

**Ministry of Security
of Bosnia and Herzegovina**



**Combating Corruption
in Bosnia and Herzegovina - Institutional
and Legal Framework at the State Level**

REGIONAL CONFERENCE ON SHARING BEST PRACTICES AND LESSONS
LEARNED IN PREVENTING CORRUPTION
APRIL 3-4, 2007, TIRANA, ALBANIA

Combating Corruption in Bosnia and Herzegovina



- ✓ United Nations Convention against Corruption
- ✓ Signed on 16 September 2005
- ✓ Ratified on 6 October 2006

Institutional and Legal framework (I)

Prosecutor's Office of Bosnia and Herzegovina



- ✓ Started to work in 2003 having jurisdiction over the perpetrators of war crimes, organized crime, economic and financial crime and corruption as well as prosecution of persons suspected of terrorism, trafficking, money laundering and international smuggling.
- ✓ Special Department for Organized Crime, Economic Crime and Corruption

Criminal Code of Bosnia and Herzegovina (2003)



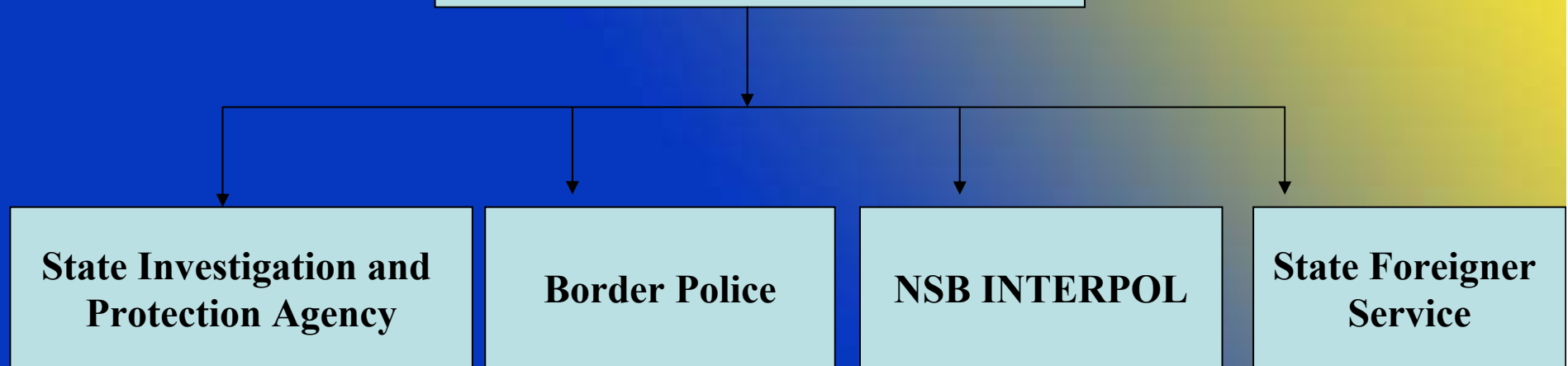
- ✓ Abuse of Office or Official Authority,
- ✓ Accepting Gifts and Other Forms of Benefits,
- ✓ Giving Gifts and Other Forms of Benefits,
- ✓ Illegal Interceding,
- ✓ Embezzlement in Office,
- ✓ Money Laundering.

Institutional and Legal framework (II)

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Institutional and Legal framework (III)

State Investigation and Protection Agency

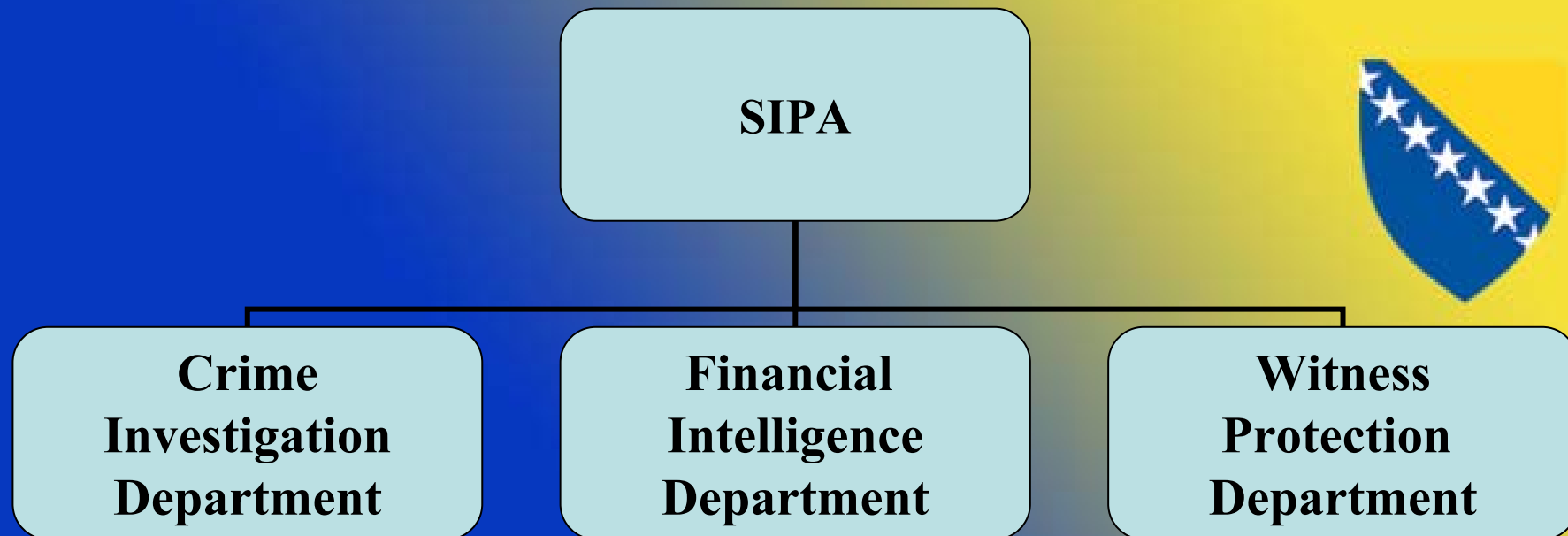


- ✓ An administrative organization within the Ministry of Security of BiH established in 2004 in accordance with the Law on SIPA having competencies of:
- ✓ Prevention, detection and investigation of criminal offences falling within the jurisdiction of the Court of Bosnia and Herzegovina especially: organized crime, terrorism, war crimes, trafficking in persons and other criminal offences against humanity and values protected by international law, as well as serious financial crime;
- ✓ Collection of information and data on criminal offences, as well as observance and analyses of security situation and phenomena conducive to the emergence and development of crime;
- ✓ Assistance to the Court and the Prosecutor's Office of Bosnia and Herzegovina in securing information, and execution of the orders of the Court and of the Chief Prosecutor of BiH;

State Investigation and Protection Agency



- ✓ Physical and technical protection of persons, facilities and other property protected under the Law;
- ✓ Witness protection;
- ✓ Implementation of international agreements on police co-operation and of other international instruments that fall within the scope of its competence;
- ✓ Criminal expertise, and other tasks as prescribed by law or other regulations.



- ✓ Crime Investigation Department - terrorism, organized crime, trafficking of human beings and sexual offences, economic crimes and anti-corruption,
- ✓ Financial Intelligence Department established in 2004 within SIPA in accordance with the Law on Money Laundering Prevention of BiH,
- ✓ Witness Protection Department established in 2004 within SIPA in accordance with the Witness Protection Program Law of BiH.

Institutional and Legal framework (IV)

Central Election Commission



- ✓ Central Election Commission was established in 2001 as a permanent and independent body in accordance with the Law,
- ✓ Election Law of Bosnia and Herzegovina (2001),
- ✓ The Law on Party Financing (2000),
- ✓ The Law on Conflict of Interest (2002 i 2004).

Law on Conflict of Interest



Obligations of the elected officials, executive officeholders and advisors in the institutions of the government of Bosnia and Herzegovina in exercising their duties with regards to conflict of interest.

Scope of the Law

- ✓ Code of conduct,
- ✓ Incompatibilities,
- ✓ Prohibition on acting in conflict of interest,
- ✓ Prohibition on acting,
- ✓ Personal financial disclosure, etc.

Institutional and Legal framework (V)



Public Procurment

- ✓ Law on Public Procurement (2004),
- ✓ Defines the public procurement system in Bosnia and Herzegovina- the rights, obligations and responsibility of participants in the procurement procedures and the procedure for the control of public procurement procedures,
- ✓ Public Procurement Agency established to implement the Law.

Civil Servants

- ✓ Law on Civil Service in institutions of Bosnia and Herzegovina (2004) defines the legal status of civil servants in the Institutions of Bosnia and Herzegovina according to the principles of: legality, transparency and publicity, accountability, efficiency and effectiveness and professional impartiality,
- ✓ Agency of Civil Service established to implement the Law.

Institutional and Legal framework (VI)



Auditing

- ✓ Law on the Auditing of the Financial Operations of the Institutions of Bosnia and Herzegovina (1999),
- ✓ Office for Auditing of the Financial Operations of Institutions of Bosnia and Herzegovina.

Judiciary

- ✓ Law on the High Judicial and Prosecutorial Council (2004),
- ✓ Code of Ethics for Prosecutors and Judges (2005),
- ✓ High Judicial and Prosecutorial Council.

Agency for the Prevention of Corruption???



- ✓ According to the BiH Strategy for Fight against Organized Crime and Corruption (2006), a special state-level body for fighting against corruption to be established.
 - Coordination of anticorruption activities and suggestions of possible solutions,
 - Analyzing the corruption phenomenon in BiH,
 - Systemic review of the situation regarding corruption in BiH,
 - Development of model of single tracking of records on statistic data in the area of corruption,
 - Coordination of activities in the fight against corruption,
 - Defining sectors of particular tendency for corruption
 - Other competencies???

THANK YOU FOR YOUR ATTENTION



Ministry of Security of Bosnia and Herzegovina

Trg Bosne i Herecegovine 1, 71 000 Sarajevo

Edin Jahić, M.A., B.A. in Criminal Justice

E- mail: edin.jahic@msb.gov.ba

Phone: +387 33 284 520