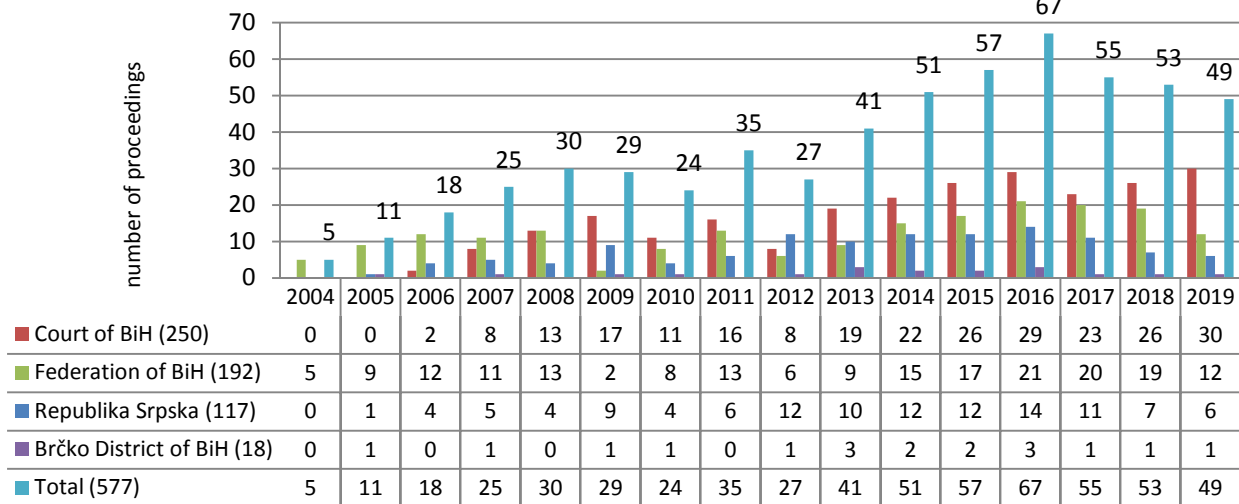


## War Crimes Case Processing in BiH (2004 – 2019)

According to information available as of 2 March 2020

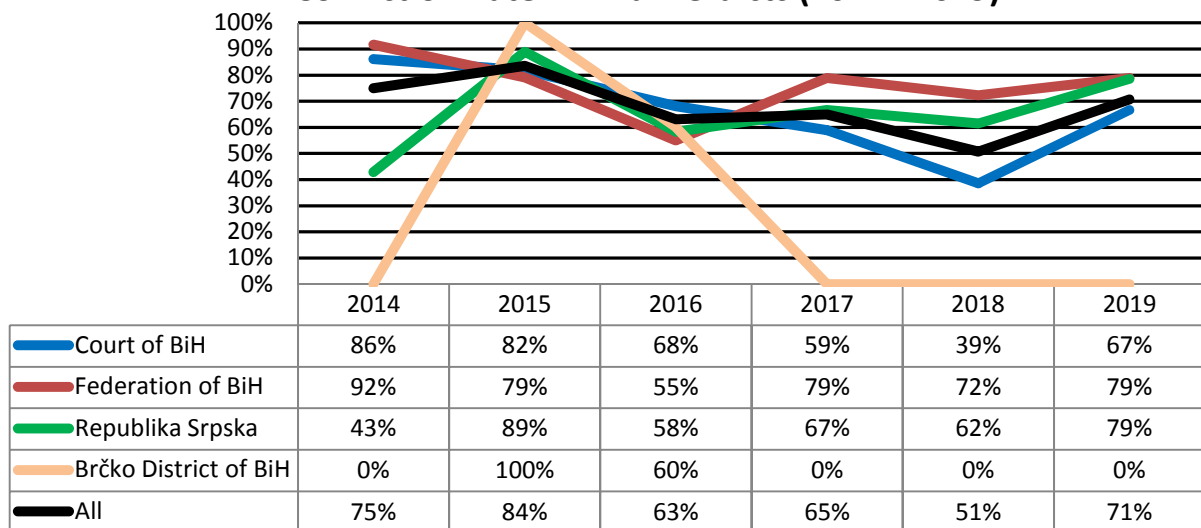
In 2019, the OSCE Mission to Bosnia and Herzegovina observed a **further year-on-year decline in the number of completed war crimes<sup>1</sup> cases**. In 2019, only 49 proceedings against 88 defendants charged with war crimes were completed by the BiH judiciary. Since the Mission began to monitor war crimes processing in BiH in 2004, **a total of 577 proceedings involving 873 defendants have been completed**.<sup>2</sup> However, according to the information available to the Mission at the end of 2019, there remains a backlog of 621 unresolved cases involving 4,736 suspects.

### War Crimes Proceedings Completed (2004 – 2019)



The Mission observed that **the average final instance conviction rate in 2019 has increased to 71%**, following the concerning low record of 2018 (51%). Contributing to the above, the conviction rate at the Court of BiH has risen from 39% (2018) to 67% but it is still within a trend of decline of the conviction rate in war crimes judgments at state level visible from 2016.

### Conviction Rate in Final Verdicts (2014 - 2019)



<sup>1</sup> For the purposes of this factsheet, the term "war crimes" comprises crimes against humanity, genocide and war crimes (under its legal definition). The term "proceedings" refers to proceedings with a confirmed indictment, while "cases" includes investigations. The data presented herein was gathered independently by the OSCE Mission to Bosnia and Herzegovina and represents the situation as of 2 March 2020. The information obtained is not official data provided by BiH judicial institutions.

<sup>2</sup> For the purposes of this factsheet, "completed" refers to those proceedings closed with a final instance verdict or proceedings discontinued for procedural reasons, such as the death of the defendant.

## Pending War Crimes Proceedings

In 2019, the Mission observed a **considerable decrease in the number of first instance verdicts rendered**, with 35 first instance verdicts delivered, compared with 53 in 2018. The number of ongoing proceedings at the end of 2019 (244) is slightly lower compared to the end of 2018 (249). Of these 244 proceedings, 6 were awaiting confirmation of indictment, 95 were at the pre-plea stage, 22 were awaiting the start of the main trial, and 121 were on trial, retrial or appeal.

**A major obstacle to processing these cases is the unavailability of defendants to the courts**, usually because they are located in a foreign country and cannot be extradited by law. **This problem affects approximately 30% of ongoing cases**: in a total of 74 pending proceedings, 76 defendants are inaccessible to the relevant court in BiH.

Jurisdiction	Proceedings (Defendant inaccessible)	Defendants (Inaccessible)
Court of BiH	126 (43)	338 (45)
Federation of BiH	72 (10)	92 (10)
Republika Srpska	40 (21)	44 (21)
Brčko District of BiH	6 (0)	7 (0)
<b>Total</b>	<b>244 (74)</b>	<b>481 (76)</b>

The number of indictments confirmed at the end of 2019 shows that the overall trend of a reduced influx of new indictments before courts continues.

### Indictments Confirmed, 2014–2019

Jurisdiction	2014	2015	2016	2017	2018	2019
	Cases (defendants)	Cases (defendants)	Cases (defendants)	Cases (defendants)	Cases (defendants)	Cases (defendants)
Court of BiH	57 (116)	49 (132)	33 (85)	29 (65)	34 (97)	17 (39)
Federation of BiH	20 (25)	20 (22)	21 (34)	13 (21)	11 (17)	13 (14)
Republika Srpska	16 (25)	15 (18)	12 (17)	7 (15)	10 (13)	6 (6)
Brčko District of BiH	3 (4)	1 (1)	0	0	2 (2)	2 (3)
<b>Total</b>	<b>96 (170)</b>	<b>85 (173)</b>	<b>66 (136)</b>	<b>49 (101)</b>	<b>57 (129)</b>	<b>38 (62)</b>

### Transferred Cases,<sup>3</sup> 2009–2019

Jurisdiction	2009	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019
Federation of BiH	3	34	16	145	43	34	21	27	16	127	50
Republika Srpska	3	10	8	71	15	9	11	4	7	38	25
Brčko District of BiH	0	1	1	1	0	0	0	0	1	2	1
<b>Total (724)</b>	<b>6</b>	<b>45</b>	<b>25</b>	<b>217</b>	<b>58</b>	<b>43</b>	<b>32</b>	<b>31</b>	<b>24</b>	<b>167</b>	<b>76</b>

### Taken Over Cases,<sup>4</sup> 2009–2019

Jurisdiction	2009	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019
Federation of BiH	2	5	19	42	29	11	4	22	7	5	1
Republika Srpska	1	1	6	16	37	23	7	7	13	3	3
Brčko District of BiH	0	0	0	1	1	6	1	1	0	0	0
<b>Total (274)</b>	<b>3</b>	<b>6</b>	<b>25</b>	<b>59</b>	<b>67</b>	<b>40</b>	<b>12</b>	<b>30</b>	<b>20</b>	<b>8</b>	<b>4</b>

<sup>3</sup> "Transferred cases" refers to those transferred from the Court of BiH to be processed by entity-level and Brčko District courts. Out of a total number of 724 cases transferred since 2009, 534 were KTRZ cases (a case category in which the criminal offence and perpetrator are known). In 2019, out of 76 cases transferred, only 27 were KTRZ cases.

<sup>4</sup> "Taken over cases" refers to cases taken from entity-level and Brčko District courts to be processed by the Court of BiH.