

Issue I: Use of the Internet for drug-related activities

Recommendation 1

Governments should be encouraged to ensure that their law enforcement agencies are well informed, professionally trained and suitably resourced so as to be effective in the investigation of cyber-related offences and the related use of the Internet for illicit trafficking.

Any action taken YES NO

Comments:

Cybercrime is not under jurisdiction of Border Police but agree that is strongly recommended to have well informed and professionally trained Staff concerning the Cyber-related offences in a way to have good cooperation with law enforcement agencies who are in charge for cybercrime investigations.

Recommendation 2

Governments must work together to overcome the obstacles encountered in undertaking the investigation of cyber-related trafficking offences across multiple jurisdictions and introduce the changes needed in legislation, practices and procedure to expedite information-sharing, enquiries with Internet service providers and the transfer of evidence.

Any action taken YES NO

Comments:

Obstacles on this matter are many, especially because legislation is very poor and old, if taken into the consideration that cybercrime is new modern crime of new century and techniques, information sharing expedition and Internet service providers are on very low level.

Recommendation 3

Governments should encourage their law enforcement agencies to develop the specialist skills that will support the investigation of cyber-related offences and lead to successful criminal prosecutions.

Any action taken YES NO

Comments:

This issue is one of the most necessary, because this way of crime is in expansion. Specialists in this branch are primary need.

Issue II: Alternatives to imprisonment for certain offences as demand reduction strategies that promote public health and public safety

Recommendation 1

Governments are encouraged to make full use of alternatives to imprisonment for people with drug use disorders in contact with the criminal justice system, particularly at the time of their arrest and at the pretrial stage.

Any action taken YES NO

Comments:

Security measures are special criminal sanctions to remove situations or conditions that might influence a perpetrator to commit another criminal offence. Courts may impose one or several security measures on a perpetrator, if grounds for imposing them exist under the law.

The Criminal Code of Bosnia and Herzegovina (the CC of BiH) defines such security measures within Chapter IX. Its Article 72 tackles a security measure of **mandatory treatment of addiction** by stating that such measure can only be imposed on a criminally liable perpetrator, yet exclusively in a form of additional measure of legal sanctions aiming to remove those criminogenic factors that stem from the state of perpetrator or the conditions that the perpetrator had found himself in, and for which it may be considerably concluded as to be influential for committing another criminal offence in the future.

The CC of BiH's Article 390 (*The procedure in case of mandatory medical treatment of addiction*) stipulates in its paragraph (1) that the court's decision to impose a security measure of mandatory medical treatment of addiction would rest on acquired results and opinion of a medical expert with an estimate on potential treatment of the perpetrator.

The security measure of **mandatory psychiatric treatment** (Article 71 of the CC of BiH) may be imposed on a perpetrator of an offence *in a state of considerably diminished mental capacity or diminished mental capacity*, if there is a danger that the causes of such a state may in the future also induce another criminal offence of the perpetrator.

The security measures may only be imposed on a perpetrator for whom the court determined that the committed offence was caused by certain state of his personality or with certain conditions or circumstances he found himself in or that were available to him at the time of committing the offence, and for which the court has determined that may in the future induce another criminal offence of the perpetrator.

Recommendation 2

Governments are encouraged to promote and implement institutional mechanisms, including through induction and training programmes, that enable the police to screen, assess and refer appropriate cases to treatment facilities, taking into account their dual role as the first responders and the first criminal justice actors encountered by people with drug use disorders when they come into contact with the criminal justice system.

Any action taken YES NO

Comments:

Induction and training programs are necessary measure to enable police to screen and assess appropriate cases especially for Border Police on BCP because screening is one of the constant daily shift activity.

Recommendation 3

Governments are encouraged to adopt or amend legislation, policies, and guidelines that allow flexibility when handing down sentences for drug-related offences that take into account the nature and gravity of the offence as well as the personality and background of the offender.

Any action taken YES NO

Comments:

The CC of BiH's Article 34 (2) provides that a perpetrator with considerably diminished capacity to comprehend the significance of his act, and his ability to control his conduct due to any of the mental conditions may be punished less severely (considerably diminished mental capacity).

If a person *committed an offence in a state of considerably diminished mental capacity*, the fact of his diminished mental capacities will not preclude him from the responsibility, which is estimated while deciding on the ruling with respect to the level of his criminal responsibility (General Principles of Meeting out the Punishment, Article 48 (1) of the CC of BiH).

The court will impose the punishment within the limits provided by law for that particular offence, having in mind the purpose of punishment and taking into account all the circumstances bearing on the magnitude of punishment (extenuating and aggravating circumstances), and, in particular: the degree of criminal liability, the motives for perpetrating the offence, the degree of danger or injury to the protected object, the circumstances in which the offence was perpetrated, the past conduct of the perpetrator, his personal situation and his conduct after the perpetration of the criminal offence, as well as other circumstances related to the personality of the perpetrator.

Under Article 49 of the CC of BiH (Reduction of Punishment), the court may set the punishment below the limit prescribed by the law, or impose a milder type of punishment: a) when law provides the possibility of reducing the punishment; b) when the court determines the existence of highly extenuating circumstances, which indicate that the purpose of punishment can be attained by a lesser punishment

Recommendation 4

Governments are encouraged to employ a multidisciplinary approach in providing treatment and rehabilitation as an alternative to conviction or punishment and to promote and develop the capacity for institutional coordination between justice, health, and social services authorities.

Any action taken YES NO

Comments:

N/a

Recommendation 5

Governments are encouraged to implement measures to increase public awareness of the benefits of using alternatives to imprisonment.

Any action taken YES NO

Comments:

Conduct campaigns through media service and community policing.

Recommendation 6

Governments are encouraged to collect and analyse gender- and age-disaggregated data on the use of alternatives to imprisonment and, if applicable, to undertake periodic evaluation of existing initiatives to provide treatment as an alternative to conviction or punishment for people with drug use disorders.

Any action taken YES NO

Comments:

N/a

Issue III: Mainstreaming gender perspectives in drug-related policies and programmes

Recommendation 1

Governments are encouraged to collect and analyse gender-disaggregated data to obtain more information about the situation and circumstances of women drug users and the various roles women assume in drug-related crime and in organized crime groups with a view to developing and implementing effective and comprehensive policies and programmes.

Any action taken YES NO

Comments:

N/a

Recommendation 2

Governments are encouraged to ensure non-discriminatory access to health-care services for women, including in prison, and to develop gender-sensitive prevention, primary care, treatment and reintegration policies and programmes, particularly for pregnant women and women with caretaking responsibilities.

Any action taken YES NO

Comments:

N/a

Recommendation 3

Governments are encouraged to ensure close cooperation and collaboration among all relevant national authorities in developing and implementing gender-sensitive drug policies and programmes that take into account the specific needs and circumstances faced by women and girls with regard to the world drug problem.

Any action taken YES NO

Comments:

Daily activities of Border Police conducting border control on BCP is gender sensitive in way of person search by same sex.

Issue IV: Money-laundering, illicit financial flows and effective countermeasures

Recommendation 1

In support of the investigation of money-laundering offences and the recovery of the proceeds of crime, Governments are encouraged to enable access by their law enforcement authorities to the information held by their financial intelligence units.

Any action taken YES NO

Comments:

Investigations related to money laundering are not under Border Police jurisdiction but Border police service is in tight cooperation with government and law enforcement agencies.

Recommendation 2

Governments are encouraged to ensure that evidence gathered through investigations of money-laundering offences by their financial intelligence units has legal standing in their courts if used in prosecutions brought by other law enforcement agencies.

Any action taken YES NO

Comments:

All data gathered through financial investigations collected by law enforcement agency should be used as a legal standing in prosecution process of other law enforcement agency, court and prosecutor.

Recommendation 3

Governments are encouraged to make use of the tools available for training and building the capacity of their law enforcement authorities, financial investigators and prosecutors available through the Global Programme against Money-Laundering of the United Nations Office on Drugs and Crime (UNODC) and other training institutions.

Any action taken YES NO

Comments:

More number of education to build capacity in combating Money laundering crime

Recommendation 4

Governments are encouraged to share with UNODC the results of their national money-laundering risk assessments to facilitate a coordinated global response and to strengthen the capacity of competent authorities and financial institutions to thwart attempts at money-laundering.

Any action taken YES NO

Comments:

Since years ago, Border Police distributing results requested by different international agencies, and UNODC as well. That practice should be continued in the future, to have complete picture in the country related to this branch.