

War Crimes Case Processing in Bosnia and Herzegovina (2004 – 2024)¹

Since 2004, the OSCE Mission to Bosnia and Herzegovina (Mission) has conducted comprehensive trial monitoring of war crimes cases processed before courts in Bosnia and Herzegovina (BiH).² In 2014, to complement this trial monitoring, the Mission began collecting and analysing data regarding the pre-indictment backlog of all reported potential war crimes. Following the practice established by the Mission, the High Judicial and Prosecutorial Council of BiH now similarly collects backlog data on a biannual basis. Drawing on these data sources, this report provides a statistical overview of all closed and ongoing war crimes cases before courts (post-indictment) and prosecutor's offices (PO) (pre-indictment) in BiH.³ This report also highlights key trends in the processing of conflict-related sexual violence (CRSV) cases.

War Crimes Case Backlog Among All BiH Jurisdictions

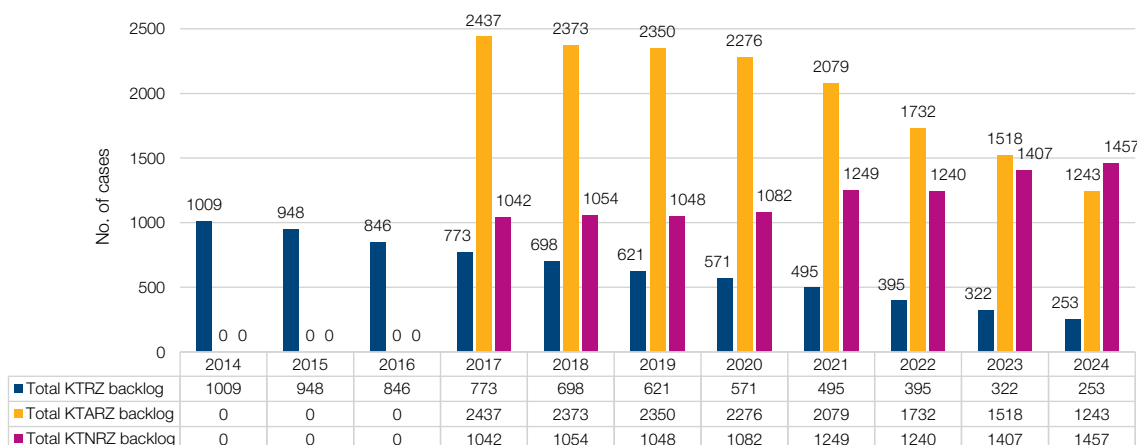
POs across BiH carry a substantial backlog of war crimes cases, with the backlog defined as the number of war crimes cases reported to but not yet processed by POs in all BiH jurisdictions. In addition to 253 war crimes cases with an identified suspect (KTRZ), this backlog also consists of 2,700 reported war crimes that lack an identified suspect (KTNRZ) or where the commission of a crime has not yet been established (KTARZ). Progress in addressing these KTNRZ and KTARZ cases has been limited, making future indictments increasingly unlikely.

To promote the effective and efficient processing of the case backlog, the *National War Crimes Processing Strategy* (Strategy) – adopted in 2008 and revised in 2020 (Revised Strategy)⁴ – requires that the Prosecutor's Office of BiH (PO BiH) prioritize the most complex cases, based on criteria

- 1 This factsheet predominantly presents information available to and verified by the Mission as of 31 December 2024. Because the Mission has tracked different data over different periods of time, date ranges for provided data may vary. In addition, in conducting its analyses, the Mission has accounted for the inevitable impact of the COVID-19 pandemic on the work and efficiency of the domestic judiciary.
- 2 The term "war crimes" is used to denote cases involving allegations of the crime of genocide, crimes against humanity, and war crimes arising from violations of international humanitarian law.
- 3 To preserve the objectivity of the Mission's trial monitoring programme, any discussion of ongoing cases, including those in the pre-indictment phase, has been limited to quantitative data. Such cases are never directly identified.

- 4 The Revised Strategy provides criteria for assessing the factual and legal complexity of cases. See, Annex A of the Revised Strategy. While significant amendments were made to the Strategy during the revision process, the substance of the main Strategic Objectives remained largely unaltered, thus ensuring continuity and consistency in the implementation of the Strategy following its revision. Unless otherwise indicated, all references herein to the Strategic Objectives can be read as being to both the original and the Revised Strategy.

Backlog Overview

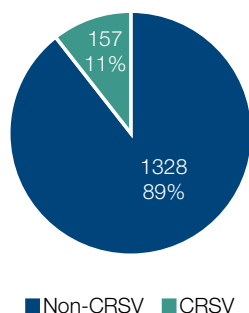


Transferred Cases (2009 - 2024)*

Jurisdiction transferred to	Category of case	2009	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020	2021	2022	2023	2024	Total
Federation of BiH (FBiH)	KTARZ	0	3	1	11	6	2	1	2	2	5	0	0	2	5	5	10	55
	KTNRZ	0	0	0	0	0	0	0	0	1	83	34	118	93	40	36	29	434
	KTRZ	3	31	15	134	37	32	20	25	13	38	16	38	16	10	4	11	443
Republika Srpska (RS)	KTARZ	0	0	0	1	2	0	0	0	2	6	1	0	0	7	4	6	29
	KTNRZ	0	1	0	0	0	0	0	0	0	9	13	69	71	36	30	35	264
	KTRZ	3	9	8	70	13	9	11	4	5	24	10	24	8	7	2	0	207
Brčko District of BiH (BD BiH)	KTARZ	0	1	0	0	0	0	0	0	0	0	0	0	0	3	0	2	6
	KTNRZ	0	0	0	0	0	0	0	0	0	1	0	11	18	5	2	3	40
	KTRZ	0	0	1	1	0	0	0	0	1	1	1	0	1	1	0	0	7
TOTAL		6	45	25	217	58	43	32	31	24	167	75	260	209	114	83	96	1485

* "Transferred cases" refers to those cases transferred from the Court of BiH to be processed by entity-level and Brčko District of BiH courts, pursuant to Article 27/27a of the *Criminal Procedure Code of BiH*. This chart includes data from 2009, following the adoption of *National War Crimes Processing Strategy*, through the end of 2024.

Portion of CRSV Cases among Transferred Cases (2009-2024)



related to the gravity of the offense and the capacity and role of the suspect, and transfer, in conjunction with the Court of BiH,⁵ less complex cases to courts in the Federation of BiH (FBiH), Republika Srpska (RS) and Brčko District of BiH (BDBiH). In 2018, following the initial slow pace of transfers, a series of discussions facilitated by the Mission resulted in the PO BiH assessing its KTRZ backlog and purporting to transfer its remaining less-complex cases to the entities and BDBiH. All cases remaining with PO BiH should thus qualify as complex cases under Annex A of the Revised Strategy.

Notably, out of 1,485 cases transferred, the PO BiH has only transferred 157 cases involving CRSV, potentially reflecting the categorization of CRSV cases as complex.

The Mission notes with concern that **over 80 per cent of KTRZ cases have been transferred** from the PO BiH to district and cantonal POs. The absence of an identified suspect hinders an accurate assessment of whether a given case is appropriate for transfer per the relevant factors of the Annex A criteria.⁶ While the entity and BDBiH POs generally have the capacity to investigate and prosecute war crimes, they have significantly limited human resources as compared to the PO BiH and lack access to the State Investigation and Protection Agency's (SIPA) specialized war crimes investigative units.⁷ This reduces the likelihood of identifying the suspects.

5 See Art. 7(1) of the Law on Court of BiH – Consolidated Version, *Official Gazette of BiH* nos. 49/09, 74/09, 97/09).

6 *A Race against Time - Successes and Challenges in the Implementation of the National War Crimes Processing Strategy of Bosnia and Herzegovina* (2022) pp. 23-25, *War Crimes Case Management at the Prosecutor's Office of Bosnia and Herzegovina* (2019), p. 16.

7 *A Race against Time - Successes and Challenges in the Implementation of the National War Crimes Processing Strategy of Bosnia and Herzegovina* (2022) p. 25.

Indictments Confirmed (2014 - 2024) (number of defendants shown in parentheses)

Level of jurisdiction	2014	2015	2016	2017	2018	2019	2020	2021	2022	2023	2024
	Cases	Cases	Cases	Cases	Cases	Cases	Cases	Cases	Cases	Cases	Cases
State level	57 (116)	49 (131)	36 (90)	30 (67)	36 (98)	17 (40)	12 (32)	16 (43)	24 (72)	14 (65)	12 (51)
FBiH	21 (26)	20 (22)	21 (34)	12 (17)	11 (17)	13 (14)	3 (3)	11 (12)	11 (14)	15 (28)	4 (6)
RS	16 (25)	15 (18)	12 (18)	7 (15)	10 (13)	5 (5)	3 (4)	3 (3)	9 (16)	7 (10)	4 (5)
BD BiH	3 (4)	1 (1)	0	0	2 (2)	1 (2)	1 (1)	0	0	1 (1)	0 (0)
Total: 539	97 (171)	85 (172)	69 (142)	49 (99)	59 (130)	36 (61)	19 (40)	30 (58)	44 (102)	37 (104)	20 (62)

* The data draws on monitoring conducted by the Mission under the auspices of the EU-funded WCMP, which began in 2014.

Ongoing Cases (post-indictment)

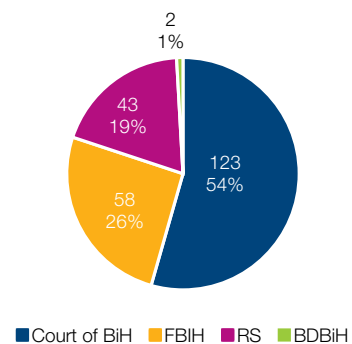
As of the end of 2024, there were **226 ongoing cases** across all BiH jurisdictions. Of these, 11 were awaiting confirmation of the indictment; 98 were at the pre-plea stage; 21 were awaiting the start of the main trial; and 96 were in main trial, retrial or appeal proceedings. **53 cases involving 121 defendants** – comprising nearly a quarter of all war crimes cases pending before courts across all jurisdictions in BiH – involve **CRSV**.

Even as the number of indictments confirmed on an annual basis across all BiH jurisdictions has declined significantly since 2014, **CRSV cases consistently comprise approximately one-fourth of newly confirmed indictments**.

With nearly 3,000 cases in the pre-indictment backlog remaining and time literally running out to process them, with memories fading and witnesses, victims and suspects aging and dying, the justice sector – prosecutor's offices, courts and law enforcement – must continue to focus on the completion of the most complex war crimes cases and the resolution of the backlog.

The unavailability of defendants to the courts presents a major obstacle to the completion of nearly one-half of ongoing cases across all jurisdictions in BiH. Of the 226 cases in the post-indictment phase at the end of 2024, **114 defendants in a total of 103 cases were unavailable to the relevant domestic court**, primarily because they are located abroad and cannot be extradited.⁸ The unavailability of defendants is equally prevalent **among KTRZ cases in POs' pre-indictment backlogs**, of which **nearly one-half involve one or more suspects believed to be located abroad**.

Ongoing War Crimes Cases



⁸ This data was reported by the High Judicial and Prosecutorial Council of Bosnia and Herzegovina's Enhancing War Crime Case Processing in BiH Project.

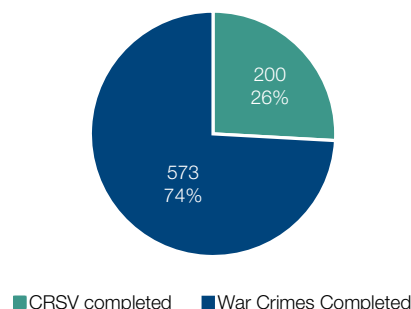
Closed Cases

By the end of 2024, the domestic judiciary had adjudicated a total of **773 war crimes cases involving 1,209 defendants**. More than one-quarter of adjudicated war crimes cases involved **CRSV**, amounting to **200 cases involving a combined 298 defendants**.⁹ The percentage of war crimes prosecutions involving CRSV has remained relatively consistent over time.

Despite the substantial number of adjudicated cases, 253 KTRZ cases involving 2,447 known suspects remain to be processed as of end of 2024. Notwithstanding these outstanding cases, the annual rate of case completion declined precipitously following the outbreak of COVID-19 and remains below a pre-pandemic high of 67 cases against 96 defendants.

Examining cases reaching a final and binding verdict, the Mission notes with concern an overall decline in cases resulting in convictions since 2016. Since 2022, the average conviction rate per defendant before all courts has been consistently below 60 per cent. Moreover, since 2017, the State-level conviction rate has been consistently below that of the average entity-level rate. While acquittals necessarily form part of a functioning judicial system, this trend could indicate a deterioration in the quality of investigations, indictments, and trial advocacy and management, especially at the State-level.¹⁰ **In CRSV cases, both the average (75 per cent) and, with rare exception, the annual conviction rates have been higher than those of non-CRSV cases.**

Ratio of CRSV to Non-CRSV Adjudicated Cases (2004-2024)

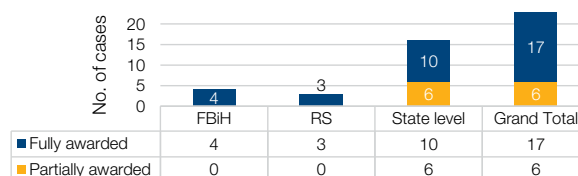


Courts have rarely awarded victim compensation, despite the legal authority and obligation under the respective criminal procedure codes to do so, which also raises concerns. **Of the mere 23 cases in which compensation was awarded (out of 499 total cases with a final and binding conviction), 17 involved CRSV.**

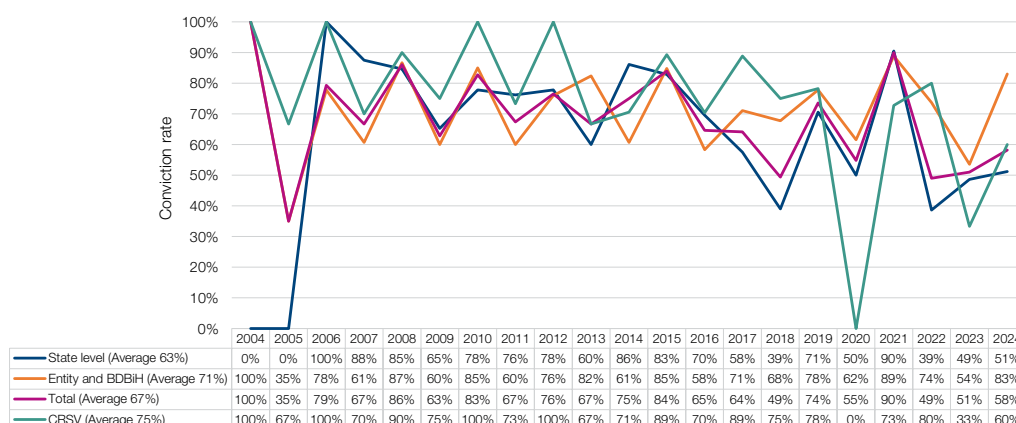
⁹ In its public reports, the Mission has analysed various aspects of the investigation and prosecution of CRSV cases before the domestic judiciary. See, *Towards Justice for Survivors of Conflict-Related Sexual Violence in Bosnia and Herzegovina: Progress before Courts in BiH 2014–2016* (2017), *Combating Impunity for Conflict-Related Sexual Violence in Bosnia and Herzegovina: Progress and Challenges – Vol. I: An analysis of criminal proceedings before the Court of Bosnia and Herzegovina between 2005 and 2013* (2014), and *Vol. II: An analysis of criminal proceedings before the courts of the Federation of Bosnia and Herzegovina, Republika Srpska and Brčko District BiH between 2004 and 2014* (2015).

¹⁰ See, amongst others, *A Race against Time - Successes and Challenges in the Implementation of the National War Crimes Processing Strategy of Bosnia and Herzegovina* (2022), and *War Crimes Case Management at the Prosecutor's Office of Bosnia and Herzegovina* (2019), as well as reports prepared by Judge Joanna Korner, *Processing of War Crimes at the State Level in Bosnia and Herzegovina* (2016) and *Improving War Crimes Processing At The State Level In Bosnia and Herzegovina - A Follow-Up Report By Her Honour Judge Joanna Korner CMG QC* (2020).

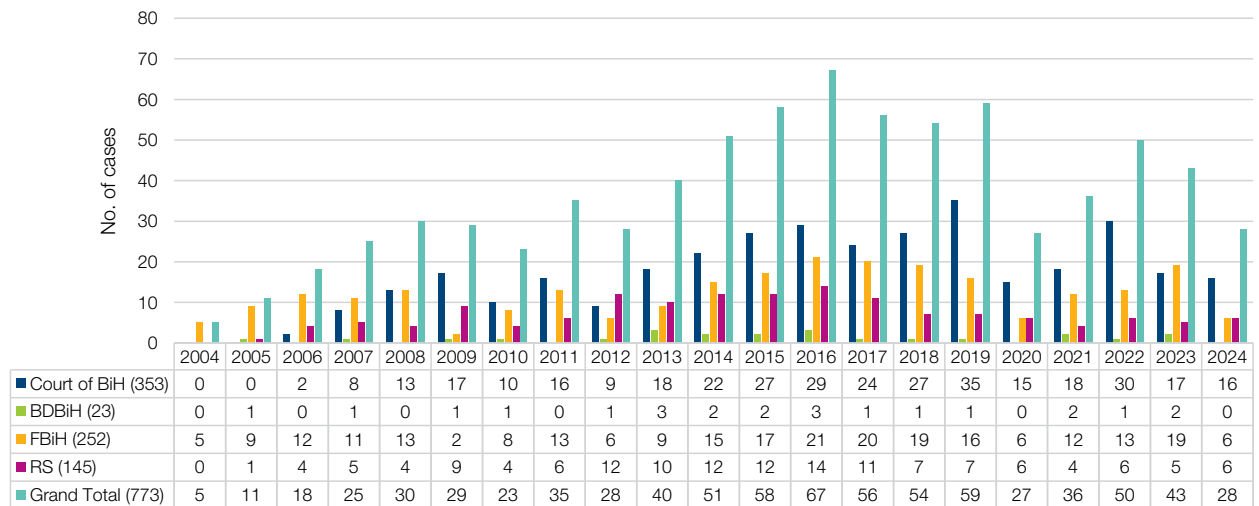
Awarded Compensation Claims in Completed Cases (2004 – 2024)



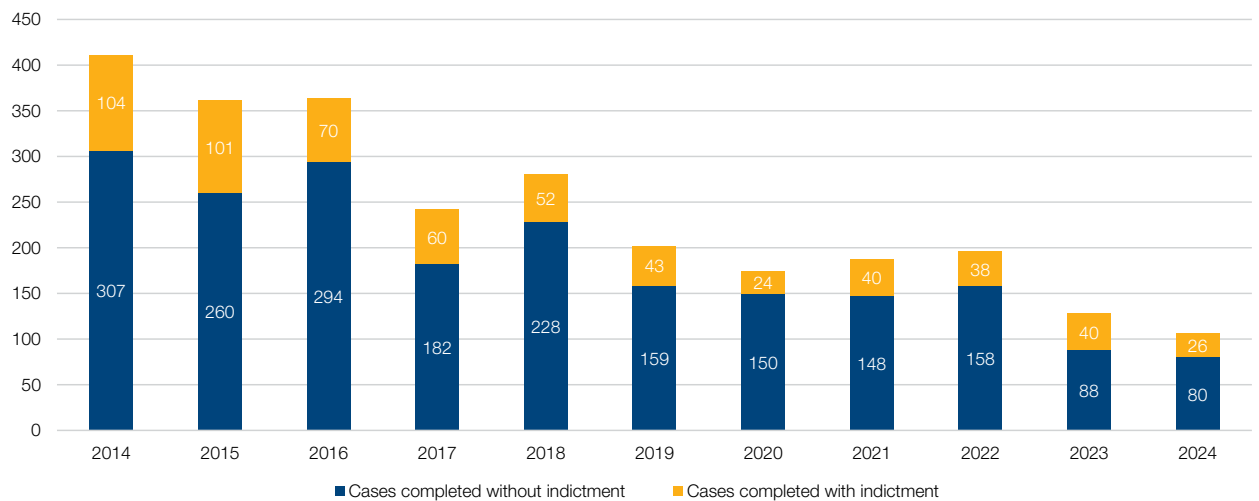
Conviction Rate in Final Verdicts (2004 - 2024)



War Crimes Cases Adjudicated (2004 - 2024)



Total Reported Cases Completed (2014-2024)



Not all reported war crimes cases that are investigated result in an indictment. Many are closed during the investigation phase, including for legitimate reasons such as lack of evidence or the death of a suspect or a key witness.

Of the 2,652 reported cases closed since 2014, prosecutors have closed 2,054 without filing an indictment, including by means such as filing an order to suspend or not to conduct an investigation, transferring the case to another jurisdiction, or case merger. While these methods of completion often receive less attention than adjudicated cases, they nonetheless constitute a substantial portion of POs' workloads.

In 2025, as of time of publication, the Supervisory Body for monitoring the implementation of the Revised Strategy determined to request that the Council of Ministers of BiH further extend the deadlines set by the Revised Strategy through 2028. Despite this extension, it remains uncertain that the judiciary will be able to complete all remaining cases with known suspects, let alone cases with unknown suspects, by the new deadline. The Mission will continue to monitor and analyse the work of judicial institutions across BiH as they address the remaining cases and work towards ensuring justice for victims.

Public Perceptions of Judicial Responses to War Crimes¹¹

Based on a survey conducted by the Mission, despite the completion of nearly 800 domestic war crimes trials, BiH citizens overwhelmingly perceive that justice has not been achieved and the legacy of the conflict remains unaddressed.

Two-thirds (65 per cent) of respondents feel the war's consequences have been dealt with only slightly or not at all, while just 3 per cent believe they have been fully addressed.

Similarly, 69 per cent say justice itself has been achieved only slightly or not at all. The survey results point to a significant gap between the scale of judicial activity and public perceptions of accountability.

Perceptions of the justice sector's efforts are shaped in part by levels of awareness and trust. A majority of respondents (around 60 per cent) report being only slightly or not at all aware of domestic war crimes prosecutions. Even among those who are aware, trials are often judged to be ineffective in addressing crimes committed during the war. Just 4 per cent found such trials to be effective, while 28 per cent said they were somewhat effective, and 44 per cent found them ineffective, often because of perceived political influences, slowness, corruption and lenient sentences. Many perceive trials as affected by political interference (50 per cent), corruption (64 per cent), or ethnic bias (52 per cent).

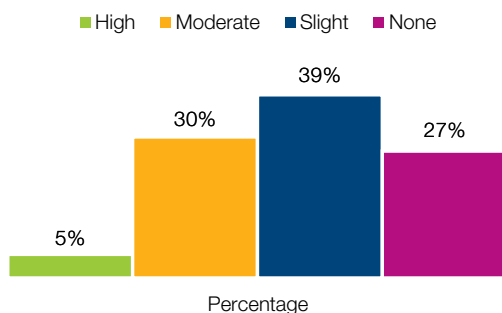
¹¹ The cited data was obtained through a country-wide public opinion poll conducted by Prism Research and Consulting in March and April 2025 with the support of the Mission and the Harvard Humanitarian Initiative using a jointly developed protocol and instrument. The full data and analysis are forthcoming.



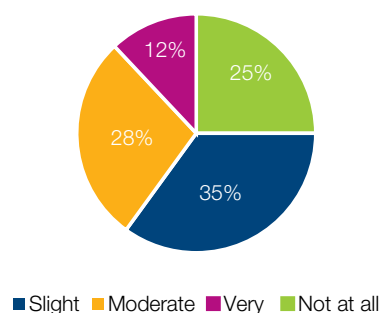
Yet even in the face of unmet expectations, tangible failings, limited awareness and deep distrust, a strong majority (69 per cent) still consider it important to continue domestic prosecutions, and nearly as many (67 per cent) say it would be only slightly or not at all acceptable to bring such prosecutions to a halt.

In sum, while most citizens express little faith in or satisfaction with the institutions conducting war crimes trials, they remain unwilling to abandon prosecutions altogether, likely reflecting a conviction that accountability, even imperfectly delivered, remains indispensable.

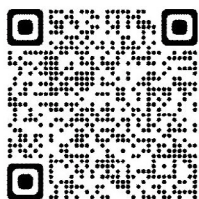
Public Trust in the Judiciary's Processing of War Crimes Cases



Public Awareness of Domestic War Crimes Prosecutions



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OSCE Mission to Bosnia and Herzegovina

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

Tel: +387-(0)33 952 100
Fax: +387-(0)33 442 479
press.ba@osce.org
www.osce.org/bih

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