

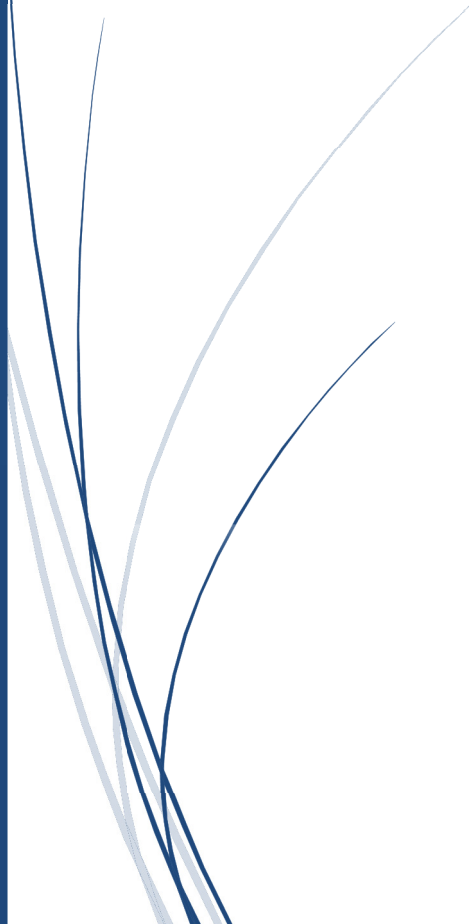


2014.

STATISTICS AND NARRATIVE ANNUAL REPORT

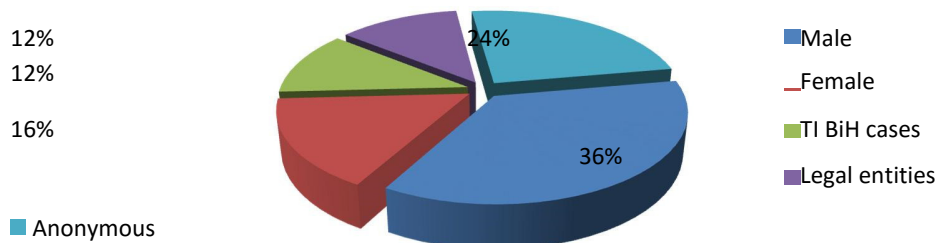
2014

Advocacy and Legal Advice Centres



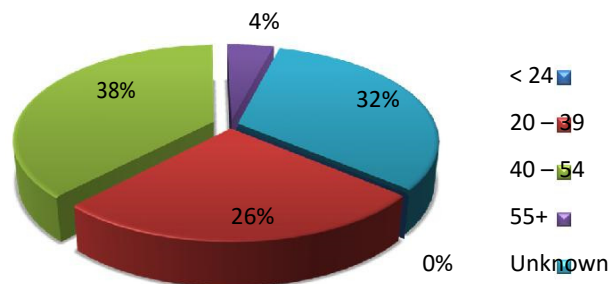
Gender of complainants	
Male	65
Female	29
TI BiH case	21
Legal entities	22
Anonymous	44
Total	181

Gender of complainants



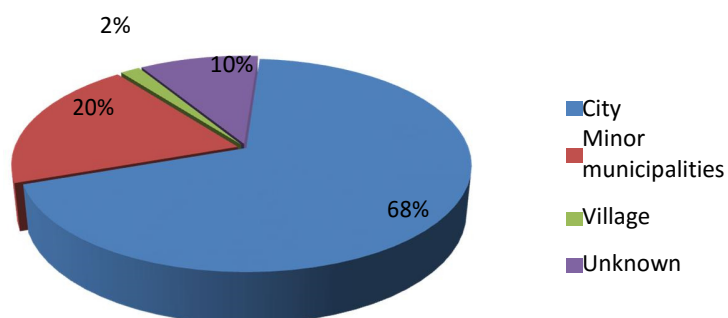
Age of complainants	
< 24	
20 - 39	47
40 - 54	68
+ 55	8
Unknown	58
Total	181

Age of complainants



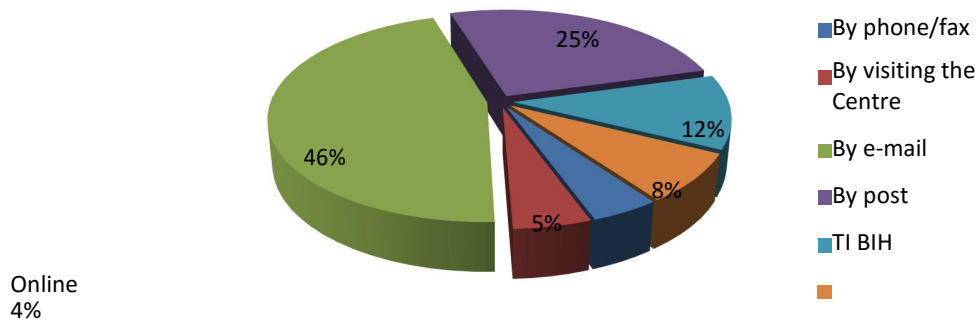
Location of citizen reports	
City	124
Minor municipalities	36
Village	3
Unknown	18
Total	181

Location of citizen reports



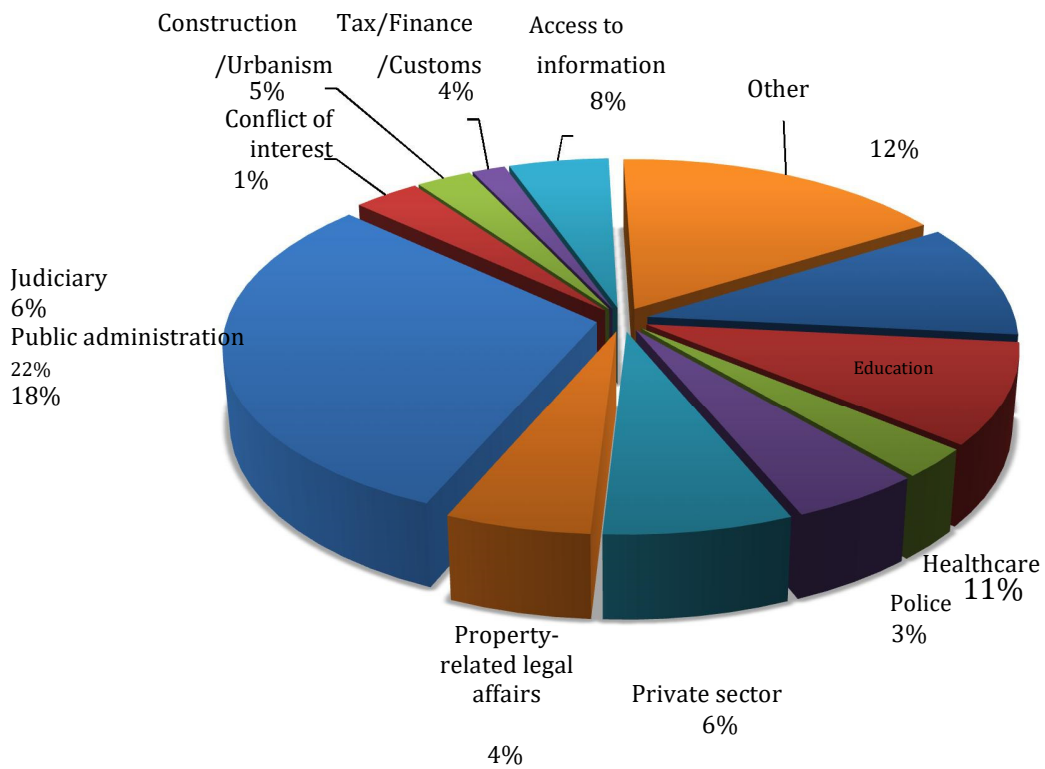
Method of receipt of citizen reports	
By phone/fax	8
By visiting the Centre	9
By E-mail (centar@ti-bih.org)	83
By post	46
TI BIH	21
Online (via website ti-bih.org and prijavikorupciju.org)	14
Total	181

Method of receipt



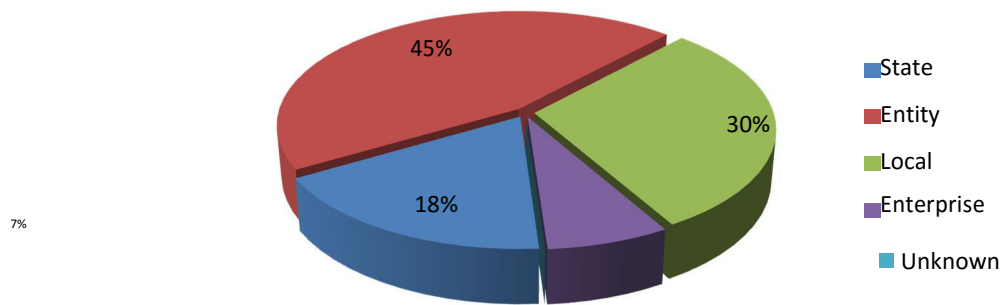
Citizens reports by sectors	
Judiciary	19
Education	17
Healthcare	5
Police	9
Private sector	13
Property-related legal affairs	10
Public administration	55
Conflict of interest	6
Construction/urbanism	5
Tax/finance/customs	3
Access to information	9
Other	30
Total	181

Reports by sectors



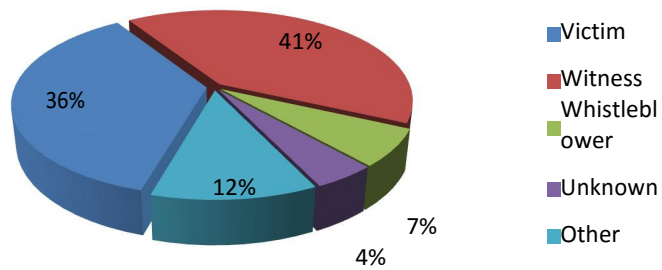
Citizen reports by level of jurisdiction	
State	32
Entity	82
Local	54
Enterprises	13
Unknown	
Total	181

Reports by level of jurisdiction



Status of complainants	
Victim	66
Witness	74
Whistleblower	12
Unknown	8
Other	21
Total	181

Status of complainants



Number of calls to the toll-free line: 0800 55555	1149
--	-------------

REPORTS BY SECTORS

JUDICIAL INSTITUTIONS (19 cases in 2014 or 10,4%)

COURTS (12 cases in 2014 or 6,6%)

In 2014 TI BiH received 12 cases referring to complaints against the work of basic/municipal and cantonal/district courts. The reports were mostly related to the duration of proceedings before the courts, failure of courts to act upon the parties' requests, untimely delivery of court decisions, and discontent of the parties with the court decisions. In the mentioned cases TI BiH advised parties on the way of invoking legal remedies, explained the manner in which the cases are resolved and how the parties may address the courts and urge the action. Also, in two cases TI BiH addressed the relevant courts to obtain information which was passed on to the parties. In 2014 there were two reports of the citizens related to the irregularities in the employment procedure carried out for the employment of the administration staff in two basic courts. TI BiH addressed the Basic Court in Banja Luka to investigate if this court acted according to the Recommendation provided by the Institution of Human Rights Ombudsman of Bosnia and Herzegovina delivered to the court in regard to one case. However, the court replied that it was not aware of the given recommendation at all, although it was provided the mentioned recommendation by TI BiH, as well as by the party whose case it referred to.

PROSECUTOR'S OFFICES (7 cases in 2014 or 3,8%)

Within ALAC project in 2014, Ti BiH received 7 reports related to the work of Prosecutor's Offices. Six reports referred to the failure of the Prosecutor's Offices to act upon the citizen reports or the fact that the Prosecutor's Offices delayed the case so it eventually resulted in statutes of limitations on criminal prosecutions or in adopting decision on not conducting the investigation. The 7th report was anonymously submitted by several prosecutors of the Prosecutor's Office of BiH who complained about the actions and work of the Chief Prosecutor of the Prosecutor's Office of BiH.

In 2014 TI BiH filed a lawsuit against the Prosecutor's Office of BiH for not allowing the access to information and proceedings in both cases are still pending. In this case TI BiH requested from the Prosecutor's Office of BiH information regarding the status of a certain war crime case, which according to the allegations provided by the report submitted to TI BiH has been delayed for several years since the suspects in the case are the officials of the Federation of BiH. The Prosecutor's Office of BiH refused to provide any information regarding this case, including the information, requested also by TI BiH, if the investigation had been initiated.

In 2014, just like during the previous years, TI BiH filed the third lawsuit against the Decision brought by the Cantonal Prosecutor's Office in Tuzla, due to the improper application of the Law on Free Access to Information, or to be more precise, for failing to submit the order for not conducting the investigation against Hasan Hodzic, the former director of Tuzla Prison. In this case, since 2010 the Cantonal Prosecutor's Office in Tuzla has been persistently avoiding to submit to TI BiH the copy of Order for not conducting the investigation against Hasan Hodzic, the former director of Tuzla Prison who has retired in the meantime. He was arrested in 2014 for the abuse of power and suspected of having taken money for employing prison guards.

Criminal charges against the police officer Zdjelar Nedeljko, employed with the Public Security Center 2 in Prijedor, were filed in 2014, due to a reasonable doubt that he committed a criminal act of Receiving bribe as prescribed by the Article 351 of the Criminal Code of the Republik of Srpska.

EDUCATION (17 cases in 2014 or 9,3%)

The number of citizen reports related to education decreased in 2014, which might be explained by the implementation of the Regulations on employment in elementary and high schools of the Republic of Srpska. Still most reports, with only a few exceptions, refer to the employment procedures in all educational institutions, from kindergartens, elementary and high schools up to universities. As for the elementary and high school education, citizens reported irregularities in the procedures for election of professors, and the same usually addressed TI BiH to be advised in regard to complaints filed against the employment procedure, and for the investigation of employment procedures – if they were conducted in accordance with the law. Due to these complaints, TI BiH addressed different education inspections 6 times in 2014 requesting the implementation of the control. In one case TI BiH sued the Republic Education Inspection for not delivering the report on conducted inspection on one high school of the Republic of Srpska. In fact, TI BiH requested delivery of the report to be sure that inspection control in that school had indeed been conducted and to see the conclusions made after the inspection, since the party that addressed TI BiH claimed that the inspection control has never been conducted.

TI BiH particularly points out to the case related to employing people in the kindergartens in Tuzla canton, or more precisely the public competition implemented by public institution Djecije obdaniste Zivinice which resulted in employing a professor of Bosnian language and literature instead of a childcare worker. The party addressed TI BiH asking it to investigate if the employment procedure had been carried out in accordance with the applicable regulations for this area, which TI BiH did and found that the Law on Pre-School Education of Tuzla Canton was not in accordance with the Framework Law on Education at the level of BiH for the same prescribes that all persons who have obtained bachelor degree in social sciences may work as associates in the pre-school institutions. The Framework Law clearly defines the profile of experts who are allowed to realize programs within the pre-school education while the Law on Pre-School Education of Tuzla Canton allows lawyers, economists, managers, professors of different subjects to stand “side by side” with teachers, speech therapists, psychologists etc. Regarding this contradiction TI BiH referred to the Ministry of education of Tuzla Canton believing that the same should be the initiator and the proponent of the amendments to the Law in order to prevent situations like the one in which the professor of Bosnian language and literature was hired instead of the pre-school teacher to work in kindergarten. However, the Ministry held the view that “the Law passed all necessary procedure prior its adoption as well as regular parliamentary procedure”. Deeming such attitude of the Ministry to be discouraging for all pre-school teachers of Tuzla Canton since it limits their access to employment guaranteed by the European Social Charter, TI BiH contacted the Institution of Human Rights Ombudsman of Bosnia and Herzegovina and requested the investigation of this case and, if necessary, the issuance of Recommendation provided by this Institution. The Institution of Ombudsman BiH issued a Recommendation which it submitted to the Ministry of Education of Tuzla Canton to take all measures within its jurisdiction in order to make the controversial Article of the Law on Pre-School Education of Tuzla Canton in compliance with the Framework Law of Bosnia and Herzegovina, and to adopt standards and norms for pre-school education as soon as possible.

EDUCATION (5 cases in 2014 or 2,7%)

During 2014 TI BiH received 5 reports related to the healthcare sector, which is less than last year. Most reports referred to irregularities in the work of certain healthcare institutions – poor working conditions for medical staff, “bid rigging” for procurement of medical supplies, non-disclosure of specialization competition etc. One case was about a doctor who was reported for sending patients from the public healthcare institution to a private one in which he occasionally worked. TI BiH submitted this report, with the prior consent of the complainant, to the relevant inspection but the inspector found no irregularities. TI BiH also received an anonymous report against a person having the unregistered dental practice. This complaint was also forwarded to the healthcare inspection which tried to investigate the case but failed to enter the facilities in which the alleged dental operations were performed.

It is also necessary to mention the case that took place in 2013 but had its epilogue in 2014, which included the complaints filed by the candidates for specialization program in the Federation of BiH, who complained about the method of selection of the candidates for specialization. Since there were no clear criteria for selection of trainees prescribed by healthcare institutions, the Commission for selection had the discretionary right to choose between all candidates, regardless of the fact if they met only a minimum of requirements or more than the prescribed ones, since the valid regulations did not oblige them to choose the candidate that meets more requirements than the defined minimum. For this reason, TI BiH addressed the Federal Ministry of Health on several occasions in 2013 suggesting to amend the existing regulations in a way to add the scoring of additional criteria so to achieve equality and encourage equal opportunities. In April 2014 TI BiH submitted a request to the Federal Ministry of Health to provide information if the Ministry had already taken some activities related to amending the mentioned regulations. The Federal Ministry of Health provided information that the Federal Minister of Health adopted Regulations on criteria for admission of trainees which clearly defines criteria and scoring system for the future trainees. Thus defined criteria leads to an equal and transparent selection of the future trainees, which makes this case a positive example of how the citizen reports and their cooperation with TI BiH may bring the amendments to the regulations and decisions which will improve the system and have long-term effects on all citizens.

POLICE (9 cases in 2014 or 4,9 %)

In 2014 there were 9 cases related to the work of police. Three of them referred to the work of the traffic police, particularly on requesting bribe from the citizens so not to impose any fine. TI BiH forwarded such reports to the relevant internal control, but the police officers have never been found responsible for such cases. One case included charges pressed against a commander of one police department who allegedly illegally issued firearms licenses, while one patrol of traffic police was reported for selective approach since they controlled and fined the “ordinary” citizens, while they let go certain local officials with no control or fine although they violated traffic regulation.

Other citizen reports refer to the lack of action by the police upon the citizen reports, as well as to the unprofessional behaviour of police officers towards citizens, which includes the derogation of importance of some citizens report, mockery etc.

During 2014 TI BiH filed 18 citizen reports to the relevant police stations all over Bosnia and Herzegovina, 16 of which referred to the alleged abuse of the humanitarian aid distribution and issuance of electronic payment cards to BiH citizens who suffered floods in May 2014. Most citizen reports were forwarded by the relevant police stations to the Prosecutor's Offices, and TI BiH received the feedback from the Police department in Doboj that the Prosecutor's Office was submitted a report on the committed criminal offence of the abuse of power for delivering the electronic card to a person whose facilities were not flooded. Of two remaining reports, one referred to the illegal transcript of vehicle ownership, while the other included fraud regarding he employment and promise about the same in the Healthcare Center in Tuzla made by a nurse employed there. TI BiH heard from the media that the Ministry of Internal Affairs of Tuzla Canton arrested the nurse and submitted the report on the committed criminal offense to the relevant Prosecutor's Office.

PRIVATE SECTOR (14 cases in 2014 or 7,7%)

In 2014 TI BiH received 14 cases related to the illegal activities in the work of private or privatized companies and associations. It is important to emphasize that all reports are different and even different complainants filed them. So, this category included reports made by the employees whose employers have not paid the contributions to them or have not regularly employed them, then the reports of the employees referring to the inspection organs who were afraid to conduct control of certain employers, the reports of the employees on the abuses of office in regard to operations of the director, etc.

PROPERTY-RELATED LEGAL (10 cases in 2014 or 5,5%)

TI BiH received 10 cases referring to the property-related and legal issues that the citizens were forced to face. In most cases the citizens requested information regarding the court procedures, specifically the duration of those procedures, drafting of court pleadings, the phases of court proceeding etc. The citizens also requested information from TI BiH related to the way of achieving the right to retirement, compensation of damage, termination of employment contracts, probate proceeding, disposal of real estate etc. Although such cases do not constitute the issues TI BiH usually deals with, the parties regularly obtained legal advice, such as, how to collect its claims, what competent authority to address etc.

PUBLIC ADMINISTRATION (55 cases in 2014 or 30,3%)
--

By far the highest number of reported cases in 2014, as in previous years, was related to the sector of public administration. This includes all complaints against every institution in BiH at all levels of government, state, entity, local, as well as the complaints against the public companies and institutions. The highest number of complaints refers to the irregularities during the employment

procedure, i.e. to improperly conducted competition procedures for all civil servants at all levels of government, and employment of people in public companies and institutions.

The number of citizen reports related to the “administrative silence” of the municipal, cantonal and state administration organs is also significant. In such cases TI BiH addressed different public organs and reported the mentioned actions of their employees to the managers or the Institution of Ombudsman. There is a significant number of reports in 2014 related to the irregularities in the work of public companies and institutions. The thing characteristic for most reports is that they are submitted by the employees of the companies or institutions, i.e. whistleblowers, and usually the subject of reporting is public procurement procedure or direct agreement with bidders.

Having in mind that BiH was hit by natural disaster - floods and landslides - in 2014, TI BiH provided legal assistance to the citizens of BiH who suffered this disaster, and received over 500 reports related to the irregularities in distribution of the humanitarian aid and inventory of damage. Reports referred to the work of municipal commissions doing the inventory of damage and making lists based on which the citizens were allocated the humanitarian aid.

2014 was the election year in BiH, and TI BiH submitted a complaint to the Central Election Commission of BiH against SDP for using the public company Autoceste FBiH for the promotion of the election campaign.

CONFLICT OF INTEREST (6 cases in 2014 or 3,3%)

Six cases are related to the area of conflict of interest of the public officials. Citizens usually address TI BiH asking if a certain situation in which the public official found himself is a conflict of interest. TI BiH investigated the allegations of the parties and provided answers, and in most cases asked for additional information from the parties since the initial reports were not enough to conclude if the reported persons were in conflict of interest.

ACCESS TO INFORMATION (9 cases in 2014 or 4,9%)

During 2014 TI BiH had 9 cases related to the implementation of the Law on Free Access to Information. Usually the citizens reported that they were forbidden the access to information by the public authority, or more precisely that the public authorities ignored their requests, i.e. that these are the typical examples of administrative silence. Due to such reports TI BiH addressed public authorities and requested information on behalf of the parties, referring to the Law on Free Access to Information. After receiving the requested information, they were forwarded to the parties.

In 2014, TI BiH was receiving inquiries by which the parties asked for a legal advice regarding the implementation of the Law on Free Access to Information. TI BiH responded to such inquiries on regular basis, and provided help to the parties in writing complaints and lawsuits in cases of violating the Law on Free Access to Information. It is important to emphasize that TI BiH also received telephone calls and e-mails from officials in different institutions who asked for help in interpreting the provision of the Law. TI BiH also addresses various institutions on daily basis using the Law on Free Access to Information not only for these cases but all other areas as well.

In 2014 TI BiH filed 32 lawsuits to the relevant courts for the violation of the provisions of the Law on Free Access to Information. There were 22 lawsuits submitted against institutions at all levels of government in Bosnia and Herzegovina, related to the refusal of public authorities to submit temporary service contracts concluded in 2012 and 2013 due to the protection of the privacy prescribed by the Article 8 of the Law on Free Access to Information and protection of personal data specified by the Law on Protection of Personal Data. All disputes have one thing in common – denial of access to information automatically without conducting the test of public interest first. Specifically the following institutions were sued – 5 institutions at the level of Bosnia and Herzegovina (Central Bank of BiH, Indirect Taxation Authority, Deposit Insurance Agency, State Investigation and Protection Agency and Ministry of Justice of BiH), 3 institutions at the level of the Republic of Srpska (Ministry of Education and Culture, Republic Administration for Geodetic and Property Affairs and Ministry of Internal Affairs), 2 institutions at the level of FBiH (Federal Ministry for Issues of Veterans and Disabled Veterans of the Defensive-Liberation War and Agency for Quality and Accreditation of Healthcare), 5 institutions at the level of cantons in FBiH (Ministry of Education of the West Herzegovina Canton, Ministry of Housing Politics, Ministry of Labour, Ministry of Internal Affairs and Ministry of Physical Planning of Sarajevo Canton), 5 local communities in the Republic of Srpska (Municipality of Brod, Municipality of Prnjavor, Municipality of Berkovici, Municipality of Milici and City of Banja Luka), 2 local communities in the Federation of BiH (Municipality of Ilidza and Municipality of Novi Grad Sarajevo).

Of the remaining 10 lawsuits, 7 were submitted for the violation of other articles of the Law on Free Access to Information, while 3 were filed due to the administrative silence. Two cases of administrative silence had the court epilogue by adopting the decision on termination of the proceeding since the institutions during the court proceeding brought decisions approving the access to information, while the third case has not been resolved yet.

In 2014, TI BiH received 11 verdicts referring to previously filed lawsuits (starting in 2008), 6 of which were enacted on behalf of Transparency International – i.e. the courts adopted claims of the organization, while in 5 verdicts the claims of the Transparency International BiH were refused. Legal remedies against these verdicts have been submitted to the second-instance courts and all proceedings are still pending.

CONSTRUCTION-URBANISM (5 cases in 2014 or 2,7%)

In 2014 TI BiH received 5 cases related to complaints against the work of units of local self-government for the lack of issuance or issuance of different permits (for example, building permit or use permit) to legal entities or natural persons not meeting or meeting the requirements prescribed by regulations. Cases in this category refer to the irregularities related to the work of municipal services in regard to issuing documentation in the field of spatial planning, whether it is about tolerating illegal construction despite reports of injured parties or it is a deliberate ignorance of municipal services for spatial planning to act in accordance with decisions adopted by the second-instance organs or verdicts enacted by courts.

BiH particularly emphasizes the case of investor who illegally built residential and commercial building on a part of parcel owned by the party that addressed TI BiH. The party is a Serb returnee to Sarajevo who has been fighting against the administration of the Municipality of Sarajevo Center for years in order to make the Municipality issue the decision on demolishing the illegal building. Finally in 2008 the Municipality issued a decision on demolishing the building but the investor refused to do it, and the Municipality denied to find the authorized construction company that would carry out the demolition at the expense of investor. The party submitted to the Municipality several dozens of requests but it only encountered administrative silence until TI BiH addressed the Municipality. However, the Municipality continued to act in the same way, and it even ignored the requests of TI BiH which is why the party was advised to initiate a dispute for protection of constitutionally guaranteed rights and freedom before the competent court, and the legal adviser of TI BiH wrote this request on behalf of the party. The court adopted the request and ordered to the competent official of the Municipality to issue an order on demolition of the controversial building within 15 days under the threat of paying the fine. The controversial building was actually pulled down in the given period, 6 years after the decision of demolition was adopted, and 10 years after the party submitted the first request to the Municipality. The party sent a thank you letter to TI BiH for its engagement with a note that without TI BiH's legal assistance the problem would be never solved.

TAX-FINANCE-CUSTOMS (3 cases in 2014 or 1,6%)

The least cases are related to the field of taxation, finances and customs. One report refers to the customs officer who asked for a bribe from a citizen and this report has been forwarded to the competent state bodies, while the other two refer to the ignorance of payment of state taxes by private companies and both have been sent to the relevant bodies. In one case the relevant inspection bodies have determined irregularities and ordered certain measures to be taken against the business entities, while in the second case they have not determined any irregularities regarding tax returns. Considering that TI BiH does not have enough staff capacity to deal with this issue, the parties were provided legal assistance and directed whom to address, or TI BiH forwarded the citizen reports to competent institutions.

OTHERS (30 cases in 2014 or 16,5%)

The number of reports in this category almost doubled compared to last year, and reasons for this can be found in the fact that 2014 was election year in which TI BiH initiated a lot of its own cases, but also due to the natural disasters for which TI BiH addressed the relevant institutions on several occasions. Specifically, TI BiH initiated 21 cases. The other cases referred to different inquiries and proposals of citizens, which cannot be classified in any of the aforementioned categories. These are inquiries related to payment of utility duties, management of communities of flat owners, establishment of NGOs, proposals for the amendments to the laws, different initiatives of citizens for resolution of different social problems etc. In most cases, TI BiH replied to the citizens' inquiries in a form of a legal advice or it directed citizens to the competent institutions.

STATISTICS

In 2014 TI BiH submitted **1600** official letters to the relevant institutions, of which **1416** were sent in the context of the Investigation of the implementation of the Law on Free Access to Information in 2014, while **244** official letters were submitted during regular activities of the Center. **115** official letters were sent to the parties (legal assistance and different notifications), and **32** lawsuits to the competent courts. There were **1149** calls regarding the report of corruption received via toll-free line 0800 55555, and **2515** e-mails obtained via e-mail address centar@ti-bih.org.