

# Promoting rule of law in Bosnia and Herzegovina



To ensure the equality of everyone before the law, protect fair trial rights and secure justice for victims, the judicial system in Bosnia and Herzegovina (BiH) must demonstrate both the political will and the capacity to investigate, prosecute and adjudicate complex and serious crimes efficiently and effectively. In light of this, the OSCE Mission to Bosnia and Herzegovina (Mission), per its mandate under the General Framework Agreement for Peace in Bosnia and Herzegovina, also known as the Dayton Agreement, implements its extensive rule of law programming to safeguard the strength, impartiality, and independence of the judiciary in BiH.

Working with, amongst others, judicial office holders and institutions, representatives of law enforcement agencies, law students, academics and civil society, the Mission's rule of law programming includes monitoring and reporting, targeted advocacy, capacity building and technical assistance.

## **Trial Monitoring**

Launched in 2003, following comprehensive reform of the BiH criminal justice system, the Mission's extensive trial monitoring programme serves as the basis for its work on rule of law issues. As a diagnostic tool to identify systemic issues

in the criminal justice system, the Mission's trial monitoring activities adhere strictly to the essential principles of [objectivity, non-intervention, impartiality, and confidentiality](#).

Since its inception, the Mission's trial monitoring programme has monitored more than 2,650 cases following the confirmation of an indictment, including nearly 16,000 hearings across all courts in BiH, and has analyzed countless legal acts, including indictments and verdicts. The Mission complements its trial monitoring with monitoring of the justice sector as a whole, focusing on the High Judicial and Prosecutorial Council and the implementation of proposed reforms.

Substantively, the trial monitoring program covers war crimes, organized crime, corruption, hate crimes, trafficking in human beings, terrorism, domestic violence, criminal justice proceedings involving members of the mixed migration community and crimes with environmental elements. While originally addressing fair trial rights, the Mission's trial monitoring programme has shifted its focus to prosecutorial and judicial efficiency and efficacy.

Building on its foundational trial monitoring methodology, the Mission has developed bespoke tools to monitor institutional responses to hate crimes, trafficking in human beings and domestic violence. More recently, the Mission has increased its efforts to identify

bias in judicial proceedings, including gender bias.

In addition to releasing certain monitoring findings to the public through its reporting, the Mission uses this data to inform its other rule of law activities.

### Substantive Priorities

As noted above, based on its trial and justice sector monitoring, the Mission's rule of law programming focuses on several substantive areas of law, prioritizing war crimes and transitional justice, organized crime, corruption, trafficking in human beings and hate crimes. The Mission has further identified certain highly relevant cross-cutting issues, namely, victims' rights, legislative reform, and the application of the respective criminal procedure codes. The Mission's holistic work on justice sector reform further underpins and connects these more diverse areas of programming and helps to institutionalize and secure the sustainability of these efforts.

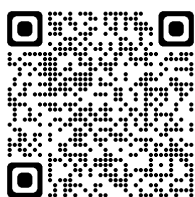
### Extra-Budgetary Projects

The Mission works closely with external donors to implement projects that augment its core activities. Flagship amongst current projects is the European Union-funded War Crimes Monitoring Project, established in 2014, which aims to ensure the efficient and effective processing of war crimes cases in line with the goals of the Revised National War Crimes Processing Strategy. From 2017 to 2020, with the support of the US Department of State's Bureau of International Narcotics and Law Enforcement Affairs,

the Mission implemented its [Assessing Judicial Response to Corruption through Monitoring of Criminal Cases \(ARC\)](#) project. In January 2021, following the [final ACR report](#), the Mission launched a three-year trial monitoring project, [Regional Trial Monitoring Project – Combatting Organized Crime and Corruption in the Western Balkans](#), in partnership with and with the financial support of the European Commission, which will issue a public report in the fall of 2023. In 2022, the Mission began implementing a project funded by the Norwegian Ministry of Foreign Affairs to assess the scale and drivers of the underreporting of hate crimes and bias-motivated incidents, a systemic concern identified through the Mission's trial monitoring programme.



For more information, scan the QR code.



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