

**Development of Monitoring Instruments  
for Judicial and Law Enforcement institutions  
in the Western Balkans  
2009-2011**

**Technical Assessment Report**  
Bosnia and Herzegovina



CARDS Regional Action Programme

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Comments on this report are welcome and can be sent to:

Statistics and Survey Section

United Nations Office on Drugs and Crime

PO Box 500

1400 Vienna

Austria

Tel: (+43) 1 26060 5475

Fax: (+43) 1 26060 7 5475

E-mail: [sass.crime@unodc.org](mailto:sass.crime@unodc.org)

Website: [www.unodc.org](http://www.unodc.org)

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### **Local research and organisation of research mission:**

Almir Maljević (local focal point)

### **Research coordination and report preparation:**

TRANSCRIME: Barbara Vettori (research and drafting)  
Ernesto Savona (research coordination)

UNODC: Michael Jandl (report editor)  
Steven Malby (research coordination)  
Anna Alvazzi del Frate (research coordination)  
Carla Ciavarella (project management)  
Angela Me (project management)

# Technical Assessment Report Bosnia and Herzegovina

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## 1. Introduction and Background

This report has been written within the context of the project ‘Development of monitoring instruments for judicial and law enforcement institutions in the Western Balkans’ funded by the European Union CARDS Regional Action Programme. It describes the data collection systems of Bosnia and Herzegovina (BiH) on crime and criminal justice as well as on migration, asylum and visa on the basis of the information gathered during the on-site research mission to Sarajevo and Banja Luka from 18 to 29 October 2009. The research mission was carried out by the United Nations Office on Drugs and Crime (UNODC), in partnership with the Joint Research Centre on Transnational Crime (TRANSCRIME) and was supported by the local UNODC focal point in Bosnia and Herzegovina. The whole mission was made possible through the close cooperation and assistance of the BiH authorities and benefited from the time and inputs of the many institutions and individuals visited during the mission.

The goal of the technical assessment presented here is to describe and assess the collection, analysis and use of justice and home affairs statistics in Bosnia and Herzegovina against international and EU standards. It is part of a series of project activities with the ultimate goal of bringing existing national statistics mechanisms in justice and home affairs institutions of the countries and territories of the Western Balkans towards compliance with relevant international and EU *acquis*, standards and best practices. Project activities to date include a first desktop research study entitled ‘Background Research on Systems and Context. Justice and Home Affairs Statistics in the Western Balkans’ and a second study entitled ‘Developing standards in crime and criminal justice statistics – International and EU *Acquis*’. Further project activities will comprise the development of technical guidelines, the development of regional indicators and targeted capacity building in the area of data collection and statistics for justice and home affairs institutions.

The standards used for assessment in this report are expanded in further detail in the study ‘Developing standards in crime and criminal justice statistics – International and EU *Acquis*’. As set out in the study, standards related to justice and home affairs statistics remain in their infancy at EU level. Many ‘standards’ are to be found in the (non-binding) work of EU-mandated expert groups and relevant actions of EU organisations such as the Statistical Office of the European Communities (Eurostat), rather than in EU *Acquis* having the force of law. As such, in the set of standards used in this assessment report, EU level norms are supplemented by relevant work at the international level, including that developed by the United Nations in the Manual for the Development of a System of Criminal Justice Statistics. The assessment standards should therefore be taken as representative of core themes that are common both to developing norms and standards at the EU *and* international level. Where an individual standard has seen particular development at EU level or is clearly contained in binding *acquis*, then this is indicated in the standard by means of a clear note.

## 2. Crime and Criminal justice statistics

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### 2.1 Police statistics

#### 2.1.1. Introduction

##### 2.1.1.1. Institutions responsible for data collection and management

The structure of the police in Bosnia and Herzegovina (BiH) is complex. There are several autonomous law enforcement agencies, divided into a) the state level (BiH) and b) the levels of the Entities of the Federation of Bosnia and Herzegovina (FBiH) and Republika Srpska (RS), as well as the Brčko District of BiH (BDBiH).

#### *State level*

At the state level, the police is managed by the Ministry of Security of BiH, which includes the Border Police of Bosnia and Herzegovina, the State Investigation and Protection Agency (SIPA), the Service for Foreigners and other Services.

In particular, the State Investigation and Protection Agency (SIPA) was established in 2002 as an independent institution of BiH in charge of collecting and processing information of interest for the implementation of international laws and BiH Criminal Codes, as well as for the protection of VIPs, diplomatic and consular missions and government institutions of BiH. Its Criminal Investigation Department (CID) deals with the prevention, detection, and investigation of crimes under the jurisdiction of the Court of BiH and the detection and apprehension of perpetrators, under the supervision of the Prosecutor of BiH.<sup>1</sup>

At regional level SIPA has four offices: one in Banja Luka, one in Mostar, one in Sarajevo and one in Tuzla.<sup>2</sup> The regional level is organised in the same departments as the central level.

#### *Federation of BiH*

Within the the Federation of Bosnia and Herzegovina (FBiH), there is the Ministry of Interior (Mol) of FBiH and 10 cantonal Mols. The Mol of the FBiH has its own Criminal Investigation Department (CID), which deals mostly with more serious crimes that are related to organized crime.<sup>3</sup> If any of these crimes is discovered first at the cantonal level, information should immediately be transmitted to the Mol of FBiH, which makes the investigations and then sends the case to the prosecutor. It is then up to the prosecutor to decide whether to assign the case to the Mol of FBiH or to SIPA. Additionally, there are 10 cantonal ministries of interior.<sup>4</sup> Police statistics are produced both by the Mol FBiH and the cantonal Mols. Each canton is organised in police

<sup>1</sup> SIPA is organised in 7 sections: 1. Section for Combating Terrorism and Trafficking in Nuclear, Biological and Chemical Weapons 2. Section for Prevention and Detection of Financial Crime and Corruption 3. Section for Prevention and Detection of Organized Crime 4. Section for Prevention and Detection of Crime Related to Trafficking in Human Beings 5. Section for Prevention and Detection of Crime Related to Narcotics 6. Section for Prevention and Detection of Other Criminal Offences 7. Criminal Intelligence Section.

<sup>2</sup> For more information see <http://www.sipa.gov.ba>.

<sup>3</sup> The CID of the Mol of the FBiH is organised in the following 4 departments: Department for property crimes (the most serious cases of robbery, blackmailing, burglary and car theft), Department for blood offences (especially OC related), Department for trafficking in human beings and war crimes.

<sup>4</sup> See [www.fmup.gov.ba](http://www.fmup.gov.ba).

administrations which cover one or more municipalities (e.g. the Sarajevo canton is made up of 5 police administrations that cover eight police stations).

#### *Republika Srpska*

Within the Republika Srpska (RS), police is managed by the Ministry of Interior of RS. Statistical data collection is based on the organizational structure of the MoI RS, which is structured in 3 levels. At the first level there are 84 police stations, at the second level there are 5 centres for public security (CPS) and at the third level the MoI of RS.<sup>5</sup> Competences among the three levels are clearly divided: some cases are entirely followed by police stations while more complex cases (organized crime related cases, trafficking in human beings) have to be handled by a CPS. Data are collected at the first and second level, while analytical departments are available only at the second and third levels.

#### *Brčko District*

Within the Brčko District of BiH (BDBiH) police is managed by the Brčko District Police, which has a Chief and two Deputy Chiefs, as established in articles 58-61 of the Statute of the Brčko District of Bosnia and Herzegovina of 7 December 1999. The Brčko District Police consists of 3 departments (General Police, Criminal Police and Traffic Police), each of which creates its own statistical report. These reports are later combined by one staff in the Analytical Unit of the Brčko District Police.

## 2.1.2. Data input (recording of crimes)

### 2.1.2.1. Data entry

#### **Standard**

Any reported or suspected crime incident coming to the attention of the police should be recorded as a crime incident by the responsible authority (either before or after some initial investigation). The threshold for recording a suspected crime incident should be clearly defined. Clear rules on the recording of data should be issued to all responsible data recording units and applied uniformly throughout the system. When recording crimes, the police should make use of a unit record-based system that contains details of each individual incident and person accused ('formal contact' with the police as a suspect).

#### **Assessment**

The recording of crime is not uniform throughout Bosnia and Herzegovina. While data entry is similar at all levels of the police in BiH, some important differences exist.

In FBiH, all crime events reported to the police (by phone or personally) or discovered by the police officers in their daily work are recorded in the book of daily events of the police station, which is kept manually. The structure of the book of daily events is as follows: 1. progressive number of the event; 2. date and time of recording; 3. name of reporting person; 4. short description; 5. to 8. type of event (7. is crime, 8. is misdemeanour); 9. to 10. victim (public or private); 11. victim identity; 12. to 13. who is authorized to proceed (either *ex officio* or not); 14. to 15. what has been done (if arrest; if report submitted); 16. to 17. how the incidence was cleared (on the spot or later); 18. ID of the suspect; 19. additional remarks.

If the event is a crime (as noted under 7. above), the reporting person is sent to the Criminal Investigation Department (CID), where a report is filled out and the prosecutor is informed at the same time. Thus, the threshold for recording a criminal case is when

<sup>5</sup> The 5 Centres for Public Security are located in Banja Luka, Doboj, Bijeljina, Istočno Sarajevo and Trebinje. See [http://www.mup.vladars.net/index\\_it.htm](http://www.mup.vladars.net/index_it.htm).

investigations are initiated under the supervision of or the lead by the prosecutor. The evidence collected is compiled and submitted to the prosecutor in an official report defined by the Criminal Procedure Code of BiH; if the person is arrested this report has to be filled in within 24 hours, otherwise within a couple of days; if the perpetrator is unknown, registration of the case usually takes place within one week. The official report to the prosecutor has to be signed by the head of the police administration and is the basis to manually record the event in the crime registry. The crime registry is available (on paper) at the level of police administration only.<sup>6</sup> The format of the crime registry is the same in the entire FBiH and includes the following data<sup>7</sup>: a progressive case number; the dates of submission and clearance of the case; data on the victim; data on the suspect; data on the criminal offence; data on procedures; date of delivery of the statistical form to the analytical unit; etc. See Annex I for a list of data recorded in the crime registry of the police in FBiH.

For each case that is recorded, the central analytical unit at the cantonal MOI assigns a unique identifying number immediately upon being notified of the crime by the police station or reporting unit. In this way basic information on the case is recorded at the cantonal MOI in parallel to the recording in the crime registry and can be used for basic quality controls (by comparing totals).

In RS crimes are also first recorded in the book of the daily events, where all police stations and CPS record all noteworthy incidents (not only crimes).<sup>8</sup> Since 2009 these books are available also in electronic format, though for the time being paper records are kept in parallel. A project aiming at connecting all books of daily events online with the MOI is ongoing. For each incident, the book of daily events records basic data, including the progressive case number; the dates of reporting submission of the case; data on the victim; data on the suspect; type of offence (criminal offence or misdemeanour); data on procedures (measures undertaken); etc. See Annex II for a list of data recorded in the book of daily events of the police in RS.

If the incident has been classified as a crime, a record of the case with information on offences and perpetrators is then made in the crime registry by each police station or CPS. This is done manually on paper and gathers basic information on the case and its consequences, whether the perpetrator is known/unknown and when the prosecutor has been informed.

In BDBiH, all noteworthy incidents are first recorded in the Book of Daily Events, which is in electronic form. When a case is opened it is checked and scrutinized for elements of a criminal offence based on the report submitted. All cases are recorded in one of three books and thereby classified as one of three types of cases: KT – cases with known perpetrator; KTN – cases with unknown perpetrator; and KTA – cases where it is not yet clear if there are elements of a criminal offence present. In the KT, KTA and KTN books cases are assigned unique and chronological numbers.<sup>9</sup> Only crimes with known perpetrators are recorded in the crime registry and are forwarded to the prosecutor's office with an assigned KU number. On the other hand, charges against unknown perpetrators are submitted to the prosecutor's office under a simple protocol number. This way of case recoding is established since 2002, with aim to harmonize police records with prosecutors records. The data recorded in the crime registry (KU)

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<sup>6</sup> There are in fact 3 copies of the report to the prosecutor: 1. the original one for the prosecutor, 2. one copy kept for the operational work and 3. another one staying in the police administration, whose analytical unit keeps the crime registry. With the help of this third copy, individual criminal cases are recorded by an administrative clerk in the crime registry.

<sup>7</sup> It should be noted that the crime registry has been slightly changed in June 2009 (it was made a little more detailed), but the statistical forms for reporting remained the same and are still based on the old format.

<sup>8</sup> In addition, there are other books where data on specific aspects of encountered incidents (e.g. seized objects, weapons, minor violations, arrested persons, etc.) are recorded.

<sup>9</sup> Numbers are assigned for all categories together.

include data on the case, victim and perpetrator, including the KU number; date of report; date of discovery; data on the victim; data on the suspect (name, personal I.D. number, date of birth, address, occupation, previous convictions, whether the person is a minor, citizenship); criminal offence by article of the Criminal Code; and whether the person was arrested.

The recording of crime within SIPA is very similar to the recording procedures described above. If the public prosecutor decides that a case falls under the competence of SIPA, the case will be registered in their own crime registry, which is on paper. Though the law requires SIPA to keep a registry for offences with unknown perpetrators, in practice such offences are not recorded.

The International Criminal Investigative Training Assistance Program (ICITAP) has worked for years to develop and adopt uniform instruments and practices for crime recording and reporting throughout BiH. ICITAP has developed ICITAP 'standard incident reporting forms' (for the reporting of crimes, misdemeanours and other incidents), and has equipped police offices with computers and online reporting tools. Despite the impressive efforts and investments made by ICITAP into this system, the UNODC research mission encountered only limited acquaintance with the system at the level of the local and regional police structures. The use of the uniform incident reporting forms and the online reporting system was therefore not universal and was not used for nation-wide crime reporting.

In summary, it can be stated that crime recording and reporting in BiH is still fragmented. In all entities and at all levels in BiH, police data on crimes are recorded in the crime registry when there is enough evidence to submit a report to the prosecutor. The prosecutors also play a greater or lesser role in the classification of an incident as a crime or not and to which law enforcement agency at which level a criminal case is assigned. The data recorded in the crime registry (KU) generally include data on the case, victim and perpetrator, but few details on the personal characteristics on offenders and victims are recorded. Data are generally recorded both for offences with known and with unknown perpetrators, except in Brčko District and in cases assigned to SIPA, which only records cases with known perpetrators.

#### 2.1.2.2. Person records

##### **Standard**

Person records on the suspected offender (and, where applicable, the victim) should contain details of age; sex; ethnicity; offender-victim relationship; citizenship and geographical area of residence. The person record clearly states the charge with reference to relevant legal provisions. The relationship between the charge and the incident classification is clear.

##### **Assessment**

Data on the suspected offender are recorded in the crime registries of the police in the FBiH, RS and BDBiH. However, only few personal details of the (suspected) perpetrators of recorded crimes are recorded. Data recorded include mainly the age category (adult or minor) and whether the person is a recidivist. No information on the offender's age, sex, citizenship or ethnicity and no data on the offender-victim relationship are recorded. There is also little general information on the victim recorded.

There are no separate person records of offenders or victims besides the entries in the crime registry. The case records in the crime registry clearly state the charge by criminal code article with reference to relevant legal provisions contained in the applicable criminal codes.

### 2.1.2.3. Case file numbering and integrated file numbers

**Standard**

It is good practice for a system to assign an 'incident number' to reported events, and an 'integrated file number' (IFN) to persons suspected of having committed a crime. The person is linked to the incident through the IFN and incident number. The IFN should be retained once the file moves from the level of the police to prosecution and later to court and can be used to track persons across the system in order to calculate specific attrition rates, average processing times and other performance indicators.

**Assessment**

At all levels of the criminal justice system of BiH a separate unique identifier is assigned. In the MoI of the FBiH, a unique identifier number (column 22 of the crime registry) is assigned to cases from within the competence of this Ministry. In the cantonal ministries, a unique identifier is first assigned by the central analytical unit at the level of the cantonal MoI. In RS, each case is assigned an unique identifier, made up by the acronym of the crime registry (KU) plus a progressive number plus the year and the numerical identifier of the recording police force. The same file numbering system is used at SIPA. In Brčko District KU numbers are assigned when the perpetrator is known and the case goes to prosecutor office.

These police-level identifiers are not coordinated between the different police forces in BiH and they do not match the file numbers used in the prosecution system. However, the respective KU numbers are typically noted down as a separate entry in prosecution records. Tracking of the cases through the system can thus be done only manually.

When cases of organised crime or other serious crimes falling under the authority of SIPA are discovered first at the cantonal level, information is first transmitted to the Federal MoI, which makes the investigations and then sends the case to the prosecutor, who decides whether to assign the case to the Federation or to SIPA. This could cause some double counting of the same case at SIPA and at the Federation level (as the police forces do not use the same unique identifiers).

### 2.1.2.4. Offence classification system

**Standard**

Reported incidents should be classified using a standard offence classification system and should have a clearly defined relationship with the 'charge' assigned to a suspected offender. The crime classification scheme should be applied uniformly by all police stations.

**Assessment**

The standard classification system used, at all levels, is based on the criminal codes. Each entity, as well as Brčko District of BiH has its own Criminal Code and, in addition, there is a Criminal Code at the State level covering only certain forms of serious crimes. Since a legal reform of 2003, these four different criminal codes are more harmonised than in the past. However, some differences remain that impact upon the classification scheme used for statistical purposes. While most crimes in the criminal codes are similar, there are several differences, for example concerning the definition of moral crimes, the age of juveniles or the definition of criminal drug offences.<sup>10</sup> As a

<sup>10</sup> While most drug offences are considered criminal offences in the FBiH, in the RS some drug offences are only administrative offences.



consequence, data on the number of offences or the number of perpetrators, by specific crime type, are not routinely available at the State level.

### 2.1.3. Data flow

#### 2.1.3.1. From local to central level

##### Standard

Data from *local* police stations should be reported in a uniform format, using the standard crime classification scheme to a *central* institution.

##### Assessment

Crime data collection is still very fragmented in BiH and implemented independently by the police forces of the FBiH, the RS and the BDBiH as well as SIPA. Detailed data are available at the level of the entities but only a limited amount of data is regularly transmitted to the Analytical Department of the MoS at the State level.

At all levels of the police in BiH, original unit records are made of reported criminal cases, including details on the incident, the processing of the case, the (suspected) perpetrator and the victim. When the data are aggregated, the counting units are at all levels both reported crimes and persons (offenders), by type of charge. Though more details on perpetrators are available in the crime registry, when data are aggregated only basic data on offenders are extracted for statistical purposes: mainly the age category (adult or minor) and whether the offender is a recidivist.

##### FBiH

In FBiH, the administrative clerk who keeps the crime registry counts offences and offenders manually from the crime registry book and enters the data on a PC into standardized excel tables. The tables are sent both electronically and on paper (printed and stamped) to the analytical unit of the cantonal Mol. The standardized table is provided by the federal Mol and gives a “statistical overview about criminal offences and reported persons”. The basic statistical reporting form<sup>11</sup> collects the following information with a breakdown for more than 400 offence types, based on the articles of the FBiH Criminal Code:

- criminal offences (total number, number of offences with known perpetrator, number of offences with unknown perpetrator, number of offences committed by foreigners, number of offences committed by people living in RS);
- cleared criminal offences by unknown perpetrator (total, of which from the previous reporting period);
- number of reported main perpetrators (total number, of which under 18, of which recidivists, of which employees of Mol);
- number of all reported perpetrators
- number of arrested persons (total, percentage detained up to 24 hours)

The tables of the local police administrations are complemented by the tables filled by the cantonal Mol (for the more serious offences under their competence) and sent both electronically and on paper (printed and stamped) by all cantonal Mols to the Federal Mol (a total of 24 pages with an offence breakdown).

<sup>11</sup> Additional reporting tables are used for drugs and weapons seizures.

## RS

In RS, at the end of each month, police stations and the five CPS count crimes manually and input the data in standard excel tables to produce the monthly Analytical Reports (made up of tables only). These tables are transmitted to the analytical unit of RS MoI electronically via an internal server. Statistics are collected by crime types (article and paragraph of the criminal code) on:

- Total number of reported offences,
- Total number of reported offences by unknown perpetrator,
- Total number of cleared offences by unknown perpetrator,
- Number of reports on the commission of a criminal offence submitted to the prosecutor,
- Number of reported persons; of which: recidivists; of which juveniles,
- Total number of cleared offences, percentage cleared, percentage of offences by unknown perpetrator cleared.

## BDBiH

In Brčko District, the analytical unit of the police of BDBiH produces short monthly statistical reports as well as longer reports every six months. These reports contain a summary and a separate presentation of criminal offences by articles of the criminal code of BDBiH, including some narrative explanation.

## SIPA

Within SIPA, each department at the regional and central levels counts manually the crimes from the crime registry book and inputs the data in standard Excel tables on a weekly basis. Monthly statistics are sent on a floppy disk to the Analytical Unit of SIPA, where quarterly reports are produced.

## MoS

At the State level, crime statistics are reported from the entities to the Department of Analytics (DOA) at the Ministry of Security (MoS) every six months (from late 2009 onwards every 3 months), upon receiving a specific request from the DOA. The MoS can only ask for replies and not order replies. In many cases, the data are not provided in special tables but the entity level agencies just forward their own annual reports and information products. When the DOA wants to compile data on specific crime types (e.g. on TIP), it needs to make special requests to the cantonal Mols.

Regarding drug related offences, there are some additional forms (e.g. to gather information on the type and amount of drugs seized) that are used by all departments dealing with drugs in FBiH, RS and SIPA.<sup>12</sup> In FBiH, where the competence to handle drug cases is at the cantonal level, these forms are filled in manually and sent by post from the cantonal Mols (signed by the cantonal commissioner) to the Federal Mol, where the data are manually aggregated. The FBiH and RS Mols send their aggregate drugs data to SIPA by post every three months. From SIPA data are then transmitted to the Ministry of Security.

In view of the different entities and institutions involved in collecting crime data in BiH, and in view of the different criminal codes, data on the State level are compiled only by broader crime categories. To do so, the Department of Analytics (DOA) at the Ministry of Security collects information through sending out a standard letter, with the types of crimes and the data to be provided specified in narrative form and with only 2 tables provided (on narcotics seizures and on the total numbers of offences and offenders). Detailed tables are not provided as the data available are not standardized in the entities. The DOA does not have a standard offence classification system and does not

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<sup>12</sup> These forms have been approved seven years ago, following an initiative taken at the Federation level.

provide a list of CC articles to be included in each of the broad categories of crime (OC, car theft,...) requested. These are to be based on the different CC of the entities and the State and it is assumed that the entities know what to include. Thus, the entities collect information differently, based on different CC and counting rules.

In case the DOA needs to collect BiH-wide data on specific crime types (rather than broad crime categories), it has to request this specific information in writing from the entities, cantons and State-level institutions, a procedure that can take several weeks and months for each specific request.

### 2.1.3.2. Counting rules

#### Standard

Guidelines at the international level suggest that it may be appropriate to apply a 'Principal Offence' rule when counting and reporting persons. Written counting rules should address at a minimum the questions whether a Principal Offence rule is applied or not; how multiple offences are counted and how offences committed by more than one person are counted.

#### Assessment

There are no uniform counting rules issued by a central institution and applied in all of BiH.

In FBiH there are written instructions to the police stations to fill in the standard statistical forms, provided by the Federal Mol on the same disc with which the standard forms are disseminated. Though some problems may arise when new people are employed, according to the Federal Mol, these instructions are applied consistently,

In RS, each reporting office is provided with written instructions for filling out the standard statistical forms. These instructions are contained in a Mol RS letter of instruction and in a written book of rules for handling crime registries.<sup>13</sup>

The following counting rules are applied in the RS: in cases involving more than one criminal offence all offences are counted separately, unless the prosecutor decides to join them together into one case: In this case, the main crime – not necessarily the most serious one – is counted, and the person committing the crime is counted only once. Serial offending is typically counted as only one case and one offence. An offence with more than one perpetrator is counted as one offence, with several persons involved.

Counting Rules	Application in RS
When are data collected for inclusion in statistics?	When the incident has been classified as a crime by the police
Principal offence rule applied?	No
How are multiple offences counted?	As separate offences
How is an offence committed by more than one person counted?	One offence
How many persons are counted in joint offence?	All offenders

<sup>13</sup> In addition, the High Judicial and Prosecutorial Council has an ongoing *ad hoc* working group that is trying to streamline data recorded by the police forces in BiH.

In Brčko District, there are no unique instructions for statistical data collection at the level of the police, just instruction with time frames for reporting.

The above listed counting units and counting rules are not shared by all police authorities in BiH. In the recording practice at SIPA, for example, even when a case involves more than one offence, only one offence is counted, but on the basis of unclear criteria. No reliable information on counting rules applied in FBiH and BDBiH could be obtained.

In general, counting rules in BiH are not always clear and do not seem to be uniformly applied. The differences in counting rules between different police authorities can lead to incompatible data that are difficult to compare at the State level.

#### 2.1.3.3. Coverage: Geographic and institutional

##### **Standard**

Data on reported crime incidents in all geographical regions and by all responsible law-enforcement authorities should be recorded and included in national aggregate statistics.

##### **Assessment**

In FBiH, all police administrations in all 10 cantons collect crime data and the whole territory of the FBiH is covered. In RS the data collection system covers all police forces in the entity. In both cases, the minimum level of territorial aggregation is by police station (municipality). Crime data of the Brčko District Police cover only the Brčko District. Throughout BiH, all cases referred to SIPA are covered by the SIPA data collection and should be seen as a separate data collection.<sup>14</sup>

#### 2.1.3.4. Timeliness and periodicity

##### **Standard**

Data on reported crime incidents, victims and suspected offenders should be *regularly reported* to a central authority.

##### **Assessment**

In FBiH, police administrations submit statistical reports on a monthly and quarterly basis (months 3-6-9-12). In particular, reports are submitted monthly until the 3<sup>rd</sup> day of the next month, until the 6<sup>th</sup> day of the quarter and until the 10<sup>th</sup> day of the new year for the annual report. The analytical units of the cantonal Mol submit all the reports (monthly and quarterly), both tables and narratives, to the respective commanders of the cantonal Mol, as well as to the federal Mol. In RS, at the end of each month, police stations and the five CPS transmit statistics to the analytical unit of the RS Mol. Within SIPA statistics are produced on a monthly and quarterly basis.

Crime statistics are reported from the entities to the State level (Department of Analytics (DOA) at the Ministry of Security) every six months, upon receiving a specific request from the DOA.<sup>15</sup> Starting from late 2009 on request of the parliament, the State

<sup>14</sup> This could cause some double counting of the same case at SIPA and at the Entity level. A similar situation may arise when the local police and the Border Police cooperate in joint actions for the seizure of illicit goods (such as drugs) and then report separately on their work and the amounts seized.

<sup>15</sup> Questionnaires and data are sent by official post, signed and stamped, with a 14 days deadline for answers.

of Security report will be cut to the security aspects only (police and BP data) and will be produced every three months. At the same time, the staff of the DOA at the Ministry of Security has recently been reduced from five to two persons, raising concerns about the capacity to analyse the data and make special analytical and topical reports.

#### 2.1.4. Output (Production of Statistics)

##### 2.1.4.1. Data validation

###### **Standard**

Statistical data should be checked for their consistency, accuracy and reliability. If inconsistencies or doubts about the reliability of data emerge, inquiries about possible sources of errors in data compilation, transmission or aggregation should be performed.

###### Assessment

Data validation is performed in a basic manner, both at the level of the entities and within SIPA. In FBiH, the analytical unit of the cantonal MoI checks the number of crimes registered by each police station when assigning the unique identifier number for entering criminal offences in each crime registry.

In RS, data received are checked by the MoI, where in particular logical checks (relative weight of different crime types) and comparisons with previous reporting periods are made.

At the State level, the Ministry of Security does not perform any validation or checks on the data provided. Information from the entities is normally provided to the MoS only after it has been approved by their respective MoI and parliaments, which means that it is provided as official information and cannot be changed at the State level.

##### 2.1.4.2. Statistical analysis of data

###### **Standard**

Analysis of crime and criminal justice statistics helps to demonstrate to intended users the value of such statistics. Whilst policy analysis and data interpretation should be performed by subject-matter specialists, much analysis can be provided in the form of simple descriptive statistics, such as frequencies, percentages, rates and rates of change.

###### Assessment

The analysis of crime data at all levels in BiH is limited to a few basic analytical steps.

In FBiH, the analysis done at the cantonal level consists in the examination of absolute numbers, rates of change and clearance rates. There is no overall integration of crime data with resource data while some performance indicators are produced at the level of police administrations. Regarding data on drugs seizures, the manual aggregation of drugs data at the cantonal level every three months is followed up by a joint meeting of the Federal MoI and cantonal MoIs. The head of the department analyses the data and assesses the state of security, comes up with conclusions and a report is produced which is submitted to the directors of police administrations and the commissioners of the cantonal MoIs. During these meetings, the new information is also checked against existing resource data (human and material resources).

In RS, data analysis includes the presentation of absolute numbers and rates of change on an annual basis. In addition to the basic Analytical Reports, from time to time particular statistical data are gathered manually from the crime registry books on specific issues (e.g. amount of drugs seized). For strategic planning purposes this information is integrated with resource data, available at the RS Mol and at the organizational unit of each CPS for assessments carried out twice a year.

In Brčko District, the statistical reports of the analytical unit of the police of BDBiH are regularly used to evaluate the quality of the police work.

Only very limited data analysis is performed within SIPA.

At the State level, the Department of Analytics (DOA) in the Ministry of Security carries out its analysis based on the statistical information collected from the entity and State level institutions, which is reflected in narrative form in the annual 'State of Security in BiH' report. On special request by the Minister or from parliament the DOA also writes special topical reports for which it has to collect additional information from the entities and also the cantons (in 2008, DOA produced 5 special reports on: domestic violence; trafficking in persons; car thefts; attacks on journalists; terrorism).

The DOA does not perform complex performance analysis on crime data, but calculates percentage changes by year and clearance rates. Occasionally, rates per population are calculated in special reports but resource data are not used for analysis at this level. Based on its analysis of the data, the DOA also provides policy recommendations for crime policy, resource allocation and legislative priorities.

#### 2.1.4.3. Reporting

##### **Standard**

Data on reported crime incidents, victims and suspected offenders should be regularly reported (at least once a year on the previous year) in aggregate form by a central authority.

The number of recorded incidents during one year should be reported disaggregated by crime type, while the number of persons brought into formal contact with the police during one year should be reported by crime type; age; sex and citizenship. Crime type disaggregation of recorded incidents and persons brought into formal contact should include at least the following categories: Intentional homicide; Assault; Rape; Sexual Assault/sexual violence; Sexual offences against children; Robbery; Theft; Burglary; Domestic burglary; Motor vehicle theft; Fraud; Drug-related crime; Drug-trafficking; Kidnapping; Involvement of organized crime; Money laundering; Corruption; Trafficking in human beings; Smuggling of migrants; Cybercrime and Crime involving racism and xenophobia.<sup>16</sup>

##### Assessment

Both in the FBiH and the RS, aggregate statistics on offences and offenders are reported from the level of the local police station to the cantonal Mols (FBiH) or centres for public security (RS) and from there to the Mol of the FBiH and RS, respectively. Data are reported by crime type and article of the criminal code. Persons reported are further disaggregated into adults/juveniles and recidivists. No further information on sex, age group or citizenship is typically available at the aggregate level.

<sup>16</sup> At the EU level, core crime types for reporting used by Eurostat are intentional homicide, violent crime (comprising physical assault, robbery and sexual offences), robbery, domestic burglary, motor vehicle theft, and drug trafficking. In addition, EU *acquis* indicates that data should be collected on money laundering, trafficking in persons and crime involving racism and xenophobia.

In Brčko District, the statistical reports of the analytical unit of the police of BDBiH are provided to the Assembly and the Major of the Brčko District every 6 months. A quarterly report is sent to the Ministry of Security of BiH.

At the State level the data available are less detailed: The Department of Analytics (DOA) at the Ministry of Security regularly collects data from the entities on criminal offences by broad offence category and on offenders – broken down by adults/juveniles and recidivists.<sup>17</sup> The MoS compiles data from the entities and BDBiH in 12 broad crime categories (see Annex III for a list of offence categories used).

#### 2.1.4.4. Dissemination of police statistics

##### **Standard**

Dissemination of data should ensure that statistics on crime and criminal justice are actually used and useful to their users. Dissemination can be in the form of internal or externally published reports, responses to information requests, in special tabulations or in academic and scientific forums. The use of the Internet is a cost-effective and timely method of reaching a wide range of users. In addition to statistics, the methods used in the collection, processing and analysis of data as well as the definitions, counting rules and other metadata should be disseminated to provide meaning and context and to enable a correct interpretation of the data.

##### **Assessment**

While the cantonal ministries of interior publish relatively detailed crime statistics on their homepages at least every six months in their biannual security reports, crime data are not widely disseminated at the entity level.

In RS there are two main forms of dissemination of the collected information:

1. In the report on the work of Mol which is produced every 6 months and transmitted to the government of RS and then to the RS Parliament. It contains, in addition to crime data, information on IT/computerization and communication. Information is presented both at the RS Mol aggregate level and for each of the 5 CPS. Once approved this report becomes public, though on the website only some excerpts from monthly reports are available.
2. In the quarterly report with information on the state of security in RS which is sent to the Ministry of Security of BiH. This is not public but an annual summary for the media is available online.

On request some additional information may be provided for different institutions (e.g. Ministry of Security, NGOs, media) on specific offence types.

The situation is similar in FBiH, where a limited amount of information and selected crime data are published on the website of the Mol monthly (in narrative form, not in tables), biannually and as part of their Annual Report.

In Brčko District, some statistic tables on police recorded crimes are available to the public on the homepage of the BDBiH police. There is also the printed version of the Brčko District Police Bulletin which is available to the public.

Data produced by SIPA are not publicly disseminated, but are internally available to police forces and international organizations in BiH.

<sup>17</sup> Only some data, specifically collected on special topics from the cantonal Mols, can be broken down by cantons (e.g. on car thefts) and are more detailed.

At the State level, the Ministry of Security annually publishes statistics on criminal offences by broad crime category and the total number of offenders, broken down by reporting entity, in its Information on the State of Security in BiH report. The report is not widely available but is available to the public upon justified request after it has been adopted by the BiH Parliament.<sup>18</sup> There is also a public presentation to the press and a short abstract is put on the website.

At the moment, the Statistical Institutes of FBiH, RS and BiH do not collect or publish any crime data from the police.

## 2.2. Prosecution statistics

### 2.2.1. Introduction

#### 2.2.1.1. Institutions responsible for data collection and management

BiH has one State-level prosecutor's office as well as separate offices in both entities and the Brčko District.

##### *State level*

The Prosecutor's Office of BiH was created in 2002. It is an independent organ of the State. It is not part of the judiciary of Bosnia and Herzegovina.<sup>19</sup> Its seat is in Sarajevo. A satellite office is located in Srebrenica.

In particular it is:

- competent for conducting investigations of criminal offences under the jurisdiction of the Court of Bosnia and Herzegovina pursuant to the Criminal Procedure Code of BiH and other applicable laws,
- competent for receiving requests for international legal assistance in criminal matters,
- in charge of producing statistical reports on its activities (Progress Report) including information on the status and trends of crime in BiH, with a view of proposing legal reforms.

The Prosecutor's Office of BiH is a *sui generis* institution. It is not superior to the entity Prosecutor's Offices but its jurisdiction is limited to prosecution of crimes stipulated by the afore mentioned laws. In particular, it is organised in 3 Departments: Department I is the Special Department for War Crimes, Department II is the Special Department for Organised Crime and Corruption, while Department III has jurisdiction over all criminal offences that are under the jurisdiction of the Prosecutor's Office of BiH but are not under exclusive jurisdiction of the Department I and II. This Department has worked on cases of terrorism, protection of copyright and counterfeiting of money.

Statistics are produced by the PO of BiH in relation to its own work only, though the department for war crimes also follows cases starting from lower levels.

The three areas of BiH each have their own prosecuting authorities.

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<sup>18</sup> Sensitive information is removed before publication, if required by privacy protection law

<sup>19</sup> The Constitution of Bosnia and Herzegovina regulates the jurisdiction of the Prosecutor's Offices at the entity levels whereas the Prosecutor's Office of Bosnia and Herzegovina was additionally established as an institution with special jurisdiction for proceedings before the Court of Bosnia and Herzegovina against crimes stipulated by the Law on the Court of BiH, Law on Prosecutor's Office of BiH, Criminal Code of BiH, Criminal Procedure Code of BiH, and the Law on Transfer of Cases from the International Criminal Tribunal for the Former Yugoslavia to the Prosecutor's Office of BiH.



*Federation of BiH*

The collection of prosecution statistics in FBiH is handled by the Prosecutor's Office of the Federation. Statistics are produced at two levels:

1. Cantonal level: every three months (months 3, 6, 9 and 12) the 10 cantons send their statistics to the federal office, where all information is gathered together in a joint report with a breakdown by offence;
2. Federal level: it collects also statistics on cases within its competence, which are only appellate cases for crimes for which a period of more than 10 year imprisonment can be given;

Both levels, in turn, are obliged to forward their statistics to the High Judicial and Prosecutorial Council at the State level.

In addition to this internal data collection system of the FBiH prosecutors, there is a second data collection system in FBiH involving the Federal Office of Statistics of FBiH (FZS).<sup>20</sup> Within FZS, crime statistics are dealt with by the department for education, social and justice statistics.<sup>21</sup> One person within this unit deals with criminal justice statistics only. This unit receives aggregated data from the local level, namely from: prosecution offices at the cantonal levels and from municipal and cantonal courts (on the latter see the section on courts).

This results in two different data collection system of prosecution statistics that will be separately dealt with in the following sections.

*Republika Srpska*

In RS, data collection is organised at two levels:

1. five District Prosecutor's Offices (same jurisdiction as CPS for police), which are the prosecution offices for both municipal and district courts
2. at the entity level, the Republic Prosecutor's Office of RS, which represents the prosecution in third instance procedures in front of the Supreme Court.

In RS, at the moment, the Institute of Statistics for the Entity of Republika Srpska (RZSRS) does not have any role in the production of crime statistics. However, a criminal justice data collection is currently under discussion, with some pilot forms sent to first instance courts and preliminarily information already collected from prosecution offices. The system should resemble that carried out by FZS.

*Brčko District*

Finally, there is the Public Prosecutor's Office of Brčko District, which carries out its own data collection.

<sup>20</sup> There are three statistical institutes within Bosnia Herzegovina. According to the law on statistics, the competent authorities for organizing, producing and disseminating statistics are: the Agency for Statistics of Bosnia and Herzegovina at the level of the state (BHAS), the Federal Office of Statistics for the Entity of Federation of Bosnia and Herzegovina (FZS) and the Institute of Statistics for the Entity of Republika Srpska (RZSRS).

<sup>21</sup> Education, research and development of welfare, culture, justice and voting statistics department <http://www.fzs.ba/Org/organizacija%20zavoda.htm>.

## 2.2.2. Data input (recording of crimes)

### 2.2.2.1. Data entry

#### **Standard**

Data on all charges initiated and persons prosecuted should be recorded by the responsible authorities. The threshold for initiating a prosecution record ('persons prosecuted') should be clearly defined and a unit record should be opened for each person. Clear rules on the recording of data should be issued to all responsible data recording units and applied uniformly throughout the system. The person record (unit record) should clearly state the charge (one or more charges) and details of case disposition (e.g. court appearance, conviction or other disposition by the prosecutor). Person records should contain details of age; sex; ethnicity; offender-victim relationship; citizenship and geographical area of residence.

#### **Assessment**

Data entry is similar in prosecution offices at all levels, though some differences exist.

In the Prosecutor's Office of FBiH the crime registry is a paper registry. The specific form for appellate cases is the so called KTZ form (the same is available for appeals at the cantonal level). It records data on the appellate cases received, including a unique identifying number, the name of the first instance court, the name of the (convicted) person, the criminal offence, data on the appeal and data on the second instance decision. See Annex IV for more details on form KTZ.

For first instance cases, at all levels, the first time a case is recorded in the prosecutor's office is when the police submits a report on an offence or if a citizen directly reports a crime to the prosecutor. The registries to be used, whether on paper or in the online CMS, have been defined by the High Judicial and Prosecutorial Council and are the same for all BiH.

The first relevant form is the KT form, which collects all the information reported to the prosecutor in a particular case, both at the cantonal level and in RS. Other forms include: the KTA (cantonal + Federal PO), which is a registry for events where is not yet clear if a crime is involved or not; the KTN, used at cantonal level for crimes with unknown perpetrators; KTZK, where the Supreme Court annuls first instance decisions (in front of the Supreme Court the prosecution is represented by the Federal PO); and the KTM (only at cantonal level) for juvenile offenders.

These forms are filled in manually by several people: the chief of the registry book, an administrative office at the Federal PO level and by a varying number of people at the cantonal level, depending on the size of the canton.

The roll out of the Case Management System (CMS) - a project aiming at automating the data input process and promoted by the High Judicial and Prosecutorial Council (HJPC) - is ongoing. Is not yet operational for all prosecution offices, but should be so in the near future. In the recent past, the HJPC has started some training on CMS (2 hours a day) to prosecution offices.

In RS, the first time a case is recorded in the prosecution office is when the police submits a report on an offence or if a citizen directly reports a crime to the prosecutor. The report is forwarded to the chief prosecutor or his deputy, who assigns the case to a prosecutor. The file is then sent to the assigned prosecutor, who sends it to the crime registry office for immediate recording. There are three different crime registries (the KT for adult perpetrators, the KTN for unknown perpetrators and the KTM for juveniles, plus one additional registry (KTA), which is a registry for events where is not yet clear if a crime is involved or not. These registries, on paper, have been defined by the High Judicial and Prosecutorial Council and are the same for all BiH.

In the Prosecutor's Office of BiH, each of the three Departments has its own crime registry, and all are on paper (The CMS has not been introduced at the Prosecutor's Office of BiH yet). The PO of BiH, by virtue of the special laws governing it, is not part of the hierarchical judicial system of BiH. Data input into the crime registries is carried out by administrative personnel, who receive the folder on the case from the police.

In Brčko District, the CMS is currently being introduced. This is a transition period for data recording. All new cases go directly into the CMS, and only old cases are still on paper records: all records should be available on CMS in the next few months. A case is registered into the CMS, if the prosecutor believes that there is enough elements/evidence for a criminal offence.

Most statistical information recorded by the various prosecutor's offices relate to the processing of the cases while only basic details on the accused person are recorded internally (see 2.2.3). However for FBiH, more personal information on persons prosecuted is collected by the Federal Office of Statistics (FZS).

#### 2.2.2.2. Case file numbering and integrated file numbers

##### **Standard**

It is good practice for individual prosecuted persons to be assigned an 'integrated file number' (IFN). The person should be linked to police-recorded records through the IFN. Differences between the charge and the police incident classification scheme should be clearly identified. The same IFN should be kept in court records and can be used to track persons across the system in order to calculate specific attrition rates, average processing times and other performance indicators.

##### **Assessment**

At all levels a numerical identifier is assigned to each case (case file number).

In FBiH, a new numerical identifier is assigned at each level of prosecution. Thus, the identifier changes from instance to instance. With the introduction of the CMS at all levels, this problem will be solved and a unique identifier will stay with the case throughout the whole prosecution system.

In RS, each case is assigned an unique identifier that stays with the case throughout the whole prosecution system. In addition, the police identifier is noted down in the registry.

Also at the Prosecutor's Office of BiH, and at the Prosecutor's Office of Brčko District each case is assigned an unique identifier, when the case is first registered.

All identifiers used by prosecutors are different from those used in the police or court system. The file numbers (unique identifiers) used by police and courts for the case are typically written down manually in prosecution records. Tracking of the cases through the criminal justice system can therefore be done only manually.

In terms of CMS implementation, all court and prosecution offices have the necessary infrastructure, but while in courts the system is completely implemented, it has been implemented only in two prosecution offices to date. The target date for full implementation is the end of 2010.

### 2.2.2.3. Offence classification system

**Standard**

Unit records on persons prosecuted contain one or more clear criminal charges with reference to relevant legal provisions. Differences between the charge and the police incident classification scheme are clearly identified. The charge scheme is applied uniformly by all prosecutors.

**Assessment**

The standard offence classification system (SOCS) used, at all levels, is based on the articles of the four respective criminal codes applicable in BiH. The different criminal codes are now more harmonised than in the past, but still there are some differences, that affect the classification of crimes for statistical purposes.

At present, prosecution data are not aggregated by crime type at the State level and are limited mainly to process data at the level of the entities. Data aggregated at the State level by the HJPC do not rely on a uniform SOCS. Prosecution data are aggregated by crime type only by the Federal Office of Statistics (FZS) in FBiH; in this case FZS relies on the FBiH Criminal Code for crime classification.

### 2.2.3. Data flow

#### 2.2.3.1. From local to central level

**Standard**

Data from all prosecutor's offices should be reported in a uniform format to a central institution.

**Assessment**

The data flow of prosecution statistics can be divided between the aggregation and transmission of data on the entity levels and from FBiH, RS and BDBiH to the HJPC at the State level.

***Federation of BiH***

Regarding the internal data collection system at the Prosecutor's Office of FBiH, on request of the federal prosecutor the head of the office produces an excel sheet with statistical information every three months (months 3, 6, 9 and 12). Every three months the PO of FBiH also receives the statistics on appellate cases from the cantons by post (the official obligation requires the forms to be stamped and sent by official post) and additionally either by fax or by email.

Regarding the data collection system involving the Office of Statistics for the Entity of the Federation of Bosnia Herzegovina (FZS), the data flow is as follows: the reporting entities are prosecution offices only at cantonal level; these fill in standardized, individual, person-based unit record forms, and transmit them to the statistical branch office (which are cantonal statistical offices and services situated in the central town of each canton), which collects, controls and forwards the data to FZS for processing, analysing and publishing.

There are two standard forms for the collection of information on individual persons prosecuted: SK 1 is the form on prosecution statistics regarding adults; SK 3 is the form on prosecution statistics regarding juveniles.

These forms register a variety of information, including:

- The unique identifier of the person record

- Data on the perpetrator, such as: name, family name, sex, date of birth; whether the perpetrator is known or unknown
- Data on the crime, such as: article of the criminal code, whether it was committed in connection with other crimes, date of commission of crime, whether it caused any damage and to whom (State/private property), who filed the report (victim, other citizens, etc.), how the report was submitted (directly/via the police), the type of decision and the reasons for the decision (order not to investigate, investigation interrupted, investigation dismissed, etc.), whether the person was sent to custody and for how long
- Data on the length of the proceedings.

The form for juveniles collects some additional information, such as:

- On the perpetrator: residence, employment status, nationality (ethnicity), citizenship, marital status, education, whether the person acted alone or with others, whether the perpetrator is a recidivist, whether any measures have been taken against the juvenile during the preparatory proceedings
- On the offence: the amount of material damage caused, whether the crime was attempted or not, the place of offence commission
- Data on family circumstances: whether the perpetrator was born within marriage/outside marriage/was adopted; relationship between parents; with whom the juvenile lives with, occupational and economic status of the father and mother.

Forms on individual cases are filled in on paper on a monthly basis and are then transmitted to the branch office by post, where they are coded and prepared for data entry. They are finally sent, on a monthly basis (until the 5<sup>th</sup> of the following month), to the Headquarter of the FZS for data entry. Data are aggregated into an Access database, where unit records are inputted. All the variables that are in the forms are entered, but not all data are eventually published.

#### *Republika Srpska*

In RS, the standard statistical forms provided by the High Judicial and Prosecutorial Council are used by the five District Prosecutor's Offices to aggregate data from the original unit records in the crime registries. These are available in electronic format, but given the media of the prosecution registries (paper), data are aggregated by manual counting. The tables are then forwarded to the Republic Prosecutor's Office of RS every three months and to the HJPC annually.

#### *Prosecutor's Office of BiH*

At the Prosecutor's Office of BiH, statistical tables are produced manually (usually by one person per department), counting and aggregating data from the registry into standard forms in Excel format. These tables collect, for each of the crime types covered by the PO of BiH, the following information:

- Number of reports in work
- Number of investigations in work
- Number of orders of not conducting investigations
- Number of investigations dismissed in the reporting period
- Number of indictments brought up in the reporting period
- Number of indictments confirmed in the reporting period
- *On court decisions*: Number of procedures dismissed, number of verdicts, by type of verdict (guilty, rejection, not guilty)
- *On appeals*: Total number of appeals filed, number of appeals accepted, number of appeals rejected
- *On convictions*: Number of convictions by type (prison, fine, suspended sentence)

### *Brčko District*

The Prosecutor's Office of BDBiH produces reports every 6 and 12 months for the High Judicial and Prosecutorial Council. It collects data about the type of criminal offence, number of persons, number of cases and how the cases were closed.

#### 2.2.3.2. Counting rules

##### **Standard**

Guidelines at the international level suggest that it may be appropriate to apply a 'Principal Offence' rule when counting and reporting persons. Written counting rules should address at a minimum the questions whether a Principal Offence rule is applied or not; how multiple offences are counted and how offences committed by more than one person are counted.

##### Assessment

In all prosecutor's offices in BiH (FBiH, RS, BDBiH, Prosecutor's Office of BiH) common written instructions for data recording and statistical reporting are contained in a book of rules and are followed by all administrative staff. These common instructions, that also explain how to fill in data in CMS, have been issued by the High Judicial and Prosecutorial Council and are uniformly applied. According to the HJPC, all prosecution offices cooperate and no particular problems arise in the regular provision of data. The rules have remained more or less the same since 2005, with some small amendments to adjust for changes in the data entry form. Training is provided by the Centre for Education of Judicial and Prosecution Officers in both FBiH and RS.

In terms of counting rules, if a person is involved in more than one case, the same person is counted separately in each case. If a person, within one case, commits more than one offence, only the most serious offence is counted under the case.

#### 2.2.3.3. Coverage: Geographic and institutional

##### **Standard**

Data from unit records should be collated from *all* prosecutors in the territorial jurisdiction by a central institution.

##### Assessment

In FBiH, all cantonal prosecutor's offices submit their data to the Federal Prosecutor's Office and also cooperate in the introduction of the new CMS. The data collection of the FZS covers prosecution offices at cantonal level in the entire territory of FBiH.

In RS, prosecution statistics also cover the entire territory. The prosecution data from both entities and BDBiH are forwarded to the High Judicial and Prosecutorial Council at the State level and cover the entire territory of BiH.

While statistics cover the entire territory, they do not cover all prosecution offices, as the Special Department for Organized Crime and the Most Serious Forms of Crime of the prosecution district of Banja Luka keeps separate statistics, which are not reported at the entity and State level.

#### 2.2.3.4. Timeliness and periodicity

##### **Standard**

Data from all prosecutor's offices should be *regularly* collected and reported.

##### **Assessment**

At the Prosecutor's Office of FBiH, the head of the office produces statistics every three months (months 3, 6, 9 and 12) on request of the federal prosecutor. Every three months the PO of FBiH also receives the statistics on appellate cases from the cantons.

Regarding the data collection of the Federal Office of Statistics (FZS), forms on individual cases closed by prosecutors are filled in and sent to FZS by all (first instance) prosecution offices at the cantonal levels on a monthly basis. Due to a lack of human and material resources at the FZS, the collected data are aggregated and reported only annually.

In RS, the statistical tables are filled and forwarded to the Republic Prosecutor's Office of RS every three months and to the HJPC annually.

In Brčko District statistics are produced on a yearly and half yearly basis.

At the Prosecutor's Office of BiH, statistics are produced on a monthly and quarterly basis (months 3, 6, 9 and 12) by each department.

### 2.2.4. Output (Production of Statistics)

#### 2.2.4.1. Data validation and statistical analysis of data

##### **Standard**

Statistical data should be checked for their consistency, accuracy and reliability. If inconsistencies or doubts about the reliability of data emerge, inquiries about possible sources of errors in data compilation, transmission or aggregation should be performed. After the validity and reliability of data has been established, much of the analysis can be provided in the form of simple descriptive statistics, such as frequencies, percentages, rates and rates of change.

##### **Assessment**

At the Prosecutor's Office of FBiH, some checks on the reported totals are performed upon receipt of the data from the cantons. At this level no additional analysis is carried out, unless the Chief Prosecutor requests some specific information (e.g. whether certain crime cases have been decreasing or increasing). Resource data are available both at the PO of FBiH and at the canton level. At the cantonal level data are periodically used to monitor the workload of prosecutors and to check the number of total cases against the number of unsolved cases).

Regarding the data collection system of the Federal Office of Statistics (FZS), each form is certified and stamped by the sending prosecution office. If doubts arise at the FZS clarifications are asked. Analysis is done mainly in the form of univariate analysis and frequencies. No rates are calculated. The key counting unit in the statistics produced is the person. At this level, data are not integrated with performance indicators.

Due to the heavy workload at the Prosecutor's Office of BiH, only limited analysis of the data is performed. Each department of the PO of BiH has data on its workload available in the registry book, as the Head of the Department needs to know constantly where a given case is. It has also been emphasised that the work done by the PO of BiH (e.g. on war crime cases) is not directly comparable with that of other prosecution offices in the country, as this prosecution office deals mostly with complex cases.

#### 2.2.4.2. Reporting and Dissemination

##### **Standard**

The number of persons prosecuted during one year should be reported disaggregated by criminal charge, with reference to the relevant legal provisions. Crime type disaggregations of persons prosecuted should include at least the following categories: Intentional homicide; Assault; Rape; Sexual Assault/sexual violence; Sexual offences against children; Robbery; Theft; Burglary; Domestic burglary; Motor vehicle theft; Fraud; Drug-related crime; Drug-trafficking; Kidnapping; Involvement of organized crime; Money laundering; Corruption; Trafficking in human beings; Smuggling of migrants; Cybercrime and Crime involving racism and xenophobia.

##### **Assessment**

In FBiH, the Prosecutor's Office of FBiH produces its own annual report besides the annual joint report of the cantonal data. In terms of dissemination, the same data are contained in the report to the High Judicial and Prosecutorial Council and the statistical tables are therefore published in the Annual Report of the HJPC, which is also available from the HJPC website.

Regarding the data collection of the Federal Office of Statistics (FZS), annual statistics are to be published until 31 May of the following year. Publication is in the form of a statistical bulletin, both in Bosnian and English, which is part of the Statistical Yearbook of FZS and is entitled *Reported, accused, and convicted adults and juveniles, and economic context in federation of Bosnia and Herzegovina*. They include absolute numbers of reported, accused and convicted adults by criminal offence, sex, kind of decision, duration of proceeding, penalties, as well as data on reported, accused and convicted juveniles by offence, age, sex and kind of decision. Data are given by canton, as well as for the entire Federation. FZS also responds to individual requests.

In RS aggregate tables are produced annually for the report to the High Judicial and Prosecutorial Council (HJPC). The RS statistical tables are then included in the published Annual Report of the HJPC. Every three months a subset (selection) of these tables are produced for the HJPC and for the Chief Prosecutor of the Prosecution office of RS. The Public Relations office at the district level also makes some tables available to the public on their website. Ad hoc requests are also received.

In Brčko District statistical reports are distributed electronically and in written form. The Chief Prosecutor adds comments to tables, and that report goes to the High Judicial and Prosecutorial Council and as information to the Assembly of Brčko District.

At the Prosecutor's Office of BiH, data on each department remain separate. Statistics are published in an Annual Report sent to both houses of the parliament and relevant sub-committees, which is subsequently publicly available on the web. In addition, the Ministry of Justice and other institutions frequently ask for ad hoc information.

In summary, statistical information on the work of the prosecution at all levels in BiH remains largely limited to process data on case disposition and backlogs. The current data collection of the Federal Office of Statistics (FZS) remains thus a useful



complement with person-based statistics on prosecution accessible to the public. A similar system of data collection on prosecution covering the RS by the Institute of Statistics of RS is under preparation.<sup>22</sup> However, at the moment, statistics collected by FZS are compiled by broad crime types that do not necessarily correspond to international and EU reporting requirements.

## 2.3. Court statistics

### 2.3.1. Introduction

#### 2.3.1.1. Institutions responsible for data collection and management

BiH has three Constitutional Courts, one at the level of BiH, one in the FBiH and one in RS, each established under the respective constitutions. As there is no overall Supreme Court in BiH, this function is carried out by the supreme courts of FBiH and RS.

Four court systems deal with civil, criminal and administrative cases: one at the State level, and those in FBiH, RS and Brčko District.

#### *State level*

At the BiH level, statistics are collected by the Court of BiH, which has the same jurisdiction as the Prosecutor's Office of BiH and deals with first instance criminal and administrative cases, as well as war crimes, organized crime, economic crimes, corruption cases and also third instance appeals from Brčko District. It has three divisions: criminal, administrative and appellate. The Criminal Division consists of three Sections - Section I for War Crimes, Section II for Organized Crime, Economic Crime and Corruption and Section III for General Crime. The Administrative Division deals with civil cases and consists of one panel. The Appellate Division consists of Section I for War Crimes, Section II for Organized Crime and Section III for General Crime and appeals lodged against the decisions of the Administrative Division.<sup>23</sup>

#### *Federation of BiH*

In FBiH, the production of court statistics involves 10 cantonal courts with jurisdiction over decisions of the 28 municipal courts. Municipal Courts are the courts of first instance, except for serious criminal cases. In addition, there are 80 municipal and 6 cantonal minor offence courts. This is the first, internal, data collection system.

In addition to this internal data collection system, in the Federation of BiH there is a second data collection system involving the Office of Statistics for the Entity of Federation of Bosnia Herzegovina (FZS) where the department dealing with education, social statistics and justice collects statistics from first instance courts of FBiH (see Section 2.2.1.1.). One person within this unit deals with criminal justice statistics only.

#### *Republika Srpska*

In RS, the court system is composed of the Supreme Court of RS, 5 district courts, 19 basic courts and 45 minor offence courts.

<sup>22</sup> The Institute for Statistics of RS has explored the possibility to include criminal justice statistics from prosecution and courts in their next workplan. A working group with representatives of the Ministry of Justice, courts and prosecutors was produced a first draft list of indicators, which was put to a pilot data collection. While prosecutors supplied statistics in a systematic format, courts statistics have not yet reached basic standards of statistical data collection. Once the pilot data collection is found to produce satisfying results, the Institute of Statistics of RS plans to establish a small unit for criminal justice statistics for future data collection and the inclusion of tables in the Annual Statistical Bulletin.

<sup>23</sup> See <http://www.sudbih.gov.ba/>.

In RS, the Institute of Statistics for the Entity of Republika Srpska (RZSRS) does not have any role in the production of criminal justice statistics at the moment. However, a data collection of prosecution and courts statistics is currently under preparation.

#### *Brčko District*

BDBiH has its own court system, with a Basic Court of first instance and an Appellate Court.

### 2.3.2. Data input (recording of crimes)

#### 2.3.2.1. Data entry

##### **Standard**

Data on all charges and persons brought before the courts should be recorded by the responsible authorities. The threshold for initiating a trial ('person brought before the criminal court') should be clearly defined. International and EU level standards suggest that court authorities should make use of a unit record-based system that contains details of the charge or charges assigned to each person (by relevant section/articles of the Criminal Code) and the final court disposition (acquittal or conviction and sentencing details). Person records should contain details of age; sex; ethnicity; offender-victim relationship; citizenship and geographical area of residence.

##### Assessment

Data recording of courts at all levels in BiH is based on paper registries. At the same time the same information on each new case is now entered into the electronic CMS system. However, manual records are still kept, as the CMS is not capable of producing all the required statistical outputs.

#### *Federation of BiH*

In FBiH, at the local and cantonal level all cases are now inputted into the Case Management System (CMS) system. When the indictment from the prosecutor is submitted, information from the file is inserted into the CMS, which randomly assigns the case to a judge. The automation process started around 2007 and CMS has now been in place for a year. All first instance cases not completed are now in the CMS. Also, some second instance cases - for which the cantonal court is competent as second instance court for decisions taken by the municipal courts – are now in the CMS, but only if the municipal court uses CMS, which is not the case everywhere. In all other cases, both the municipal and the cantonal court use the old paper system for recording these cases.<sup>24</sup>

The "old" court registry book collects case-specific information on paper, including the name of the suspect; the criminal offence by article and paragraph of the Criminal Code of FBiH; data on the procedure (stopped, case rejected); conviction by type; punishment (length and amount); appeals and their outcomes; length of proceedings and other data. See Annex V for a full list of data recorded.

The above core data have been kept in the CMS as well, but the new system is even more detailed. The counting unit in the CMS is the case; it can also make searches by person, but not by offence (which is a drawback compared to the previous system). The key information inserted into the CMS for a case is as follows: 1) persons involved (all defendants and witnesses), 2) actions (e.g. sessions held), 3) tasks, i.e. names of

<sup>24</sup> Appellate cases are assigned to a judge by the president of the court. So for example, the Sarajevo cantonal court is court of second instance for one municipal court, which has CMS installed, but has not been able to insert all cases into the system yet.

the judge handling the case, 4) documents, where all the relevant documents are loaded in word format, 5) phases of procedure, 6) linked cases, 7) status of the case (closed/open), 8) criminal offences for each defendant, 9) sanctions for each defendant, 10) witnesses. No information about victims is collected.

#### *Republika Srpska*

In RS, statistics are collected only on the activities of the district court and (separately) on the Special Department for Organized Crime and the Most Serious Forms of Crime of the District Court of Banja Luka, which is competent only for crimes for which ten years of imprisonment or more severe penalty may be imposed. At the level of the district courts five different court registries are used, which record data on 1) information (KTA), 2) an unknown perpetrator (KTN), 3) Juvenile Offenders (KTM), 4) Adult Offenders (KT) and 5) Courts. See Annex VI for a full list of data recorded in each of these registries.

Manual records are still kept, even though with the recent introduction of the CMS, the whole procedure relating to the KPS and K books is also in one electronic file that is updated as the case moves from one stage to the next. Manual records are kept because not all records and reports can be made from the CMS system and also because the CMS can produce no records on criminal offences.

At the Special Department for Organised Crime and the Most Serious Forms of Crime of the District Court of Banja Luka, cases are first registered when they are first investigated and recorded in the special criminal registration book KPP as cases under investigation. In these cases, the prosecutors usually need the services of a preliminary hearing judge (for special investigative techniques, etc.). When the case goes to the next phase, it is registered in the KPS book on preliminary hearings. When the judge confirms the indictments, the case is registered in the K book (Criminal Registry) manually. The Special Department does not use the CMS system (yet).

#### *Brčko District*

In BDBiH, CMS has been introduced only recently (September 2009). At present all old cases (around 6,800) and all new cases should be inputted into the CMS. For old cases there are still old paper records depending of the stage: KPP, KPS, K and X (execution of sanctions).

#### *Court of BiH*

Also at the State level there are court registries on paper for manual data entry. In addition, for Section I for War Crimes and for Section II for Organized Crime, Economic Crime and Corruption these are available in electronic format. Depending on the formal document on which the case is opened, the case is registered. All sections of the registries are filled in by administrative staff. CMS is not used at the State level.

### 2.3.2.2. Case file numbering and integrated file numbers

#### **Standard**

It is good practice for individual accused persons to be assigned an 'integrated file number' (IFN) in the court file. This IFN should be the same as that assigned to the person record at the police and prosecution levels. The person record can then be linked to police and prosecution records through the IFN in order to calculate specific attrition rates, average processing times and other performance indicators.. Differences between the charge and the police incident classification scheme should be clearly identified.

## Assessment

At all levels of the courts a numerical identifier is assigned to each case.

In FBiH, as soon as a case is inserted into the CMS, which for the time being applies only to the cantonal level courts, it is assigned a unique identifier, which is not shared by other criminal justice actors (police or prosecution). It is planned that, once the prosecutor's office will also use CMS, there will be a common unique identifier. This furthermore means that the unique identifier assigned to the case by a prosecutor's office will be used for that case throughout the whole process.

In RS, cases are assigned a new numerical identifier (serial number) at each stage of the process and in each of the three KPP, KPS and K books. The Special Department for Organized Crime and the Most Serious Crimes uses separate court registry books with an extension of the case numbers that indicate that it is a serious crime cases (KPP/p, KPS/p and K/p).<sup>25</sup>

Also the Court of BiH assigns a numerical identifier, which is however not linked to that of other criminal justice actors. Furthermore, if a case is appealed it gets a new case number. In Brčko District, instead, the same KU number for a case is maintained in first instance proceedings and in appeal proceedings.

The case identifiers used in courts throughout BiH, therefore, are not coordinated between the entities and between first and subsequent instance procedures and do not match those used in the police or prosecution system (though these file numbers are typically written down also in courts records). Tracking of the cases through the system can thus be done only manually. It is planned that a common unique identifier can be introduced with the full implementation of the CMS system in all court and prosecution offices.

### 2.3.2.3. Offence classification system

#### **Standard**

Unit records on persons brought before the courts contain one or more clear criminal charges with reference to relevant legal provisions. Differences between the charge and the police incident classification scheme are clearly identified. The charge scheme is applied uniformly by all courts.

## Assessment

In all courts in BiH, records are made on cases by offence type as defined by the different criminal codes (by article and paragraph) applicable at the level of the entities, BDBiH and the State. However, when court data are aggregated to statistics, cases are grouped only in the three following categories as requested by the High Judicial and Prosecutorial Council: economic crimes, general crimes and war crimes.

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<sup>25</sup> A specificity of complex OC cases is that they may involve many offenders. If some admit crimes and others not, the prosecutor may decide to open a new case and bring it to court. It is then registered as a new case with a new numerical identifier. A note is made in the old record that these persons have been "extracted" into a new case with the case number added. On the other hand, if two separate cases are brought together, there is a note for the case that is merged that it has been "solved in another way" with the second case number noted beside (thus, 2 cases will be counted). As the Special Department does not deal with juvenile justice, no cases with minors are dealt with and registered.

### 2.3.3. Data flow

#### 2.3.3.1. From local to central level

##### Standard

Data from all courts should be reported in a uniform format using the crime classification scheme to a central institution.

##### Assessment

##### *Federation of BiH*

Aggregate data from the courts in FBiH are reported to the HJPC in standard forms (tables). Some of these tables are produced automatically by the CMS, others are compiled manually. The forms are exactly the same as those used under the old (manual) system. Data are collected on:

- *Case flow in the court, by type of court registry (not by offence)*: number of unsolved cases, number of new cases, number of solved cases, number of cases not cleared, period of elimination of unsolved cases, total number of old cases in work, number of solved old cases, number of old cases not solved;
- *Work quality of the cantonal district court, by type of court registry* (these are data about second instance proceedings decided by the supreme court): number of legal remedies rejected, number of confirmed first instance decisions, number of changed decisions, number of annulled decisions, number of cases in which legal remedies were filed, number of decisions annulled and sent back for repeated proceedings. The same information is collected in relation to proceedings in which the cantonal court acted as the second instance court on decisions of the municipal court
- *Hearings held, by type of court registry*: number of main hearings held, number of council sessions, number of public sessions, number of discussions in front of the second instance council, length of complete proceedings (up to 1 year, 1 to 2 years, 2 to 3 years, over 3 years)
- *Convictions in criminal proceedings, by type of court registry*: number of decisions of not guilty, rejecting the indictment, of guilty (after pleaded guilty/based on agreement with defendant), number of decisions stopping the proceedings
- *Other data, by type of court registry*: number of cases in which assets were seized, total value of seized assets, number of cases in which the sentence was a fine, total amount of fines, number of cases in which statute of limitations applied, number of cases in which sentence cannot be executed
- *Number of cases sent to other courts, by type of court registry*

The data flow regarding the FZS's data collection from courts is as follows: the reporting entities are municipal and cantonal courts; these fill in standardized person-based unit records when court cases are closed, and deliver them to the statistical branch office (which are cantonal offices and services situated in the central town of each canton). The branch offices collect, control and forward the data to FZS for processing, analysing and publishing. This data collection covers the entire territory of the FBiH. The minimum level of territorial aggregation is the municipality.

There are two standard forms for the collection of information on single court cases: SK2 is the form for adults; SK4 is the form regarding juveniles.

These forms collect the same information contained in the forms sent to FZS from prosecution offices at cantonal level (i.e. forms SK1 and SK3 described in 2.2.3.1. above). In addition, forms SK2 and SK4 collect information on the actual court decision

(such as type of decision and reason) and penalties imposed (main penalty imposed, whether any mitigation applied, whether the sentence was suspended, auxiliary sentences, etc.). The forms are filled in by municipal and cantonal court officials on paper on a monthly basis and are then transmitted to the branch office by post, where they are coded and prepared for data entry. They are finally sent on a monthly basis (until the 5<sup>th</sup> of each following month), to the Headquarter of the FZS for data entry. Data are aggregated in an Access database, where single cases are inputted. All the variables that are in the forms are entered, but not all data are eventually published.

#### *Republika Srpska*

Statistics are collected on the same process indicators as by the courts in FBiH, according to the instructions from the HJPC. Statistics are compiled manually from the various K books and entered into a form on the computer. The Tables are printed out, signed, stamped and forwarded to the Supreme Court and HJPC by post and also by email.

#### *Court of BiH*

Standard forms in Excel provided by the High Judicial and Prosecutorial Council are filled in. Forms are filled by manually counting from the court registries. In addition, data on judges' workload are collected for the HJPC on an annual basis.

### 2.3.3.2. Counting rules

#### **Standard**

Clear rules on the recording of data should be issued to all responsible data recording units and applied uniformly throughout the system. Written counting rules should address at a minimum the questions whether a Principal Offence rule is applied or not; how a person who is convicted of more than one offence of the same type is counted (as one person or as two or more people), and how a person dealt with more than once during the same year is counted.

#### Assessment

In all courts in BiH (FBiH, RS, BDBiH, Court of BiH) common written instructions for data recording and statistical reporting are contained in a book of rules and are followed by all administrative staff. These common instructions, that also explain how to fill in data in CMS, have been issued by the High Judicial and Prosecutorial Council and are uniformly applied. According to the HJPC, all courts cooperate and no particular problems arise in the regular provision of data. The rules have remained more or less the same since 2005, with some small amendments to adjust for changes in the data entry form.

In terms of counting rules, if a person is involved in more than one case, the same person is counted separately in each case. If a person, within one case, commits more than one offence, only the most serious offence is counted under the case.

### 2.3.3.3. Coverage: Geographic and institutional

#### **Standard**

Data from unit records should be collated from *all* courts in the territorial jurisdiction by a central institution.

## Assessment

All courts of BiH, at all levels, take part in the internal court data collection. Statistical data (mostly process data) from all courts are collated by the High Judicial and Prosecutorial Council (HJPC).

The collection of person-based units records of the Federal Office of Statistics (FZS) covers only the first instance courts of the Federation of BiH.

### 2.3.3.4. Timeliness and periodicity

#### Standard

Data from all courts should be *regularly* collected and reported.

## Assessment

In FBiH, internal court statistics are produced quarterly. In RS, and at the state level statistics are produced monthly and quarterly. The Basic Court of Brčko District produces statistics on a monthly and quarterly basis. In FBiH, the Federal Office of Statistics (FZS) compiles and publishes data on convictions on an annual basis.

## 2.3.4. Output (Production of Statistics)

### 2.3.4.1. Data validation and statistical analysis of data

#### Standard

Statistical data should be checked for their consistency, accuracy and reliability. If inconsistencies or doubts about the reliability of data emerge, inquiries about possible sources of errors in data compilation, transmission or aggregation should be performed. After the validity and reliability of data has been established, much of the analysis can be provided in the form of simple descriptive statistics, such as frequencies, percentages, rates and rates of change.

## Assessment

In terms of validation, in the CMS there are some automatic checks of total and numerical relations within the tables supplied to the HJPC. As regards data analysis, it has already been noted that the current version of the CMS does not support the production of all statistics requested by the HJPC, so there is still a requirement of manual counting for certain statistics. Given the nature of the data produced for internal use of the courts and HJPC, the analysis is limited mainly to the calculation of process indicators.

### 2.3.4.2. Reporting and Dissemination

#### Standard

The number of persons convicted during one year should be reported disaggregated by crime type; age; sex and citizenship. Crime type disaggregations of persons convicted should include at least the following categories: Intentional homicide; Assault; Rape; Sexual Assault/sexual violence; Sexual offences against children; Robbery; Theft; Burglary; Domestic burglary; Motor vehicle theft; Fraud; Drug-related crime; Drug-trafficking; Kidnapping; Involvement of organized crime; Money laundering; Corruption; Trafficking in human beings; Smuggling of migrants; Drug-trafficking; Cybercrime and Crime involving racism and xenophobia.

## Assessment

As noted above, statistics from courts are collected and compiled by the High Judicial and Prosecutorial Council for all of BiH. These data are mostly process statistics and do not contain a breakdown by offence. In addition, for FBiH, the Federal Office of Statistics collects and publishes person-based unit records on convictions in first instance courts, disaggregated by type of sentences and broad crime type (but not by sex, age or citizenship), in their annual Statistical Yearbook.

One key publication on court activities is the report annually produced by the High Judicial and Prosecutorial Council, which is not available in English. The information it collects is strictly related to the key stages of criminal proceedings and refer both to the number of cases and to the number of persons tried by each court. For some offences only (e.g. murder), a breakdown by offence is provided. This is because the HJPC is interested in the efficiency of the system, and not so much in producing a breakdown by offence type. This is also the reason why the CMS is not designed for producing statistics by offence type.

The only publication with a breakdown by offence type is titled *Information from the central database about judged serious crime cases*, produced by the Ministry of Justice (MoJ) of BiH. It presents data about certain serious organised crime types from all courts. The statistics provide an overview about organised crime cases registered in the central database of the MoJ. The statistics consists of the following data, presented on a yearly basis:

- a. Number of registered judgements by offence (money laundering, drugs, trafficking in human beings, total) and by year of registration
- b. Number of former convictions by offence (money laundering, drugs, trafficking in human beings, total) and by year of registration
- c. Number of convicted persons by age and by offence
- d. Number of convictions by type of penalty and by offence.<sup>26</sup>

In RS, there is also a special report published that is based on criminal offences. The Special Department for Organized Crime and the Most Serious Crimes of the District Court of Banja Luka also makes its own reports on /p (serious crime) cases that are not integrated with the reports from the district courts but are also forwarded to the HJPC.

In Brčko District, the Basic Court produces a report for the Judicial Commission of Brčko District twice a year and a yearly report for the HJPC, which is distributed also electronically. Occasionally, some additional analysis of statistical data not available on the Internet is presented, or data are presented in press conferences or round tables. In addition, the Court of Appeal makes a report for the Judicial Commission of Brčko District every 6 months and sends information to HJPC once a year. No regular report based on persons is produced and any ad hoc report, when required, has to be extracted manually from the Court Registry).

Some process statistics are also published on the website of the Court of BiH (duration of hearings in hours by Section; custody statistics by section, number of cases before Sections I & II of the Criminal Division, court room usage by month in days).<sup>27</sup>

On the website of the State Court of BiH statistics on the work hours of the courts, divided into four departments, are published.<sup>28</sup> Similarly, on the website of the

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<sup>26</sup> <http://www.mpr.gov.ba/userfiles/file/Pravosudje/INFORMACIJA%20IZ%20CENTRALNE%20BAZE%20PODATAKA-.pdf>

<sup>27</sup> See <http://www.sudbih.gov.ba/?opcija=statistike&jezik=e>.

<sup>28</sup> See [http://www.sudbih.gov.ba/files/docs/statistika/2009-09-30/Iskoristenost\\_sudnica\\_po\\_Odjelu\\_-\\_broj\\_sati\\_-\\_septembar\\_2009.pdf](http://www.sudbih.gov.ba/files/docs/statistika/2009-09-30/Iskoristenost_sudnica_po_Odjelu_-_broj_sati_-_septembar_2009.pdf).



Supreme Court of RS tables on the number of solved and unsolved cases for the past year are presented.<sup>29</sup> See Annex VII for a list of tables presented.

Also information regarding the two Supreme Courts (of FBiH and RS) mainly concern process and workload data.

Regarding dissemination of court data, in general not many statistics are made available online and few are available in English. As noted, the key publication on court statistics is the report annually produced by the High Judicial and Prosecutorial Council, which is not available in English. Other relevant publications have been mentioned above.

## 2.4. Statistics on Money laundering

### Standard

Directive 2005/60/EC on the prevention of the use of the financial system for the purpose of money laundering contains a number of minimum items on which statistics should be available. A Eurostat working group is currently carrying out a pilot data-collection on a very specific list of money-laundering data based on Directive 2005/60/EC.<sup>30</sup> The list includes data on the number of Suspicious Transaction Reports (STRs), Cash Transaction Reports (CTRs), postponement orders, money laundering investigations, detected cash smuggling operations, suspicious cash activities at the borders, STRs investigated by law enforcement and STRs not investigated as well as the number of staff dedicated full time (or full time equivalent) to money laundering in the FIU and in law enforcement agencies. In addition, data on the number of charges initiated, disaggregated by the above named grounds, as well as data on the number of convictions and acquittals for such charges should be collected. Data on persons sentenced and acquitted should be broken down by "third party" and "self-laundering", by charge, type of sentence, age, sex and nationality. Statistics on the number of freezing and confiscation procedures and the number of requests received for freezing and confiscation orders should indicate the value of frozen and confiscated assets and the amounts recovered. The primary source of the data is envisaged to be a Financial Intelligence Unit (FIU) within law enforcement authorities.

### Assessment

#### 2.4.1. Institutions involved in data collection and production of statistics

The Financial Intelligence Department (FID) within SIPA is the Financial Intelligence Unit of BiH. It receives, collects, documents, analyses, investigates and submits information, data and documents received in accordance with the Law and other B&H regulations related to the prevention of money laundering and funding of terrorist activities to the prosecutor. The FID carries out international cooperation on prevention and investigation of money laundering and funding of terrorist activities, and provides financial intelligence expert assistance to the prosecutor.

The FID was established pursuant to the definition of financial-intelligence units of the Egmont Group (an association of financial intelligence units worldwide) and became operational on 28 December 2004, upon entry into force of the Law on the Prevention of Money Laundering and Financing of Terrorist Activities (last amended by Law nr. 53 of 2009 to bring the regulations in line with the Third EU Anti-money Laundering Directive). Of the four sections of the FID<sup>31</sup>, the Analytical Section is in charge of receiving, requesting and analysing information for the purpose of establishing grounds for suspicion of the perpetration of a criminal offence.

<sup>29</sup> See <http://www.vrhovnisudrs.com/HTML/cijeli%20izvjestaj%20za%202006.html>.

<sup>30</sup> The set of indicators piloted by Eurostat do not (yet) represent binding EU standards but they nonetheless provide importance guidance as to evolving priorities for money laundering data within the European Union.

<sup>31</sup> 1. Analytical Section 2. Section for Prevention and Investigation of Money Laundering and Funding of Terrorist Activities 3. Section for Legal Matters and International Cooperation 4. Management Section

#### 2.4.2. Data input

The FID deals with money laundering and terrorism financing, as defined by articles 209 and 202, respectively, of the Criminal Code of BiH. As the FID is the only FIU in BiH it receives reports from reporting entities in FBiH, RS and BDBiH according to the legal definitions of these crimes in their respective criminal codes. The obliged reporting entities are listed in article 4 of Law n. 53 of 2009, which is in line with the Third EU Anti-money Laundering Directive (e.g. banks, stock markets, notaries, brokers, gambling houses, Western Union, insurance agencies, lawyers, etc.).

According to article 30 of law n. 53 of 2009, obliged entities should report to FID information regarding:

- each attempted and performed transaction, client or person that is suspicious of money laundering and funding of terrorist activities;
- cash transactions whose value amount to 30,000 KM or more;
- connected cash transactions which together amount to 30,000 KM or more.

In particular, the format of the information to be forwarded is defined by article 31 and 32 of the Book of Rules issued in 2005 for efficient implementation of provisions of the Law on the Prevention of Money Laundering and lastly amended in 2009. Reporting entities have to fill out a standard form with detailed information on the transaction concerned, including data on the person reporting the transaction; personal information on the client performing the transaction, amount and account numbers involved; purpose of the transaction; source of the money, etc. See Annex VIII for a full list of data recorded in the standard reporting form.

This information is inserted into a standard form. Since 1 February 2006 banks have to fill in and submit their reports online through an external server. Other obliged entities have to fill in the form on paper and sent it to FID by post. A new project funded by the Spanish government supports the establishment of universal online reporting by extending online data input to all obliged reporting entities and by developing an analytical software for the automated production of reports.

#### 2.4.3. Data flow

Data from the reporting entities are sent on a daily basis. Information on individual reports and activities is aggregated manually in an Excel sheet. Most information available at the individual level is omitted when producing aggregate data. Aggregate statistics on reports received and activities of the FID are compiled weekly for operational purposes and on a monthly and quarterly basis for the Chief of FID, the Director of SIPA and the Ministry of Security.

In particular, the FID keeps records on the reports received from the reporting entities, including on suspicious transaction reports (STRs), cash transaction reports (CTRs), connected transactions and non-cash transactions. In addition, the FID keeps records on the number of report on the commission of a criminal offence that it has submitted to the prosecutor, the number of reported persons and the number of reported criminal offences by offence type (money-laundering, tax evasion, organized crime, etc.).

No data on criminal procedures on money laundering (person-based data on the number of investigation requests, number of indictments or number of sentences) are received by the office.

#### 2.4.4. Data output

The FID produces an Annual Report, which is not disseminated online but is available upon request.

This report on the work of FID contains a number of tables with the data on the workload of the FID. Relevant statistics on the activities of the FID are contained in Table 3 (Overview of all investigating activities) and Tables 5 and 6 (Number of reported transactions with the amount of money and Number of types of transactions respectively). See Annex IX for a full list of data reported in these tables.

## 2.5. Statistics on Trafficking in Persons (TIP)

### Standard

Based on the relevant EU Council Framework Decisions and Council Directives on trafficking in persons, as well as the United Nations Protocol to prevent, suppress and punish trafficking in person the European Commission DG-JLS has commissioned an expert report that contains recommendations for standardized, comparable data on victims, traffickers, the trafficking process and the criminal justice response to trafficking.<sup>32</sup> The data to be collected<sup>33</sup> comprise: The total number of identified victims per country per year (disaggregated by gender, age, nationality, country of birth, and type of exploitation); The total number of victims per country per year cooperating with law enforcement; the total number of traffickers per country per year (by persons arrested, persons charged (under which charges), number of investigations started, and number of investigations successfully completed (disaggregated by gender, age, nationality, country of birth and type of exploitation). In addition, statistics on the number of prosecuted and sentenced traffickers per year (by charge, disaggregated by gender, age, nationality, country of birth and type of exploitation) as well as data on sentences and on victims testifying in court and filing claims for compensation, by charge, should be collected.

### Assessment

#### 2.5.1. Institutions involved in data collection and production of statistics

The State Coordinator for Anti-trafficking in Human Beings and Illegal Migration in BiH (SC) has been established in July 2003 by a Decision adopted by the Council of Ministers for the purpose of enhancing the fight against trafficking in human beings at the state level. On the basis of this Decision, besides the function of the State Coordinator, a coordination structure in the form of the so-called State Group was created, which is comprised of representatives from several ministries. Since 2007, the office has taken part in a regional project run by ICMPD aimed at establishing databases on THB in Western Balkan countries. In BiH, two databases on THB have been established:

- 1) On THB victims, administered by the Ministry of Human Rights and Refugees (MHRR)
- 2) A similar database on THB perpetrators, managed by SIPA

<sup>32</sup> Republic of Austria, Federal Ministry of the Interior and IOM International Organization for Migration. Guidelines for the collection of data on trafficking in human beings, including comparable indicators. February 2009. Available at: [http://www.emn.at/modules/typetool/printincludes/uploads/IOM\\_Vienna\\_AT\\_Mol\\_Guidelines%20for%20the%20Collection%20of%20Data%20on%20THB.pdf](http://www.emn.at/modules/typetool/printincludes/uploads/IOM_Vienna_AT_Mol_Guidelines%20for%20the%20Collection%20of%20Data%20on%20THB.pdf)

<sup>33</sup> It should be noted that the recommendations are non-binding but represent a good starting point for the eventual development of EU standards on specific crime and criminal justice statistics on trafficking in persons.

### 2.5.2. Data input

The criminal offence of trafficking in persons is included in the BiH Criminal Code under Article 186. The offence is exclusively under the competency of the Court and Prosecutor's Office of BiH. However, the criminal codes of FBiH, RS and BDBiH criminalise other offences that may be related to TIP but do not have the same legal qualifications, such as enticement to involvement in prostitution (Criminal Code of FBiH (CCFBiH), Article 210, and Criminal Code of BDBiH (CCBDBiH), Article 207) and trafficking in persons for the purpose of prostitution (Criminal Code of RS (CCRS), Article 198). The harmonisation of these overlapping pieces of legislation is a key objective of the State Action Plan 2008–2012

In the database on THB victims, data recorded in person-based unit records include the following: victims' sex and age (minor/adult), whether they have received assistance or not, citizenship, relevant criminal offence.

In the database on traffickers, data are recorded on the name, nickname, false name, sex, citizenship, country of residence, date and place of identification, stage of the criminal proceeding, identifying organisation, victims related to the perpetrator (number of victims identified in the investigative phase, accepted as witnesses, whether any protection was offered to them), number of investigations, number of indictments and number of sentences pronounced.

### 2.5.3. Data flow

Information on THB collected in the two databases cover the whole territory of BiH. All institutions encountering a case of THB should report details on the victim to the State Coordinator and data on the perpetrator to SIPA.

In total, there are five relevant institutions (see below) that are obliged to report every six months (in fact they usual report information on the spot as there are few cases to report). The same applies to the perpetrators' database.

A standard form to collect information on victims was developed (one for victims, another for potential victims). The form has five parts, filled in by different institutions when they first come in contact with a victim.<sup>34</sup> These institutions are as follows:

- for victims: police (Mol + all polices agencies, including cantonal and border police, SIPA) and prosecution offices
- for potential victims: centres for social work, Service for Foreigners, NGOs

There are written instructions on how to fill in the form. Data on a single case are inputted by the five institutions electronically, then printed, stamped and sent to the SC.

For the database on traffickers, managed by SIPA, there are also standard data collection forms. Forms are filled in by police, prosecution, courts and (in case the courts do not provide the requested information) by the Ministry of Justice, which runs a database on serious crimes.

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<sup>34</sup> For example, the police may first come into contact with the victim and fill in the form, while the NGOs inputs data at a later stage.

#### 2.5.4. Data output

The SC receives the data on THB victims and forwards them to the Ministry of Human Rights and Refugees (MHRR), which produces statistics, differentiating between identified and potential victims. The SC keeps the same data for internal purposes.

The MHRR inputs cases on a unit-record basis. Statistics cannot be automatically produced by the system, as the application does not allow any automatic counting or printing. Until recently it was also not possible to delete or change information once inserted into the database, even if mistakes occurred. In order to produce statistics, therefore, cases and persons had to be manually counted in the database.

As regards the traffickers' database, the system works much the same as the victims' database. At SIPA one person receives and inputs the data. The database has encountered the same technical problems as the victims' database.

Some statistics on trafficking in persons are disseminated in the Annual Report of the SC, which is available online.<sup>35</sup>

## 2.6. Statistics on Crimes involving racism and xenophobia

### Standard

While national criminal law in the EU on crimes involving racism and xenophobia is still diverse<sup>36</sup>, EU Member States must take the necessary measures to comply with European Council Framework Decision 2008/913/JHA on combating racism and xenophobia by means of criminal law by 28 November 2010.<sup>37</sup> In the European Union, data on police-recorded racist crime, anti-Semitic crime and crimes with extremist right wing motive are collected and reported by the European Union Agency for Fundamental Rights (FRA).<sup>38</sup> Data reported include both specific acts of incitement, and criminal incidents with a suspected racist, anti-Semitic and extremist right wing motive.<sup>39</sup> While non-binding, the reporting on these three broad crime types suggests a developing standard at EU-level that should include the following data: Annual number of police-reported 'racist crimes', 'anti-Semitic crimes' and crimes with an 'extremist right-wing motive'; annual number of person prosecuted and number of charges initiated for each of these 3 crime types; annual number of persons sentenced and acquitted from charges for each of these 3 crime types (by charge, age, sex and citizenship).

### Assessment

#### 2.6.1. Data collection on crimes involving racism and xenophobia

Crimes involving racism and xenophobia are regulated in some provisions of the criminal codes at entity level, as well as in other special laws:

- Federation of BiH: article 163 of the Criminal Code (inciting national, racial or religious hatred, discord or hostility) and as aggravating circumstance of the crimes

<sup>35</sup> Available at <http://www.anti-trafficking.gov.ba/>

<sup>36</sup> Whilst exact wordings differ, national criminal law typically makes 'incitement to [discrimination], [hate], or [violence] on the grounds of [race], [colour], [national or ethnic origin]' an offence. In addition, some national laws identify racist, xenophobic, or anti-Semitic motivations as an aggravating factor in other offences.

<sup>37</sup> See Council Framework Decision 2008/913/JHA of 28 November 2008 on combating certain forms and expressions of racism and xenophobia by means of criminal law, OJ L 328/55. Available at: <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2008:328:0055:0058:EN:PDF>

<sup>38</sup> Data are collected by the FRA pursuant to Article 4(1)(a) of Council Regulation (EC) No 168/2007 of 15 February 2007 establishing a European Union Agency for Fundamental Rights. See [http://fra.europa.eu/fraWebsite/material/pub/FRA/reg\\_168-2007\\_en.pdf](http://fra.europa.eu/fraWebsite/material/pub/FRA/reg_168-2007_en.pdf)

<sup>39</sup> See, for example, FRA, A Comparative Overview of Findings from the RAXEN National Focal Points Reports 2001-2004, Summary Report, at p.27. Available at: <http://fra.europa.eu/fraWebsite/material/pub/comparativestudy/CS-RV-05-SUM.pdf>

of murder, grievous bodily harm, rape and unauthorized control of a radio or television station (articles 166, 172, 203 and 363 of the Criminal Code); article 15 of the Law on Radio-Television.

- Republika Srpska: article 390 of the Criminal Code (inciting national, racial or religious hatred, discord or hostility); article 15 of the Law on Radio-Television.
- Brčko District: article 160 of the criminal code (inducing national, racial or religious hatred, discord or hostility) and as aggravating circumstance of the crimes of murder and rape (articles 163 and 200 of the Criminal Code); article 357 (unauthorized ownership of radio or television station and public disturbance through their use).

As hate crimes are partly covered by the criminal codes in all entities, police statistics on offences and offenders should in theory be available at the level of the entities. Data on persons prosecuted and convicted for the respective crimes should also be available from the FBiH Statistical Institute for FBiH. However, there are no regular statistics collected on crimes involving racist, xenophobic or other hate motives.

## 3. International Reporting of crime and criminal justice data

### 3

#### 3.1.1.1. Reporting of data at European level

##### Standard

At the EU level, basic crime types on which data should be reported to Eurostat include total crime, homicide, violent crime (comprising physical assault, robbery and sexual offences), robbery, domestic burglary, theft of a motor vehicle, and drug trafficking. Within the confines of national criminal law, the crime classification scheme used should be aligned so far as possible with definitions applied by Eurostat. In addition, specific indicators on crime involving racism and xenophobia, money laundering and trafficking in persons are under development at the European level.<sup>40</sup>

##### Assessment

Up to 2009, BiH has not been covered by Eurostat's data collection efforts in the field of crime and criminal justice. Based on current data collection systems, data on total crime, homicide and robbery should be routinely available at the State level from the MoS, while data on violent crime, domestic burglary, theft of a motor vehicle, drug trafficking and data on crimes involving racism and xenophobia would specifically need to be collected from the entity and cantonal levels. Data on trafficking in persons are available at the State level from the National Coordinator for Trafficking in Human Beings. Data on money laundering and the financing of terrorism are available from the Financial Intelligence Unit of SIPA. There are no regular statistics collected on crimes involving racist, xenophobic or other hate motives

#### 3.1.1.2. Reporting of data at UN level (CTS)

##### Standard

The United Nations Survey of Crime Trends and Operations of Criminal Justice Systems (UN-CTS) is now in its twelfth edition, covering the year 2009. The UN-CTS is implemented by UNODC and requests all UN Member States to supply standardized data on crime and criminal justice collected by police, prosecution, courts and penitentiary institutions. Differences between the crime classification scheme used and definitions applied by the UN-CTS should be clearly identified.

##### Assessment

BiH provided data for the 10<sup>th</sup> UN-CTS covering the years 2005-2006. Data for the 10<sup>th</sup> UN-CTS related to all parts of the questionnaire (police, prosecution, courts, prisons). Data for the 11<sup>th</sup> UN-CTS have been supplied by the MoS some weeks after the deadline, as additional time was needed to gather the requested data from the entity level authorities. The data provided up to January 2010 relate to the police part of the questionnaire only. A preliminary validation of the data provided indicates that the data may be affected by problems of coverage, definitions and reliability.

<sup>40</sup> It should be noted that the proposed indicators for these three crime types are non-binding but nonetheless provide importance guidance as to evolving priorities for crime data within the European Union.

## 3.2.1. Coordination

### 3.2.1.1. Focal point for crime and criminal justice statistics

#### **Standard**

International standards for data collection on crime and criminal justice recommend the designation of offices or bodies responsible for the coordination of data collection at the country level with a view to improving cooperation with the UN.<sup>41</sup> This could be achieved through the establishment of a network of national contact points for crime and criminal justice statistics. The network should include contact points in national statistical offices, law enforcement, prosecution, courts and national penal administrations. Internal coordination of data collection at the national level, including through the possible use of a single contact point is explicitly encouraged.<sup>42</sup>

#### **Assessment**

At the State level, BiH has an Analytical Unit in the Ministry of Security (MoS) that compiles police data on criminal offences in broad categories of crime. However, for detailed data on police-reported criminal offences, as requested in the UN-CTS and by Eurostat, the MoS has to make special requests to the ministries of interior of the entities. As these ministries are not subordinate to the MoS, their cooperation in data exchange is sometimes lacking.

Data on persons prosecuted and persons convicted in courts could come from the HJPC at the State level or from the statistical offices at the level of the FBiH and RS, who started (or are about to start in the case of the RS) their own data collections from prosecutors and courts. In addition, data on convictions for certain forms of serious and organised crime are collected in a special database by the Ministry of Justice of BiH at the State level. All these data collection mechanisms are not harmonised at present and the data remain dispersed across several institutions.

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<sup>41</sup> Ecosoc Resolution 27/2007, para. 1

<sup>42</sup> Commission on Crime Prevention and Criminal Justice, Eighteenth session, Vienna, 16-24 April 2009, Conclusions and Recommendations, para. 9



## 4. Migration statistics

### 4.1.1.1. Institutions responsible for data collection and management

Organisational units of the Ministry of Security (MoS) of BiH responsible for collecting data on migration, asylum and visas are the Sector for Immigration, the Sector for Asylum, and an administrative organisation within the MoS - the Service for Foreigners' Affairs. In addition, the Border Police (BP) collects data on migration issues within its competence, as well as data on violations of law at the border, visas issued at the borders of BiH etc. The MoS is in the process of establishing a department within its Sector for Immigration, tasked with defining a regularly updated Migration Profile for BiH, which includes data on both illegal and legal migration. During the production of the Migration Profile 2008, the proposed Department for Analysis and Strategic Planning in the Field of Migration was not yet operational.

### 4.1.1.2. Data on stocks and flows of immigrants and emigrants

#### Standard

According to Regulation (EC) No 862/2007 on Community Statistics on Migration, all Member States must report annually on migration stocks and flows. Thus, a system for recording and monitoring such stocks and flows should be in place, including through general population registers, through the generation of unit records for registration of immigrants and emigrants or through registers of residence permits. In particular, Member States should report the stock of foreigners and foreign-born in the country as well as the flow of immigrants and emigrants to and from the country (with a usual residence in the country of more than 12 months) broken down by a number of characteristics (sex; age group; citizenship; country of birth; and where possible, country of previous residence or country of next residence).

#### Assessment

In BiH, the population register contains only records of citizens of BiH and records of foreigners with permanent residence permit who all have a personal ID for foreigners and assigned individual citizen's number. Thus, no statistics on stocks or flows of foreign immigrants or emigrants are available from the population register. However, data on stay and movement of foreigners can be obtained from the residence permit data in the Migration Information System (MIS).

### 4.1.1.3. Residence permit data

#### Standard

According to Regulation (EC) No 862/2008 on Community Statistics on Migration, all Member States should report the stock of valid residence permits at the end of each year (by citizenship; type; and duration), the stock of valid long-term residence permits at the end of each year (by citizenship), the number of new first-time residence permits (by type; duration; and citizenship) and the number of changes in residence permits (by type; duration; and citizenship).

#### Assessment

The Service for Foreigners (SFF) is responsible for issuing residence permits for all areas of BiH and keeps a database on all residence permits issued to foreigners for the whole country.

Operationally, applications for residence permits are made at one of the 16 field offices (called Centre for Foreigners, CFF) reporting directly to the SFF (5 CFF in the RS, 10

CFF in FBiH and 1 in BDBiH) and are then forwarded in hard copy to the SFF. The SFF has a maximum period of 30 days to decide on the application but normally decides within 7-14 days. When a decision on an application has been made, the data are entered into the electronic MIS database and the sticker is printed automatically. The residence permit record thus refers to the permit *applications and issues* by the SFF. Statistics are compiled at the central level only and data are available immediately. Regular reports are made every 3 months to the Minister of Security.

The data are entered by the SFF in the form of unit records, where each person applying is assigned a unique identification number (single key). If applications are related (e.g. families), each person is entered in a unit record and the records are linked through the single key. Data entered include: Name, surname, sex, passport number, birthday, citizenship, place of birth as well as the country of birth separately, date of entering the country, date when the permit is granted, whether it is a first-time application or an application for extension, the type of permit issued (temporary permit for up to 1 year or permanent permit after five years of continuous residence), date of permit expiration and (since 2009) a photograph.

Data on residence permits are not published on a regular basis by the statistical offices of BiH. As the publication of these data is a political obligation towards the EU contained in the Roadmap for the liberalization of the visa regime, a decision was made by the Council of Ministers to include data on the number of temporary and permanent residence permits issued, along with other migration data, in the BiH Migration Profile, which is updated every year. The 2009 Migration Profile (published in April 2010) is available on the website of the MoS<sup>43</sup> and reports data on the total number of temporary and permanent residence permits issued for 2001-2009. Data are further disaggregated by first-time applications for temporary residence permits and applications for extensions; first-time permits granted and extensions granted; and non-granted applications (refusal, cessation, cancellation or rejection). Temporary and permanent residence permits granted are further disaggregated by citizenship; sex; and age group (0-17, 18-35, 36-59, 60+). Temporary residence permits are also disaggregated by main citizenships and the grounds for the permits (e.g. marriage, family reunification, education, work permit, etc.).

The residence permits database is one of four databases that together will make up the fully functional Migration Information System (MIS). According to the MoS, the development of the MIS started in 2005 but to date is not fully integrated due to lengthy procurement procedures for software. The MIS also includes the Registry of Certain Foreigners (ROS), which has records of foreigners, who are or have been subject to certain criminal or administrative procedures. The ROS is an intranet database and is used to check persons entering the country for possible reasons for rejection. The other two databases of the MIS are the electronic visa database and the database on asylum (see below). Once the MIS has completed the testing phase, the separate visa and asylum databases will be integrated into the MIS. This is a unified electronic system running on a MySQL platform.

The newly written 'Rulebook on the Centralized Database on Foreigners' has detailed information on what data to collect and which personal details and other information to record.

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<sup>43</sup> [www.msb.gov.ba](http://www.msb.gov.ba)

#### 4.1.1.4. Updating of records and registers

##### **Standard**

In order to be able to produce update and accurate data fulfilling Regulation (EC) No 862/2008 on Community Statistics on Migration, data on change of residence and other important status changes (e.g. extension or cancellation of residence permits) should be passed from the local to the central level at regular intervals and be used to update the migration statistics supplied to Eurostat.

##### **Assessment**

The residence permit database is not systematically updated (e.g. when a person leaves the country) but temporary permits are automatically excluded for statistical purposes once they expire. For persons holding permanent residence permits, the record is only updated if new information becomes available (e.g. when foreigners who have to renew their foreigner's ID (which are valid for two years) fail to do so, an inquiry may result in their exclusion from the database).

#### 4.1.1.5. Data on the prevention of illegal migration

##### **Standard**

According to Regulation (EC) No 862/2008 on Community Statistics on Migration, all Member States should report statistics on the prevention of illegal entry and stay. These statistics should include the number of persons refused entry at the border (by age; sex; grounds for refusal; citizenship of persons refused; and type of border: land, sea or air), the number of persons found to be illegally present in the territory under national law (by age; sex; citizenship; grounds for apprehension; and place of apprehension), the number of persons issued with an order to leave the territory (by age; sex; citizenship; and reason for the order), and the number of persons who actually left the territory following an order to leave (by age; sex; citizenship; and reason for the order).

##### **Assessment**

The Border Police keeps records and statistics on important migration-related events (legal entry and exits, records on false and falsified I.D.s detected, rejections at the border, certain measures taken against foreigners like removals).

The database on legal entries builds on the electronic system for checking travel documents during entries and exits. This is in place in most border crossing points. When a traveller enters, details of the passport are automatically entered into the computer through the barcode (or manually if not available) and certain data are stored (name, surname, passport number, date of birth, expiration date of passport, citizenship, date of entry). Simultaneously, a check is made whether the person is registered as non-admissible in the online Interpol database.

In 2007 there were around 27.2 m entries and 26.5 m exits registered. The difference is mainly due to non-entering of data during heavy traffic and BCPs not covered by the online system.

The BP (all units) also makes manual records of other migration-related events in three books: a) records of false and falsified I.D.s detected, b) rejections at the border (an integral part of the MIS) and c) certain measures taken against foreigners like removals (these may also become part of the MIS). The data entered in these books are the following:

a) place of seizure of false I.D., date of seizure, type of false document, country of false document, serial number of false I.D., kind of falsification, correct name of person, correct citizenship, name of officer;

b) name, surname, date of birth, place of birth (not country of birth separately), sex, citizenship, I.D. number, date of rejection, legal ground (article) for rejection, number of formal documents for each ground, name of officer;  
c) name, surname, sex, citizenship, passport number, offence (crime, misdemeanour, administrative offences, other remark on removal).

Records are person-based and are given a serial number per year. If the same person appears more than once in the same database or appears in two different datasets (e.g. false documents and rejection), the person is counted more than once. Related records (e.g. family members) are counted as separate persons.

Aggregate statistics on these three datasets are entered into Excel spreadsheets on a monthly basis and forwarded by email from the local to the regional and from there to the central level of the BP. More detailed analysis are done every three months at all three levels.

When it comes to illegal migrants it should be noted that being caught in Bosnia and Herzegovina without valid documents that would make one's stay legal is not a criminal offence in BiH but a misdemeanour. As such, it is registered in the book of daily events. See Annex X for a list of data recorded in the book of daily events.

For statistical reporting, the data on persons caught for illegal migration are inserted in an Excel sheet "The overview of number and structure of reported misdemeanours and perpetrators" where all other misdemeanours related to the border are registered as well. Additionally, persons caught attempting to cross the BiH border illegally from either Croatia, Serbia or Montenegro are recorded in a separate Excel sheet "Persons discovered in an attempt to cross the state border illegally". See Annex XI for a list of data recorded in these sheets.

These sheets are used as part of the mandatory reporting system in the BP. All units of the BP are obliged to fill in the sheets on a monthly basis and submit it to the regional office by 12:00 on the 27<sup>th</sup> day of the month either by e-mail or by fax. The regional offices aggregate the data and are obliged to submit it to the central unit of the BP by 16:00 on the last day of a month. The central unit will submit the reports to the Unit for Strategic Planning and Analysis immediately. This unit prepares periodical statistical reports every three months. When preparing these periodical reports it carries out some logical checks for the purpose of validating the data submitted by local and regional units.

These reports, which in addition to the aggregate statistics also contain short interpretations of the data, are not made available to the public. Some information from these reports are contained in the Information on the State of Security Report prepared on an annual basis by the Ministry of Security of BiH.

Data on the prevention of illegal migration are also published in the 2009 Migration Profile. Data on rejections at the border (denied entries) are published for 2001–2009 with more recent data disaggregated by type of border where the rejection took place as well as by citizenship and reason for rejection. Data on illegal border crossings are reported for 2008 and 2009 by citizenship, type of border (land: borders to Montenegro, Serbia or Croatia, air, sea) and direction of movement (into or out of BiH). Data on measures taken against foreigners who have no legal grounds for staying in BiH (e.g. because they have no residence title or are discovered working without a work permit) are reported by type of measures taken (1. decisions on the cancellation of non-visa or temporary residence, 2. decisions on the cancellation of permanent residence, 3. decisions on expulsion, 4. decisions on placing aliens under supervision in a detention

centre, and 5. forced removals of aliens from BiH). Statistics on the number of each type of measure taken (1. to 4. only) are further disaggregated by citizenship for the year 2009.

Data on the prevention of illegal migration are also shared between the respective Ministries of Interior of Albania, BiH (Ministry of Security), Croatia, Montenegro, The former Yugoslav Republic of Macedonia and Serbia. In a Memorandum of Understanding of 20 November 2008, the Ministries of Interior (MoS for BiH) agreed to share statistical data on a monthly basis, through a designated National Contact Point, on the number of persons

- detected crossing the border illegally outside a border crossing point;
- detected crossing the border illegally at a border crossing point;
- detected as facilitators;
- detected staying illegally in the country;
- who have been refused entry into the country;
- as well as the number of submitted asylum requests (inland and at the border) and the number of detected false or falsified travel documents according to their type and country of issuance at border crossing points;

All of these statistics are to be disaggregated by citizenship. Data are exchanged electronically, in the form of templates and in English language.

#### 4.1.1.6. Data on facilitated illegal migration

##### **Standard**

The Eurostat data collection on the prevention of illegal migration (CIREFI database) further collects data on the number of apprehended facilitators by citizenship and the number of apprehended facilitated aliens (by citizenship; and type of border entered: land, sea or air). These data should be supplied by border guard services or the responsible Ministries of Interior to CIREFI on a monthly basis.

##### **Assessment**

The Border Police keeps records on criminal offences related to the border (e.g. smuggling of migrants, smuggling of firearms, drugs smuggling etc.).

Regarding criminal offences, there is no special record-keeping for the offence of migrant smuggling (i.e. facilitating illegal migration) or trafficking in persons. Migrant smuggling offences are recorded manually together with other criminal offences related to the border (cross-border crime) in the general Crime Registry. Each case is recorded in one line of the book, with a serial number to each case. Records are kept of cases where an initial investigation indicated a criminal offence and where the case was submitted to the prosecutor and after the prosecutor accepts to receive the case. Thus, in most cases there is an identified suspect for the crime of smuggling of migrants or other crimes recorded in the Crime Registry.

The Crime Registry used is the same as for other crimes recorded by the police. Data recorded for each case (the column headings) include: name of recording officer, date of offence, date of recording, date of discovery, information on the victim (address, kind of damage), information on the suspect (name, place of birth –citizenship is not explicitly required even if routinely entered, occupation, whether the person is a recidivist), criminal offence committed by Criminal Code article, date when reported, date and time of arrest, when the case was processed, who processed it, remarks. Each case is assigned a serial number in the Crime Registry. If the same person commits multiple offences in one case, the person is counted only once but the offences are listed in a separate line.

All unit records are then transferred from the manual record in the Crime Registry into an electronic format in a database. These electronic records are then burnt onto a CD-ROM and sent to the regional office once a month. There are 6 regional units and 21 local units of the BP. From there the records are forwarded to the Analytical Centre of the Central Investigation Department of the Department of Investigation within the BP. Data are kept for internal planning and are sent to the Ministry of Security regularly.

No separate records on smuggled persons (facilitated aliens) are kept by the Border Police.

## 5. Asylum statistics

### 5.1.1.1. Institutions responsible for data collection and management

The Sector for Asylum within the Ministry of Security is in charge of implementing asylum policy and asylum procedures in BiH and collects data on asylum applications and decisions on asylum claims.

### 5.1.1.2. Data input

#### Standard

According to Regulation (EC) No 862/2007 on Community Statistics on Migration, all Member States must report annually on stocks and flows of asylum-seekers in their countries. Thus, a system for recording and monitoring such stocks and flows should be in place. As a good practice, the recording of individual asylum claims in unit records (person records), containing clear details of case disposition and type of final decision on the application, are preferable. Such recording practices allow the linking of decisions in first and subsequent instances and the calculation of average processing times and other performance indicators.

#### Assessment

The Sector for Asylum within the MoS is responsible for receiving and processing applications for asylum in all of BiH. Applications can be made at the border or at one of the 16 Centres for Foreigners (CFF) under the Service for Foreigners within the MoS. When applications are made at the border, a record is made by the BP, confirmation of the expression of intent to submit the request for international protection is issued, and the direction of the foreigner's movement and the time within which the foreigner is to submit the request for international protection personally at the CFF Headquarters is established. Only when the person physically appears at the office of the Sector for Asylum and presents his application for asylum is a record of the application registered.<sup>44</sup> The database on asylum is now an integral part of the Migration Information System.

### 5.1.1.3. Stock and flow data

#### Standard

According to Regulation (EC) No 862/2008 on Community Statistics on Migration, all Member States should annually report the stock of persons with open asylum applications at the end of the year (by sex; age; and citizenship), the number of persons submitting first time applications (by sex; age and citizenship) and the number of decisions on asylum applications (by sex; age; citizenship; and type of decision). In addition, the United Nations High Commissioner for Refugees collects data on the number of recognised refugees with positive asylum decisions living in the country (by type; and year of decision).

#### Assessment

At the Sector for Asylum a unit record of each person applying for asylum is made in an electronic database. Each person receives a unique serial number, and related applications (e.g. of family members) are linked through this number. The unique serial

<sup>44</sup> According to the Sector for Asylum, the high number of non-serious applications led to a change in recording practices in 2004 to the current procedure. According to the same source, unofficial records indicate a discrepancy of 30-40 percent between the number of persons intending to apply and the number who actually apply in person.

number allows the tracking of persons through the system and over time. Consequently, data on decisions include also 2<sup>nd</sup> instance and final decisions on the application. When a person files a second application for asylum, a new record is made and the application and the person are counted again (a distinction is made between first-time and repeat applications). Details recorded in the file include: name, surname, birth date, citizenship, place of birth (including country of birth), date of application, type of decision taken (accepted, rejected, otherwise closed), date of decision, address of accommodation, fingerprints and photo.

Records are updated as soon as decisions are made. If a person does not show up for an interview twice, the file is considered as 'otherwise closed'.

In principle, data on asylum are confidential. However, data are shared with UNHCR and are also published in the 2009 Migration Profile. This publication reports data on asylum applications and decisions. For 2008 and 2009, statistics on asylum are provided both on the number of applications and the number of persons applying (one application can include several persons), disaggregated by citizenship of applicants. Data on applications are further divided by first time and repeat applications and applications by unaccompanied minors. Data on persons applying are disaggregated by sex and age group (0-17; 18-35; 36-59; and 60+ years), citizenship and country of birth. Data on decisions on asylum applications refer to consolidated first-instance and final decisions and are reported by type of decision (recognized refugee status; subsidiary protection granted; temporary protection granted; application refused; procedure cancelled; and application rejected). The number of solved and unresolved decisions at the end of the year is also reported.



## 6. Visa statistics

### 6.1.1.1. Institutions responsible for data collection and management

The Visa and Passport Department of the Division for International Legal and Consular Affairs within the Ministry of Foreign Affairs is responsible for visa matters and collects data on visas issued through its Diplomatic Missions and Consular Posts (DMCPs). In addition, the Border Police (BP) collects data on visas issued at the border. All the data are available in the MIS.

### 6.1.1.2. Visa-related indicators

#### Standard

Article 17 of Regulation (EC) No 767/2008 on the Visa Information System (VIS) is entitled 'Use of data for reporting and statistics' and provides a list of data items to which competent visa authorities shall have access for the purposes of reporting and statistics. While not strictly binding EU *acquis* yet, a possible list of visa-related indicators that countries must regularly report on, includes the following data items: stock of persons with valid visa (by citizenship and type and duration of visa), number of visa applications (by citizenship and country of application) per year, number of visas granted (by citizenship, country of application, type and duration of visa) per year, and number of visas refused (by citizenship, country of application, type and duration of visa and reasons for refusal). The recording of individual visa applications in unit records (person-based visa application records) is preferable as this enables decisions on visa applications by the same person to be linked.

#### Assessment

Recording of the data on visas for Bosnia and Herzegovina starts after a standard visa application form is filled in and received by a Diplomatic-Consular Representative Office of Bosnia and Herzegovina (D-CROBiH) together with all required supporting documents. The request for the visa can be submitted only (with few exceptions regulating areas where one D-CROBiH is responsible for more than one country) in a country where the person submitting the request has legal residence.

The standard application form is on paper and contains all relevant personal and other data, including: name, surname, maiden name, date and place of birth, I.D. number, sex, marital status, type and number of passport, occupation, name and address of employer, country of destination, type of visa requested (A: airport transit visa; B: transit visa; C: short stay visa, D: long stay visa), number of entries requested, length of visit, purpose of travel (official, cultural, family visit, medical reasons, tourism, business, other), spouse's name and date and place of birth, name of children etc.

On the basis of the data gathered by means of the request, the D-CROBiH can issue the visa. Exceptionally, when so is required by the reasons of security of BiH, humanitarian or serious professional or personal reasons, the Border Police can issue visas type A, B, and C (see below) at one of 14 border crossings defined by Decision of the Council of Ministers of BiH. In terms of record-keeping, each D-CROBiH (or BP Unit issuing the visa) is requested to enter the data relevant for the issuance of the visa into a centralized electronic database. The Service for Foreigners' Affairs of the Ministry of Security BiH is then responsible for checking the applications appropriately before they are approved.

The Division for International Legal and Consular Affairs at the Ministry of Foreign Affairs has access to all information in the database whereas each D-CROBiH has access only to the information they entered into the database. The information

contained on the visa and entered into the database are: Name of the D-CROBiH, name and family name of the applicant, number of the passport, sex, date of birth, country that issued the passport, type of the visa, number of entries, duration of the visa, length of stay, number of persons recorded in the passport who travel together with the carrier of the passport.

The MIS database contains all relevant information accessible to the Ministry of Foreign Affairs on a daily basis and the database supports the direct production of reports. Semi-annual and annual reports are mainly produced for internal and operational purposes (such as the number of refusals by citizenship). Data analysis in the report is basic, with absolute numbers and some comparisons with the previous year. Statistics are also made available every 6 months to the Migration, Asylum, Refugees Regional Initiative (MARRI) Centre in Skopje and for the Bosnia and Herzegovina '*Migration Profile*'. The purpose of the Bosnia and Herzegovina '*Migration Profile*' is to provide the Council of Ministers of Bosnia and Herzegovina with information on migration trends in the country. Visa-related tables in the 2009 Migration Profile include: number of visas issued disaggregated by country of citizenship, and sex and age groups. Reference is also made to the total number of visas refused. Data are also presented on the number of visas issued at border crossings, disaggregated by country of citizenship; sex; and age groups (0-17, 18-35, 36-59, 60+ years).

## 7. Victimization Surveys

### 7.1. The role of crime victimization surveys

#### Standard

Both international and EU standards strongly recommend the regular or periodic conduct of standardized and comparable crime victimization surveys as a complement to police-recorded statistics. These surveys should be government-led and should ideally be implemented by an independent National Statistical Office. International standards suggest that crime victimisation surveys should aim to produce both *prevalence* and *incidence* estimates of a number of key survey-based indicators. These include 12-month victimization by crime type for: household burglary; theft of vehicles; other theft; robbery; physical assault; and sexual offences.

#### Assessment

No crime victimisation survey and no corruption survey has been implemented by the Agency for Statistics of Bosnia and Herzegovina (BHAS) or the statistical agencies of FBiH and RS up to now.

The International Crime Victim Survey (ICVS) was carried out in BiH in 2001. A total of 1,950 respondents were interviewed in the Federation of BiH and the Republika Srpska. The fieldwork was carried out by telephone by PRISM Research, a Sarajevo-based research company. Gallup recently launched a multi-year survey project, *The Balkan Monitor*, which includes questions on trust placed in various institutions in the country (police, courts, government). In addition, the Early Warning Reports by UNDP and PRISM Research are carried out four times a year.<sup>45</sup> These reports, initiated in 2000, contain information on a number of indicators, including on public and personal security. Indicators include experiences of burglary, pick-pocketing, car theft, scam, blackmail, received police assistance, satisfaction with the police response, experiences of arrest without warrant, experiences of police abuse, confidence in the police and courts, and perception of corruption among the police and the courts (ibid, 83).

<sup>45</sup> <http://www.undp.ba/index.aspx?PID=21&RID=63>

## Annex I

Data recorded in the crime registry of the police in FBiH

1. progressive number
2. organisational unit submitting the report
3. date of submission
4. date of clearance
5. victim (name, address, damage)
6. to 11. data on suspect: name, personal security number, date and place of birth, address, occupation, whether the offender was a recidivist
12. criminal offence
- 13.-17. procedures based on the report (to which institution the report was sent, whether there was a request for additional information by the prosecutor, whether there was anything else requested by the prosecutor, whether the person was arrested, whether the person was submitted to the prosecutor)
18. whether an order of no investigation was issued
19. whether an order of stopping the investigation was issued
20. – 21. investigative measures by prosecutor and investigating judge
22. unique identifier
23. date of delivery of statistical form
24. final remark

## Annex II

List of data recorded in the crime registry of the police in RS

Progressive number assigned to the case  
Date and time of reporting  
Name of the reporting person  
Description of the case  
Type of offence (criminal offence or misdemeanor) – this is indicated after consultations with the public prosecutor  
Damaged parties (public or private property)  
Identity of perpetrator  
Address of perpetrator  
To whom the report was submitted  
Measures undertaken (report submission and unique identifier of the report, arrested persons, other measures)  
What happened with the report in the end  
Remarks

## Annex III

The following offence categories are reported in the periodic State of Security report of BiH:

- Economic crime and custom data about corruption and misuse
- Illicit production and trading of drugs
- Illegal arms trade
- Counterfeiting of money and other commodities
- Counterfeiting of documents
- Robbery
- Illegal production and trading with weapons of mass destruction
- Money laundering
- Terrorism
- Misuse of property rights
- Illegal work with and misuse of natural resources
- Cyber Crime

Annex IV

Form for recording appellate cases in the Prosecutor's Office of FBiH (KTZ)

The form consists of the following columns:

1. Progressive case number
2. Date when the case is received
3. Unique identifier and name of the court
4. Unique identifier of the first instance court, name of the first instance court, sanctions pronounced by the first instance decision and identifier of the first instance prosecutor
5. Name and family name of the convicted person
6. Criminal offence
7. to 12. Appeals: whether coming from the public prosecutor, the convicted person or from the victim
13. date the file was returned
14. how the public prosecutor solved the case
15. type of hearing held in the court
16. change of indictment
17. to 24. second instance decision: first instance decision changed because of violation of the criminal code, first instance decision confirmed, penalty increased, penalty decreased, security measure and asset seizure changed, annulled due to falsely established facts or serious violations of the criminal procedure code
25. records of any event/problem
26. remarks

Annex V

Court registry for criminal cases in FBiH. Data recorded include:

1. Date of submission and consecutive number
2. Unique identifier of the prosecutor handling the case
3. Name of suspect (either first and last name or name of legal entity)
4. to 5. Custody (when ordered and when stopped)
6. to 7. criminal offence (article and paragraph of the Criminal Code of FBiH or of other criminal codes)
8. economic violations by legal entities
9. indictment valid since
10. private complaint delivered to arbitration
11. short description of the report of arbitration
12. procedures stopped (article and paragraph of the law plus date)
13. indictment rejected (article and paragraph of the law plus date)
14. date of hearing
15. convictions
16. date: not guilty
17. date: indictment rejected
18. date: guilty
19. date: created
20. date: sent out
21. type and length/amount of the punishment
22. court reprimand (date)
23. suspended sentence (date)
24. security measure (paragraph of the law and duration):
25. if anyone appealed and when
26. if appeal rejected (date plus article and paragraph)
27. to 29. what happened to the first instance decision in the second instance proceeding
30. contents of the third instance decision

31. date of enforceability of the decision
32. length of proceedings
33. content of the decision on the request for repeated proceedings
34. content of the decision on the request for extraordinary examination of the enforceability of the decision
35. content of the decision on the request for protection of the principle of legality
36. content of the decision on the request for extraordinary mitigation of punishment
37. statistical form filled in and date
38. remarks

## Annex VI

Court registries used at the district level in RS:

- 1) "KTA" Information
  - 1) Serial Number
  - 2) Date
  - 3) Who is the person
  - 4) Content
  - 5) How should the case/subject be solved
  - 6) Subject obtained by the procedure of the appeal
  - 7) Participation at the procedure of the appeal
  - 8) Records of the appearance and problems
  - 9) Jail up to 3 days
  - 10) Notes
  
- 2) "KTN" Unknown Perpetrator
  - 1) Serial Number
  - 2) Date
  - 3) Who transfers the case
  - 4) Who submits the case
  - 5) Injured and the amount of the harm
  - 6) Criminal act and date when it was committed
  - 7) Initiated immediate measures
  - 8) Requirement of additional information
  - 9) Requirement of investigations
  - 10) Dropped criminal charges
  - 11) Out of these: because of statute of limitation
  - 12) Subject is in evidence until the offender is found
  - 13) Time of being in evidence
  - 14) Date when the offender was found
  - 15) Comment
  
- 3) "KTM" Juvenile Offenders
  - a) complaint /
    - 1) Serial Number
    - 2) Date
    - 3) Who delivers the complaint
    - 4) Who submits the complaint
  - i Indicated*
    - 5) Serial Number
    - 6) Name, date and location, address and employment
    - 7) Claimant
    - 8) Article and date of the execution
  - ii necessary explanation*
    - 9) Date to which it refers
    - 10) Date when information was obtained
  - iii rejection of the complaint*
    - 11) Child (under 14 years) – not criminally liable

- 12) Principle of Opportunity
  - 13) Article criminal law
  - 14) Other reason
  - b) preparatory measures
    - 15) Date for preparation for measures
    - 16) Date for initiating measures
    - 17) Date for additional requests
    - 18) Duration of the measures in days
  - c) Decisions about the measures
    - iv not initiated measures*
    - 19) Principle of Opportunity
    - 20) Article criminal law
    - 21) other reasons
    - 22) decision by the court
    - v Suggestion*
    - 23) fine/punishment
    - 24) institutional measures
    - 25) non-institutional measures
    - 27) Period of time from the complaint to the decision
  - d) Procedure according the court
    - 28) decision of the court
    - 29) Appeal, was there an appeal
    - 30) Date and kind of other appeals
    - 31) Later changes of the decisions
  - e) Other information about the procedure
    - 32) duration of jail
    - 33) temporary measures
    - 34) expertise and from whom
    - 35) information about the complaint
    - 36) interruption – data
  - f) recidivism
    - 37) former complaints as a child – how often
    - 38) former complaints as a teenager – how often
    - 39) former sanctions
    - 40) is already registered in this record
    - 41) Evidence of problems
    - 42) comments
- 4) “KT” Adult Offenders
- a) report of the criminal act
    - 1) Serial number
    - 2) Date of the report / Date when prosecutor was informed
    - 3) Applicant
    - 4) Id Number
    - 5) Information about the person (Name, date of birth, etc.)
    - 6) Legal person
    - 7) Injured party (name, etc..)
    - 8) Name of criminal act (article of the criminal law)
  - b) deprivation of liberty
    - 9) Date and time of deprivation of liberty
    - 10) was the suspect brought or not (date and time)
    - 11) name of the state institution that has decided to bring the person
    - 12) Data and time for the bringing
  - c) Starting assessment
    - 13) Date of the decision not to conduct an investigation
    - 14) Date of the received complaint for not doing an investigation
    - 15) Date when the decision was made to reject the complaint
    - 16) Date when the decision was made to conduct an investigation
  - d) reporting of a criminal act
    - 17) written or oral, date of the beginning of the investigation

- 18) Decision of the collegiums for supporting the investigation
- 19) Date of when the investigation should be finished
- 20) reasons for not using a certain criminal law
- 21) Date when the case was handed over to another prosecutor
- 22) Date when the case was taken over by the prosecutor
- e) Measures for protection of the suspected
  - 23) Date of the beginning and ending of the protection measures
  - 24) Date when a sponsorship was decided
  - 25) Date of the incarceration, beginning and end
  - 26) Date when the case was handed to the court
  - 27) Criminal act from the accusations that were confirmed by the criminal law
  - 28) Criminal act from the accusations that were rejected by the criminal law
  - 29) Date of the rejection of the accusation
  - 30) Date of a new accusation because of new evidence
  - 31) Date of the rejection of the accusation by the prosecutor
  - 32) Other
  - 33) Date of the suggestion of punishment
  - 34) Date when the suggestion was accepted
  - 35) Date when the suggestion was rejected
- g) procedure of the accusation
  - 37) Date of the statement of the defendant
  - 38) Date of the decision about the statement
  - 39) Date of acceptance of guilt
  - 40) Date of the imposition of sanctions
  - 41) Date of rejection of the acceptance of guilt
  - 42) Date of an agreement about the guilt
  - 43) Date of the rejection of an agreement about the guilt
- h) First level of decision
  - 45) judicial caution
  - 46) conditional sentence
  - 47) Fine
  - 48) prison sentence
  - 49) liberation
  - 50) rejection
  - 51) types of security measures
  - 52) confiscation of property used
  - 53) decision about the confiscation
  - 54) Date of the declaration of the judgement
- i) Appeal
  - 55) Date when the appeal was handed over to the prosecutor
  - 56) Date when the appeal was presented by the defendant and injured
  - 57) Disclaim of the appeal by the prosecutor, injured
  - 58) Basis for the appeal
  - 59) date and decision according the appeal
- j) Second level of decision
  - 60) date of the trial
  - 61) date when the decision was made
  - 62) date of presentation of the decision
  - 63) decision on the appeal
  - 64) Types of security measures
- k) Appeal towards the second level of decision
  - 65) Date and subject of the appeal
  - 66) Basis for the appeal
  - 67) date when the decision was made
  - 68) Date when the decision was presented
  - 69) Decision on the appeal
  - 70) common recidivism
  - 71) special recidivism
- l) Shift from fine to prison sentence
  - 72) Date of the decision



- 73) Date of the appeal
  - 74) decision of about the appeal
  - m) Shift from prison sentence to fine
    - 75) Date of the decision
    - 76) Date when the decision was presented
    - 77) decision about the appeal
  - 88) Comments
- 5) Court
- 1) Serial number
  - 2) base of the court
  - 3) character of the decision that should be refused
  - 4) Name of the defendant
  - 5) criminal act – economical approach
    - a) appellant
    - b) prosecutor
  - 6) defendant
  - 7) public
  - 8) private
  - 9) injured
  - 10) investigation
  - 11) public hearing
    - c) decision
    - d) appeal
  - 12) decision made
  - 13) decision rejected
  - 14) decision repealed
    - e) about the appeal
    - f) first level decision
    - g) commuted
    - h) repealed
    - i) sentence
  - 15) shorted
  - 16) extended
  - 17) declared level of security
  - 18) change of the judicial qualification
  - 19) important harm of the procedure
  - 20) “not allowed procedure”
  - 21) new evidence
  - 22) detention lifted
  - 23) remanded in custody
  - 24) decision presented
  - 25) Record returned
    - j) procedure on the third level
    - k) Decision on the second level
  - 26) Confirmed
  - 27) Commuted sentence
  - 28) Abolished
  - 29) Abolished according to the first and second level of decision
  - 30) Duration of the procedure
  - 31) Short content of the decision
  - 32) observation and movement of the documents

## Annex VII

Tables presented on the website of the Supreme Court of RS<sup>46</sup>

### *Table I: Distributed Cases in the court*

- a. Number of unsolved cases at the beginning of the year (I)
- b. Number of received cases during the year (II)
- c. Total number of cases during the year (III=I+II)
- d. Number of unsolved cases at the end of the year (IV)
- e. Period of time necessary for the elimination of unsolved cases (V=III-IV)
- f. Total number of old cases that are in the process of being solved (VII)
- g. Number of solved old cases (VIII)
- h. Number of unsolved old cases (IX=VII-VIII)

All the above cases are divided into: civil section, criminal section, administrative section.

### *Table II: Data about confirmed, transformed and cancelled decisions of the Supreme Court*

- a. Number of refused decisions (I)
- b. Number of confirmed decisions (II)
- c. Number of changed decisions (III)
- d. Number of "abolished" decisions (IV)
- e. Solved in another way (V)
- f. Number of judgments that were abolished and given back to the court again

All the above cases are divided into: civil section, criminal section, administrative section.

### *Table III: Data about decisions relating to complaints at the second level*

## Annex VIII

Standard form for reporting STRs and CTRs to the FID

### *Information on person under obligation to provide the information:*

- a) Name;
- b) Registration number;
- c) Address;
- d) Contact Person;
- e) Telephone;
- f) Fax;
- g) Email;
- h) Category of person under obligation as prescribed in article 4 of the Law (bank, insurance company, etc);
- i) Date of report;
- j) Number of pages (if in paper form).

### *General information on transaction:*

- a) Account number(s), if applicable;
- b) Transaction number(s), if applicable;
- c) Date and time of conducting transaction;
- d) Amount of the transaction and currency in which the transaction is being carried out;
- e) Manner of executing the transaction;
- f) Parties to the transaction;
- g) Whether the transaction has been conducted or if the person under obligation has declined to establish the business relationship or conduct the transaction.

### *Information on the client and those that are party to the transaction – natural person:*

- a) Surname;
- b) First Name;

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<sup>46</sup> See <http://www.vrhovnisudrs.com/HTML/cijeli%20izvjestaj%20za%202006.html>.

- c) Middle Initial or Patronymic;
- d) Personal identity number
- e) Citizenship

*Information on the client and those that are party to the transaction – legal person:*

- a) Name;
- b) Registration number;
- c) Domicile / permanent address.

In addition:

*Additional information on client and transaction:*

- a) Date of birth;
- b) Citizenship;
- c) Domicile / permanent address;
- d) Address;
- e) Telephone;
- f) Fax;
- g) Email;
- h) Profession, business activity, type of business;
- i) Place of business activity;
- j) Reasons for establishing a business relationship or conducting the transaction and information about the activities of the client;
- k) Purpose of the transaction and the name, surname and address or name of the company and seat of the person to whom the transaction is being directed;
- l) Name and surname or company and seat of the person sending the order in case of transfers from abroad;
- m) Information about the source of money or property that is subject of the transaction.

*Information on third persons involved in transaction (holder of power of attorney, payee, insured person, etc.) – natural person:*

- a) Surname;
- b) First Name;
- c) Middle Initial or Patronymic;
- d) Personal identity number;
- e) Date of birth;
- f) Citizenship;
- g) Domicile / permanent address;
- h) Telephone;
- i) Fax;
- j) Profession/Business Activity.

*Information on third persons involved (holder of power of attorney, payee, insured person, etc.) –legal person:*

- a) Name;
- b) Registration number;
- c) Domicile / permanent address;
- d) Telephone;
- e) Fax;
- f) Email.

*Description of the factual circumstances raising suspicion:*

(Free text)

*Description of suspicion (why are the factual circumstances suspicious):*

(Free text)

*Attachments*

- a) Identification documents (Passport, ID, etc)
- b) Account statement(s)
- c) Payment order(s)
- d) Other relevant documents

## Annex IX

Overview of all investigating activities of the FID (Table 3):

- a) Number of reports (on the commission of a criminal offence) submitted
- b) Number of reported persons
- c) Number of reported criminal offences
- d) Money laundering
- e) Tax evasion
- f) Abuse of office or duty
- g) Abuse of office in the economy
- h) Organised crime
- i) Smuggling of people
- j) Giving off and use of stock market secrets
- k) Forging official documents
- l) Forging and destroying business books and documents
- m) Forging documents
- n) Illicit trading
- o) Business fraud
- p) Illegal banking
- q) Credit fraud
- r) Causing insolvency
- s) Computer hacking
- t) False presentation
- u) Forging papers of value
- v) Number of arrested persons
- w) Searches conducted based on the Court of BiH orders
- x) Other activities based on the orders of the Court of BiH
- y) Activities based on the request of the Prosecutor's Office BiH
- z) Hearing witnesses
- aa) Examined suspects
- bb) Temporarily seized objects
- cc) Total amount of money suspected to be laundered
- dd) Proceeds from predicate criminal offences (material damage)
- ee) Number of temporarily blocked transactions
- ff) Total amount of temporarily blocked money.

Table 5

- a) Banks
- b) Post offices
- c) Stock markets
- d) Notaries
- e) Brokers
- f) Indirect taxation office
- g) Gambling houses
- h) Registry for the papers of value
- i) Car dealers
- j) Off shore zones
- k) Western Union
- l) Lotteries
- m) Microcredit organisations
- n) Agencies for privatisation
- o) Insurance
- p) Lawyers
- q) Exchange offices
- r) Other (except for banks).

Table 6:

- a) Suspicious transactions
- b) Cash transactions

- c) Connected transactions
- d) No-cash transactions
- e) Total.

#### Annex X

In the book of daily events the following data are recorded:

1. consecutive number;
2. Date;
3. Name and the family name of the person reporting the event;
4. Content of the report
5. Type of report: event
6. Type of report: criminal offence
7. Type of report: misdemeanour
8. Who is the victim – the state
9. Who is the victim - private
10. Family name, father's name and name of the perpetrator
11. Address where the perpetrator lives
12. To whom the report was submitted
13. Measures the BP has undertaken against the perpetrator: report submitted (date and number of the report)
14. Measures the BP has undertaken against the perpetrator: person arrested
15. Measures the BP has undertaken against the perpetrator: Other measures
16. How was the case solved
17. Remarks.

#### Annex XI

The following data are reported in the sheet "Overview of number and structure of reported misdemeanours and perpetrators":

1. Date and number of the (misdemeanour) report
2. Number of misdemeanours
3. Type of misdemeanours (in case of illegal migration respective paragraph of the law on the movement and stay of aliens and asylum)
4. Number of persons reported
5. Citizenship of the persons
6. Age group (18-20; 20-30; 30-40; 40-50; 50 years and more)

The following data are reported in the sheet "Persons discovered in an attempt to cross the state border illegally":

1. Consecutive number
2. Citizenship of the person
3. Caught on a border crossing (entry)
4. Caught outside of a border crossing (entry)
5. Total attempted illegal entries
6. Caught on a border crossing (exit)
7. Caught outside a border crossing (exit)
8. Total attempted illegal exits
9. Attempted illegal entry from Croatia
10. Attempted illegal entry from Serbia
11. Attempted illegal entry from Montenegro
12. Attempted illegal exit to Croatia
13. Attempted illegal exit to Serbia
14. Attempted illegal exit to Montenegro