



BOSNIA AND HERZEGOVINA  
THE COUNCIL OF MINISTERS

Working Group for Developing a Strategy for Countering Organized Crime  
in Bosnia and Herzegovina, 2023-2026

Strategy for Countering Organized Crime in Bosnia and Herzegovina, 2023-2026

# Strategy for Countering Organized Crime in Bosnia and Herzegovina 2023-2026

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## 1. INTRODUCTION

Organized crime represents one of the biggest, most dangerous and complex threats in the modern world, which directly threatens security and stability at the local, regional and international levels. It is a phenomenon that undermines the trust of citizens, the democratic system, economic development, as well as the institutions of each state. The effective fight against organized crime is one of the key priorities for Bosnia and Herzegovina in the process of accession to the European Union (EU), as stated in the Opinion of the European Commission on Bosnia and Herzegovina's application for EU membership.

The challenges and risks of organized crime in Bosnia and Herzegovina are no different from those faced by other countries in the modern world. As pointed out in the document Organized Crime Threat Assessment in Bosnia and Herzegovina 2021<sup>1</sup> (hereinafter: OCTA BiH 2021), organized crime manifests itself through various types of crime, from illicit drug manufacture and drug trafficking to arms trafficking, economic and property crime, corrupt activities, cybercrime, and other types of criminal offences. The structural factors that enable organized crime in Bosnia and Herzegovina have also been identified. The reinvestment of proceeds of crime distorts legitimate market competition and undermines the country's entire economic system. Organized criminal groups (hereinafter: OCG) constantly strive to infiltrate and take control of all significant structures of the state and society, in order to secure their illegally gained funds and avoid criminal prosecution.

It follows that the effective fight against organized crime requires the recognition of drivers and factors that favor/enable the development of this phenomenon at all levels. Accordingly, this strategic document describes the new and transformative approach of Bosnia and Herzegovina in the prevention of, and fight against, organized crime, and as such, it:

- Recognizes the challenges and scale of organized crime in Bosnia and Herzegovina, as well as the threat to stability and prosperity;
- Reflects the political will in the fight against organized crime as one of the key priorities;
- Proposes a new strategic framework for dealing with organized crime through a clear, unified vision, a whole society approach and integrated goals, measures and activities.

The Strategy is based on the latest Organized Crime Threat Assessment in Bosnia and Herzegovina 2021 and builds on the results of the implementation of the previous Strategy for Countering

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<sup>1</sup> The Council of Ministers adopted the Organized Crime Threat Assessment in Bosnia and Herzegovina 2021 at its 55th session, held on 25 August 2022.

Organized Crime (2017-2020). It also reflects international best practices and standards, including the European Union recommendations and the recently published United Nations Office on Drugs and Crime (UNODC) Organized Crime Strategy Toolkit for Developing High-Impact Strategies and the Guidelines of the Organization for Security and Cooperation in Europe (OSCE). It consists of five interconnected components: vision, mission, key strategic aims, measures and corresponding activities necessary for the implementation of these measures.



Significant support during the development of the Strategy was provided by UNODC, the EU Delegation/Office of the EU Special Representative in Bosnia and Herzegovina and the OSCE.

## 2. VISION

The fight against all forms of organized crime, while respecting the values of democracy, the rule of law principles, as well as the standards of human rights and fundamental freedoms for all, so that Bosnia and Herzegovina is safer for the life and work of all its people.

## 3. MISSION

Bosnia and Herzegovina will effectively fight against all forms of organized crime with all available capacities and in cooperation with the countries of the region and international organizations, including the modernization of the legal frameworks, institutions and capacities.

#### 4. PRINCIPLES OF THE STRATEGY

The principles for the development and implementation of the Bosnia and Herzegovina Strategy for Countering Organized Crime are as follows:

- The principle of political will – the active fight against organized crime is a priority activity of the institutions in Bosnia and Herzegovina;
- The principle of non-discrimination and respect for the freedoms and rights of citizens – the implementation of all human freedoms and rights of citizens in accordance with the Constitution of BiH and the Constitutions of the entities, as well as the laws and international legal standards, is guaranteed by the Strategy implementation activities;
- The principle of legality - respect for the Constitution and domestic laws, as well as the provisions of international agreements (international legal instruments) which Bosnia and Herzegovina signed;
- The principle of unified and global vision - the fight against organized crime is based on a unified and global perception of the problem;
- The principle of coordination and cooperation - the practices and procedures of the fight against organized crime will be based on the unique concept of cooperation between the public and private sectors, international organizations in Bosnia and Herzegovina, civil society and citizens;
- The principle of professionalism and compliance - the fight against organized crime implies continuous professional training, education and development of experts, as well as the exchange of experiences of best practices and contemporary achievements, and their compliance with preventive and repressive measures;
- The principle of proactive international cooperation - proactive cooperation in preparations for joining the European Union and ensuring the active role of Bosnia and Herzegovina at the international level;
- The principle of compliance with obligations in the implementation of the Strategy - implies the supervision of the implementation of the Strategy with the identification of the institutions responsible for the implementation of the Strategy and clearly defined obligations and planned deadlines, in which the supervision of the implementation of the Strategy is carried out. In accordance with that, the evaluation of possible corrective measures will be carried out;
- The principle of continuity and progressiveness - represents the continuation of systemic activities carried out in the fight against organized crime, which are of a permanent nature and will affirm all positive results;
- The principle of confidentiality - personal data resulting from specific activities will not be published, except in cases and under the conditions prescribed by the law;

- The principle of analysis - periodic analysis and assessment of achieved goals and measures taken;
- Participation of the public and private sectors and the civil society - which implies active cooperation of the public and private sectors, the civil society, international organizations and citizens;
- The principle of transparency and openness in the implementation of activities to suppress and prosecute organized crime to the extent that it enables the protection of the interests of investigation, the victims and human rights.

## 5. ORGANIZED CRIME IN BOSNIA AND HERZEGOVINA

### 5.1. Term and forms

An organized criminal group in the criminal legislation in Bosnia and Herzegovina is defined as “a group of three or more persons, existing for a certain period of time and acting in concert with the aim of perpetrating one or more criminal offences that under the law carry a punishment of imprisonment of three years or a more severe punishment, with the aim of acquiring property gain”.

It is estimated that a number of OCGs operate in Bosnia and Herzegovina, which are regionally connected to OCGs operating in the neighboring countries and beyond, mostly with OCGs in the Republic of Serbia, the Republic of Montenegro, the Republic of Croatia, the Republic of North Macedonia, the Republic of Albania and Kosovo<sup>2</sup>. OCGs have a very harmful impact on the economic development of Bosnia and Herzegovina. The basic method of their operation is the investment of large sums of illegally acquired money into legal flows, the so-called “money laundering”. In achieving their goals, OCGs use all available methods, including corruption, abuse of the media, the use of violence, etc.

Of the total number of documented criminal groups in BiH during the period 2018-2020, more than 90 percent of them are involved in illicit trade in drugs, economic crime, smuggling of people and property crime. The remaining number refers to OCGs involved in trafficking in firearms, cybercrime, human trafficking, the crimes of corruption, etc. These indicators should be taken with some reservation, because the largest number of OCGs are involved in a number of different types of criminal activity, which makes it difficult to show them in absolute numbers. For example, the most common activities combined with trafficking in narcotic drugs are: money laundering, trafficking in firearms, smuggling, illicit trade in excise goods, tax fraud, human trafficking, etc.<sup>3</sup>

<sup>2</sup> \* This designation is without prejudice to positions on status, and is in line with UN Security Council Resolution UN 1244/1999 and the Opinion of the International Court of Justice on Kosovo’s declaration of independence.

<sup>3</sup> Organized Crime Threat Assessment in Bosnia and Herzegovina, 2021.

The analysis of the data collected during the preparation of OCTA BiH 2021<sup>4</sup> established that a number of OCGs are carrying out their activities only within the territory of Bosnia and Herzegovina. On the other hand, OCGs from the wider Balkan region and beyond operate within the territory of Bosnia and Herzegovina. They have their branches here, through which they carry out numerous criminal activities. In the majority of cases, domestic citizens appear as executors, but as of recently, there is a trend for citizens of Bosnia and Herzegovina to appear also as organizers of certain stages of the perpetration of the activities of a larger crime ring that begins and ends outside of the territory of Bosnia and Herzegovina.

The complexity and nature of organized crime threats that Bosnia and Herzegovina is facing requires a strategic approach in the fight against this phenomenon, through a clear and unified vision, integrated goals, measures and activities.

## 5.2. Factors which contribute to the rise of organized crime

The main reason for the expansion of organized crime is certainly the possibility of making large and quick financial profits for members of OCGs. In addition, the inadequate legal framework, the socio-economic and socio-political situation, the high unemployment rate, corruption, the ownership structure and ownership transformation, the geopolitical situation in the region and beyond, the geographic location of the state, porous borders, inefficiency of classic methods of combating this type of crime, insufficient level of professional integrity in the institutions responsible for combating organized crime, abuse of modern technologies, etc. all contribute to the rise of this phenomenon, to a greater or lesser extent.

In terms of its geostrategic position, the area of Southeast Europe is located on important trade routes between Europe and Asia. At the same time, these routes are used for trafficking in firearms, narcotic drugs, and human trafficking, and they can also be used for the transit of terrorist groups and means for carrying out terrorist acts.

## 6. INSTITUTIONS, CAPACITIES AND MEANS FOR COMBATING ORGANIZED CRIME

### 6.1. Normative legal framework

Harmonization of the legal framework with the relevant international standards represents one of the key systemic prerequisites for an effective fight against organized crime. In the previous period, Bosnia and Herzegovina ratified the most important conventions related to the fight against organized crime. However, the 2021 European Commission Report on BiH states that the strategic

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<sup>4</sup> The data refers to the period 2018-2020.

documents have not been adequately implemented and that the legal framework for fighting organized crime is only partially harmonized with the EU acquis.

The previous practice of applying the normative legal framework showed that there is room and need for improvement of primary and secondary legislation, primarily for changes to substantive and procedural criminal legislation, and the *Law on the Prevention of Money Laundering and Financing of Terrorist Activities*.

Continuous harmonization of the legislative, institutional and regulatory frameworks for combating organized crime with the EU and other international standards represents one of the key measures foreseen in this Strategy. By fully implementing the provisions of international legal standards in this area, as well as by amending the current legislation in BiH, conditions will be created for more effective fight against all forms of organized crime.

## 6.2. Institutional framework for combating organized crime

The Council of Ministers of BiH, as the holder of executive power at the level of Bosnia and Herzegovina, and the holders of executive power at the level of the entities and the Brcko District of BiH, direct and coordinate the work of administrative bodies and supervise their work. The political will of the executive authorities and other bodies of the political system has a very important role in combating organized crime. The existence and persistence of political will, the adoption and implementation of appropriate regulations, as well as the strengthening of the authorities, that is, of the institutional framework and policy, are the necessary conditions for the successful implementation of the Strategy.

An effective fight against organized crime implies the active participation and contribution of judicial, police and other law enforcement institutions and agencies at all levels of government in Bosnia and Herzegovina responsible for the fight against organized crime, in accordance with the present legislation.

## 6.3. Capacities for combating organized crime

In order to build quality staff for the fight against organized crime, direct involvement in that work over many years and continuous training and development for various types of specialization are required, as well as resources and material and technical equipment for the agencies and institutions responsible for combating organized crime.

The specialization of personnel for the fight against organized crime requires a developed training system that enables the continuous acquisition of the necessary competences, and it is needed for the purpose of understanding the specifics of organized crime, improving the combating methods, investigation tactics and documenting modern forms of crime, applying special investigative



techniques, conducting financial investigations and effectively seizing and confiscating the proceeds of crime, implementing international standards, and developing regulations also in other areas.

Investing in modernization of infrastructure and equipment is a constant need, especially in terms of standardization and contemporary tendencies of the modern era, bearing in mind the systems and equipment used by organized criminal groups today. This enables the integration and quick reaction by all relevant institutions and bodies, and ensures a continuous and effective fight against organized crime.

A proactive approach in the fight against organized crime implies, among other things, coordination and the use of intelligence and operational data, as well as the information from strategic analyses (e.g. risk and threat assessments), improvement of knowledge, and enhanced cooperation of institutions and authorities.

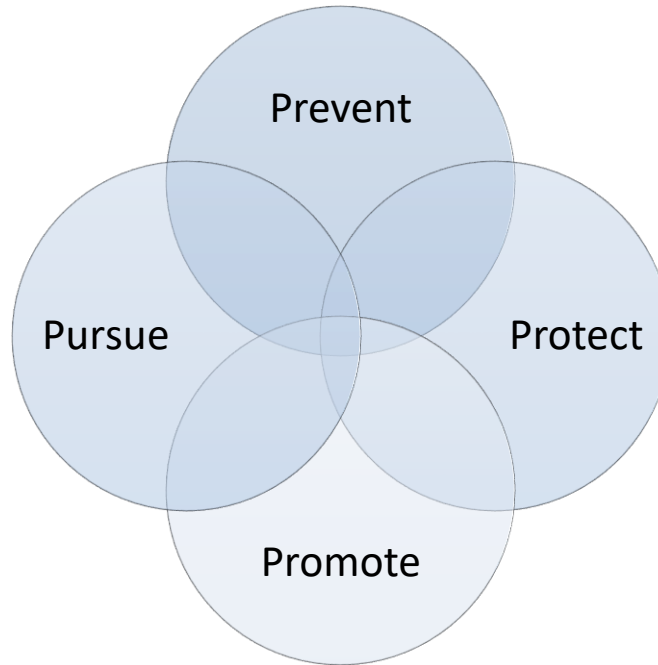
The preventive form of the fight against organized crime includes various activities that reduce the possibilities of committing criminal offences and improve social factors that prevent the emergence and development of organized crime, which requires the comprehensive engagement of the entire society. In addition, it contributes to informing and protecting victims of organized crime, which requires cooperation and connection of all actors of prevention at all levels.

## 7. KEY OBJECTIVES OF THE STRATEGY

The strategy, in accordance with international standards and recommendations, predicts possible trends and directions of the rise of organized crime over a longer period of time, and defines the corresponding key objectives and opportunities of institutions at all levels of government in Bosnia and Herzegovina for its prevention and reduction to the smallest extent possible. Also, the Strategy defines the policy, pathways and methodology of the state bodies in countering organized crime.

Key objectives of the Strategy:

1. Preventing organized crime in all its forms;
2. Detecting and prosecuting organized criminal groups
3. Protecting society and the economy from organized crime;
4. Promoting cooperation and partnerships in the field of fight against organized crime.



### Objective 1: Preventing organized crime in all its forms

This objective seeks to build and increase resilience against organized crime and reduce its infiltration into society.

#### Key measures:

1.1	Continuously detect and monitor new trends of recruitment into organized crime groups.
1.2	Continuously detect and monitor the existing and new methods of committing organized crime offences ( <i>modus operandi</i> ).
1.3	Strengthen the integrity and resilience of institutions against corruption which feeds organized crime.
1.4	Raise awareness of citizens, particularly young people, about the harms produced by organized crime for the purpose of reducing its ability to infiltrate society.

**Objective 2: Detecting and prosecuting organized crime groups**

This objective seeks to advance the investigations and prosecution of organized crime in BiH in order to fulfill the interests of justice and conduct fair judicial proceedings against members of organized criminal groups and those enabling their criminal activities.

**Key measures:**

2.1.	Harmonize the legislative, institutional and regulatory frameworks for the fight against organized crime with the EU and international standards at all levels of government.
2.2.	Develop a proactive and tailored response to specific forms of organized crime.
2.3.	Improve human and material-technical capacities of the institutions taking part in the fight against organized crime.

**Objective 3: Protecting society and the economy from organized crime**

This measure seeks to further build on the concept of resilience against the consequences of organized crime and its prevention, with a particular focus on the protection of the economy, human rights and the victims of organized crime.

**Key measures:**

3.1	Provide assistance, protection and support to the injured parties and victims of organized crime
3.2	Protect witnesses, investigative journalists and whistle blowers against OCG retaliation.
3.3	Protect judicial office holders, police officers and members of other law enforcement agencies and institutions.
3.4	Protect the basic human rights and freedoms of suspects, the accused and convicted persons.
3.5	Seize/confiscate criminal proceeds.

#### **Objective 4: Promoting cooperation and partnerships in the field of fight against organized crime**

This measure seeks to enhance dialogue and collaboration across different stakeholders and, where possible, societal sectors.

##### **Key measures:**

4.1	Boost cooperation among institutions and agencies in Bosnia and Herzegovina.
4.2	Improve continuously the cooperation at the regional and international levels.
4.3	Continuously cooperate with the media for the purpose of promoting results of suppression of organized crime.
4.4	Improve the cooperation between public institutions and the private sector and civil society.
4.5	Cooperate with scientific and academic organizations and institutions dealing with multi-disciplinary research of organized crime.

## 8. IMPLEMENTATION AND ACTION PLAN

The Working Group is responsible for supervising and monitoring the implementation of the Strategy, with the following basic tasks:

- Coordinating the implementation of activities provided for in the Strategy and Action Plans;
- Supervising and monitoring the implementation of the Strategy and its goals;
- Submitting a report to the Council of Ministers of Bosnia and Herzegovina on the implementation of the Strategy;
- Proposing the review of the Strategy when needed.

All law enforcement institutions and agencies, whose representatives participated in the work of the Working Group, will adopt their own Action Plans for the implementation of this Strategy no later than three months from the date of adoption of the Strategy by the Council of Ministers of Bosnia and Herzegovina. Action plans will necessarily contain the objectives, measures and activities defined in this Strategy, and they will specify the institutions in charge of the implementation of activities, deadlines, performance indicators and resources. Institutions and agencies will submit their reports on the implementation of this Strategy to the chairman of the Working Group on the form for reporting on the implementation of the Action Plan to Implement the Strategy for Countering Organized Crime in Bosnia and Herzegovina, 2023-2026, which also represents the Annex to this Strategy, no later than the end of February of next year for the reporting year.

The Working Group is obliged to submit a report to the BiH Council of Ministers on the implementation of the Strategy at least once a year, and more often if necessary.

In order to deliver against the strategic aims, the institutions will use the financial resources planned within their regular annual budgets and it will not be necessary to allocate additional financial resources from the budget of the institutions of Bosnia and Herzegovina.

The Working Group will coordinate the implementation of the Strategy in order to improve its interaction with other relevant strategies in areas such as: integrated border management, fight against corruption, fight against money laundering, suppression of human trafficking, suppression of trafficking in firearms and military equipment, fight against trafficking in drugs, migration and asylum, etc.

Depending on the identified needs, representatives of other domestic, regional and international institutions and organizations (UNODC, EU, OSCE, etc.) may attend the meetings of the Working Group during the period of the implementation of this Strategy.