



The Judiciary in BiH between
Public Needs and Politics:

**NONTRANSPARENCY,
INEFFICIENCY AND
PUBLIC DISTRUST**

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TABLE OF CONTENTS

INTRODUCTION AND METHODOLOGY	5
TRANSPARENCY OF THE JUDICIARY IN BIH	8
TRANSPARENCY THROUGH EXPERIENCES FROM LOCAL COMMUNITIES	11
Zenica	11
Bihac	12
Livno	13
East Sarajevo	14
Mostar	14
Trebinje	15
Doboj	16
Bijeljina	17
PROCESSING CORRUPTION	19
Processing of corruption cases in BiH	19
Trends in the Processing of Corruption in BiH	20
Challenges in Judicial Proceedings	23
Prosecution of Corruption in Localities	24
TOPICS FROM LOCAL COMMUNITIES	30
Activists and Environmental Complaints	32
Land Registry and Ownership Challenges	34
Election Irregularities	35
Criminalization of Defamation	37
KEY RECOMMENDATIONS FROM LOCAL COMMUNITIES	39

TABLES

Table 1: Comparative Presentation of Statistical Data on the Number of Reports Undergoing Processing for Criminal Offences of Corruption for the Period 2019-2022.	20
Table 2: Comparative Presentation of Statistical Data on the Number of Ongoing Investigations in Corruption Cases for the Period 2019-2022 (Figures in brackets indicate the number of cases related to high-level corruption).	21
Table 3: Comparative Presentation of Statistical Data on the Number of Indictments Filed for Criminal Offences of Corruption for the Period 2019-2022 (figures in brackets indicate the number of cases related to high-level corruption)	22
Table 4: Comparative Presentation of Statistical Data on the Types and Number of Verdicts Handed Down by Courts in BiH for Criminal Offences of Corruption in the Period 2019-2022	23

INTRODUCTION AND METHODOLOGY

Upholding the rule of law is among the key of the 14 priorities listed by the European Commission back in 2019, in its Opinion on Bosnia and Herzegovina's application to join the European Union. Judicial reform processes dominated the document precisely because securing the rule of law, where all citizens are equal before the law, is unattainable without an efficient and transparent judicial system, equipped to address irregularities through appropriate sanctions.

To assess the situation within the judiciary and provide systemic responses, the European Union presented an analysis by legal expert Reinhard Priebe's team in late 2019. This analysis highlighted multiple crucial reform tasks related to the accountability, integrity, transparency, and efficiency of judicial institutions. Subsequently, the EU organized four debates "Right to Justice," facilitating a dialogue between executive, legislative, and judicial authorities, along with leading professional experts.

These discussions resulted in a set of promising recommendations. Unfortunately, these recommendations have not been translated into initiatives due to the lack of political will behind reform processes in recent years.

In the summer of 2023, several major legal revisions were announced which would transform the operational framework of the judiciary. These laws, which have already been in development or procedural stages for several years, include modifications to the Law on High Judicial and Prosecutorial Council to the Law on Courts in BiH. Simultaneously, judicial institutions in the Republika Srpska have come under scrutiny for the recriminalization of defamation in that entity.

This development has given rise to fears within the media and non-governmental sectors that these legal measures might be misused to silence critics. Consequently, the Office of the European Union in BiH organized a series of meetings in local communities within the Right to Justice platform. The objective of these meetings was to assess the current state of the judiciary at the district and cantonal levels, focusing on transparency levels, public trust, and the overall operational milieu.

In order to ensure that both entities and all regions of the country were represented in the discussions, the meetings were held in Zenica, Livno, East Sarajevo, Trebinje, Bihac, Bijeljina, Doboje and Mostar. In addition to representatives from judicial institutions, NGO workers, activists, journalists, and other interested citizens were invited to attend. Following the example of Right to Justice, the discussions centered on the issues of transparency and corruption, while also addressing specific problems faced by each local community. Topics which appeared to garner high levels of public interest and generate concern across the country included:

1. The slow and non-transparent handling of cases pertaining to reports submitted by environmental activists.
2. The inadequate system for resolving land registry and property disputes raised by citizens.
3. The insufficient judicial response to electoral irregularities.
4. Fears among activists and journalists due to potential misuse of criminal defamation statutes in the Republika Srpska.

Chosen to moderate the meetings were representatives of Transparency International (TI BiH) and the Balkan Investigate Reporting Network (BIRN BiH), two non-governmental organizations with longstanding records of methodical engagement in monitoring judicial reform in the country.

As corruption cases tend to be a focal point of public attention among judicial operations, the prosecution of these cases and their transparency are of paramount importance. Beyond the defendants and injured parties, society at large also has a legitimate interest in the efficient resolution of these cases. Thus, ensuring a timely and accountable judicial process is imperative.

The processing of corruption cases in BiH, as meetings in local communities demonstrated, is plagued by a variety of challenges. These include politicization, poor institutional cooperation, corruption within the judiciary, insufficient resources and trained personnel, slow and convoluted judicial procedures, fears concerning reprisals and the security of witnesses, and low public trust in the entire process. Additionally, issues related to prosecutorial discretion and the inefficacy of mechanisms for reviewing prosecutorial decisions have come to the fore. Prosecutors have the autonomy to independently determine the initiation and termination of investigations, the subjects of those investigations, the selection of the accused, the dismissal of charges, and the pursuit or withdrawal of filed appeals.

After reports are filed, prosecutorial decisions take an exceedingly long time—in some cases more than 10 years. The review of prosecutorial decisions has likewise proven inefficient, with around 95 percent of complaints dismissed. Court proceedings and trials in corruption cases are also protracted, marked by delays, political pressure, and procedural shortcomings.

In recent years, there has been no substantial progress with regard to the judicial processing of corruption cases, evident in the quantity of cases prosecuted and final verdicts rendered. On one hand, there has been a notable increase in the number of corruption reports submitted to

prosecutor's offices, with the number of reports filed in 2022 exceeding the 2021 total by 168 reports, and the 2020 total by 455 reports. On the other hand, the number of investigations is on the decline, with fewer open corruption investigations recorded in 2022 than in any year since 2019.

The number of indictments has also dwindled, from 235 indictments in 2021 to 205 indictments in 2022. Nevertheless, in the course of 2022, there was an increase in the number of both convictions and acquittals in corruption cases in BiH as compared to the previous year. However, in shifting the focus to high-level corruption cases, we find that out of a total of 293 corruption-related convictions in 2022, merely 8 convictions, or 2.7 percent, were for the criminal offense of high-level corruption. Moreover, analysis of the sentencing framework reveals lenient penal policies in corruption cases, which are ineffective in deterring potential offenders.

Across the entire judicial system in 2022, there were 293 convictions for corruption-related criminal offenses. Verdicts involving prison sentences accounted for only 34.4 percent of these convictions, while suspended sentences were very common, making up 62.7 percent of the total court decisions. The data indicates that while more minor corruption cases are being prosecuted, cases of serious corruption are prosecuted infrequently or not at all.

In the eight Bosnian cities where the Right to Justice event took place, prosecutorial bodies and courts tend to be fairly restrictive towards citizens and the media. In practice, this means that even plaintiffs are denied information when inquiring into the statuses of cases and that media is unable to report on cases of public interest. These practices foster an atmosphere of distrust toward institutional operations, pointing to the need for a more prompt and professional approach toward engaging with the public.

At the same time, during the conversations in the local communities, participants stressed the need for greater education in public relations as well as emphasis on positive examples of individual institutions. Judicial representatives highlighted

the importance of public awareness regarding legal proceedings and the presence of citizens in courtrooms.

Transparency constitutes a key principle in the operations of public institutions within democratic societies. Its importance is manifold, as it bolsters public trust in institutions and enables citizen engagement in the decision-making process. Although judicial institutions represent a unique context, they are no exception, and must adhere consistently to the principles of transparency. In Bosnia and Herzegovina there are a set of laws and by-laws governing the transparency and openness of judicial proceedings. Additionally, judicial institutions have guidelines and instructions concerning information accessibility, written communication strategies, media protocols, guides to crisis management, and similar resources aimed at enhancing transparency within judicial operations.

Despite these measures, an analysis conducted by TI BiH and BIRN BiH, which was included in a recently published Transparency Index, measuring the extent of openness among courts and prosecutor's offices are to communication with the media, citizens, and non-governmental organizations, indicates multiple shortcomings. A reactive transparency analysis showed that slightly over 50 percent of requests based on the Law on Free Access to Information received responses within the legal timeframe, in which all requested information was provided.

Of particular concern were the disparities detected in how judicial institutions handled requests based on the profiles of applicants. For example, only one institution ignored a request made by TI BiH, while more than 30 percent of judicial institutions ignored inquiries from ordinary citizens. The practice was especially pronounced among courts, where the incidence of "administration silence" reached as high as 36.4 percent.

There are also inconsistencies with regard to the publication of verdicts. On their respective web pages, only 16 courts publish complete first and second instance verdicts, while 25% publish abridged information. More than half of courts neglect to publish any information online regarding verdicts at all.

Among prosecutorial bodies, the majority publish information about confirmed indictments in the form of announcements (75%), while only three prosecutor's offices publish complete indictments. The analysis also reveals varying practices in the response of courts and prosecutor's offices to media inquiries, with almost 45% of courts opting not to comment on media queries at all. In the local community discussions, numerous journalists and activists voiced concerns about communication practices and the dearth of basic information on the operations of both courts and prosecutor's offices.

TRANSPARENCY OF THE JUDICIARY IN BIH

Transparency constitutes a key principle in the operations of public institutions within democratic societies. Its importance is manifold, as it bolsters public trust in institutions and enables citizen engagement in the decision-making process. Although judicial institutions represent a unique context, they are no exception, and must adhere consistently to the principles of transparency.

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Some of the key laws governing the transparency of the judiciary in Bosnia and Herzegovina include: the Laws on Courts, the Law on High Judicial and Prosecutorial Council, and the Laws on Freedom of Access to Information. The Laws on Freedom of Access to Information merit particular emphasis, as they regulate the accessibility of information held by public entities, ensuring the right to access information of public interest to the greatest extent feasible, and imposing a corresponding obligation on public entities to provide information.

These laws facilitate a level of transparency known as reactive transparency, whereby public institutions are obligated to provide information or respond to requests for information submitted by citizens, the media, or other interested parties.

Additionally, there is a notable emphasis on proactive transparency, which refers to the practice of public institutions actively publishing information about their operations, decisions, and activities without waiting for requests or initiatives from citizens or the media. Efforts have been made to encourage proactive transparency through various strategic documents. For instance, in its 2022-2025 Communication Strategy, the High Judicial and Prosecutorial Council (HJPC) articulates the primary objective of ensuring accurate, verified, and updated information about the operations of courts and prosecutorial bodies and making such information readily accessible to citizens.

Also, it underscores the importance of maintaining continuous and open communication with the media, non-governmental organizations, and other entities that have a legitimate interest in keeping abreast of the judiciary's operations. According to the guidelines for the publication of prosecutorial and court decisions on official websites in Bosnia and Herzegovina, the objective is to standardize the practice of disseminating information held by prosecution offices and courts. This aims to harmonize practices regarding the publication of verdicts on the official web pages of courts and prosecution offices throughout the entire territory of Bosnia and Herzegovina.

These guidelines endeavor to determine suitable solutions for Bosnia and Herzegovina that strike a balance between protecting personal data and enabling public access to court and prosecutorial proceedings.

The existing laws and guidelines on transparency offer a foundation for enhancing both reactive and proactive transparency. This contributes to the strengthening of the rule of law and the accessibility of information within the judicial system.

In drafting this report, we utilized the transparency index of judicial institutions, jointly developed by Transparency International in BiH and the Balkan Investigative Reporting Network in BiH, which measures the extent to which courts and prosecutions engage in communication with the media, citizens, and non-governmental organizations.

The transparency index of judicial institutions is the outcome of research based on responses from judicial bodies and data they publish on their websites, and encompasses three key components: Proactive transparency, referring to the proactive publication of a set of information by courts and prosecutions on their websites; Reactive transparency, meaning the response to requests for free access to information sent to courts and prosecutions by Transparency International in BiH, as well as individual requests made by citizens; and Transparency of the judiciary towards the media, encompassing the provision of a set of information by courts and prosecutions upon requests from the media.

The results of a two-year assessment of transparency levels are distressing. The analysis indicates that 90 percent of prosecution bodies in BiH do not provide any information about criminal cases on their websites, while 50 percent of courts disregarded media inquiries. As previously emphasized, 42 percent of all courts and prosecutions exceeded the 15-day legal deadline for responding to requests for free access to information. This is particularly alarming considering that institutions which are expected to be the ultimate guarantors of the rule of law are not abiding by legal provisions themselves. As evident during several discussions in local communities, half of the courts in BiH do not publish information about first instance verdicts in any form, with only a few releasing a schedule of hearings.

BIRN BiH recently drew attention to the problematic practice by the Sarajevo Municipal of refusing to publish first instance verdicts in two major corruption cases involving Amir Zukic and Asim Sarajlic. The court's reasoning is that this could potentially influence the final verdict, a stance that contradicts HJPC recommendations and has sown considerable mistrust among media outlets and non-governmental organizations attempting to monitor judicial processes.

The lowest transparency results have been documented within the Cantonal Prosecutor's Offices in Mostar and Sarajevo, along with the Municipal Courts in Mostar, Citluk, and Zepce. Meanwhile, the Court of BiH, the Basic Court in Teslic, and the prosecutions of Brcko District, Central Bosnia, and Posavina cantons are noted as the most transparent entities.

The analysis conducted by TI BiH and BIRN BiH also highlights deficiencies in the transparency of disciplinary procedures involving judges and prosecutors. Throughout the local "Right to Justice" discussions, multiple allegations were raised concerning potential political ties between courts and prosecutors. The general sentiment was that disciplinary proceedings were too secretive and ambiguous, and that the lenient punitive approach failed to provide sufficient deterrence. BIRN BiH recently published an analysis that raised the issue of decisions on judges and prosecutors' responsibilities being rendered anonymously, sometimes leading to selective reporting and making certain sanctions, such as "public warnings," meaningless.

According to Transparency International's Corruption Perception Index (CPI) for 2022, Bosnia and Herzegovina, with a CPI score of 34, holds the lowest rank in the Western Balkan region and is witnessing a decline in public perceptions of corruption. Since 2013, the country has seen an eight-point decrease in its CPI score, with corruption and opacity within the judiciary contributing to a lack of faith in institutions and eroding their legitimacy.

As stated in an expert report by Reinhard Priebe presented to the European Commission

in December 2019, “The criminal justice system in Bosnia and Herzegovina is failing to combat serious crime and corruption. None of the four existing criminal justice jurisdictions is adequately functioning.” The report further notes that “citizens do not trust the judiciary because of perceived corruption and conflicts of interest.” And that “transparency and accountability are underdeveloped among judges and prosecutors.”

Levels of trust in judicial institutions among citizens in BiH remain low. Official channels through which citizens should be able to exercise their rights are often overwhelmed, lacking adequate responses to specific inquiries and mechanisms for resolving problems. Underprivileged voices are becoming increasingly rare in the public discourse, accompanied by dwindling media coverage on certain stories and the challenges faced by citizens due to pervasive corruption at all levels of society. These factors lead to passivity among citizens when it comes to the fight for greater judicial transparency.

The dearth of information about proceedings within judicial institutions poses a problem not just for the media, but for the broader public. It obstructs access to timely and objective information about the judiciary’s operations, particularly concerning serious crimes such as high-level corruption. Media representatives have frequently criticized the lack of openness within the State Prosecutor’s Office and the judiciary in general.

During 2021, BIRN BiH intensified its reporting on sessions of the High Judicial and Prosecutorial Council, assessed its operations, and executed a public campaign called “Let Me See,” which garnered more than 5,000 signatures from citizens of BiH, advocating for greater judicial transparency. The campaign’s objective was to establish a standardized practice for the publication of documents, with a focus on corruption indictments. As a result of these undertakings, BIRN BiH was informed by an HJPC spokesperson in December 2021 that the acting chief state prosecutor, Milanko Kajganic, issued and signed a binding directive to ensure the publication of redacted factual descriptions from the institution’s confirmed indictments, with

implementation slated to begin early next year.

Prior to this, BIRN BiH provided feedback on the draft communication strategy to HJPC, and these comments were incorporated.

There are several projects focusing directly on enhancing transparency within the HJPC itself, as well as across courts and prosecutor’s offices more broadly. However, until each individual judicial entity’s obligations concerning proactive and reactive transparency is delineated within binding instructions and consistently upheld across all courts and prosecutor’s offices, regardless of their geographical location in BiH, we can hardly expect public trust in these institutions to be restored.

TRANSPARENCY THROUGH EXPERIENCES FROM LOCAL COMMUNITIES

Zenica

The Transparency Index has brought to light a series of issues within the Zenica-Doboj Canton. The Cantonal and Municipal Courts in Zenica fail to publish periodic reports, institutional budgets, and integrity plans on their websites. Additionally, there is no online platform for lodging complaints about employee conduct. These courts also failed to supply media outlets with copies of verdicts, defendant photographs, details about prohibitive measures, or trial videos.

Similar transparency standards are evident in the Cantonal Prosecution, which has not even made available the contact details of its information officer. While the complete content of indictments is published, along with information about proposed custody and other prohibitive measures, the Prosecution falls short in responding to media queries related to the phase of a report, appeals against verdicts, or decisions to terminate investigations. This is particularly concerning from the perspective of the activists and non-governmental organizations who have shown interest in the Right to Justice event held in Zenica on July 13, 2023.

Institution representatives have expressed surprise that the Prosecution and Cantonal Court received a moderate transparency rating, just over 60 out of 100 points, while the Municipal Court scored considerably below average. As they stated, their strategic objective is to bolster transparency through proactive and reactive engagement with citizens and the media. For some, transparency is seen as a control mechanism and a means to rebuild trust.

These institutions claimed to be making efforts to promptly respond to media inquiries and to provide as much information as possible on their websites. Additionally, court presidents are willing to meet with visitors once a week. A representative from the Cantonal Prosecution in Zenica believes that their institution's level of transparency is steadily rising. They justify allegations that they have provided insufficient information by pointing to the fact that some actions were standardized, such as those involving requests for free access to information. These actions, while potentially less interesting to the public, are essential for safeguarding investigative procedures during which full disclosure may not be possible.

While some institutions are trying to educate future lawyers and share their knowledge, others claim to invest in training their public relations personnel. However, they underscore the unequal public interest in attending hearings in all cases.

Some citizens, however, say that while everything may look fine on paper, in practice they claim to face a lack of information, particularly in cases transferred between institutions, emphasizing that seeking certain information is every citizen's right. Meanwhile, some pointed out that the information mentioned by judicial representatives as being available on websites is not always of interest or inclusive of all cases.

Both media representatives and citizens indicated dissatisfaction with the performance of spokespersons and the legal jargon employed.

Judicial representatives have stressed the need to promote the right to attend hearings and follow proceedings, educate the public about institutional competencies, spotlight positive examples of prosecutions arising from citizens' reports, and cultivate public interest in monitoring trials.

Bihac

The Prosecution of Una-Sana Canton has not published its organizational chart, and biographies of its leaders are inaccessible, as are the institution's annual operational plan and budget. There is also no online platform for employee-related complaints or a published integrity plan, and information about concluded agreements is not disclosed. Requested indictments or information about case statuses, according to BIRN BiH and TI BiH research, is often not available to the media.

The situation is similar at the Bihac Municipal Court, where verdicts are not posted on its website. Aside from the hearing schedule, no other significant information can be found online. Answers to frequently asked questions have been published, but it is impossible even to find the contact details of the information officer.

The Cantonal Court exhibits a better approach, publishing a broader range of information. This includes the organizational chart, biographies of its leaders, the annual operational plan, a roster of judges with their respective positions, a public procurement plan, and more. Their website offers contact information for the information officer, a separate section for accessing information, guidelines for submitting complaints about judicial operations, and answers to frequently asked questions. Public employment opportunities are displayed, the daily hearing schedule is consistently updated, and concise information about first and second instance verdicts is available.

However, neither the Municipal nor the Cantonal Court in Bihac publish complete first and second instance verdicts. They also neglect to provide photographs of defendants, decisions pertaining to custody and prohibitive measures, requests for

arrest warrants, rejections of indictments, and trial videos.

Regarding transparency toward media and citizens, the Cantonal Prosecution ranks at the top of the transparency index, while the Cantonal and Municipal Courts fall mid-range. The Prosecutor's Office claims that they try to respond to all inquiries, even in the absence of a spokesperson. The representative of the Cantonal Court denies withholding information from media, while the Municipal Court emphasizes that the majority of their queries come from citizens.

Media outlets have pointed out an unethical approach by the Cantonal prosecution in Bihac. While acknowledging the logic of not publicly disclosing details of ongoing investigations, media workers said during the discussion in Bihac on July 18, 2023, that the problem lies in the fact that certain prosecutors selectively offer information to "approved portals" through familiar channels.

The media has also drawn attention to the need to improve the quality of information, while the Prosecutor's office claims adherence to HJPC guidelines in responding to information requests. They also stated that they not only respond to law enforcement reports but have also opened cases following investigative journalism by certain media outlets.

The Cantonal Court representative attests that no media entities have been prevented from recording courtroom hearings, adding that several of the journalists who have attended trials have done a commendable job of reporting information to the public.

Livno

The joint investigation conducted by Transparency International and BIRN BiH reveals that the Livno Municipal Court has presented biographies of its leaders on its website, and its annual work plan is published regularly. A roster of judges, a public procurement plan, calls for procurement, and decisions regarding bidder selection are also publicly accessible, albeit not up-to-date. Contact information for the information officer is provided, along with answers to frequently asked questions, instructions for filing complaints about judges' conduct, an integrity plan, public employment opportunities, and a current hearing schedule. Verdicts from both first and second instances are also available.

The Cantonal Court in Livno has not published its organizational chart, biographies of its leadership, periodic reports, public procurement plans, calls, or budgets. There is no online platform for employee-related complaints. Rosters of judges, decisions regarding bidder selection for public procurement, and contact details of the information officer are available. Sections dedicated to free information access, answers to frequently asked questions, and instructions for filing complaints about judges' conduct are also provided.

Both the Municipal and Cantonal Courts in Livno furnish copies of first and second instance verdicts, decisions pertaining to custody and prohibitive measures, requests for arrest warrants, and decisions rejecting indictments. However, they do not supply media outlets with requested defendant photographs or trial videos.

The Prosecutor's Office of Canton 10 has neglected to publish its organizational chart, annual work plan, and periodic reports. The budget and its implementation report are not publicly available, and there is no online platform for employee-related complaints or an integrity plan. Information about concluded agreements is not disclosed. The website does contain a brief description of its scope of work, short biographies of its leaders, and an annual activity report. It also presents a list of prosecutors and offers access to

the public procurement plan, calls, and decisions related to bidder selection, although this is not updated. Contact details for the information officer are provided, as is a section for free information access, answers to frequently asked questions, clear guidelines for complaints and bids. The institution also publishes announcements on confirmed indictments, accompanied by the operative sections, and includes information about proposed custody and other prohibitive measures.

Commenting on shortcomings in transparency concerning queries filed by the citizens and media, court representatives cite capacity constraints, while prosecutors cited ongoing investigations as a reason for not providing all information. In cases where citizens expressed dissatisfaction with prosecutorial decisions, judicial institutions advised them to use legal avenues to file complaints. Special criticism concerning transparency revolved around communication with injured parties, activist groups, and citizens filing reports. Collectively, these issues have contributed to a lack of trust in judicial institutions among citizens.

During the event in Livno held on July 20, 2023, several journalists said they had negative consequences and lack of responses with questions they had asked of the court and prosecution. Representatives of several informal groups said they had the same experiences.

East Sarajevo

The District Court in East Sarajevo has not disclosed its organizational chart, biographies of its leaders, periodic reports, public procurement plan, or decisions related to bidder selection. There is also no information regarding budget implementation.

However, the Court has shared its annual activity report, a roster of judges and positions, public procurement calls, a section addressing free access to information, answers to frequently asked questions, and clear instructions for submitting complaints about the conduct of judges. They also publish public employment opportunities and provide brief information about first and second instance verdicts.

During BIRN BiH and TI BiH research, the Court refused to provide verdicts but has tried to explain this decision. They did not furnish photographs of defendants, decisions involving custody and prohibitive measures, requests for arrest warrants, rejections of indictments, or trial videos.

Similarly, the Prosecutor's Office in East Sarajevo withholds its organizational chart, biographies of its leaders, annual work plan, and periodic report. The list of prosecutors remains undisclosed, as does the budget and its corresponding implementation report. Additionally, information and instructions for filing complaints with the Office of Disciplinary Counsel about prosecutor conduct, an online channel for employee-related complaints, and an integrity plan are not publicly accessible. The official website does not include

public employment opportunities or information regarding concluded agreements.

The District Prosecutor's Office in East Sarajevo has shared certain pieces of information, including data about confirmed indictments and details concerning proposed custody and other prohibitive measures. They have established specialized teams for communication with the media, which sets it apart from other institutions.

During the public debate held in Eastern Sarajevo on July 24, 2023, the institution acknowledged the importance of educating citizens about institutional competencies, and also emphasized that, based on the transparency index, judicial institutions could enhance their procedures in response to identified shortcomings.

The Prosecutor's Office did not provide confirmed indictments to media outlets during BIRN BiH and TI BiH research on judicial transparency, but did offer information about case statuses, although lacking additional details, including on appeals and decisions to terminate investigations.

Journalists attending the event in East Sarajevo noted that the Prosecutor's Office and the judiciary at large paid minimal attention to the media and provided inadequate responses to media inquiries, claiming that some institutions took as long as a year to respond. They conveyed that gaining the trust of the media and public would involve responding to inquiries as well as improvements in the quality and frequency of communications.

Mostar

On their web page, the Cantonal and Municipal Court in Mostar have not published their organizational chart, biographies of their leaders, or a periodic report. The public procurement plan is absent, as are public procurement calls. Additionally, there is neither a budget nor an online platform for filing complaints about the conduct of their employees.

However, the annual plan and activity reports are published regularly. The names and positions of judges, along with decisions on bidder selection and contact details for the information officer, are publicly available. There is a section dedicated to free access to information, and answers to frequently asked questions are provided. Clear instructions for filing complaints about the conduct

of judges with the Office of Disciplinary Counsel are also available. Calls for recruitment are accessible, the hearing schedule is published and updated daily, and brief information about first and second instance verdicts is made available.

Neither institution has provided the media with verdicts or photographs of defendants upon request during BIRN BiH and TI BiH research. They have also not supplied decisions pertaining to custody or other prohibitive measures, requests for arrest warrants, rejections of indictments, or trial videos.

A representative from the Municipal Court in Mostar stated during the discussion in Mostar held on July 28, 2023 that substantial efforts have been dedicated to proactive transparency over the past three months, particularly concerning the hearing schedule. Furthermore, numerous modules on the court's website have been improved, encompassing court-ordered sales, insolvency proceedings, the land registry office, tax information, court practices, and basic details about indictments. Categories for court settlements and court statistics have been established, and a case flow module has been created, incorporating data from previous years. Other institutions in cities hosting the "Right to Justice" public debates have been advised to implement the case flow module, granting citizens and the media access

to case statuses and information at any given moment.

Court representatives noted that the prolonged process of appointing judges has led to operational issues within the court system.

The website of the Prosecutor's Office of Herzegovina-Neretva Canton lacks biographies of prosecutors or an annual plan. Calls for public procurement and budget implementation reports are also missing. However, a description of the institution's scope of work and annual reports have been published, though these reports are not up-to-date. A list of prosecutors and a public procurement plan are available, alongside decisions on bidder selection and contact details for the information officer.

There is a separate section regarding free access to information and answers to frequently asked questions are provided. Clear instructions for submitting complaints, as well as details about employment opportunities, are also accessible. The Prosecutor's Office publishes information about confirmed indictments in the form of announcements, along with information about proposed custody and other prohibitive measures. However, they do not provide the media with indictments or other decisions and documents.

Trebinje

The Basic and District Court, along with the District Prosecutor's Office in Trebinje, do not publish their organizational charts or short biographies of their leaders on their official web pages. Periodic reports are unavailable, as are calls for public procurement and decisions on the selection of bidders. The budget and annual report on budget implementation are likewise not accessible.

Clear instructions for filing complaints about the work of judges are not provided, and there is no online channel for complaints about the conduct of employees who are not acting as judges. An integrity plan and calls for employment are also absent.

The Basic Court in Trebinje does not supply copies of first and second instance verdicts, photographs of defendants, decisions ordering or terminating custody and prohibitive measures, requests for arrest warrants, decisions rejecting indictments, or trial videos. However, a brief description of its scope of work is available, annual work plans are published regularly, and the institution's annual reports are updated consistently. A roster of judges is provided, as well as a public procurement plan, which is not updated. Contact details for the information officer are accessible, and a separate section regarding free access to information and answers to frequently asked questions is available. The hearing schedule is published and updated

daily, and complete first and second instance verdicts are provided.

The District Court in Trebinje offers a brief description of its scope of work. Its annual work plan, activity report, and periodic report are available, along with a list of judges and their positions and a public procurement plan. Decisions on the selection of bidders, contact details for the information officer, and a separate section regarding free access to information is present on the web page. Answers to frequently asked questions and clear instructions for filing complaints about the conduct of judges with the Office of Disciplinary Counsel, as well as public calls for employment, are accessible. The hearing schedule is updated regularly, and brief information about first and second instance verdicts is published.

The District Prosecutor's Office has published its organizational chart, a brief description of its scope of work, and an annual report on the work of the institution. A list of prosecutors and their positions is available, as is the public procurement plan, although it is not up-to-date. Contact details for the information officer and a separate section regarding free access to information are provided. Answers to frequently asked questions

are accessible, as are clear instructions for filing complaints about the work of prosecutors with the Office of Disciplinary Counsel and calls for employment. Information on confirmed indictments, custody, and other prohibitive measures is also available.

The District Public Prosecution and Court in Trebinje provide the media with confirmed indictments and information on the status of individual cases, without additional details, and appeals against verdicts. However, decisions to terminate investigations are not provided. They do not supply photographs of defendants, requests for arrest warrants, or trial videos.

Representatives of the judicial institutions have used the public debate "Right to Justice" in Trebinje, held on July 31, 2023, to announce an improvement in transparency, while journalists highlighted their satisfaction with cooperation with the District Court. One journalist described communication with the judicial institutions as having been problem-free, as they had consistently provided requested information. She commended the Trebinje judicial institutions for singularly offering the media timely answers to requests under the Law on Free Access to Information, unlike other institutions that ignored such requests.

Doboj

The District and Basic Courts in Doboj have not published biographies of their leaders or an annual report on their work on their official web pages. A public procurement plan is not available to the public, and accordingly, calls for public procurement are not published. Additionally, the institution's budget is not published on the web page, and neither is the annual report on budget implementation. Contact details of the information officer and information on how to file complaints with the Office of Disciplinary Counsel are not provided, and there is no online channel for complaints about the conduct of employees.

In contrast to the District Court, the Basic Court does not publish its organizational chart, periodic activity report, decisions on the selection of bidders for public procurement, and verdicts of both degrees.

The District and Basic Courts in Doboj do not provide copies of verdicts upon request. Defendant photographs are not available and decisions regarding custody and prohibitive measures, requests for arrest warrants, decisions rejecting indictments, and trial videos are not accessible.

The District Public Prosecutor's Office in Doboj has not published its organizational chart, biographies of its leaders, the annual work plan of the institution, or a periodic report on its web page. Furthermore, it is not possible to find the institution's budget or annual report on budget implementation, and there is no information about concluded agreements or online platform for citizens to file employee-related complaints.

An annual activity report and a list of prosecutors

are available, as is a public procurement plan, calls for public procurements, and decisions on the selection of bidders. Indictments accompanied by operative sections are available in the form of announcements, as is information on proposed custody and other prohibitive measures.

Regarding transparency toward the media, confirmed indictments, information about the status of individual cases, appeals against verdicts, and decisions to terminate investigations are not available.

Commenting on these findings, a representative of the District Public Prosecutor's Office in Doboj said during the "Right to Justice" public debate held on

August 2, 2023, that the Office had an information officer who answered queries from the media and citizens, but she admitted that it was known to her that some queries had not been answered. She stated that important prosecutorial decisions were published.

A judge representing the District Court in Doboj said that the court had always responded to queries from citizens and the media, adding that it usually took them two to three days to answer and up to 15 days in more complex cases. He stated that all important pieces of information are published on the court's web page, and he believes that efforts should be made to educate the public about the competencies of judicial institutions.

Bijeljina

The Basic Court in Bijeljina has not published its organizational chart, biographies of its leaders, public procurement plan, budget, and report on budget implementation. Additionally, there is no online platform for complaints about employee conduct. The court's web page contains information about its scope of work, regularly published annual work plans, as well as annual and periodic reports. A list of judges and their positions is available and calls and decisions on the selection of bidders for public procurement have been published. The contact details of the information officer are available, as is a section regarding free access to information, answers to frequently asked questions, instructions for filing complaints about the conduct of judges, an integrity plan, and public calls for employment. The trial calendar is available in PDF format on a weekly basis, and brief information on verdicts of both degrees is also published.

They provide the media with copies of verdicts, decisions ordering or terminating custody and prohibitive measures, and decisions rejecting indictments. However, photographs of defendants, requests for issuance of arrest warrants, and videos from trials were not provided to BIRN BiH and TI BiH. The institution mentioned at a local discussion in Bijeljina on August 3, 2023, that they were working on improvements, adding

that journalists were allowed to record footage in courtrooms. A journalist confirmed that the court had provided requested information and been satisfactorily cooperative. She also pointed out that obtaining statements from judges and prosecutors was a more extended process, while journalists needed prompt information. Other participants noted that transparency depended on the will of court management structures.

The District Court in Bijeljina has not published biographies of its leaders, annual or periodic activity reports. Public procurement plans, calls, and decisions on the selection of bidders for public procurement are not available. The budget and report on its implementation are also missing, as well as contact details of the information officer. There are no answers to frequently asked questions and no online platform for complaints about the conduct of employees who are not acting as judges. No integrity plan has been published.

The institution's organizational chart has been published and its website includes a description of its scope of work and a list of the names and positions of judges. There is a section referring to free access to information and instructions for filing complaints about the conduct of judges. Public calls for employment are available, as is a trial calendar. Information on first instance

verdicts is published, while second instance ones are available in their entirety.

However, the District Court during the BIRN BiH and TI BiH research refused to provide the media with copies of verdicts, photographs of defendants, decisions ordering or terminating custody and prohibitive measures, requests for issuance of arrest warrants, decisions rejecting indictments, or videos from trials.

On the prosecutorial side, the organizational chart, leader biographies, and the annual work plan are not available, and neither are decisions on the selection of bidders for public procurement, the budget, the report on its implementation, instructions for complaints, or information about concluded agreements. Information about its scope of work and annual and periodic activity reports, as well as a list of names and positions of prosecutors, are available. The public procurement plan and calls are not updated, but the contact details of the information officer are available.

There is a separate section regarding free access to information and answers to frequently asked questions. There is also information on how to file complaints about the work of prosecutors and calls for recruitment. Data about confirmed indictments is published and provided to the media, unlike decisions to terminate investigations.

PROCESSING CORRUPTION

The public focus, when it comes to the work of the judiciary, most often centers around corruption cases. Consequently, the processing of corruption cases and maintaining a high level of transparency in these instances is crucial. Beyond the defendants, injured parties, and society as a whole also have a legitimate interest in the effective handling of corruption cases. Hence, ensuring a timely and accountable judicial process is of utmost significance. The handling of corruption cases in Bosnia and Herzegovina is rife with challenges, including politicization, weak institutional collaboration, corruption within the judiciary, resource and staffing inadequacies, protracted and intricate legal procedures, fears of reprisals, inadequate witness protection, and a general lack of public trust.

To overcome these challenges, concerted efforts need to be directed toward strengthening the rule of law, safeguarding the independence of the judiciary, promoting improved inter-institutional collaboration, providing sufficient resources and training, and implementing efficient mechanisms for protecting witnesses and curbing political influence on the judicial system. Additionally, raising public awareness about the imperative of combating corruption is essential to drive strong pressure for change and enhance transparency within society.

It's noteworthy that the High Judicial and Prosecutorial Council has issued guidelines mandating courts to expedite proceedings in organized crime and corruption cases. According to these guidelines, corruption and organized crime cases take precedence, with a particular emphasis on enhancing procedural discipline. This includes ensuring an efficient progression of the main trial without unwarranted delays and preventing the misuse of procedural rights that may lead to unnecessary stalling of proceedings. The HJPC instructs all courts to uphold the principle of conducting main trials on a "day by day" basis

until the conclusion and resolution of the criminal case or to hold these trials at least once a week.

Processing of corruption cases in BiH

After the European Commission adopted an opinion about Bosnia and Herzegovina's application for membership in the European Union, and after the European Council granted the country the candidacy status, the country is still facing a series of key reforms that must be implemented to achieve further progress in the process of EU integration. The priority reforms to be adopted and implemented are related to the improvement of election legislation, the Law on HJPC, the reform of the Constitutional Court of BiH, the laws on courts, and anti-corruption laws, such as the laws on the prevention of conflicts of interest and protection of corruption whistleblowers. In addition, reforms related to the institutional framework, such as the professionalization of the civil service, cooperation between law enforcement agencies, improvement of efficiency in processing corruption and organized crime, as well as the depoliticization and restructuring of public enterprises, also play a very important role. Particularly striking is the improvement of efficiency in the processing of corruption and organized crime, which stands out as one of the most significant challenges for Bosnia and Herzegovina.

According to data from the Corruption Perception Index, regularly compiled by Transparency International, Bosnia and Herzegovina has experienced a significant setback in its efforts to combat corruption over the past ten years. The country scored 34 on a scale of 0 to 100, resulting in a ranking of 110th place out of a total of 180 countries. In the context of Europe, only Ukraine and Russia showed worse results than Bosnia and Herzegovina.

Trends in the Processing of Corruption in BiH

These findings point to the need for further action and reforms in the processing of corruption, especially in key aspects. These key aspects include efficient conduct of investigations, filing and confirming indictments, efficient conduct of court proceedings, consistent application of legal sanctions, and ensuring transparency and accountability in each phase of the proceedings.

Analyzing data for the last four years, various trends have emerged with regard to processing corruption. These trends have been evident in reports, investigations, filed and confirmed indictments, second instance court decisions, and penal policies of courts provides deeper insights into how prosecutions and courts handle cases, accusations, and final decisions, and sheds light on the approach to punishment and treatment of various criminal offenses.

Considering the legal reform efforts made so far, such as amendments to the Law on the HJPC, the adoption of new strategic documents related to the transparency of the HJPC and judicial institutions, and the appointment of judicial functionaries, further insight can be gained into the approach to the necessary reforms.

Corruption Processing in Relation to Reports Filed to Prosecutions in BiH

The total number of reports being processed within an individual prosecutor's office or prosecutorial system includes unresolved cases at the beginning of the analyzed period, as well as reports received during that timeframe. Typically, reports of criminal offenses are forwarded to prosecutors from law enforcement agencies, although they can also be submitted by individuals or legal entities. The following table illustrates the trends in the total number of reports for criminal offenses related to corruption that are currently under processing.

The data in *Table 1* indicates an increase in the number of reports of corruption-related criminal offenses. The proportion of corruption-related reports within the total number of cases undergoing processing rose to 5.5 percent in 2022, compared to 4.6 percent in 2020 and 5 percent in 2021. The number of reports being processed for corruption-related offenses rose in 2022 compared to the preceding year, reaching the highest count within the considered period. In 2022, there were 168 more reports recorded than in 2021, and 445 more than in 2020. This upsurge in reports of

Level of Prosecution	Reports of Criminal Corruption Offenses ¹ Undergoing Processing			
	2019	2020	2021	2022
Prosecutor's Office of Bosnia and Herzegovina	131	126	172 (3)	252 (11)[1]
Federation of BiH Prosecutorial System	948	865	1,044 (12)	1,148 (35)
Republika Srpska Prosecutorial System	505	404	466 (1)	452 (2)
Brcko District Prosecutor's Office	26	19	9 (0)	7 (1)
Total	1,610	1,414	1,691 (16)	1,859 (39)

Table 1: Comparative Presentation of Statistical Data on the Number of Reports Undergoing Processing for Criminal Offenses of Corruption for the Period 2019-2022.

¹ Bracketed numbers refer to the quantity of high-level corruption cases, in accordance with the definition of high-level corruption and organized crime, as adopted at the session of the High Judicial and Prosecutorial Council of BiH on June 23 – 24, 2021.

corruption offenses is primarily observed in the Prosecutor’s Office of BiH and the prosecutorial system of FBiH, while a decline was noted in the prosecutorial systems of the RS and Brcko District. The noticeable increase in reports for corruption offenses may suggest heightened awareness and reporting on such cases. Nonetheless, the growth is not uniformly distributed across all regions of Bosnia and Herzegovina, emphasizing the need for further examination of regional disparities. Prosecutions and law enforcement agencies must continually bolster their investigative capacities for corruption cases by providing additional training to personnel, leveraging technological advancements, and ensuring the effective utilization of resources.

Corruption Processing in Relation to Prosecutorial Investigations in BiH

The data concerning the number of ongoing investigations conducted by prosecutor’s offices provides insights into the status and quantity of cases in the investigative stage within these institutions. The aggregate count of ongoing investigations within a given prosecutorial body encompasses all unresolved investigations that were ongoing at the onset of the reporting period, as well as new cases initiated during the same timeframe. This information regarding ongoing investigations is crucial for monitoring

the relationship between reported cases and those under investigation, thereby illustrating the efficacy of case processing.

The following table illustrates trends in the overall number of investigations in progress, specifically pertaining to criminal offenses of corruption.

As indicated by the data presented in *Table 2*, there is an observed decrease in the number of ongoing investigations into corruption cases during 2022 compared to the preceding year, 2021. It is important to highlight that the count of ongoing investigations for criminal offenses related to corruption remains lower than those in 2019 and 2021. The data illustrates that both the Prosecutor’s Office of BiH and the prosecutorial system of FBiH exhibit nearly equivalent results in 2022 when compared to 2021, in terms of the number of ongoing investigations for criminal offenses related to corruption. Conversely, a significant decline is evident in the prosecutorial systems of the RS and Brcko District. In regard to investigations involving criminal offenses of high-level corruption during 2022, a total of 43 investigations were documented, constituting 8.6 percent of the overall number of investigations for this category of criminal offenses.

Based on this data, a decrease in investigations pertaining to corruption cases, a heightened commitment from law enforcement agencies

Level of Prosecution	Ongoing Investigations of Criminal Corruption Offences			
	2019	2020	2021	2022
Prosecutor’s Office of Bosnia and Herzegovina	29	33	24 (4)	23 (5)
Federation of BiH Prosecutorial System	371	250	351 (11)	353 (34)
Republika Srpska Prosecutorial System	144	118	120 (1)	107 (3)
Brcko District Prosecutor’s Office	29	23	19 (0)	15 (1)
Total	573	424	514 (16)	498 (43)

Table 2: Comparative Presentation of Statistical Data on the Number of Ongoing Investigations in Corruption Cases for the Period 2019-2022 (Figures in brackets indicate the number of cases related to high-level corruption).

and an increased frequency of filed indictments for such cases are warranted. Furthermore, official involvement by prosecutors, particularly in response to revelations by investigative journalism and non-governmental organizations, could lead to a rise in the number of investigations related to corruption cases. This potential escalation may, in

The proportion of indictments filed for criminal offences of corruption relative to the total number of indictments filed in 2022 declined compared to the figures for 2021. Focusing on indictments related to high-level corruption cases, out of the total of 205 indictments filed for criminal offences of corruption, 17, or 8.2 percent, pertain to high-level

Level of Prosecution	Indictments Filed for Criminal Corruption Offences			
	2019	2020	2021	2022
Prosecutor’s Office of Bosnia and Herzegovina	4	11	8 (1)	13 (13)
Federation of BiH Prosecutorial System	159	75	185 (4)	158 (13)
Republika Srpska Prosecutorial System	42	28	35 (1)	31 (1)
Brcko District Prosecutor’s Office	20	12	7 (0)	3 (0)
Total	225	126	235 (6)	205 (17)

Table 3: Comparative Presentation of Statistical Data on the Number of Indictments Filed for Criminal Offences of Corruption for the Period 2019-2022 (figures in brackets indicate the number of cases related to high-level corruption)

turn, enhance public trust in the judiciary’s efficacy and positively impact the broader fight against corruption.

Corruption Processing in Relation to Indictments Filed in BiH

In 2022, a reduction in the number of indictments filed for criminal offences of corruption was recorded in Bosnia and Herzegovina, decreasing from 235 indictments filed in 2021 to 205 filed in 2022. A significant factor in this decrease comes from the prosecutorial system of the Federation of Bosnia and Herzegovina, where the count dropped from 185 indictments filed in 2021 to 158 indictments filed in 2022. In Contrast, the Prosecutor’s Office of Bosnia and Herzegovina witnessed a rise in the number of indictments for criminal offences of corruption, rising from 8 indictments filed in 2021 to 13 in 2022. This achievement constitutes the most favorable outcome attained by the prosecutorial bodies within the considered period.

corruption cases. This represents a substantial surge in contrast to 2021, during which the share was 3.5 percent.

Processing of Corruption in Relation to the Number and Nature of Judicial Verdicts

Court decisions in criminal proceedings encompass verdicts of dismissal, acquittal, and conviction. These decisions shed light on the efficacy of prosecution endeavors, highlighting their success in effectively advocating for indictments and securing appropriate penalties for criminal offences of corruption. In this context, the following data illustrates the quantities of dismissals, acquittals, and convictions.

In 2022, Bosnia and Herzegovina witnessed an increase in the number of verdicts leading to convictions, as well as a rise in the number of acquittals in cases of criminal corruption offenses, in contrast to 2021. Specifically, the count of convictions increased from 227 in 2021 to 293

Level of Prosecution	Dismissal Verdicts				Acquittal Verdicts				Conviction Verdicts			
	2019	2020	2021	2022	2019	2020	2021	2022	2019	2020	2021	2022
Prosecutor's Office of Bosnia and Herzegovina	0	0	0 (0)	0 (0)	1	1	2 (0)	2 (1)	1	6	11 (2)	10 (2)
Federation of BiH Prosecutorial System	1	0	2 (0)	2 (0)	46	20	40 (2)	47 (2)	155	116	175 (2)	240 (4)
Republika Srpska Prosecutorial System	1	1	2 (0)	2 (0)	14	4	9 (0)	11 (1)	51	29	30 (0)	34 (1)
Brcko District Prosecutor's Office	0	0	0 (0)	0 (0)	1	3	1 (0)	4 (0)	17	6	11 (1)	9 (1)
Ukupno	2	1	4 (0)	4 (0)	62	28	52 (2)	64 (4)	224	157	227 (5)	293 (8)

Table 4: Comparative Presentation of Statistical Data on the Types and Number of Verdicts Handed Down by Courts in BiH for Criminal Offences of Corruption in the Period 2019-2022

in 2022. A closer analysis of the situation across prosecutorial systems reveals distinct outcomes. Both the Prosecutor's Office of Bosnia and Herzegovina and the Prosecutor's Office of Brcko District experienced a reduction in the number of conviction verdicts in 2022 compared to 2021. The prosecutorial system of the Republika Srpska recorded a partial increase in conviction verdicts. Notably, the prosecutorial system of the Federation of Bosnia and Herzegovina achieved a significant upsurge in the number of convictions for criminal offences of corruption, contributing to the overall increase in 2022. Focusing on verdicts of conviction for high-level corruption cases, among the total of 293 convictions for corruption-related offenses in 2022, a mere 8, or 2.7%, pertain to high-level corruption cases.

The overall rise in convictions signals a greater focus among judicial institutions on combating corruption. However, the limited number of high-level corruption cases indicates substantial shortcomings in the anti-corruption efforts. Varied outcomes within prosecutorial systems further point to the necessity for continuous strategy adjustments to attain more effective results.

Upon analyzing the structure of convictions

based on HJPC data, the conclusion emerges that the penal policy for corruption cases is lenient and ineffective in deterring potential offenders. Throughout 2022, across the entire judicial framework of Bosnia and Herzegovina, courts delivered a total of 293 verdicts of conviction for criminal offences of corruption. Of these, only 34.4% led to the imposition of prison sentences, while a substantial proportion—62.7%—were characterized by suspended sentences. This data demonstrates that petty corruption cases are being addressed in Bosnia and Herzegovina, while cases of significant corruption are prosecuted rarely or not at all.

Challenges in Judicial Proceedings

In observing court proceedings in cases of criminal corruption, which were subject to monitoring by TI BiH and BIRN BiH during the previous period, a range of challenges in the domains of efficiency, integrity, and transparency of legal conduct have been observed. In terms of efficiency, a decline in the number of indictments filed in corruption cases has been noted, while simultaneously, an increase in the number of indictments in high-

level corruption cases has been recorded. It is important to emphasize that despite this increase, the number of confirmed indictments remains relatively low considering the perceived level of corruption in Bosnia and Herzegovina.

The challenges to efficient conduct of proceedings and the effectiveness of trials include the relevance of presented evidence, changes in the composition of trial chambers, witness absences from hearings (leading to the prolonging of trials through the introduction of irrelevant evidence and witness invitations), as well as protracted trial durations often postponed due to delays in hearing schedules.

An additional series of challenges relates to the penal policy in corruption cases. This particularly concerns sentences imposed within plea agreements, where minimum penalties prescribed by the law are typically imposed, mainly fines or prison sentences of up to one year. There has been an observed increase in the criminal prosecution of judicial functionaries, which highlights the necessity for more comprehensive reforms of the judicial system.

In the domain of judicial integrity during court proceedings, frequent challenges encompass those related to the quality of indictments, the validity and legality of presented evidence, impartiality of the court, and respect of defendants' rights. An analysis of the quality of indictments reveals irregularities such as incorrectly delineated criminal offences, reference to criminal offences excluded from the law, illogical descriptions of criminal offences, and the inclusion of numerous individuals in indictments with limitations on evidence.

Concerning the quality of presented evidence, often, evidence of questionable reliability is presented, and a lack of preparation by the prosecutions to present such evidence has been frequently observed. Additionally, poor witness preparation on the behalf of prosecutors is often noted. Frequent requests for the exemption of judges have arisen, filed by both defendants and judges themselves to maintain impartiality.

In terms of respecting defendants' rights and ensuring a fair trial, a significant media influence has been observed, often prejudging defendants and selectively reporting on court proceedings. Furthermore, prosecutions often hinder access to complete case files and exert pressure on testifying witnesses in favor of defendants. The impact of external factors and the media on trial fairness is becoming increasingly noticeable.

Regarding transparency during the conduct of proceedings, there are diverse practices regarding the availability of relevant documents in corruption cases, including indictments, verdicts, and hearing minutes. This disparity is reflected in the distinct approaches taken by judicial institutions to providing requested information, sometimes resulting in the extension of court proceedings to obtain certain information.

Prosecution of Corruption in Localities

Zenica

A statistical overview of corruption processing in Zenica-Doboj Canton[1] indicates fluctuations in various aspects over a three-year period. In 2021, the highest number of reports was recorded (86), contrasting with the lowest number in 2022 (64). The resolved reports also demonstrated a year-to-year variation, with the highest resolved cases in 2021 (54) and the lowest in 2022 (42). A similar trend was observed for unresolved reports, reaching a peak of 31 in 2021 and a low of 22 in 2022. Orders to abstain from investigation were also documented over this period, with the highest count in 2021 (18) and the lowest in 2022 (13).

Regarding ongoing investigations, the total number decreased from 46 in 2020 to 40 in 2022. Resolved investigations increased from 30 in 2020 to 37 in 2021, then dropped to 27 in 2022. Unresolved investigations decreased from 16 in 2020 to 11 in 2021 but increased again to 13 in 2022. Orders to discontinue investigation exhibited variability during these years, with the highest count in 2020 (16) and the lowest in 2022 (10).

The number of filed indictments displayed fluctuations over the three-year span, with the highest count in 2021 (22) and an average count in 2022 (14). The tally of confirmed indictments also varied annually, reaching a peak of 18 in 2021 and a low of 9 in 2022. Acquittals demonstrated variance as well, though the overall count was relatively low. In 2020, 3 acquittals were recorded, followed by just one in 2021. No acquittals were reported in 2022. The number of convictions exhibited a fluctuating trend, with the highest count of 23 in 2022 and the lowest count of 13 in 2020.

In the opinion of one representative of the Cantonal Prosecution, reports often contain serious allegations and their verification is thus time-consuming, especially since many are submitted anonymously. During the discussion in Zenica, it was highlighted that agencies such as the Ministry of Internal Affairs and the State Investigation and Protection Agency (SIPA) do not consistently provide quality reports to the prosecution in these matters. Moreover, evidence collection is frequently not within their purview. In cases related to environmental protection and complaints, certain omissions by inspection affairs directorates prior to informing the prosecution were mentioned, which can restrict the prosecution's ability to take appropriate action and initiate criminal proceedings.

A significant concern, highlighted by cantonal prosecutions not only in Zenica but also in other communities, revolves around the jurisdiction for processing corruption and organized crime cases. This concern is rooted in the fact that back in 2015, jurisdiction for handling such cases was allocated to a specialized department of the Federal Prosecutor's Office, which, however, was never established. There is thus a dual risk with the formation of the specialized department of the Federal Prosecution: a) potential reevaluation of cases previously prosecuted by cantonal prosecutions during this period, and b) potential challenges to the jurisdiction of the Federal Prosecution after cases are transferred.

Regarding corruption cases before the Cantonal Court in Zenica, their representatives emphasize

the necessity for efficient processing. They advocate for holding trials on a daily basis or ensuring that no more than seven days elapse between consecutive hearings.

In the discussion held in Zenica, citizens and civil society representatives expressed skepticism about the integrity of judicial officials, noting the public's perception of high-level corruption within the judicial community itself. A recommendation was put forth to conduct additional checks on property owned by judicial officials, as well as their status and connections.

As a specific example, participants referred to the slow progress in a lawsuit against the Federal Environmental Ministry concerning the issuance of a renewable environmental permit for the thermal plant. This permit, although unrecognized by the law, was handled by the Cantonal Court in Sarajevo. The absence of public engagement before the issuance of the contentious permit by the Federal Environmental Ministry constitutes a violation of multiple provisions of the Environmental Protection Law.

In terms of cases involving citizen and environmental protection, representatives from ecological organizations pointed out that criminal reports for environmental pollution have frequently been dismissed due to insufficient evidence. When data on pollution levels is unavailable, activists often attempt to provide this data themselves or establish a link between pollution levels and public health.

The issue of political influence on both the judiciary's functioning and media coverage of its work was a prominent topic. As a recommended course of action, participants stressed the need for continuous media monitoring at all stages to ensure not only transparency but also the integrity of the process.

Bihac

The number of indictments filed by the prosecutorial body of Una-Sana Canton over the past three years has shown a steady increase. In 2020, they filed 12 indictments, followed by 14 in

2021, and a significant surge to 56 in 2022. On the other hand, the number of convictions in 2022 reached 14, with 6 convictions recorded in 2021, and 4 convictions for corruption in 2020.

During the discussion in Bihac, the Prosecution Office highlighted a growing number of reports from citizens, but not from law enforcement agencies. It was noted that citizens were often unaware of the fact that not every unlawful act met the criteria for a criminal offense. The capacity limitations within the judiciary and the necessity for professional training of judges and prosecutors were also mentioned.

In the same discussion, representatives from the media focused their attention towards the disappearance of funds from the Cantonal Prosecution of Una-Sana Canton, confirming that this matter had been assigned to the Prosecution of Sarajevo Canton for investigation. However, journalists expressed dissatisfaction with the level of information provided, adding that while proceedings had been initiated against two staff members, both were subsequently cleared of any responsibility in a disciplinary procedure.

Furthermore, participants expressed interest in the costs associated with protracted legal proceedings and the burden they place on the budget and public resources. They highlighted a case where a defendant was granted over 100,000 KM for travel expenses from Sarajevo to Bihac after a 20-year trial. The prosecution noted that changes in prosecutors, standards of proof, and court practices over the two decades made it difficult to precisely determine the financial implications of such a case for taxpayers. In the same context, participants raised concerns about the accountability of prosecutors and questioned how their oversights could be addressed should they leave the judiciary, potentially making it impossible to conduct disciplinary procedures against them.

Journalists emphasized their frustration over the lack of concrete responses from judicial institutions, noting a prevalent practice among public relations officers of presenting pre-drafted statements, leaving no room for additional

questions. Journalists stated their demand for substantive answers, as even officaries who are designated to address the public merely recite prepared announcements without permitting follow-up inquiries.

Attention was also drawn to specific examples of inappropriate behavior by prosecutors and judges. For instance, certain prosecutors were found to disclose investigation details via social media and make divergent decisions within the same case. These actions were met with symbolic sanctions, such as salary reductions.

In the context of this discussion, the lenient penal code emerged as a critical concern. This was not solely limited to disciplinary proceedings against judicial function holders, but extended to corruption cases, where harsher penalties are required to serve as a deterrent and send a clear message to prospective offenders.

Livno

Analyzing the performance of the Cantonal Prosecution of Canton 10 in Livno, based on HJPC data, a minor increase in the number of corruption reports has been noted over the past three years. However, there is a range of just 10 to 12 reports in the work of this Prosecution Office (from 1 to 3). The number of resolved reports maintains a consistent pattern without significant variations during the observed timeframe. In 2021 and 2022, there was a slight increase in the number of unresolved reports. The number of orders not to conduct investigations fluctuated yearly, with the highest number occurring in 2020.

Comparing the year 2020, the number of investigations rose and remained stable throughout 2021 and 2022. The resolved investigations were distributed evenly within the period, with the highest count of 4 recorded in 2022. Likewise, the unresolved investigations were uniformly distributed, but witnessed an increase in 2021 and 2022 compared to 2020. The issuance of orders not to conduct investigations varied throughout the timeframe.

The number of filed indictments exhibited an

upward trend, with the highest count of 5 indictments recorded in 2022. The number of confirmed indictments displayed variation from year to year, staying consistent in both 2021 and 2022.

Conversely, the count of acquittals decreased from 2021, resulting in an increased number of convictions in 2022.

Representatives from the judicial community in Livno noted that corruption cases or reports in Livno's jurisdiction are limited, and the Prosecution Office has acted on all recorded reports. They added that the duration and outcome of proceedings were also influenced by the quality of criminal reports. The Prosecution Office must undertake numerous actions, including witness interviews and extensive document collection, before approaching the court for asset confiscation.

The Prosecution Office in Livno is composed of six prosecutors. There is a recognized need for the recruitment of expert advisors in various fields, particularly economics, to contribute their specialized knowledge during investigations. Due to personnel shortages, they occasionally resort to engaging experts, but the protracted process of expert evaluations adds additional length to the proceedings.

As a reason for the insufficient number of reports by citizens, judicial representatives themselves pointed to the lack of public trust.

According to a representative from the Municipal Court who participated in the Right to Justice panel, the court follows a set of recommendations by the HJPC for prioritizing the resolution of corruption cases. They added that while citizens may not always be content with every court outcome, dissatisfaction doesn't necessarily indicate an incorrect court decision.

A lenient penal policy was observed across all cases, with a notable focus on suspended sentences. However, court representatives contend that judges are required to consider legal regulations that impact the type and duration of penalty when determining the appropriate

sentence.

It was highlighted that Livno Canton hasn't encountered high-level corruption cases, mostly dealing with instances of minor and "mid-level" corruption. Conversely, media and civil sector representatives questioned the quality of investigations and indictments, expressing suspicion that the court might not be ensuring indictment quality and is not sending back indictments to the prosecution for refinement. In response, judiciary representatives stressed the recommendation to enhance the quality control of indictments by preliminary hearing judges. They noted that the use of the preliminary objection mechanism was infrequent, even by the defense, contributing to a number of acquittal verdicts.

Journalists raised concerns about officials' failure to act in response to evidence presented by the media in their investigative reports on corruption. This concern, in addition to Livno, was also brought up in other local communities.

East Sarajevo

During 2020 and 2021, the District Public Prosecutor's Office in East Sarajevo did not file a single indictment for corruption, and only two were filed in 2022, with no final verdicts pronounced either.

Analyzing the work of the East Sarajevo District Public Prosecutor's Office based on HJPC data over the past three years, it's evident that the total number of corruption reports showed fluctuations during the considered period. In 2020, seven corruption reports were recorded, dropping to six in 2021. However, the number of corruption reports rose again to eight in 2022. During this time, the number of resolved corruption reports also increased. In 2020, two corruption reports were resolved, rising to three in 2021, and four in 2022. The number of unresolved reports also fluctuated. In 2020, five unresolved reports were recorded, decreasing to three in 2021, then increasing to four in 2022. The number of orders not to initiate investigation remained consistent throughout the period. One order not to pursue an investigation was issued in 2020, and the same number was issued in both 2021 and 2022.

The total number of corruption investigations increased from one in 2020 to two in 2021, and remained unchanged in 2022. The total number of resolved investigations also increased from zero in 2020 to one in 2021, and two in 2022. This points to slow progress in case resolution. The number of unresolved investigations reduced from one in 2020 and 2021 to zero in 2022. Orders not to pursue investigation appeared for the first time in 2021, with one order issued. However, in 2022, there were no orders not to pursue investigations. During 2020 and 2021, there were no indictments, while the number rose to two in 2022, indicating legal action against certain individuals due to suspected corrupt conduct. In 2020 and 2021, there were no confirmed indictments, but the number rose to one in 2022. During the observed period, there were neither acquittals nor convictions, meaning that none of the cases with filed and confirmed indictments resulted in court decisions. Moreover, there were no high-level corruption cases during this time.

Explaining these results, a representative of the District Public Prosecutor's Office pointed out that district prosecutions in the Republika Srpska have limited jurisdiction when it comes to corruption. They added that the RS Prosecution, especially its special section, has significant jurisdiction over corruption and organized crime cases.

There are very few reports from citizens, while 11 prosecutors cover 14 municipalities. Concerns were raised about the lengthy appointment procedure for missing prosecutors, which could exacerbate problems in smaller prosecutors' offices. Additionally, the economic crime and corruption section of the Municipal Public Prosecution in East Sarajevo has only three prosecutors at its disposal. On the other hand, representatives of civil society explained that citizens may not report corruption due to a preconceived attitude that such reports won't be prosecuted, and that reporting corruption might lead to negative consequences. Activists also shared experiences of slow action on reports, often having to wait up to five years for prosecutorial decisions.

Mostar

Analyzing the work of the Cantonal Prosecution of Herzegovina-Neretva Canton based on HJPC data over the past three years, it is evident that the total number of corruption reports increased over the three years, from 46 in 2020 to 75 in 2022. This increase might indicate heightened citizen awareness of corruption or an improved culture of reporting. The number of resolved corruption reports also showed an upward trend, rising from 32 in 2020 to 51 in 2022. Unresolved reports also exhibited a tendency to grow, increasing from 14 in 2020 to 24 in 2022. This indicates a need to enhance capacities and allocate more resources for solving these cases. The number of orders not to initiate investigation varied from year to year, with the highest number recorded in 2021 (29 orders), and decreasing to 19 in 2022.

Nevertheless, a representative of the Cantonal Prosecution of Herzegovina-Neretva Canton highlighted that significant differences in the number of reports or cases, from a statistical perspective, might result from changing labels and categorization of cases in terms of crime classification, particularly whether it falls under the new definition and classification of corruption according to the HJPC. They emphasized that the prosecution received reports from both citizens and NGOs, and that four prosecutors were handling economic cases. It was noted that there were more cases than appeared in the public eye, and there was a shift in people's willingness to testify, with a particular emphasis on the benefits of plea agreements.

Regarding investigating corruption cases, the total number of launched investigations increased from 21 in 2020 to 43 in 2022. The number of resolved investigations rose significantly, from 5 in 2020 to 22 in 2021, but then decreased to 19 in 2022. Unresolved investigations fluctuated, with the highest number recorded in 2020 (16 unresolved) and 2022 (24 unresolved). Orders not to initiate investigations also varied, reaching the highest number in 2021 (10 orders) and then dropping to 4 in 2022. A SIPA representative pointed out that there were concerns, particularly in cases like

election fraud, where reports arrived only in 2023 despite the fraud occurring in 2020.

In terms of high-level corruption, participants from this and other prosecutor's offices highlighted the complexity of such cases as a reason for multi-year investigations and lengthy processes. A representative of the Prosecution emphasized the need for the institute of a "repentant witness" to combat corruption. However, this required changes to the legal framework for which there was no political will, as "those who should pass the law are afraid of that law," highlighting the issue of political captivity. It was also stressed that enabling individuals who have entered into plea agreements to testify would greatly assist in uncovering corrupt networks and determining responsibility.

Furthermore, it was noted that prosecutors who perform their duties responsibly often become targets of pressure and persecution. Yet, the judiciary doesn't always respond adequately to public criticism and demands for results. Representatives from the civil sector and the media particularly raised concerns about the lack of protection for corruption whistleblowers, which often leads to threats and persecution of journalists, activists, and citizens.

Trebinje

In 2021 and 2022, the Trebinje District Prosecutor's Office did not file a single indictment for corruption, and during that period, there were no acquittals except for one overturned conviction from 2021.

Analyzing the work of the District Public Prosecutor's Office in Trebinje, based on HJPC data, for the last three years, it is noticeable that the total number of criminal complaints in corruption cases decreased from 13 in 2020 to nine in 2021. In 2022, there were eight criminal complaints, indicating a decline in reported cases of corruption over time. The number of resolved complaints in 2020 and 2022 was eight, while six were resolved in 2021. Unsolved complaints in corruption cases gradually decreased from five in 2020 to three in 2021, with no such cases recorded in 2022. This suggests an improvement in the resolution and

processing of cases.

The total number of ongoing corruption investigations remained at five, which has been constant for three years. However, the number of solved investigations decreased over time, from three in 2020 and two in 2021 to none in 2022. This likely indicates challenges in concluding and finalizing the investigative process. The number of unsolved investigations increased from two in 2020 and 2021 to four in 2022, revealing an accumulation of unsolved cases. Orders to refrain from investigation fluctuated over the past years, with one order in 2020, increasing to two in 2021, and no orders issued in 2022.

The number of filed indictments decreased from two in 2020 to none in 2021 and 2022, with no indictments confirmed in those two years. No acquittals were recorded in any year. One conviction was recorded in 2020, and two in 2021, while no convictions were recorded in 2022.

Participants in the debate in Trebinje highlighted the lack of results in prosecuting corruption, especially in light of the large number of investigative reports in the media that did not elicit responses from institutions. Journalists emphasized their efforts to uncover the truth and expose numerous irregularities in public procurement, eventually managing to inform the general public. However, these cases often do not reach a judicial conclusion.

The representative of the Trebinje District Prosecutor's Office stated that corruption cases involving higher officials fall under the jurisdiction of the Prosecutor's Office of Republika Srpska in Banja Luka. On the other hand, NGO representatives and citizens provided examples of filed criminal charges that did not receive a conclusion.

Journalists conveyed the impression that criminal complaints filed by citizens are often ineffective, furnishing the example of officials who openly admitted that they "deliberately favored" specific bidders during the hospital construction in Trebinje. However, these statements did not lead to any reaction whatsoever from institutions.

Media representatives also highlighted that journalists who report on corruption and irregularities in the operations of public authorities are discriminated against as compared to other media by institutions. They reported limited access to events organized by local institutions, making their work more challenging and depriving them of the opportunity to obtain answers to questions which were not addressed in their inquiries.

Citizens raised concerns about the lack of public trust in the judiciary, citing weak reactions to election fraud. However, judiciary representatives also pointed out the problem of overlapping jurisdiction. The representative of the prosecution mentioned criminal complaints lodged with the Republika Srpska Prosecutor's Office involving the misuse of persons residing outside of Bosnia and Herzegovina.

Doboj

Analyzing the work of the District Prosecutor's Office in Doboj, based on HJPC data for the last three years, it is noticeable that the number of corruption-related criminal complaints significantly increased in 2021, while it decreased in 2022. The number of resolved complaints also increased in 2021 but decreased in 2022. The number of pending complaints shows fluctuations, with the highest number of pending complaints recorded in 2022. The number of orders not to investigate varies from year to year, with the largest number of orders issued in 2021.

Regarding corruption investigations, their number increased over the last three years, with the highest number of investigations recorded in 2022. The number of resolved investigations has also increased from year to year, reaching its peak in 2022. The number of unsolved investigations exhibits fluctuations, with the highest number of unsolved investigations recorded in 2021.

The number of filed indictments showed significant growth over the same period, with the highest number of indictments recorded in 2022. The number of confirmed indictments varies from year to year, with the highest number also recorded in 2022. During 2022, there were five convictions and one acquittal.

The representative of the District Court in Doboj attempted to explain the disproportion between the prevalence of corruption and the judiciary's response to it. They stated that the root of the problem lies in deep-seated corruption across various spheres, including the judiciary. It was highlighted that citizens largely participate in and tolerate corruption, especially in petty cases. The extended duration of criminal proceedings was also mentioned, which sometimes leads to losing sight of their purpose. However, judiciary representatives emphasized that the HJPC guidelines prioritize the swift resolution of corruption cases, noting that plans are devised every three months to expedite the resolution of these cases.

Referring to corruption prosecution results, the representative of the District Prosecutor's Office in Doboj discussed the handling of election irregularities. They mentioned that the Prosecutor's Office handled a substantial number of cases related to elections, encompassing both the local elections in 2020 and general elections in 2022.

According to the Prosecutor's Office, there were 186 cases filed in 2020 for criminal offenses linked to election fraud, unauthorized use of personal data, and others. Investigations were initiated in 123 cases, resulting in 90 indictments involving 395 individuals. All these indictments were confirmed. A total of 33 orders were issued not to proceed with investigations. Out of the 90 confirmed indictments, eight convictions have been secured thus far. For the general elections, the Prosecutor's Office of Bosnia and Herzegovina predominantly assigns cases for prosecution to local offices. In Doboj, 29 cases are currently ongoing, and seven orders to refrain from investigation have been issued.

During the meeting, civil society representatives highlighted public mistrust in institutions, along with the selective approach of judicial bodies in prosecuting corruption cases. Citizens also voiced concerns about political influences, asserting that judges and prosecutors are constrained due to the interconnectedness between the government and the judiciary, which affects the protection of those responsible for corruption.

Bijeljina

When considering the prosecution of corruption by the District Prosecutor's Office of Bijeljina, the total count of criminal complaints signaling potential corrupt practices has shown a gradual increase over the past three years. The figures began at 14 complaints in 2020, rose to 19 in 2021, and reached 26 in 2022. This upward trend in the number of complaints associated with corruption cases may suggest heightened citizen awareness of corruption issues and increased confidence in the institutions responsible for prosecuting them. During this timeframe, there has been progress in resolving these complaints, achieving 11 resolutions in 2020, 14 in 2021, and 19 in 2022. However, the number of unresolved complaints also grew, from 2 in 2020 to 5 in 2021 and 7 in 2022. This points to the necessity of improving capacity and efficiency in managing these cases.

A similar trend emerges in investigations. In 2020, there were 12 ongoing investigations and 8 successfully concluded. In 2021, 12 investigations were ongoing, and 8 were resolved, maintaining the same number. However, in 2022, the total number of investigations increased to 18, while the count of resolved investigations decreased to 6. Concurrently, the number of unsolved investigations rose from 7 in 2020 to 4 in 2021, and significantly to 12 in 2022.

In the course of processing corruption cases, it was observed that orders not to conduct investigations were issued in 3 cases in 2020, 4 cases in 2021, and an additional 4 cases in 2022.

In terms of the filing and confirmation of indictments, there has been a progression over the three years, with 4 indictments filed in 2020, 7 in 2021, and 5 in 2022. Correspondingly, the number of confirmed indictments also increased, reflecting 3 in 2020, 7 in 2021, and 5 again in 2022.

In the context of court decisions, convictions were documented in 3 cases in 2020, 1 case in 2021, and 2 cases in 2022. It is important to note that no acquittals were recorded throughout this three-year period.

The representative of the Basic Court in Bijeljina stated that from 2017 until the present, the court has handled a total of 22 cases related to corruption. The challenge of the low number of cases is also apparent in the definition of criminal offenses and the HJPC guidelines for their classification. The oldest ongoing corruption case dates back to 2021, and trial dates have already been set for six out of the seven pending cases.

The representative of the judiciary also raised the issue of procedural discipline, with a focus on the role of lawyers who do not always ensure the client's presence. However, it was also highlighted that judges possess mechanisms to sanction lawyers. Organizing status conferences was mentioned as a key solution in determining trial dynamics. The court has initiated a practice of scheduling hearings consecutively, "day after day." The most common criminal offenses prosecuted before the Bijeljina Court include abuse of position, misuse in public procurement procedures, bribery, embezzlement, and voting misconduct.

In terms of sentencing policy, it was described as lenient. However, the responsibility for shaping this policy lies with higher courts at the district and cantonal levels. Up to this point, the majority of recorded penalties have been fines, while a few cases have led to prison sentences of up to 6 months, without any exceeding one year.

Representatives of civil society in Bijeljina emphasized the need for authorities to enact necessary regulations to enhance the judiciary's efficiency, ensure oversight over both the judiciary and law enforcement agencies, and address the shortcomings of these institutions, including the Ministry of Internal Affairs and SIPA, which they believe are conducting less precise investigations due to political control. The prosecution of high-level corruption and officeholders was deemed crucial for restoring citizens' trust in the judiciary's work.

Lastly, insufficient funds available to judicial institutions were highlighted, encompassing salaries, equipment, personnel, basic materials, and more. This demonstrates that local authorities does not tend to prioritize judicial operations.

TOPICS FROM LOCAL COMMUNITIES

During the thematic events on the rule of law organized by the European Union Office in Bosnia and Herzegovina under the title “Right to Justice,” citizens, activists, and journalists had the opportunity to share their experiences and challenges not only related to the prosecution of corruption and transparent judicial work but also on other crucial issues they are facing.

Citizens, activists, and journalists were able to engage in dialogue with representatives of the judiciary, who spoke about their practices and work. Moderators from organizations monitoring the judiciary conducted preliminary research to identify specific problems unique to each community. This led to focusing on educational corruption in Bihac, environmental concerns in Livno and Mostar, irregularities in local administration in Zenica and Trebinje, illegal construction in East Sarajevo, election fraud in Doboj, and the criminalization of defamation in Bijeljina.

Discussion panels were organized at the start of each local event, featuring representatives from the judiciary but also voices from civil society, media, and activists who spoke about the local context.

During the discussions with citizens, non-governmental organizations, activists, and journalists, numerous other topics emerged. However, four themes stood out prominently, representing common threads that citizens from nearly all communities deem crucial in the immediate future:

1. The slow and non-transparent functioning of the prosecutor’s offices in addressing criminal complaints from environmental activists.
2. An inefficient system for resolving land registry and property claims made by citizens.
3. A weak judicial response to instances of election fraud.
4. Fear among activists and journalists regarding potential misuse of the criminalization of defamation in the Republika Srpska.

From these discussions in local communities, it is evident that resolving the concerns about defamation criminalization, election fraud, land registry rights, and environmental complaints presents a pivotal opportunity to restore citizens’ trust in the justice system.

Activists and Environmental Complaints

The topic that surfaced across the largest number of local communities is the environment and the issues raised by activists, citizens, and non-governmental organizations in relation to it. In several communities, particularly in Mostar, Livno, and East Sarajevo, activists and citizens listed a number of instances in which they had made serious criminal allegations regarding a number of irregularities. These included corruption in concessions, environmental pollution, poor air quality, destruction of private property, and usurpation of public resources.

In most communities, no legal actions have been taken against those who were reported to local prosecutor's offices, while in contrast, proceedings have been initiated against activists by law enforcement agencies. This was the case with activists who obstructed trucks illegally dumping waste in Mostar's Uborak settlement. Another troubling case, the application of SLAPP (Strategic Lawsuit Against Public Participation) against an environmental activist, was cited in East Sarajevo.

An activist from Mostar noted the inadequate judicial response to violations related to the Uborak landfill, recounting that they sought recourse with the Municipal Court. The frustrating failure to act on these reports has led activists to suspect that political influence underlies the court's decisions. This sentiment was reinforced when the City of Mostar brought a lawsuit against the activists.

The activist mentioned that subsequent discussions were held with the City Council and the mayor, during which it was established that the grounds for the lawsuits were lacking. Consequently, the lawsuits were withdrawn, but the citizens were penalized for obstructing the landfill's operation.

The practice of filing lawsuits against activists is not isolated to Mostar. This is evident from a case from Zenica, where an environmental activist described a lawsuit that was filed against their association. A criminal complaint was lodged alleging that the association had plagiarized an idea related to an ecological zone protection project. Subsequently, the Zenica Prosecutor's Office notified them that they had declined to investigate and transferred the case to the State Prosecutor's Office. When activists sought updates on the status of the charges against them, the State Prosecutor's Office claimed they were unable to respond to the inquiry.

Discussing cases concerning the protection of citizens and the environment, a member of an environmental organization in Zenica noted that the most prevalent criminal charges related to environmental pollution were dismissed due to a lack of evidence. He described that in cases where pollution data is absent, activists themselves attempted to provide such data or establish a

connection between pollution levels and health impacts.

"We provide resources and funds from donors, but such research has to be conducted by institutions.

We approach the Institute of Public Health, they say it's expensive. We fund medical analyses and research. We even request permission from the Ministry to collect DNA samples from children in schools for analysis. The Ministry of Education asks the Public Institute again, and they're really just buying time. Even when we secure funds, institutions don't want to provide evidence," recounted one of the citizens, describing their experience.

The eco-activist from Zenica recounted a lawsuit where they submitted "15 kilograms of evidentiary documents," which led to the suspension of the investigation against ArcelorMittal. They claimed that practically many households are affected by cancer, and that records of cancer patients are not maintained. According to World Health Organization data, approximately 3,300 people in Bosnia and Herzegovina die annually as a result of air pollution.

A persistent example of river pollution is the Fojnica and Bosna rivers. Originating from Kreševo, pollution from a single factory contaminates these rivers downstream in the Zenica-Doboj canton. For years, activists said that the problem was reported to the authorities. Inspectors went out, penalized them, and yet the problem continued.

Representatives from the courts and prosecutor's offices acknowledged during discussions in local communities they receive large numbers of reports related to the environment but characterized the problem as a systematic failure, claiming to receive very little information or support from inspectors.

Across several local meetings, activists spoke of identical problems, the first of which was a lack of information sharing and communication with prosecutors. According to activists, there is no sense of partnership in these relationships and prosecutors do not consider their reports and findings as grounds for prosecution. Instead,

Land Registry and Ownership Challenges

they are treated with hostility and given little information. The second concern was the politicization of the judiciary. Activists cited instances where their applications were neglected in drawers for years or were transferred between prosecutors or prosecution offices. The third issue which was raised in local communities was the absence of a systemic approach. Activists said they find themselves compelled to file criminal charges directly since reports to inspections, local authorities overseeing concessions or contracts, and even the police rarely yield results. The fourth problem relates to a dearth of experts. In certain communities, like Livno, cases experienced lengthy delays awaiting expert opinions due to a shortage of qualified personnel. Finally, insufficient knowledge and understanding among prosecutors was identified as a problem, with local examples cited where prosecutors issued decisions without explanation or merely using legal phrases.

In light of these concerns, several recommendations were formulated for the upcoming period. It was suggested that the High Judicial and Prosecutorial Council disseminate information to all prosecution offices, emphasizing the need for a more systematic approach in addressing reports from activists, particularly those related to the environment. Additionally, proposals were made to arrange training sessions through the education centers for judges and prosecutors in both the Federation of Bosnia and Herzegovina and Republika Srpska in order to increase levels of knowledge in this field. Subsequently, it was recommended that chief prosecutors organize direct meetings with associations and activists fighting against irregularities.

This would allow for a better understanding of the evidence they possess and provide an opportunity for clear explanations of what evidence the prosecutors need. This synergy would enhance processing efficiency and restore trust among activists and citizens in the judicial system.

A challenge closely linked to environmental concerns in numerous communities, yet distinctive in its nature, involves citizens' and activists' objections to court land registry reports. In several locales, activists, and citizens complained about local authorities employing unlawful actions to seize private properties, some of which were subsequently granted as concessions to investors. Frustrations, particularly pronounced in Livno, emerged concerning the pace with which courts address these matters. Even more concerning were claims that, due to an overwhelming influx of reports, there have been complete closures of land registry departments within the courts. As a result, they have locked their records and refused to communicate with the public. This has led to a deep erosion of trust between citizens, activists, and the judiciary in Livno.

Other issues accompanying the urbanization process are endemic in several cities and municipalities in Bosnia and Herzegovina, where residential construction has often involved illicit activities. Consequently, some structures, even after several years, lack proper building permits, leaving many citizens unable to register their property, activists said at several local discussions. Simultaneously, activists claimed, public land has been sold as construction land.

During meetings, several citizens cited personal instances wherein they claimed that judges and prosecutors faced clandestine pressure from local "powers" in various cases. Additional concerns included unresolved water supply issues in certain localities. Numerous buildings, as highlighted at several local meetings, do not even have fire extinguishers. Mount Jahorina serves as a prime example of illegal and excessive construction, prompting fears among environmental activists that Mount Trebević might suffer a similar fate.

In East Sarajevo, an informal group named "Stop the Construction of Small Hydro Power Plant on the Kasindolska Rijeka" submitted a citizens'

initiative to the Assembly of the City of East Sarajevo in early June 2021. Among its requests was the suspension of two mini-hydroelectric plant constructions on the Kasindolska Rijeka and the removal of these projects from the spatial plan of the RS mini hydroelectric power plants on the river. Inconsistencies in spatial plans and concession contracts that disregarded these plans created a gray area in this region.

In Trebinje, activists launched a legal battle against the construction of a hospital building. After multiple reports to the District Public Prosecutor's Office, they were informed that the RS Public Prosecutor's Office had taken over their case. According to Trebinje activists, their primary goal is to protect against property theft. The discourse surrounding land rights was most evident in Trebinje, where public land was sold as construction land, activists said at the local discussion.

"We're fighting against a corrupt system that pollutes everything around us. The Law on Agricultural Land states that property can only be obtained for use, not appropriated and sold. It's as if citizens don't even exist. We hear talk, 'swimming pools will be built here, villas there,' but on whose property, gentlemen?" asked the activist from Trebinje.

The fact that this issue is not unique to East Sarajevo and Trebinje became evident during the discussion in Zenica. One citizen stated that he has been engaged in a years-long battle over ownership and tenancy rights. He asserted that this amounts to a multimillion-dollar theft of state property, involving institutions that falsify land registry extracts. For this reason, he has filed numerous criminal charges. He also highlighted the problem of transferring reports from one prosecutor's office to another.

A journalist shed light on a similar issue in Livno, explaining that the problem arose during the division of land parcels within the municipal cadastre. Many people, counting on their longstanding ownership, didn't register their land when the registry was being conducted. As a result, all of the land went to the city, i.e., the

state. According to the panel attendees, this was a violation of the Law on Concessions.

This exemplifies a problem within the judicial system, stemming from general systemic disorder. Ultimately, issues that should have been resolved before reaching the court are often resolved through litigation. During the meetings, judicial representatives admitted that this places immense pressure on them, as these are matters of citizens' livelihoods and property.

Therefore, a clear recommendation is to approach these cases systematically, ensuring citizens are aware of deadlines, informed about all property-related matters, and avoiding the politicization of these procedures. Another recommendation that was emphasized was the creation of specific sections on court websites for various issues relevant to this report, to provide citizens with information, ease their way, and restore confidence in the system.

Election Irregularities

The lack of integrity in the electoral process, along with the inadequate mechanisms to ensure it, is cited as a significant obstacle to the proper functioning of democracy in Bosnia and Herzegovina. Addressing this issue is crucial not only due to the need for electoral legislation reform to guarantee integrity and establish mechanisms to prevent misconduct, but also because it stands as a key priority for Bosnia and Herzegovina's EU accession process. Relevant reports have consistently highlighted numerous abuses of the existing legal framework over the years. These abuses significantly impact the equality of political entities and the legitimacy of the electoral process itself.

Common irregularities observed across election cycles include the manipulation of voter lists, trading of seats in election committees, misuse of public resources to gain electoral support, voter coercion and threats, vote buying, falsification of voter signatures, duplication of votes within party lists, pressuring election observers, and preventing the presence of independent monitors.

Additionally, Bosnian elections are additionally marred by the participation of so-called “fictitious” political entities with the aim of trading seats in electoral committees. Despite these issues, prosecutions related to the aforementioned abuses have been notably few in recent years. Prosecutions occur sporadically, often pursuing accountability at lower-levels, while the primary culprits remain free.

Given that these irregularities are particularly prominent in certain local communities, with Doboj standing out in particular, a thematic debate on election irregularities was held in Doboj as part of the Right to Justice initiative.

The local elections of 2020 and the general elections of 2022 unveiled a multitude of electoral irregularities in Doboj. These issues led to the re-running of elections in a significant number of polling stations for the local elections of 2022 and the recounting of votes for the general elections of 2022.

During the 2020 local elections, the Central Election Commission of Bosnia and Herzegovina initiated proceedings against suspended members of local committees in 89 out of a total of 106 regular polling stations. This occurred after the elections were annulled in Doboj on November 15th, 2020. The case was subsequently taken over by the District Prosecutor’s Office in Doboj, prompted by criminal complaints filed by opposition parties, citizen associations, and individuals.

Election results from the November 2020 elections in Doboj remained valid only in 17 polling stations. Following the announcement of the summary results of the repeated voting at the 89 polling stations, more than 15,000 votes previously counted at the annulled polls “disappeared” on February 21st, 2021. However, the indictments still targeted ordinary members of election committees rather than parties that gained power following the announcement and confirmation of election results. The local prosecution in Doboj filed charges against around 420 individuals. The majority of these indictments concern unauthorized use of personal data, document falsification during election activities, and election fraud. A total of

101 confirmed indictments have been published on the website.

Irregularities persisted during the 2022 General Elections as well. On the eve of the elections, facing pressure from the Central Election Commission (CEC), the Doboj City Election Commission invalidated accreditations for 141 observers who should not have been accredited. Following the elections, during the 57th session, the CEC ordered the examination of 21 bags full of ballots from Doboj to accurately consolidate election results from various polling stations for different levels of government. However, according to the opposition, “tough guys” were present in the city on election day, intimidating voters at polling stations. Additionally, the opposition claimed that the candidate for the RS presidency of RS received zero votes in Doboj, despite securing at least a hundred. Videos depicting the burning of ballots appeared in the media, allegedly from Doboj. The CEC reported that most objections revolved around observer restrictions regarding ID card verification, the vote counting process, etc. On the websites of the local and state Prosecutors’ Offices, there is no information about the indictments for the general elections, while the indictments for the local elections are still being confirmed.

During the discussion in Doboj, citizens presented numerous examples of electoral irregularities, highlighting problems with election conduct, the dominance of political parties in controlling the electoral process, and the functioning of the judiciary, especially its slow pace.

The Prosecutor’s Office reported 186 complaints filed in 2020, covering electoral fraud, unauthorized use of personal data, and other offenses. Investigations commenced in 123 cases, leading to 90 indictments involving 395 individuals, all of which were confirmed. Additionally, 33 orders were issued not to pursue investigations. Of the 90 confirmed indictments, 8 have resulted in convictions. As for the general elections, the Prosecutor’s Office of Bosnia and Herzegovina typically transfers cases for prosecution, with 29 cases ongoing in Doboj. Thus far, 7 orders have been issued to cease investigations.

Criminalization of Defamation

Civil society representatives emphasized the link between widespread corruption and the compromised integrity of the electoral process.

Representatives of the opposition in Doboj stated that observers submitted several hundred reports regarding the 2020 local elections. Electoral fraud was verified in the subsequent elections, as evidenced by the disappearance of 17,000 votes in three months. A consensus emerged among most participants that institutional slowness and inertia in addressing these irregularities contributed to their recurrence and the perpetuation of electoral manipulation in the 2022 general elections.

Particularly, the issue of excluding many observers, especially those from the opposition and NGOs, from numerous polling stations was highlighted as problematic. The City Election Commission violated the recommendations of the CEC by denying these observers participation in the election process. The “Pod Lupom” coalition representatives noted that out of 26 locations, their observers were barred from entering 21 in Doboj, despite having arrived first and there being enough space.

Participants from the media, civil society, the opposition, and activist groups emphasized the necessity of stricter vetting for election board members, a process which is currently meaningless, they claim. Numerous examples were cited where political entities applied not to participate in the process, but solely to secure seats in electoral committees.

Trust in the electoral process is nearly non-existent, posing a significant challenge in motivating citizens to participate and vote in future elections, considering previous instances of manipulated outcomes. Urgent resolution of electoral abuse cases was identified as essential for rebuilding trust in the electoral process, alongside the necessary legal framework reforms.

In the face of ongoing pressure on journalists and other government critics, it appears that the proposed amendments to the Criminal Code of the Republika Srpska are designed to facilitate censorship and stifle criticism of the regime and those in positions of authority. The suggested legal changes offer room for a broad interpretation of terms such as “insult” or “intent to harm one’s reputation or honor,” potentially prohibiting even the mention of family circumstances that might impede the reporting of conflicts of interest due to familial connections. Such a provision could have repercussions for everyone from journalists and corruption-reporting organizations to citizens expressing their opinions on social media. The potential outcomes of legal proceedings might lead toward self-censorship.

Defamation is frequently exploited to justify the suppression of criticism. International bodies, including the UN Human Rights Committee and the European Union, have repeatedly cautioned against the peril of criminalizing defamation and have advocated for such cases to be addressed through civil proceedings. Advocates for these changes contend that they align with EU practices, yet the severe provisions evidently clash with the EU’s stance. Officials have openly acknowledged their desire to restore order and curb the “misuse of public space.” It’s worth noting that in 2000, the Republika Srpska decriminalized defamation, so these new changes could potentially violate already fragile freedoms.

In recent years, Bosnia and Herzegovina’s standing on the Corruption Perceptions Index has notably declined, dropping by eight index points since 2013, partly attributed to the capture of authorities, particularly within the judiciary. Expanding the scope for criminalizing dissenting expressions will only further jeopardize democracy and the realization of fundamental rights in the country.

During the discussion in Bijeljina, it was stated that criminalizing defamation, primarily endangering freedom of expression and media, could also hinder the abilities of media and civil society groups, as well as all other citizens, to potentially contribute to the effective prosecution of corruption by constraining their space for media coverage and exposing corruption and other irregularities associated with the operations of public authorities in the RS. In fact, independent media and journalists have been instrumental in uncovering and reporting on rare instances of high-level corruption that were prosecuted in the previous period.

Discussions concerning amendments to the Criminal Code of the RS and criminal acts linked to harm to reputation and honor took place during debates in Bijeljina and East Sarajevo. Representatives from civil society and the media community notably highlighted the danger of political manipulation of the judiciary's operations, which is why the prospect of criminalizing defamation understandably instills fear primarily among media professionals and activists, but also among citizens, who are apprehensive about potential misuse of such a resolution.

Almost all media and civil sector representatives expressed fear about potential criminal proceedings, primarily due to the possibility of selective application of the law, given past experiences suggesting that not everyone would be treated equally. On the other hand, it might discourage young people aspiring to engage in journalism, as self-censorship is the most likely outcome.

When it comes to support for changes to the Law, civil society representatives emphasize that it lacks public support. They point out that there's only one indicator of how the parliamentary majority operates in the Republika Srpska, and unfortunately, that's reflected in the functioning of institutions such as the Ministry of Justice. "The amendments to the Criminal Code of the Republika Srpska have shown that the institutions do not follow procedures they themselves have prescribed and thus demonstrate the absence of the rule of law and confirm the rule of the politically

powerful", said Branko Todorovic from the Helsinki Committee for Human Rights in Bijeljina. All previous legal analyses have revealed that the law is the least grounded in law and justice, and both the Republika Srpska and Bosnia and Herzegovina are portrayed globally as regions where human rights and laws aren't respected, and where freedom of expression is obstructed. On the other hand, representatives from judicial institutions generally refrained from analyzing the consequences of the amendments to the Criminal Code. They considered it premature and stated that it's not feasible to predict how the new provisions will be implemented.

Despite this, civil society representatives are concerned that even a single case of criminal prosecution of journalists, activists, or any citizen due to their expressed views and information could lead to widespread self-censorship. Media and civil society organizations are already striving to adapt their activities to the new provisions and the potential risks of criminal prosecution. This indicates that the mere adoption of these changes is already significantly impacting media freedom and civil society. Consequently, one recommendation, in line with the new circumstances, is the necessity for the HJPC to develop specific guidelines as the supreme regulator within the judiciary. These guidelines would guide actions according to the new provisions and aim to prevent further harm through actions by the judiciary that could jeopardize fundamental human rights.

KEY RECOMMENDATIONS FROM LOCAL COMMUNITIES

The localized format of the “Right to Justice” public discussions has highlighted several challenges that need to be at the forefront of reform processes within the judiciary. Some of these challenges are more general and widely recognized, such as the necessity to ensure greater transparency in operations and more efficient handling of corruption cases. However, at multiple meetings, citizens, activists, and local non-governmental representatives repeatedly expressed gratitude to the organizers, underscoring that their voices are typically not heard and that they feel overlooked.

Therefore, a significant recommendation is for this format to become an ongoing method of communication. Firstly, it would ensure that the voices of local communities are considered when setting priorities for reforms. Secondly, it would monitor the fulfillment of commitments made by judiciary representatives, as there are often pledges that results will notably improve in the near future. Additionally, the responsibility for conducting regular consultations with citizens and establishing communication channels should rest with the judicial institutions themselves.

Another advantage of ensuring regular communication between representatives of citizens, the media, local activists, and judges and prosecutors is that it can also provide potential solutions for regaining citizens’ trust and facilitate the exchange of information regarding potential cases for ex officio proceedings.

Apart from these points, we hereby present the key recommendations gathered from the two-month series of local public discussions:

- Efforts must be made to strengthen the rule of law, ensure judicial independence, and establish measures to prevent political influence on the judicial system, which includes implementing effective checks on judicial functionaries and enhancing disciplinary and accountability mechanisms.
- The HJPC should consider adopting binding guidelines for the content of judicial institutions’ websites, ensuring proactive publication of all relevant information and consistent communication access.
- Establish a practice of regular communication between prosecutors’ offices and activists or non-governmental organizations that submit reports.
- Prioritize and enhance transparency in processes related to land registry and citizens’ property claims.
- Implement more efficient procedures for handling election fraud, including introducing priority processing through urgent procedures to restore citizens’ trust in the electoral process and prevent further abuses.
- Enhance inter-agency cooperation, particularly between prosecutors’ offices, law enforcement agencies, and supervisory bodies.
- Allocate adequate resources for the functioning of judicial institutions.
- Apply effective mechanisms for witness protection and protection of individuals who

report corruption and act as whistleblowers.

- Given the large number of criminal investigations of judges and prosecutors, more comprehensive reforms are needed to ensure the integrity of those holding judicial offices and oversight of their work.
- Continuously enhance the capacity of prosecutor's offices and law enforcement agencies to investigate corruption cases through additional staff training, technological advancements, and efficient use of resources.
- Conduct further analysis of regional trends and variations to understand the reasons behind the increase in corruption reports in specific areas of Bosnia and Herzegovina.
- Increase the involvement of law enforcement agencies and encourage more reports submitted on corruption cases, as the consensus among judiciary representatives is that the number of reports from agencies and police bodies is insufficient.
- Enhance the ex-officio actions by prosecutors, particularly regarding investigative journalism stories and reports from non-governmental organizations related to corruption cases.
- Ensure transparency in the work of prosecutor's offices concerning reports against journalists, especially in light of the criminalization of defamation in the Republika Srpska, as well as oversee these cases within the judiciary to prevent potential abuses.
- Develop specific HJPC guidelines governing the proceedings in relation to the new provisions criminalizing defamation, aiming to prevent further infringement on fundamental human rights through judicial actions.
- Regarding environmental complaints, particularly those intertwined with corruption, the HJPC should consider ways to prioritize these cases and ensure improved training for prosecutors and judges dealing with such cases.

