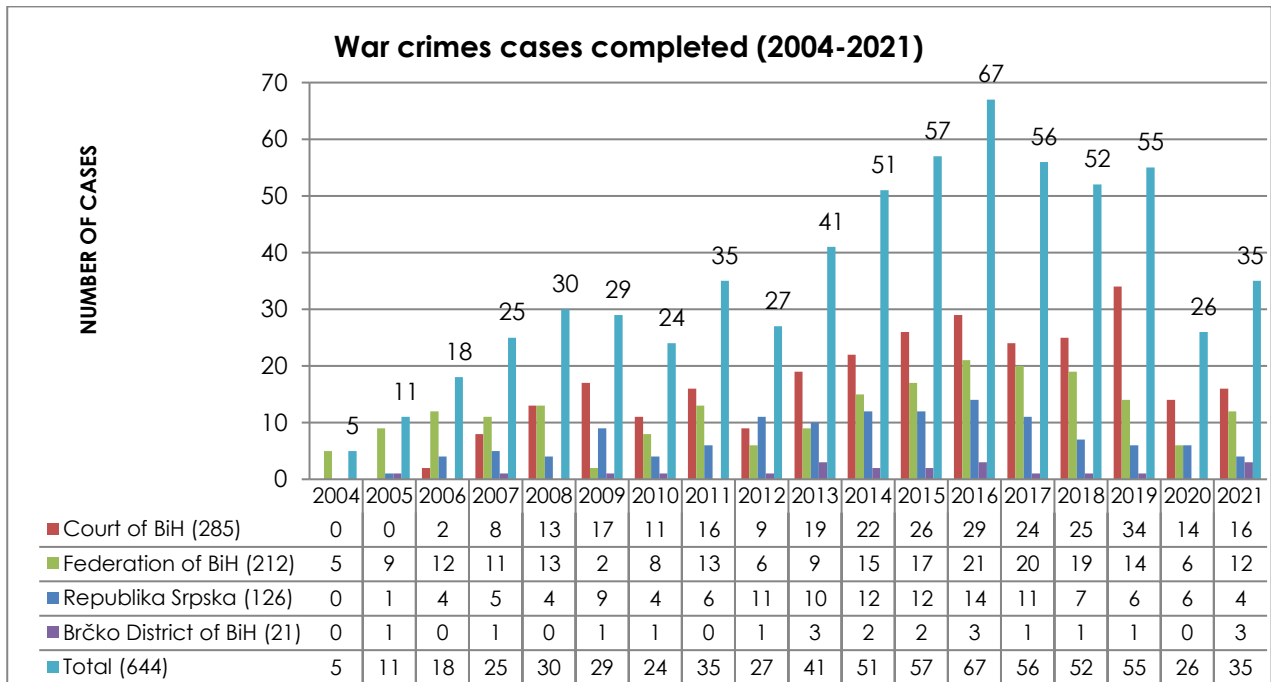


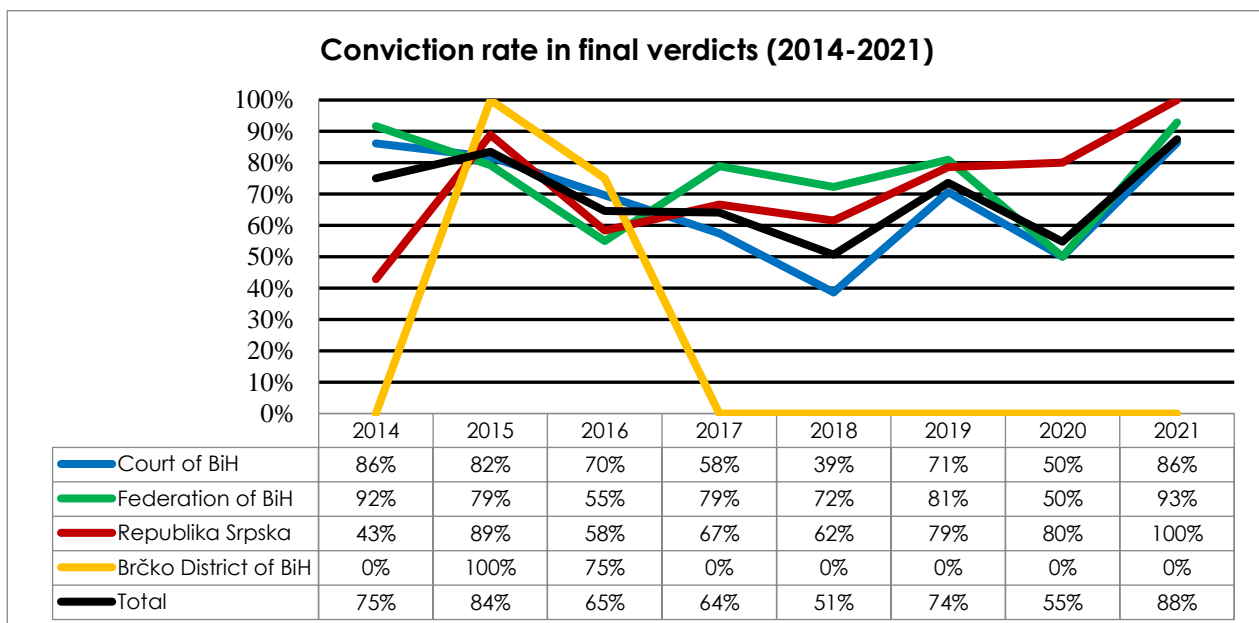
## War Crimes Case Processing in Bosnia and Herzegovina (2004 – 2021)

According to information available as of 30 June 2022

The OSCE Mission to Bosnia and Herzegovina (Mission) began monitoring war crimes case processing in Bosnia and Herzegovina (BiH) in 2004. By the end of 2021, **a total of 644 cases involving 978 defendants had been completed**. Despite this, at the end of 2021, 495 cases involving 4,284 known suspects remained to be processed. Recently, the Mission has observed a general decline in the case completion rate, from a high of 67 cases against 96 defendants in 2016 to 35 cases against 53 defendants in 2021.



The average number of final instance conviction rates in war crimes cases declined steadily from 75 per cent in 2014 to a low of 51 per cent in 2018. The conviction rate rose to 74 per cent in 2019, then dropped to 55 per cent in 2020, before increasing again in 2021 to 88 per cent.



In 2021, the Mission observed an **increase in the number of first instance verdicts rendered**, with 34 first instance verdicts rendered, compared to 20 in 2020. The number of **ongoing cases** at the end of 2021 (245) was slightly lower compared to the end of 2020 (253). Of these 245 cases, 10 were awaiting confirmation of the indictment; 81 were at the pre-plea stage; 25 were awaiting the start of the main trial; and 129 were on trial, retrial, or appeal.

### Ongoing Cases

(number of defendants shown in parentheses)

Court of BiH	Federation of BiH (FBiH)	Republika Srpska (RS)	Brčko District of BiH (Brčko District)	Total
134 (366)	68 (79)	38 (44)	5 (5)	245 (494)

**The unavailability of defendants to the courts**, usually because they are located abroad and cannot be extradited by law, creates a major obstacle to the processing of war crimes cases. **This issue affects approximately 38 per cent of war crimes cases** across BiH at all jurisdictional levels. Specifically, of the 245 cases in the post-indictment phase at the end of 2021, 100 defendants in a total of 94 cases were inaccessible to the relevant domestic court.

**The number of indictments confirmed on an annual basis has slowed significantly** since 2014 in all jurisdictions of BiH.

### Indictments Confirmed, 2014-2021

(number of defendants shown in parentheses)

Level	2014	2015	2016	2017	2018	2019	2020	2021
	Cases	Cases	Cases	Cases	Cases	Cases	Cases	Cases
Court of BiH	57 (116)	49 (132)	33 (85)	29 (65)	34 (97)	17 (39)	11 (28)	15 (38)
FBiH	20 (25)	20 (22)	21 (34)	13 (21)	11 (17)	13 (14)	3 (3)	11 (12)
RS	16 (25)	15 (18)	12 (17)	7 (15)	10 (13)	6 (6)	3 (4)	3 (3)
Brčko District	3 (4)	1 (1)	0	0	2 (2)	2 (3)	1 (1)	0
Total: 438	96 (170)	85 (173)	66 (136)	49 (101)	57 (129)	38 (62)	18 (36)	29 (53)

Of 1,192 cases transferred from the Court of BiH to courts in the entities and Brčko District since 2009, 622 were KTRZ cases, cases in which the criminal offence and perpetrator are known, approximately 58 per cent. **In 2021, of 209 cases transferred, only 25 were KTRZ cases, approximately 12 per cent.**

### Transferred Cases,<sup>1</sup> 2009-2021

Level	2009	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020	2021
FBiH	3	34	16	145	43	34	21	27	16	127	50	156	111
RS	3	10	8	71	15	9	11	4	7	38	24	93	79
Brčko District	0	1	1	1	0	0	0	0	1	2	1	11	19
Total: 1192	6	45	25	217	58	43	32	31	24	167	75	260	209

### Taken Over Cases,<sup>2</sup> 2009-2021

Level	2009	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020	2021
FBiH	2	5	19	42	29	11	4	22	7	5	1	0	2
RS	1	1	6	16	37	23	7	7	13	3	3	0	7
Brčko District	0	0	0	1	1	6	1	1	0	0	0	0	0
Total: 283	3	6	25	59	67	40	12	30	20	8	4	0	9

<sup>1</sup> "Transferred cases" refers to those cases transferred from the Court of BiH to be processed by entity-level and Brčko District courts, pursuant to Article 27/27a of the Criminal Procedure Code of BiH.

<sup>2</sup> "Taken over cases" refers to those cases taken from entity-level and Brčko District courts to be processed by the Court of BiH, pursuant to Article 449 of the Criminal Procedure Code of BiH.