



# Assessing Needs of Judicial Response to Corruption through Monitoring of Criminal Cases (the ARC Project)

## Project Background

The main objective of the ARC Project, fully consistent with the priorities set by the BiH Strategy for the Fight against Corruption 2015-2019, is to support the host country's judiciary in enhancing the effectiveness of judicial response to corruption in compliance with international standards and practices. The OSCE Mission to Bosnia and Herzegovina (the Mission) is implementing the project with funding from the US Department of State's Bureau of International Narcotics and Law Enforcement Affairs (INL). Pursuant to the project, corruption case proceedings in jurisdictions across BiH will be observed and analysed through the Mission's robust trial monitoring programme. The ARC Project has developed specialized categorization criteria for selection of cases to be monitored in a clear and transparent manner. Accordingly, the ARC Project categorizes corruption cases as high, medium or low level according to a set of indicators relating to 1) status of the accused (i.e. rank and authority) and 2) gravity of the alleged criminal conduct.

## Project Deliverables

By conducting trial monitoring activities, analysing case documents, conducting interviews with relevant stakeholders and drawing upon the conclusions of peer-to-peer meetings, the ARC Project will identify the root causes of obstacles to fair and effective case processing at the legislative, institutional and individual levels.<sup>1</sup> This foundational analysis will allow the project to identify trends and correlated factors affecting case processing, to propose targeted recommendations for improvement to relevant counterparts in BiH, and to design benchmarks for measuring the progress and impact of these measures, once implemented.

The ARC Project will aim to increase public and practitioner awareness of obstacles and opportunities in corruption case processing by producing and delivering, at public conferences, two detailed analytical reports with findings and recommendations stemming from the above-mentioned activities.

The ultimate beneficiary of the ARC Project is the BiH criminal justice system, as the country's lead actor charged with combatting corruption. Courts, prosecutors' offices and law enforcement in BiH are expected to benefit in the medium-to-long term from targeted support (as identified under the project) in terms of tailored capacity building, specific institutional improvements, and well-informed policy making.

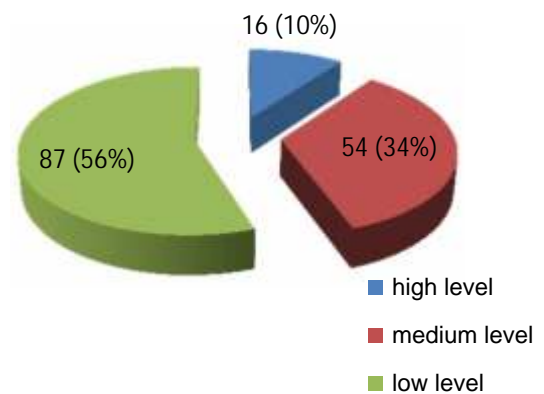
<sup>1</sup> Namely the experience, skills, specific technical knowledge, and motivation of officials involved in the judicial process.



## Overview of Corruption Case Processing in BiH

- Pursuant to the ARC Project, the Mission will monitor a range of ongoing corruption cases across BiH. These will include all cases deemed as high-level according to the Project's methodology, most medium-level cases, and a selection of lower-level cases, in order to ensure that a broad perspective is reflected in the project's analysis.
- As of 31 December 2017, the Mission is monitoring 157 corruption cases, of which 103 are ongoing at the trial/retrial or appeal stage, while 54 are at the pre-trial stage (namely: pending confirmation of indictment, pending plea hearing or pending scheduling of the main trial). The Mission is monitoring corruption cases before 33 different courts at all levels of jurisdiction in BiH.
- The crime of abuse of office is the most common charge in cases monitored by the Mission (43 per cent of cases), while charges related to giving or receiving bribes amount to 14 per cent of cases. This is consistent with the general picture in BiH in 2016, where abuse of office was the most frequent charge presented in corruption cases<sup>2</sup>.
- As seen in the chart below, of the 157 ongoing monitored cases, 16 have been categorized as high level, 54 as medium level and 87 as low level corruption cases. Out of the 16 high level cases, six were initiated (namely indictments were filed) in 2015, one in 2016 and six in 2017, while the other three were initiated earlier.

**Categorisation by level of corruption**



- The Mission and other independent observers have noted an increase in the last three years in the number of high profile corruption cases initiated in BiH. This positive development is linked to an increased number of indictments filed by the Prosecutor's Office of BiH and the Cantonal Prosecutors' Offices in Sarajevo and Biha .
- In 2016, 194 corruption-related indictments were filed by prosecutors' offices in BiH, namely seven (7) at the BiH level, 121 in the Federation of BiH (FBiH), 52 in Republika Srpska (RS) and 14 in the Br ko District (BD). During the same period, a total of 184 corruption case verdicts were issued by courts across the country: 18 at the BiH level, 98 in the FBiH, 52 in RS, and 16 in BD. Out of the 234 defendants for which proceedings were concluded in 2016, 204 were found guilty<sup>3</sup>.

### Basic project information:

Starting date: 1 October 2016

Ending date: 31 December 2018

Total financial requirements (Euro): 422,030.00

<sup>2</sup> European Commission, Bosnia and Herzegovina 2016 Report, cit. footnote n.8, p. 17.

<sup>3</sup> Data received from the High Judicial and Prosecutorial Council BiH.