

# Promoting Effective Judicial Responses to Corruption and Organized Crime



In 2017, the OSCE Mission to Bosnia and Herzegovina (Mission) began systematically monitoring and assessing the prosecution and adjudication of corruption and organized crime in Bosnia and Herzegovina (BiH). Based on this monitoring, the Mission determined that the failure by judicial institutions to repress corruption and organized crime effectively has led to a state of de facto impunity. This remains one of the most salient and pressing issues affecting BiH, as corruption and organized crime threaten long term stability and prosperity in BiH and the broader region.

## Combatting Impunity

The issues hindering the judicial response to corruption and organized crime are myriad and complex. Pressing challenges identified through the Mission's trial monitoring include a significant drop in indictments in high- and medium- level corruption cases, a decline in the rate of convictions,

and the overall inefficiency of judicial proceedings<sup>1</sup>. A lack of political will, a disregard for basic professional and ethical standards, or even illegal and unethical conduct on the part of judges and prosecutors, likely in an effort to exploit the system for individual or political gain, exacerbate issues created by insufficient capacity. In light of this, the Mission

continues to underscore the integral relationship between judicial ethics and integrity and accountability for the effective processing of organized crime and corruption cases.

## Core Mission Programming

Trial monitoring serves as a key diagnostic tool to identify specific and pressing institutional, structural and capacity deficits in the judiciary. Since increasing its focus on corruption and organized crime, the Mission has monitored approximately 650 related proceedings across all jurisdictions in BiH. The Mission's capacity-building, awareness-raising and technical support activities target the judiciary and law enforcement and are designed

to ensure the processing of corruption and organised crime in an impartial, independent, professional and efficient manner, and respond to the data gathered and analysed through this extensive trial monitoring. This, in turn, links directly to reform efforts and institutional priorities. For example, following a Mission recommendation, the High Judicial and Prosecutorial Council adopted criteria to categorize corruption cases according to their seriousness, enabling more nuanced approaches to such cases and providing a more precise tool to assess the judiciary's record on corruption. Other Mission efforts include institutional advocacy, domestic and regional peer-to-peer discussions and trainings, and

<sup>1</sup> For more specific information on these specific factors please see [Third Annual Report On Judicial Response To Corruption: The Impunity Syndrome \(osce.org\)](#)

the development of technical tools, such as [guidelines on the drafting of indictments in complex corruption cases](#).

### Extra-Budgetary Projects

The generous support of external donors enables the Mission to complement its core programming with technical projects, further ensuring the sustainability of these efforts. From 2017 to 2020, the Mission implemented the [Assessing Needs of Judicial Response to Corruption through Monitoring of Criminal Cases](#) (ARC) project with funding from the US Department of State's Bureau of International Narcotics and Law Enforcement Affairs. ARC developed a unique trial monitoring methodology to examine the specific features and challenges of the judicial response to corruption. Based on this monitoring, the Mission has published three well-received and relevant

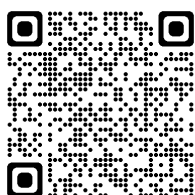
reports, [Trial Monitoring of Corruption Cases in BiH: A First Assessment](#) (2018), [Trial Monitoring of Corruption Cases in BiH: Second Assessment](#) (2019) and the [Third Annual Report On Judicial Response To Corruption: The Impunity Syndrome](#). (2020). In 2021, the Mission began implementing the [OSCE's Regional Trial Monitoring Project - Combatting Organised Crime and Corruption in the Western Balkans](#) (Project), supported by the European Commission. Through trial monitoring and establishing an evidence-based framework for future reforms, the Project aims to support a more effective judicial response to corruption and organized crime in five jurisdiction in the Western Balkans, including, along with BiH, Albania, Kosovo<sup>2</sup>, Montenegro and North Macedonia.



<sup>2</sup> All references to Kosovo, whether to the territory, institutions or population, should be understood in compliance with United Nations Security Resolution 1244.



For more information, scan the QR code.



### OSCE Mission to Bosnia and Herzegovina

Fra Anđela Zvizdovića 1, UNITIC Tower A  
71000 Sarajevo  
Bosnia and Herzegovina

Tel: +387 33 952 100  
Fax: +387 33 442 479  
press.ba@osce.org  
www.osce.org/bih

Follow OSCE Mission to BiH

