[The Draft Law on Combating Corruption, Organized and Most Serious Forms of Economic Crime of the Republic of Srpska in the service of political persecution](http://ti-bih.org/nacrt-zakona-o-suzbijanju-korupcije-organizovanog-i-najtezih-oblika-privrednog-kriminala-republike-srpske-u-sluzbi-politickog-progona/" \o "Permalink to Nacrt Zakona o suzbijanju korupcije, organizovanog i najtežih oblika privrednog kriminala Republike Srpske u službi političkog progona)

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**Banja Luka, 19th October, 2015**. – Today the Committees of the National Assembly of the Republic of Srpska are going to receive the Draft Law on combating corruption, organized and the most serious forms of economic crime in the Republic of Srpska, aimed at creating the legal mechanisms for more efficient fight against corruption and the most serious forms of crime. The proponent is the working group of the ministry of Justice, composed of judges, prosecutors and judicial officials.

The main problem with the Draft Law is that it dramatically impinges on the basic human rights and freedoms, allowing thus prosecutorial authorities implement coercive actions which are directly contrary to the European Convention on Human Rights and Fundamental Freedoms and the legal regulation in BiH governing this field. Furthermore, the proponent’s intention to include in this Law the political crimes under the guise of protecting the constitutional order is completely unacceptable. This actually makes clear the real intention of the proponent to use the provisions of this Draft Law to fight against the regime opponents, using thus anti-constitutional means.

Transparency International in Bosnia and Herzegovina (TI BiH) submitted its comment regarding the controversial Draft Law to all parliamentary groups in the National Assembly of the Republic of Srpska since the proposed Draft Law is unacceptable for several reasons. First of all, in defining the competence of the Special Prosecutor’s Office the proponent predicted its responsibility for a series of so-called political crimes, such as bringing the Republic of Srpska into a subordinate or dependent position, and causing national, racial and religious hatred and intolerance, which actually deprives of any sense the basic purpose of the law enacted, and that is the more effective fight against corruption and organized crime. The Draft Law also gives excessive power to the prosecutorial investigators who will, among other things, have the right to arrest and keep a person up to 24h, but also the right to temporary restrict the movement to six hours the most. Such power, given to investigators, who would be allowed to arrest any person, i.e. “Individuals” as defined by the Draft Law, without obtaining the court warrant and the Prosecutor’s order first, represents the violation of basic human rights and freedoms and it is contrary to the Constitution of the Republic of Srpska and Bosnia and Herzegovina.

It is very dangerous that this Draft Law puts a number of political acts under the competence of the Special Prosecutor’s Office, since the Draft Law provides the prosecutorial investigator with the unconstitutional and undemocratic powers, which creates a legal basis for the potential political persecution or the persecution of the opponents. A Law which determines special powers and competencies in order to combat the corruption and organized crime must not be abused for political confrontations, and in this sense TI BiH urges Members of Parliament to prevent the adoption of controversial Draft Law which obviously intends to legalize the violation of human rights and freedoms.