officials of the Prosecutor's Office of BiH and the ICTY OTP take place every year at which they negotiate modalities of cooperation and seek to find solutions for important issues related to war crime cases.

The officials of the Prosecutor's Office of BiH maintain good relations with the representatives of war victim associations of all nationalities and from all over Bosnia and Herzegovina.

The work of the Prosecutor's Office and judiciary in general is focused on victims who are the most important segment in the prosecution of war crimes, given that they



have been directly affected by the committed war crimes, traumatized and are experiencing difficulties in their daily life.

The voice of the victims is very important to the Prosecutor's Office of BiH which is reflected in regular meetings with the representatives of victim population in order to obtain their opinion about the work of the Prosecutor's Office, dynamics of war crime prosecutions and other issues of common interest of the Prosecutor's Office and the victims, given that they both have a common objective – to locate and

criminally prosecute war crime perpetrators.

The victims have understanding for the difficulties of the Prosecutor's Office relating to the lack of human and technical resources in the work on war crimes cases, and they support the efforts of the Prosecutor's Office to increase the number of prosecutors, staff and capacities of the Prosecutor's Office in general, especially in the Special Department for War Crimes for the purpose of a more efficient prosecution of these cases. ■



■ Chief Prosecutor and Deputy Chief Prosecutors at a meeting with representatives of war crimes victims' associations

Work of the Special Department for War Crimes on cases in 2012

On 1 January 2012 the Special Department for War Crimes had 925 KT-RZ cases against 5916 persons, of which 248 cases against 1729 persons were received during 2012.

In 2012 the prosecutors of the said department issued 33 orders to conduct investigations against 109 persons. Orders not to conduct investigation were issued in 14 cases against 427 persons, and orders to close investigations were issued in 12 cases against 119 persons.

Following investigations conducted against 42 persons, in 2012 the prosecutors of the Special Department for War Crimes filed 24 indictments.

In 2 cases pertaining to 3 persons the prosecutors of this Department concluded plea agreements with the accused, which were accepted by the Court of BiH and in which the Court of BiH rendered convicting verdicts.

In 2012 the Special Department for War Crimes charged 2 persons with the criminal offence of Genocide under Article 171 of the CC of BiH, a total of 11 persons with the criminal offence of Crimes against Humanity under Article 172 of the CC of BiH, a total of 10 persons with the criminal offence of War Crimes against Civilians under Article 173 of the CC of BiH, one per-



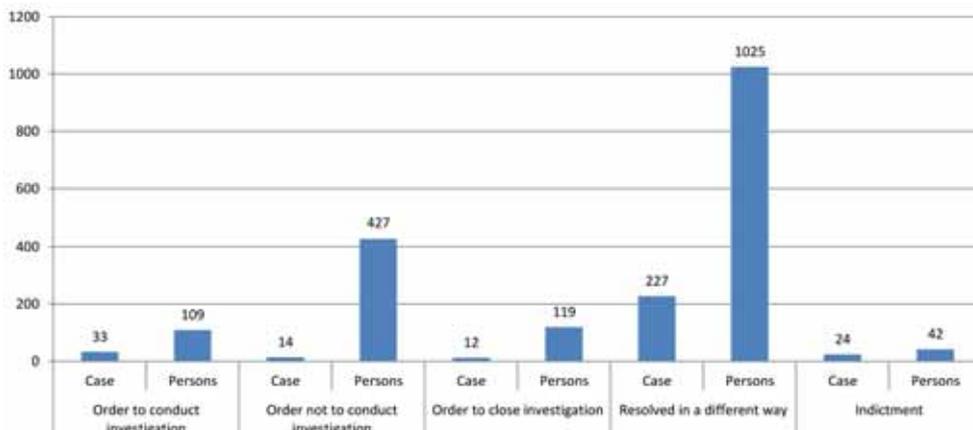
■ Chief Prosecutor and Deputy Chief Prosecutors at a meeting with representatives of war crimes victims' associations

son with the criminal offence of War Crimes against Prisoners of War under Article 175 of the CC of BiH, of which 22 indictments involving 38 persons were confirmed.

Deciding on the indictments of this Department during 2012 and following the completion of the proceedings in 16 cases against 34 persons the Court of BiH rendered first instance verdicts, and pronounced sentences of imprisonment against 22 persons for a total duration of 354 years and 6 months, and acquitting verdicts against 12

persons. The prosecutors of this Department filed appeals in 13 cases against 27 persons, and in the relevant period, having considered the appeals from the previous years, the Court of BiH upheld one appeal, partially upheld one appeal and refused 6 appeals.

Furthermore, the Court of BiH rendered second instance verdicts in 12 cases against 16 persons, pronouncing the sentences of imprisonment against 12 of them in duration of 114 years and 6 months, acquitting verdicts against 4 persons, while the proceeding was suspended in respect of two persons. ■



■ Overview of prosecution decisions in the Special Department for War Crimes in 2012



■ Chief Prosecutor and Deputy Chief Prosecutors at a meeting with representatives of war crimes victims' associations

Special Department for Organized Crime, Economic Crime, Corruption and Terrorism

Message of the Head of Department II

Special Department for Organized Crime, Economic Crime, Corruption and Terrorism, also mandated with the prosecution of the criminal offences of terrorism, was set up following the establishment of the Prosecutor's Office as a department specialized in criminal prosecution and processing of the gravest types of criminal offences stipulated in the Criminal Code of Bosnia and Herzegovina, and in certain instances in the criminal codes of the entities and the Brčko District of Bosnia and Herzegovina.

The functions of the Department are performed through three Departments: Section for Organized Crime and Terrorism, Section for Economic Crime and Section for Corruption, with a total of nine prosecutors, seventeen authorized officials of the Prosecutor's Office of BiH and thirteen supporting staff deployed in a total of nine prosecution teams.

From its inception the focus of the activities of this Department has been the criminal prosecution and processing of these types of highly complex criminal offences which complexity arises from specific operations of the organized crime groups: such a group normally consists of a minimum of three persons, it may operate for a definite or indefinite period of time. The group acts with a view of perpetrating one or more serious criminal offences, the group acts with the aim of gaining profit and/or power, it applies a certain type of discipline or control, each member of the group has a specific task, the group is active at international level, it uses violence and other methods of intimidation, commercial or other similar business structures, money laundering, and seeks to exert influence on the politics, media, public administration,

judicial authorities or economy.

Upon orders issued by the prosecutors of this Department authorized officials and other authorized staff of the Prosecutor's Office, legal advisers, legal officers and investigators, as well as authorized officials of all police agencies in Bosnia and Herzegovina carry out investigative actions stipulated in the Criminal Procedure Code of BiH and collect evidence in the manner as stipulated in the law, with the view of detecting criminal conspiracy and preparation of criminal offences and proving the perpetration of these for the socially most serious criminal offences. The ultimate purpose is the prosecution of perpetrators thereof before the Court of BiH with a view of sanctioning such socially unacceptable conduct.

In the past period this Department carried out extremely complex investigations in the cases of organized and trans-national crime and terrorism within which, pursuant to orders and under the supervision of the prosecutors, deprivations of liberty and interviewing of suspects as well as searches of property and movable items, special investigative actions related to telecommunication surveillance, access to computer systems, use of undercover investigators and simulated ransom of criminal offence items, and other actions aimed at proving, forensic collection of evidence, expert analyses, event reconstructions and financial investigations, occurred simultaneously, often in several different locations in Bosnia and Herzegovina. These activities resulted in a number of indictments and criminal sanctioning of perpetrators or confiscation of illegally gained property.

This Department is authorized to prosecute organizers and members



of organized criminal groups in all cases in which criminal offences are committed in the territory of Bosnia and Herzegovina or in which consequences of criminal offences are related to the territory of Bosnia and Herzegovina, regardless of whether that group acts in the country or outside the BiH borders. The prosecution of these crimes may often involve international legal assistance, specifically the national authorities may send requests for legal assistance to other countries and/or undertake activities at requests they have received from other countries.

After ten years of the existence, this Department continues to prosecute perpetrators of the gravest criminal offences with the view of protecting the citizens of Bosnia and Herzegovina and their property, and establishing the rule of law and a safer environment for all citizens on the path of our country to Europe.

Božo Mihajlović

*Deputy Chief Prosecutor
and Head of the Special Department for Organized Crime,
Economic Crime, Corruption
and Terrorism of the
Prosecutor's Office of BiH*

Fulfilling its accepted obligation, the Special Department for Organized Crime, Economic Crime, Corruption of the Prosecutor's Office of BiH was set up following the establishment of the Prosecutor's Office of BiH in order to meet commitments taken on by international agreements and to align the relevant legal regulations relating to combating corruption, economic and organized crime in 2003 with the legislation of the European states. In a later phase, terrorism cases were also assigned to this Department for processing.

This Department was established to integrate overall activities at the level of BiH on combating these forms of crimes that have been growing problem both in the country and worldwide.

These forms of criminal offences are detrimental for security of the citizens and they also cause a significant damage to business operations and economic development of the country, and it is therefore very important that prosecutors, judicial institutions and law enforcement agencies stand up against these illegal actions and to effectively locate and prosecute perpetrators of these criminal offences, and confiscate illegally gained property and profit.

Special Department for Organized Crime, Economic Crime, Corruption and Terrorism – background and responsibility

The Special Department for Organized Crime, Economic Crime, Corruption and Terrorism was set up following the establishment of the Prosecutor's Office of BiH in 2003.

Organized crime, economic crime, corruption and terrorism are criminal offences undermining the public safety, economic system and commercial legality which are of a vital importance for economic life and development in BiH and for its integration to Europe. For that very reason combating these types of crimes is very important for strengthening of the rule of law and economic power of Bosnia and Herzegovina.

From its establishment this Department has intensively worked on a number of criminal cases involving financial crime, tax evasion and customs fraud, money laundering and other criminal offences from the scope of financial crime.

In addition, the prosecutors of this Department, together with their colleagues from the police and security agencies, work on the cases related to the criminal offences of terrorism and participate in the work of a Task Force for Fight against Terrorism and in the work of a Task Force for Fight against Trafficking in Human Beings and Organized Illegal Immigration, consisting of members and officials appointed from all police and security agencies in BiH.

In their regular activities the prosecutors, investigators, legal officers and other staff conduct detailed and thorough investigations, interview a large number of witnesses and collect evidence, and the past activities of the prosecutors of this Department resulted in filing of a number of indictments against members of criminal organizations which were active in various places in the country.

These indictments relate to the gravest criminal offences of organized crime, trafficking in people, money laundry, tax evasions, economic crime, corruption, illicit trafficking in narcotic drugs, abuse of official duties, terrorism and other gravest criminal offences.



■ Interview room of the Prosecutor's Office of BiH

Given that the organized crime does not recognize entity or state borders, pursuant to orders of the prosecutors of this Department a number of joint police actions were carried out in combating organized crime, which resulted in deprivations of liberty and searches which were often carried out at several dozens of locations all over the country with the participation of several hundred of police officers from different police stations in the country, who within their respective jurisdiction have contributed to a successful prosecution of these cases.

Based on the indictments filed by this Department many perpetrators of criminal offences were convicted and sentenced to imprisonment, including long term imprisonment, while illegal gains were confiscated.

The prosecutors intensively worked on a number of cases involving the criminal offences of terrorism. Some of the cases resulted in convicting verdicts and long term sentences for the perpetrators, while trials in some of the cases are still pending.

In future the prosecutors of this Department will be faced with a number of challenges and activities related to locating perpetrators of some of the gravest, and still unexplained, cases of organized crime such as unsolved murders, robberies and other gravest criminal offences, which the police and entity judicial officials have not been able to solve for years.

The mission of the Special Department for Organized Crime, Economic Crime and Corruption involves:

- fight against organized crime;
- protection of citizens and prevention of development of an environment that will enable occurrence of organized crime;
- conducting investigations and prosecuting perpetrators of the criminal offence of organized crime in the manner that complies with high professional standards, effi-



cient and effective investigations and criminal prosecution thereof;

- fight against economic crime;
- investigations and criminal prosecution of the criminal offences preventing economic development and collecting taxes and custom incomes, which are detrimental for the citizens of Bosnia and Herzegovina;

- fight against corruption;
- investigations and criminal prosecution of perpetrators of the criminal offences of corruption perpetrated by public officials aimed at promoting the trust in efforts to strengthen the rule of law and work of the state institutions.

The objective of the said mission of this Department is protection of the BiH economy from the detrimental effect of organized crime and corruption, improvement of safety of the citizens and preservation of an environment which will facilitate and ensure economic development of BiH and its integration into the European Union.

Having participated in the investigative operations named «Danube» and «Tara», and in other actions, the prosecutors of this Department managed to file indictments against several dozens of persons charged with international smuggling in persons and illegal immigrants, which was a serious blow to organized groups of perpetrators of this type of criminal offence, who were active in a number of states. ■

Type and form

Work of the Department II is focused on cases specified in the internal criteria, specifically on the gravest and most complex cases of organized crime, economic crime and corruption, and at terrorism cases.

The majority of cases handled by the prosecutors of the Special Department still relate to the cases referred to the Prosecutor's Office by law enforcement agencies in BiH, but there is a certain number of cases referred to the PO by prosecutor's offices from the Republic of Serbia, Federation of BiH and the Brčko District of BiH, as well as cases launched following oral or written reports of the citizens.

In 2012 the Department issued 65 orders to conduct investigations against a total of 391 persons. In addition, the Department issued 28 orders not to conduct investigations against 125 persons, and orders to close investigations in 8 cases against 78 persons.

In 2012, the Department filed 47 indictments against 188 persons. Acting upon the indictments of the Department II the Court of BiH rendered 54 verdicts against a total of 162 persons. In conclusion, the prosecutors of the Department II of the Prosecutor's Office of BiH issued a final prosecution decision in



of criminal offences in Department II cases

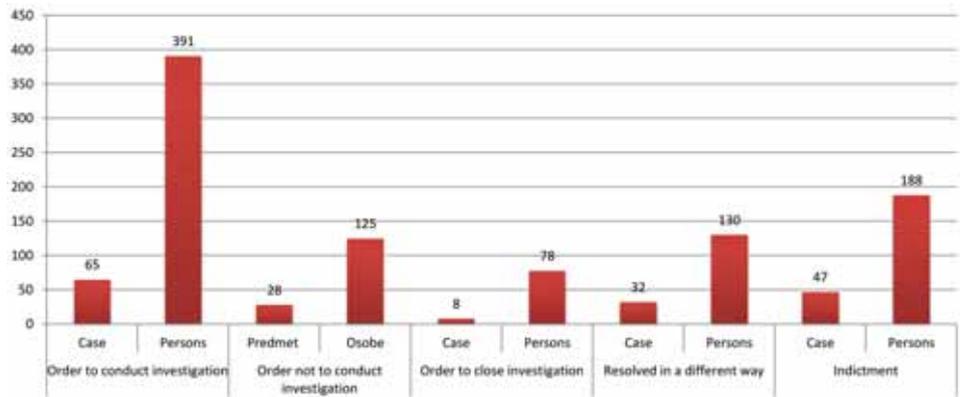
174 cases against 748 persons.

Furthermore, guilty plea agreements were concluded in a total of 41 cases against 104 persons, while during the reporting period the Court of BiH approved the agreements in respect to 103 persons, while 27 criminal reports against 114 persons and 5 investigations against 16 persons were handled in a different way (transfer). Sentences of imprisonment were pronounced in 38 cases in respect to 88 persons, suspended sentences were pronounced in 16 cases in respect to 54 persons, and a fine was imposed on one person. Two (2) acquitting verdicts were rendered in respect to 23 persons, and the first instance verdicts were confirmed in respect to 2 persons. In respect to all rendered verdicts the prosecutors of the Department II filed appeals in a total of 12 cases involving 37 persons. The appeals in 8 cases involving 25 persons were upheld while 4 in respect of 9 persons were dismissed.

During the reporting period sentences of imprisonment of a total of 194 years, 89 months and 59 days were pronounced in the Department II cases, and fines, both primary and secondary, imposed totaling KM 1,204.880.02 KM, HK 2,200.00 and EUR 33,265.

The Department started the reporting period with a total of 104 unsolved reports against 737 persons, while 125 new cases against 1006 persons were allocated during the reporting period.

In 2012 the prosecutors of the Department II interviewed 358 witnesses in 84 cases, questioned 261 suspects in 72 cases, handled 33 detention cases involving 120 persons, trials in 72 cases against 297 accused are pending. The prosecutors of this Department have spent 733 days of the year at trials, and they are conducting special investigative actions in 60 cases. ■



■ Overview of procedural decisions in the Special Department for Organized Crime, Economic Crime and Corruption in 2012

CLASSIFICATION OF CRIMINAL OFFENCES WHICH RESULTED IN FILING OF 47 INDICTMENTS AGAINST 188 PERSONS

CRIMINAL OFFENCE AS STIPULATED IN THE CRIMINAL CODE OF BOSNIA AND HERZEGOVINA	NUMBER OF INDICTMENTS FILED cases/persons
Smuggling of Persons, Article 189	2/7
Trafficking in Persons, Article 186	1/2
Illicit Trafficking in Arms and Military Equipment and Products of Dual Use, Article 193	1/4
Illicit Trafficking in Narcotic Drugs, Article 195	12/30
Terrorism, Article 201	1/3
Counterfeiting of Money, Article 205	4/8
Tax evasion or Fraud, Article 210	1/2
Smuggling of Goods, Article 214	1/2
Giving False Statements, Article 235	1/1
Tampering with Evidence, Article 236	2/2
Unauthorized Use of Copyrights, Article 243	1/1
Criminal Offence of Trafficking in Persons, Article 189	3/12
Illicit trade in Excise Products, Article 210a	7/8
Associating for the Purpose of Perpetrating Criminal Offences in conjunction with the criminal offence of Smuggling of People, Article 249 as read with Article 189	1/3
Organized crime in conjunction with the criminal offence of Smuggling of Persons, Article 250 as read with Article 189	2/7
Organized crime in conjunction with the criminal offence on Money Laundering, Article 250 as read with Article 209	1/10
Organized crime in conjunction with the criminal offence of Illicit Trafficking in Narcotic Drugs, Article 250 as read with Article 195	7/58
Associating for the Purpose of Perpetrating Criminal Offences, Article 249	1/4
Organized crime in conjunction with the criminal offence of Tax evasion or Fraud, Article 250 as read with Article 210	1/36

Department III

Department III was established in 2005 through an internal reorganization of the Prosecutor's Office of BiH.

The organizational structure of the Department III and the manner in which it discharges its basic functions, specifically the prosecution of criminal offences which do fall under the responsibility of the Prosecu-

tor's Office, while they cannot be assigned to any of its Special Departments, its organizational system and functional role have maintained the traditional form, meaning that a prosecutor works independently, without involvement of a team of persons.

Message of the Head of Department III

Dear reader,

There are no teams in the Department III and the prosecutors work within two sections with the assistance of their staff. The Department III of the Prosecutor's Office of BiH has the smallest number of prosecutors and the biggest annual influx of cases, but it is a Department with the largest number of decisions and the only Department that has never received the support of the International Registry of BiH in terms of strengthening the material and human resources.

The type and structure of criminal cases handled by the Department III are specified in the internal criteria for assignment of cases in the Prosecutor's Office of BiH which are followed by this Department in all cases which fall under the responsibility of the Prosecutor's Office, except for some cases which are handled by the other two Departments. Property census which is decisive for the allocation of cases to the Department III in respect to all criminal offences against economy, trade unity and criminal offences related to customs, does not exceed the amount of KM 1,000.000.00 KM, while in criminal cases related to copyright infringement the maximum licit gain also does not exceed the amount of KM 1,000.000.00. The Department III also handles cases related to trafficking in persons and smuggling of persons when they involve less than 10 victims of the said criminal offences. This Department also handles cases of organized crime and other cases which fall under the responsibility

of the other Departments of the Prosecutor's Office of Bosnia and Herzegovina, when such cases to the prosecutors of the Department III by a decision of the Chief Prosecutor are assigned. Nevertheless, the majority of cases handled by 7 prosecutors of the Department III relate to economic crime, tax evasions, failure to pay taxes, customs fraud and the corruption cases which are definitely the most significant in the sense of protection of the state budget and therewith a better living of the BiH citizens.

In addition, it is necessary to point out activities of the Department III in the cases related to provision of international legal assistance and enforcement of international treaties in criminal-legal matters, takeover of criminal cases from other states and takeover of enforcement of criminal sanctions pronounced in other states by Bosnia and Herzegovina, and provision of legal assistance in conducting investigative actions (collecting evidence, interviewing witnesses and similar). These cases are handled pursuant to the conventions ratified by Bosnia and Herzegovina and pursuant to the international bilateral and multi-lateral agreements which Bosnia and Herzegovina concluded with other states, in which Bosnia and Herzegovina committed to provide legal assistance. Furthermore, it is important to point out the importance of the mentioned cases and the fact that the work of this Department on several occasions received international recognition and



was commended by judicial bodies of the EU states. Extradition cases of foreign nationals from Bosnia and Herzegovina on the requests of judicial bodies from all over the world is the sole responsibility of the prosecutors of the Department III, which is especially important in the context of compliance with the international documents ratified by Bosnia and Herzegovina.

Despite the problems such as the lack of office space, small number of prosecutors, which directly affect the productivity of staff, and the lack of storage space for active files, completed files, temporary seized items and other evidence material, this Department and its staff have achieved excellent results and they constantly seek to improve their work results with a view of offering criminal-legal protection to all BiH citizens and preventing criminal activities within the scope of work of this Department.

Jadranka Lokmić-Misirača
*Deputy Chief Prosecutor and
Head of the Department III*

Department III – background and responsibility

The Department three handles a wide variety of cases under its responsibility. When analysing the structure of criminal offences it is notable that a part of cases assigned to this Department relate to the criminal offences of counterfeiting of money, unauthorized use of copyrights, smuggling and customs fraud. Furthermore, this Department handles cases related to the criminal offences of smuggling in persons, money laundering, tax evasion, illicit trafficking in narcotic drugs and illicit trafficking in arms, military equipment and products of dual use.

From the establishment of the Department to the present time the prosecutors have been very active in prosecuting cases of copyrights infringement. The activities in these cases involved searches and tones of illegally produced audio and video recordings, media CDs/DVDs and illegally copied books were confiscated.

As a result of joint work of the prosecutors of this Department and police agencies, the so-called «Alley of CD shops» was closed, where criminal offences related to breaches of copyrights were massively committed and where thousands of illegally produced audio and video recordings were sold illegally against huge gains.



■ The delegation of Prosecutors from Serbia in a visit to the Prosecutor's Office of BiH

Within the scope of these cases, the law enforcement agencies detected home factories and seized multiplied and produced audio and video recordings.

The Department III also worked on cases related to forgery of protected seals or trademarks of famous brand marks, on which investigations conducted by the prosecutors and police resulted in finding of a huge amount of clothes and shoes with forged trademarks. In addition, the prosecutors of this Department were the first in Bos-

nia and Herzegovina to prosecute cases of illicit distribution of software and computer programs.

The prosecutors of this Department also filed indictments for the criminal offence of Endangering Internationally Protected Persons, in the cases which related to attempted attacks on staff of international embassies in Bosnia and Herzegovina.

This Department also handles cases related to the criminal offences against gender equality. The first indictments filed with respect to this criminal offence in our country were filed by the prosecutors of the Department III of the Prosecutor's Office of Bosnia and Herzegovina.

The prosecution of all the said criminal offences is important on the path of Bosnia and Herzegovina to the European integration.

The prosecutors of the Department III are active as members of professional associations, and the Prosecutor of this Department Miroslav D. Marković was President of the Association of the Prosecutor's of BiH for a number of years. ■



Type and form of criminal offences in Department III cases

In 2012 the Department III worked on a total of 478 KT cases against 939 persons, of which 192 cases in respect to 429 reported persons were carried over from the previous years, while 286 cases in respect to 510 persons were received during the reporting period.

Out of the total number of KT cases, in 2012 the prosecutors of this Department, pursuant to Article 216 (1) and (2) of the CPC of BiH issued 182 orders to conduct investigations against 292 persons, and pursuant to Article 216 (3) orders not to conduct investigations were issued in 65 cases against 127 persons.

In the reporting period the prosecutors of the Department III, pursuant to Article 224 (1) of the CPC of BiH, in 2012 issued orders to

close investigations in 50 cases against 97 persons including all relevant information stipulated in Article 224 (2) of the CPC of BiH.

In the reporting period, a total of 26 KT cases in respect to 59 persons were resolved in a different way.

Furthermore, the fact is that the Department III, as in the previous year, has a number of cases requiring an expert analysis in respect to some criminal offences of economic crime. These complex analyses normally require time and as consequence the statutory deadline for the completion of investigations may be exceeded.

In addition, the reported perpetrators of the said type of criminal offence also include citizens of the National Republic of China, and a

big obstacle in their processing is a lack of Chinese interpreters. It has also happened quite often that these foreign nationals are unavailable, given that in majority of cases, following the perpetration of some of the said criminal offences, they leave the territory of Bosnia and Herzegovina in order to avoid the criminal prosecution, previously destroying all business documentation and thus also the evidence necessary for a documented reporting of criminal offence.

The above mentioned orders to conduct investigations resulted in filing of 117 indictments in KT cases against 141 persons, with the following classification of criminal offence:

No.	Criminal offence title	Number of filed indictments by cases	Number of filed indictment by persons
1.	Article 149 of the Industrial Ownership Law of BiH (Violation of Foreign Trademark)	1	2
2.	Article 189 of the Criminal code of BiH (Smuggling of Persons)	4	6
3.	Article 192 of the Criminal Code of BiH (Endangering Internationally Protected Persons)	1	1
4.	Article 193 of the Criminal Code of BiH (Illicit Trafficking in Arms and Military Equipment and Products of Dual Use)	2	3
5.	Article 195 of the Criminal Code of BiH (Illicit Trafficking in Narcotic Drugs)	6	9
6.	Article 205 of the Criminal Code of BiH (Counterfeiting of Money)	0	27
7.	Article 210 of the Criminal Code of BiH (Tax Evasion or Fraud)	13	14
8.	Article 210a of the Criminal Code of BiH (Illicit trade in Excise Products)	7	7
9.	Article 211 of the Criminal Code of BiH (Failure to Pay Taxes)	3	3
10.	Article 214 of the Criminal Code of BiH (Smuggling of Goods)	11	15
11.	Article 216 of the Criminal Code of BiH (Customs Fraud)	4	6
12.	Article 217 of the Criminal Code of BiH (Accepting Gifts and Other Forms of Benefits)	3	4
13.	Article 218 of the Criminal Code of BiH (Giving Gifts and Other Forms of Benefits)	1	1
14.	Article 222 of the Criminal Code of BiH (Fraud in Office)	1	1
15.	Article 243 of the Criminal Code of BiH (Impermissible Use of Copyrights)	39	41
16.	Article 347 of the Criminal Code of RS (Abuse of Office or Official Authority)	1	1
	TOTAL	117	141

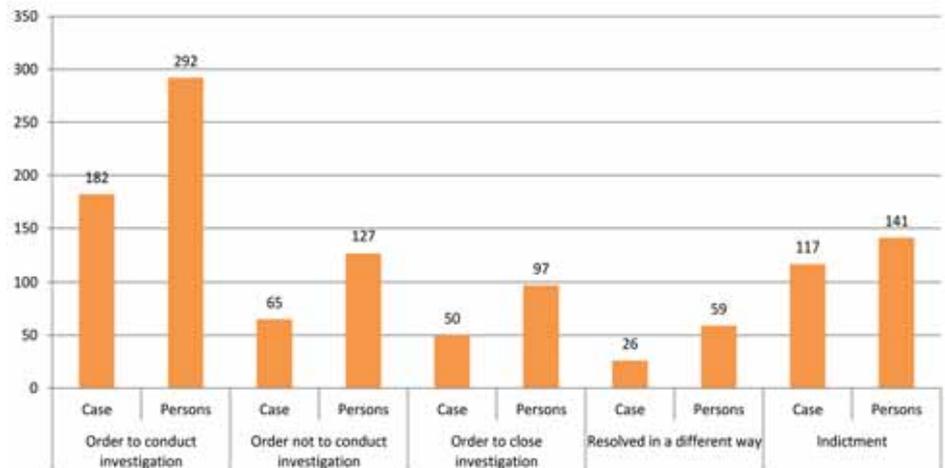
As of 31 December 2012 the Court of Bosnia and Herzegovina confirmed 117 indictments against 142 persons. During the reporting period the prosecutors of the Department III concluded guilty plea agreements in 79 cases in respect to 105 persons, which in the reporting period were accepted by the Court of Bosnia and Herzegovina in 76 cases in respect to 100 persons, while agreements were rejected in 4 cases in respect to 6 persons.

Indictments filed in 2012 resulted in 142 verdicts being rendered against 183 persons, of which 135 convicting verdicts against 174 persons, specifically 47 persons were sentences to imprisonment in a total duration of 55 years 7 months and 30 days, with individual sentences ranging from 30 days to 4 years of imprisonment.

Furthermore, fines were pronounced in 20 cases against 23 persons, specifically primary fines in a total amount of KM 76,000.00 KM, and secondary fines in a total amount of KM 39,000.00.

Suspended sentence was rendered in 82 cases against 104 persons.

It is necessary to point out that in the reporting period out of 478 cases against 939 persons, processed in 2012, 258 cases against 424 persons were resolved by final prosecution decisions, which is 54% of the total number of cases handled in 2012. ■



■ Overview of prosecution decisions in KT cases of Department III in 2012



Administration of the Prosecutor's Office of Bosnia and Herzegovina

Message of the Secretary of the Prosecutor's Office of BiH

Dear reader,

The Administration of the Prosecutor's Office of BiH (POBiH Administration) performs legal, administrative and technical, general and material and financial operations, as well as IT and public relations activities and other activities required for a lawful, timely and efficient functioning of the Prosecutor's Office. The POBiH Administration also provides special support to the work of the special prosecutorial departments.

In addition, the Administration discharges the responsibilities of the POBiH such as this institution's participation in the activities related to the process of European integration, monitoring visa-free regime for the citizens of Bosnia and Herzegovina, programming and implementing projects, acting upon requests submitted pursuant to the Law on Protection of Secret Data, and the Law on Freedom of Access to Information in BiH, and upon other requests of different institutions, non-governmental organizations and citizens, and providing the High Judicial and Prosecutorial Council of BiH with various information necessary for their functioning, and other activities.

Except for support to the special category of professional staff supporting the work of the prosecutors in the Prosecutor's Office departments the International Registry did not provide any other assistance to the POBiH Administration, which relied on its own resources, specifically its operations and needs were funded from the budget.

In the period from 2003 to 2010 the internal structure of the Prosecutor's Office was organized in accordance with the Rulebook on Internal Organization and Operations of the Prosecutor's Office from 2003. Only the new Rulebook on Internal Organization of the Prosecutor's Office of BiH adopted in 2010 created conditions for strengt-

hening the POBiH Administration as a whole. In order to adequately respond to the growing work load, the POBiH Administration started to develop, and the said process continued with the issuance of the Rulebook on Amendments to the Rulebook on Internal Organization of the Prosecutor's Office of BiH, at the end of 2011. At the end of 2012 the POBiH Administration had 144 employees, including both professional and administrative staff of the Prosecutor's Office.

During the past period the POBiH Administration created a complete normative framework for the functioning of the Prosecutor's Office. The majority of activities related to solving the issue of lack of office space of the Prosecutor's Office were realized through the POBiH Administration. As the tenth anniversary of the existence of the institution is approaching, activities in this regard have been intensified and they constitute a significant part of the Administration work. Work planning and human resources management are important segments of the work of the POBiH Administration, as well as providing information about the work of the Prosecutor's Office. In addition to regular information that the Prosecutor's Office provides to the High Judicial and Prosecutorial Council of BiH about its work and the information about the activities of the Prosecutor's Office in annual work reports which the POBiH Administration prepares and submits to the Parliamentary Assembly of BiH, a system has been set up within which information are provided upon individual requests, with an active participation of the prosecutors of the Prosecutor's Office. This contributed to an efficient implementation of the Law on Freedom of Access to Information of BiH. To this end every citizen is in a position to request any information that



falls under the responsibility, which is his or her interest. Furthermore, detailed comprehensive system of public information has been set up through web page of the Prosecutor's Office. Information has been disclosed to the media through issuance of information and press releases related to the activities of the Prosecutor's Office.

Although the employees of the Administration have achieved excellent results in their work, the Administration work is subject to regular reviews, and activities have been undertaken aimed at a more efficient use of material and human resources. The following period should see the strengthening of the capacities of the Administration for the purpose of a more timely and effective realization of the administrative function in the Prosecutor's Office. This primarily concerns the ability to provide a more efficient support to the work of the prosecutors of the Prosecutor's Office and contribution of the Administration in the discharge of the Prosecutor's Office functions and responsibilities in general, and a more adequate response of the Prosecutor's Office to the requirements in all transitional processes.

Olivera Đurić

*Secretary of the Prosecutor's Office
of Bosnia and Herzegovina*

Administration of the Prosecutor's Office of BiH – organization and responsibility

Departments of the Administration

The duties falling under the domain of the POBiH Administration are performed by the following internal organizational units:

- Office of the Chief Prosecutor
- The Registry
- Investigations and Witness Support Department
- Office of the Secretary of the Prosecutor's Office of BiH
- Department for Legal, Administrative, Technical and General Affairs
- Department for Material and Financial Operations
- Department for Information and Communications Technology - ICT and Electronic Evidence Processing
- Public Relations Department

Office of the Chief Prosecutor functions as the administrative centre of the Chief Prosecutor.

In the Office of the Chief Prosecutor, the Chief Prosecutor is provided with the general assistance in performance of his duties, which include administrative support in case processing, and in the process of strategic planning and project activities. Furthermore, the Chief Prosecutor and the office of the Chief Prosecutor are provided with the assistance in dealing with complaints against decisions of the prosecutors not to open or to close investigations.

Regular administrative work related to response to all submissions addressed to the Chief Prosecutor of

the Prosecutor's Office is also performed in the Office of the Chief Prosecutor. The office provides support to the Collegium of the Chief Prosecutor consisting of the Chief Prosecutor, Deputy Chief Prosecutor, Head of the Special Department for War Crimes, Head of the Special Department for Organized Crime, Economic Crime and Corruption, Head of Department III, and the Secretary of the Prosecutor's Office. Collegium meetings take place in the Office of the Chief Prosecutor, as well as regular meetings for the purpose of coordinating current issues related to the management and planned activities of the Prosecutor's Office.

Activities which can be classified as special support activities are performed as follows:

-The Office for Special Support to Department III and the Registry undertake activities in support to the prosecutors working on criminal cases by assisting them in drafting legal submissions and legal

documents, researching various legal issues, analysing legal and other provisions and national and international case law, drafting case summaries and similar;

-Investigations and Witness Support Department performs duties and activities pertaining to detection and investigation of criminal offences that fall under the responsibility of the Prosecutor's Office of Bosnia and Herzegovina. In addition, this Department is involved in the activities of technical, psychological and other types of support to witnesses with a view of providing a more efficient cooperation with the witness and enabling the witnesses to testify freely and openly in criminal proceedings before the Court of Bosnia and Herzegovina;

Activities which could be classified as general support activities are performed in the following organizational units of the Prosecutor's Office of BiH:

-The Office of the Secretary of the



■ Records Office of the Prosecutor's Office of BiH

Prosecutor's Office manages, supervises and coordinates the work of all Departments and other organizational units of administration and external communication of the Prosecutor's Office with other bodies. It is also responsible for drafting of general acts of the Prosecutor's Office, preparing of individual documents, controls accounting-cash documentation, provides assistance to the Chief Prosecutor in budget preparation and implementation, defines work programs and drafts performance reports as well as other plans, and generally provides assistance to the Chief Prosecutor in performance of his duties of administrative nature;

- The Department for Legal, Administrative, Technical and General Affairs is responsible for drafting of general acts and other bylaws of the Prosecutor's Office, duties of the Records Office, office and other administrative and technical duties, proofreading, translation and library duties, personnel matters, typist duties, protocol duties, courier and other duties necessary for the timely, lawful and professional operations of the Prosecutor's Office. The Records Office of the Prosecutor's Office functions as a separate organizational unit within this department, which maintains records on cases, receives and dispatches written documents, carries out internal distribution of documents, collects statistics and drafts report, and carries out case archiving.

-The Department for Material and Financial Operations works on the preparation of budget and other financial plans and financial reports of the Prosecutor's Office, payroll and allowances calculation, accounting and other material and financial operations, preliminary fiscalisation with respect to conclusion of contracts, and generally on preliminary fiscalisation with respect to all documents that might create rights and obligations of the Prosecutor's Office, internal controls, identification of potential opera-



tional and project activity risks as well as other similar operations.

-The Public Relations Department collects and sorts out the news and commentaries related to the Prosecutor's Office and informs the Chief Prosecutor, Deputy Chief Prosecutors, other prosecutors, and the Secretary of the Prosecutor's Office about them, prepares and distributes media press releases and answers the questions of the media and journalists.

In addition, the Public Relations Department organizes interviews and statements to the media, as well as appearances of the prosecutors and officials of the Prosecutor's Office in radio and TV programs. When preparing news and information about meetings, work meetings and other activities of the Prosecutor's Office of BiH this Department also prepares photos and video clips of the respective events for the media. The Public Relations Department e-mails information and press releases to the addresses of over 200 journalists and editorial boards in BiH and abroad, and also places them on the official web page of the Prosecutor's Office of BiH.

Furthermore, this Department plays an active role in preparation of contents distributed via web page of the Prosecutor's Office, and in real-

ization of informative activities aimed at informing the public about the work of the Prosecutor's Office, such as round tables in local communities all over BiH, and presentations concerning the Prosecutor's Office activities during visits of various delegations, students and other visitors to the Prosecutor's Office of BiH.

-The Department for ICT and Electronic Evidence Processing plays a key role in the development of information and communication system of the Prosecutor's Office of BiH and in keeping track of the latest information and communication technologies and methods and their implementation in the existing informational system. The operations of this Department also include safe processing and handling of digital evidentiary material, data sorting and filing. The Department for ICT and Evidence Processing provides assistance and support to users in terms of functioning of the installed equipment, offers support in the organization of training of employees in the field of ICT technologies and also facilitates presentation of digital evidence.

The issues important for monitoring, planning and improvement of administrative work are considered at level of the Administration Collegium. ■

Support to the Prosecutor's Office of BiH

International Registry

By 31 December 2012 the Prosecutor's Office of Bosnia and Herzegovina received support from the international Registry. The mandate of the Registry included logistic, financial and administrative support as well as support to both national and international prosecutors of the Special Department for War Crimes and Special Department for Organized Crime, Economic Crime and Corruption of the Prosecutor's Office of BiH. The Registry was established on 1 December 2004 pursuant to the Registry Agreement signed by the High Representative in Bosnia and Herzegovina and a member of the BiH Presidency with the view of providing support in building sustainable capacities of the Section I and II of the Court of Bosnia and Herzegovina and special departments of the Prosecutor's Office of Bosnia and Herzegovina.

The new Registry Agreement of 26 September 2006 anticipated a gradual transfer of all competencies of the Registry to the BiH institutions, primarily to the Court and Prosecutor's Office of BiH, integration of national staff into the BiH institutions, gradual replacement of international prosecutors and other professional staff with the BiH citizens, and transfer of property and responsibilities. This Agreement divided the



functions of the Court and Prosecutor's Office Registry, and both functions were performed by BiH citizens, while their predecessor was an international Registrar. For the purpose of coordinating the transitional process the Agreement set up the Transitional Council comprising of: the President of the Court, the Chief Prosecutor, Registrars, the President of the High Judicial and Prosecutorial Council, Minister of Finance and Treasury of BiH, Minister of Justice of BiH and the Director for European Integration. Two international

observers, experts in management of criminal law institutions, and/or in criminal law also supported the work of the Transitional Council.

The Registry's operations were financed through international donations. By the end of 2012 the support received by departments of the Prosecutor's Office of Bosnia and Herzegovina totalled EUR 17,802.099.75. These funds were to a large extent used for financing the work of international prosecutors and staff working in the Prosecutor's Office of BiH, for redecoration and building of office and other capacities, purchase of equipment, work of interpreters and staff allocated to provide support to the special departments of the Prosecutor's Office of BiH. The functioning of the Registry was possible thanks to grants of the donor countries such as: the United States of America, the Great Britain, The Netherlands, European Union, Germany, Sweden, Spain, Norway, Austria, Italy, Ireland, Switzerland, Belgium, Denmark, Luxemburg, Greece, Turkey and Poland, whose support to the work and building of the institutional capacities totalled EUR 61.8 million. ■



Cooperation of the Prosecutor's Office of BiH with the BiH Institutions

The Prosecutor's Office has a good cooperation with all judicial institutions in Bosnia and Herzegovina, as well as with law enforcement agencies and other institutions in charge of judicial and security issues.

In the past 10 years, the Prosecutor's Office of BiH has coordinated many joint activities with the participation of a number of law enforcement agencies. To that end many joint police actions upon the order of the Prosecutor's Office were realized, with the participation of a huge number of police officials on the ground. Activities related to searches, deprivations of liberty and other activities were performed simultaneously in a number of towns all over the country.

Furthermore, the Prosecutor's Office of BiH has a very good cooperation with all prosecutor's offices in BiH and with the entire prosecutorial community consisting of around 320 prosecutors from all over Bosnia and Herzegovina. Prosecutors of the Prosecutor's Office of BiH have very often acted as training experts at a number of professional gatherings, and as profes-

sionals they are always ready to assist their colleagues.

Prosecutors of the Prosecutor's Office are members of the Task Force for the Fight against Trafficking in Human Beings and the Task Force for the Fight against Terrorism, comprising of representatives of all judicial and police agencies involved in the prosecution of criminal offences of this type.

The Chief Prosecutor regularly participates in coordination meetings of the Chief Prosecutor and directors of police agencies in BiH,



held every two to three months. The discussion at the meetings pertains to cooperation and way to overcome possible challenges that might occur as well as to the work related to locating and criminally prosecuting criminal offence perpetrators, and also to modalities for improvement of future cooperation. ■



Association of Prosecutors of BiH

The Association of Prosecutors of BiH was founded at the Assembly of the Association held on 22 October 2005 in Neum, and it presents the first professional organization of judicial authority of BiH under one umbrella.

The existence of the Association is very important for all those holding prosecutorial functions in BiH, and the Association of Prosecutors comprises of around 100 active members.

In addition to main goals and activities common to every professional association, the Association of Prosecutors is also committed to implementing the objectives that the

Association recognized as important in terms of harmonization of the criminal legislation in BiH, establishment of the organization of the Prosecutor's Office in accordance with European standards, and setting up of a single and independent source and manner of financing of the judicial authority in BiH.

The Chief Prosecutor is a member of this professional association as well as some prosecutors from all departments of the Prosecutor's Office.

Members of the entity associations of prosecutors are also members of the Association of Prosecutor's of BiH. ■

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Cooperation of the Prosecutor's Office of BiH at regional and international level

From its establishment the Prosecutor's Office of BiH has developed a good and professional cooperation with judicial agencies in the neighbouring countries, the region, but also all over the world whenever cooperation was required for the purpose of a more efficient work on the cases.

At the beginning of 2005 the Prosecutor's Office of BiH launched an initiative to conclude the memorandum on cooperation with the neighbouring countries. Such memorandum was signed by all neighbouring countries, and also by the Former Yugoslav Republic of Macedonia, for the purpose of a more efficient cooperation of the prosecutors from two different countries when that is necessary for their work on the cases.

Hundreds of requests for legal assistance have been exchanged so far on the bases of these memorandums. They were sent both from the neighbouring countries to Bosnia and Herzegovina and from our country to the judiciary of the neighbouring countries.

Thus, at the beginning of 2013 the activities aimed at concluding protocols on cooperation with the prosecutor's offices of the neighbouring countries, Serbia, Croatia and Mon-



■ Chief Prosecutor at a meeting with the Ambassador of the Republic of France in BiH

tenegro have been intensified aiming to provide more efficient prosecution of war crime cases and to prevent the situations in which persons responsible for different crimes in our country are hiding behind dual citizenships and remain inaccessible to the BiH judiciary.

Furthermore, the prosecutors have an active cooperation with the SECCI centre in Bucharest, which gathers

liaison officers from several Balkan countries and Bosnia and Herzegovina is a member. They also have a good cooperation with the institutions of Europol and Eurojust with which more extensive cooperation is yet to develop in future membership of our country in these police and prosecutor networks of the European Union and in the forthcoming process of European integration of Bosnia and Herzegovina.

In its endeavours in the fight against grave criminal offences, including but not limiting to the criminal offences of terrorism, organized crime, international trafficking in narcotic drugs and smuggling of illegal immigrants, the Prosecutor's Office will certainly develop cooperation with all partner institutions and agencies in the region, Europe and the world, as it is obvious that crime does not recognize any borders.

The Prosecutor's Office of BiH also has a good cooperation with international organizations active in Bosnia and Herzegovina, as well as with diplomatic representatives in charge of cooperation at judicial and security level. ■



■ Chief Prosecutor at a meeting with the representatives of the International Commission on Missing Persons (ICMP) in BiH