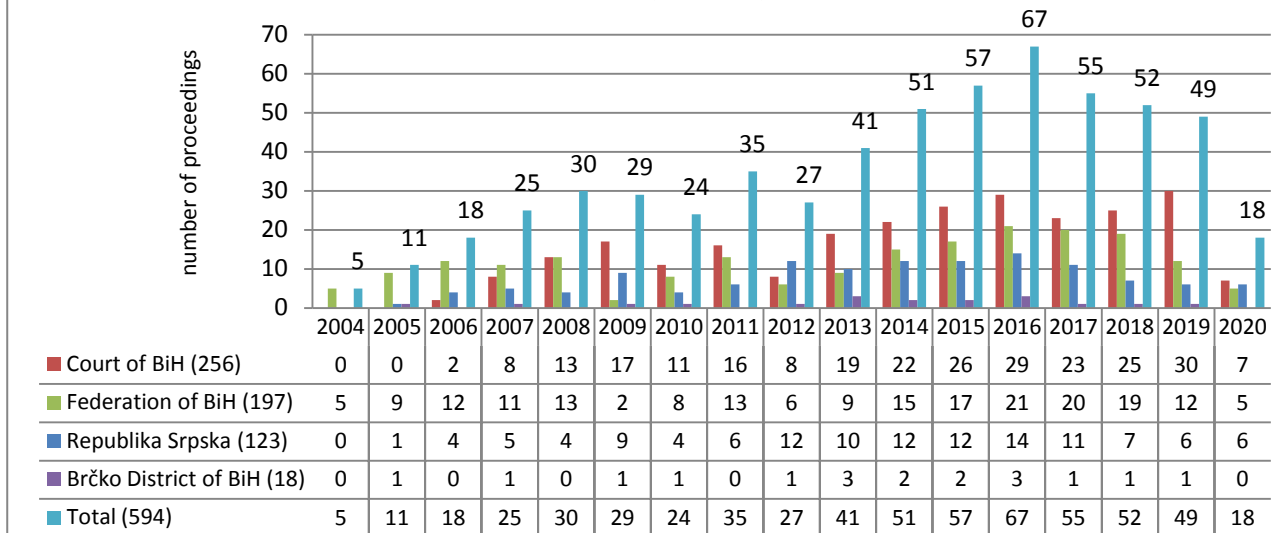


## War Crimes Case Processing in BiH (2004 – 2020)

According to information available as of 31 May 2021

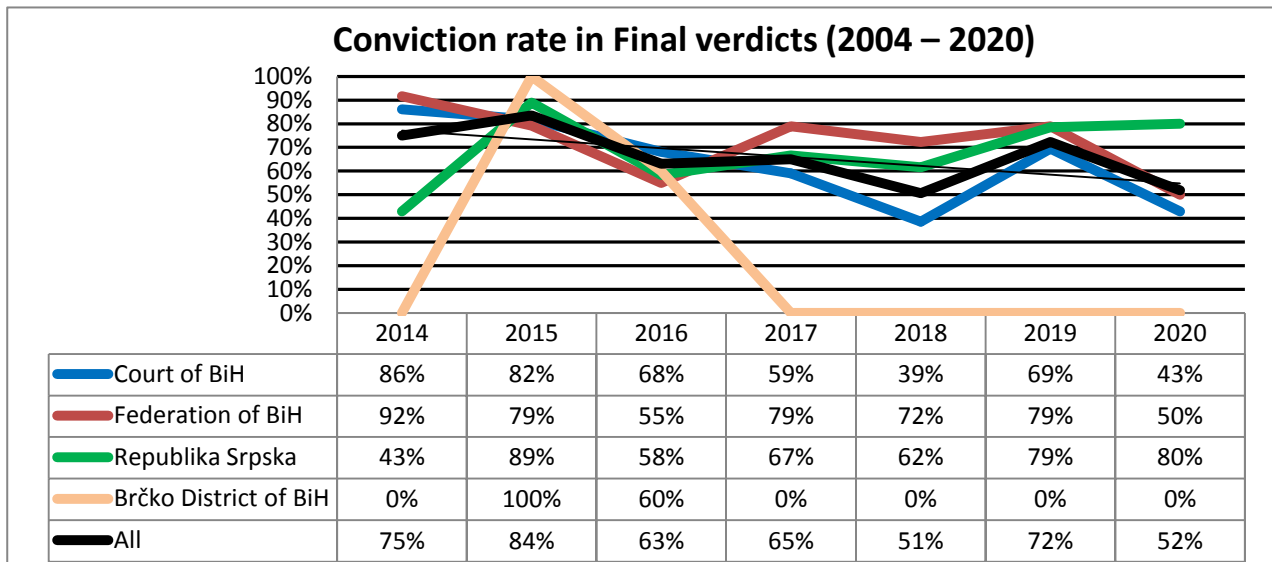
In 2020, the OSCE Mission to Bosnia and Herzegovina observed a **further year-on-year decline in the number of completed war crimes<sup>1</sup> cases**. In 2020, only 18 proceedings against 31 defendants charged with war crimes were completed by the BiH judiciary. Since the Mission began to monitor war crimes processing in BiH in 2004, **a total of 594 proceedings involving 904 defendants have been completed**.<sup>2</sup> However, according to the information available to the Mission, at the end of 2020 there remained a backlog of 571 unresolved cases involving 4,498 suspects.

### War Crimes Proceedings Completed (2004 – 2020)



The Mission observed that, concerning, **the average final instance conviction rate in 2020 has decreased to 52%**, nearing the record low of 2018 (51%). While the conviction rate in courts in Republika Srpska remained as seen in the previous year, the rate dropped at the Court of BiH from 69% (2019) to 43% and, in courts in the Federation of BiH, from 79% (2019) to 50%.

### Conviction rate in Final verdicts (2004 – 2020)



<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 31 May 2021. 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 2020, the Mission observed a **further decrease in the number of first instance verdicts rendered**, with 20 first instance verdicts delivered, compared to 35 in 2019 and 53 in 2018. The number of ongoing proceedings at the end of 2020 (253) was slightly higher compared to the end of 2019 (244). Of these 253 proceedings, four were awaiting confirmation of indictment, 101 were at the pre-plea stage, 18 were awaiting the start of the main trial, and 130 were on trial, retrial or appeal. **One of the major obstacles 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**: 77 (of a total of 253) proceedings, 80 defendants are inaccessible to the relevant court in BiH.

Jurisdiction	Proceedings (Defendant inaccessible)	Defendants (Inaccessible)
Court of BiH	137 (42)	375 (45)
Federation of BiH	71 (13)	89 (13)
Republika Srpska	38 (22)	42 (22)
Brčko District of BiH	7 (0)	8 (0)
<b>Total</b>	<b>253 (77)</b>	<b>514 (80)</b>

The number of indictments confirmed at the end of 2020 shows that the **overall trend of a reduced influx of new indictments** before the courts continues.

### Indictments Confirmed, 2014–2020

Jurisdiction	2014	2015	2016	2017	2018	2019	2020
	Cases (defendants)	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)	11 (28)
FBiH	20 (25)	20 (22)	21 (34)	13 (21)	11 (17)	13 (14)	3 (3)
RS	16 (25)	15 (18)	12 (17)	7 (15)	10 (13)	6 (6)	3 (4)
Brčko District	3 (4)	1 (1)	0	0	2 (2)	2 (3)	1 (1)
<b>Total: 409</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>	<b>18 (36)</b>

Out of a total of 989 cases transferred since 2009, 596 were KTRZ cases (the case category in which the criminal offence and perpetrator are known) – approximately 60%. **In 2020, out of 265 cases transferred, only 62 were KTRZ cases – approximately 23%.**

### Transferred Cases,<sup>3</sup> 2009–2020

Jurisdiction	2009	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020
FBiH	3	34	16	145	43	34	21	27	16	127	50	156
RS	3	10	8	71	15	9	11	4	7	38	25	98
Brčko District	0	1	1	1	0	0	0	0	1	2	1	11
<b>Total: 989</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>	<b>265</b>

### Taken Over Cases,<sup>4</sup> 2009–2020

Jurisdiction	2009	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020
FBiH	2	5	19	42	29	11	4	22	7	5	1	0
RS	1	1	6	16	37	23	7	7	13	3	3	0
Brčko District	0	0	0	1	1	6	1	1	0	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>	<b>0</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 (pursuant to Article 27/27a of the Criminal Procedure Code of BiH).

<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 (pursuant to Article 449 of the Criminal Procedure Code of BiH).