

2022



ADVOCACY AND LEGAL ADVICE CENTRE

2022 Annual Report



SUMMARY

The Advocacy and Legal Advice Centre (ALAC) of Transparency International in Bosnia and Herzegovina (TI BiH) was founded in late 2003 with the aim of providing free legal aid to individuals and legal entities. ALAC's mission is to provide practical and useful legal advice to all individuals who seek assistance from TI BiH, as well as to monitor the work and performance of competent institutions, particularly in cases involving corruption. Citizens are thus provided with alternative avenues for fighting corruption as well as access to all available means of legal redress. Active monitoring of the work of the acting authorities ensures that no unlawful and self-willed behaviour goes unnoticed.

ALAC also seeks to identify appropriate institutional reforms and better legislative solutions in the sphere of anti-corruption policy, working in collaboration with government representatives, prioritising the objections and suggestions regarding the work of institutions that it receives from citizens on a daily basis. Legal aid empowers victims of corruption to exercise and protect their rights that have been endangered as a result of corruption.

In 2022, ALAC handled a total of **302** new cases, a 14% increase over the previous year. Of those, **13** were initiated by ALAC, and the remaining **289** were cases in which ALAC acted in response to citizen reports/complaints. The toll-free telephone line 0800 55555 received a total of **1,561** calls from citizens seeking legal aid and reporting corruption. Also, court rulings from all jurisdictions in the country regarding access to information were continuously published on the official website www.ti-bih.org.

In the context of administrative litigation, in 2022, ALAC brought **22** administrative lawsuits for violations of the Freedom of Access to Information Law – 21 lawsuits initiated in recent years were won by ALAC, and in **three** lawsuits, requests for extraordinary review of court decisions were rejected by second-instance courts, after which further legal remedies were pursued. Thanks to those lawsuits, BiH citizens and investigative journalists gained access to a broad range of information that had previously been withheld from them.

As in previous years, the largest number of reports in 2022, a total of **137**, concerned the public administration sector, primarily regarding irregularities in civil service recruitments at all levels of government, recruitments in public enterprises and public institutions, failure of inspection authorities to follow up on citizens' complaints, and an increasing trend of annulments of job competition procedures in public enterprises and institutions, aimed at preventing top-ranked candidates from being selected. Also, importantly, in 2021, TI BiH received 32 reports of potential conflicts of interest and incompatibilities, 15 of which were passed on to the competent authorities for further verification and follow-up.

In terms of the distribution of persons reporting corruption, the largest proportion of them (47%) witnessed corrupt activities, while 35.4% were directly affected by corruption and have the status of victims. Those classified as whistleblowers made up 12.25% of the total, a modest increase from the previous year. The highest proportion of corruption reports comes from major cities – as much as 48%. As concerns the method of receipt, electronic submission of reports prevails with 64.9%.

In response to ALAC's reports regarding human rights violations, the BiH Institution of the Human Rights Ombudsman issued three recommendations. In their first recommendation, given to *Elektroprenos BiH*, the ombudsmen took the position that information on the amount of remuneration of the director and members of the supervisory board of this enterprise cannot be subject to disclosure exemption, even after the public interest test has been carried out. The second recommendation instructed the RS Administrative Inspection to exercise its authorities established under the RS Law on the Administrative Inspection during inspections in connection with the application of the RS Freedom of Access to Information Law. The third recommendation ordered the RS Ministry of Transport and Communications to respond to TI BiH's complaint regarding the denial of access to the concession agreement for the construction of the Banja Luka-Prijedor motorway.

Number of new cases	302
Number of cases initiated by TI BiH	13
Total number of written legal advice provided	141
Total number of letters sent by ALAC to institutions in BiH	475

NUMBER OF CALLS RECEIVED VIA 0800 55555	1561
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Reporters of corruption, by sex	
Male	111
Female	59
TI BiH's own cases	13
Legal entities	13
Anonymous	106
In total	302

Reporters of corruption, by age	
< 24	6
24-39	62
40-54	103
+55	24
Unknown	107
In total	302

Reporters of corruption, by type of settlement	
Urban	145
Suburban	143
Rural	14
Unknown	
Total	302

Corruption reports, by method of receipt	
Phone/Fax	3
Personal visit to the Centre	6
E-mail	196
Post	76
TI BiH's own cases	13
Online form	8
Total	302

Corruption reports, by sector	
Judiciary	29
Education	21
Health care	14
Police	4
Private sector	10
Property	0
Public administration	137
Conflict of interest	32
Construction/urban planning	6

Taxes/Finance/Customs	1
Access to information	10
Elections	3
Other	35
In total	302

Corruption reports, by level of jurisdiction	
State	33
Entity	128
Cantonal	48
Local	93
Unknown	
In total	302

Reporters of corruption, by status	
Victim	107
Witness	142
Whistleblower	37
Unknown	3
Other (TI BiH)	13
In total	302

Reporters of corruption, by level of awareness	
High	71
Medium	189
Basic	42
Undefined	
In total	302

SUMMARY OF CASES BY SECTORS

JUDICIARY (29 CASES IN 2022)

In 2022, TI BiH handled 29 cases relating to the work of judicial institutions and the actions of judicial officeholders. The complaints mainly concerned the length of court proceedings, delegation of cases to other courts without notifying the parties and parties' dissatisfaction with court decisions. TI BiH gave advice to parties on how to pursue legal remedies, and explained how cases are resolved and how parties can turn to courts and urge them to follow up.

In 2022, TI BiH conducted a survey into the level of transparency of judicial institutions and found that the courts and prosecutors' offices in BiH had failed to respond within the statutory deadline to nearly half of the requests for access to information received, that they responded differently to CSOs' and citizens' requests, and that they were noticeably less likely to respond to media enquiries, all of which point to a concerning practice of differential treatment based on the applicant's profile. The survey also revealed that judicial institutions make their annual work plans public, but just half do so for their annual activity reports. Furthermore, of the 74 monitored courts, only one has made its annual budget publicly available, and even that budget has not been updated, indicating a lack of financial transparency.

The Court of BiH proved to be the most opaque. Specifically, it denied access to information on two occasions without justification, and issued the decision in the legally required form only after the intervention of the BiH Administrative Inspectorate. TI BiH filed a lawsuit against the RS Supreme Court for refusing to

deliver photocopies of final judgements rendered in cases involving corruption-related criminal offences in 2020 and 2021.

In response to TI BiH's report, the RS Administrative Inspection found that Branislav Zeljković, former director of the RS Institute of Public Health, had been illegally employed as an expert advisor in the RS Civil Protection Administration (RS CPA) in 2022, and ordered the RS CPA's head, Milan Novitović, to terminate his employment contract. Instead of complying with the inspector's order, Novitović altered the provisions of the internal staffing regulation to allow Zeljković, as well as his deputy Nenad Ćuk, who also did not meet the requirements because he is a graduate economist, to remain in position. For non-compliance with the orders of the administrative inspectors, misdeemeanour charges were initially brought against Milan Novitović, followed by criminal charges brought by the competent prosecutor's office.

After 12 years of waiting, the Sarajevo Canton Prosecutor's Office issued an order not to pursue investigation against the former FBiH Minister of Energy, Mining and Industry, Vahid Hećo. As far back as 2010, TI BiH filed a criminal complaint against Minister Hećo for misusing the "It's Not Too Late for a Better Life" campaign, which was paid BAM 233,000 from taxpayers' money before the 2010 election. The actual purpose of the campaign was to promote the Party for BiH, to which the then minister belonged. Information regarding who financed the campaign was kept hidden for a long time, as the official response of the Government and the Ministry was that it was not financed with their funds. The Prosecutor's Office did not act in this case for the first five years after the complaint was filed, as evidenced by the case number, which was not assigned until 2015.

Following our complaint, the Chief Prosecutor of the Sarajevo Canton Cantonal Prosecutor's Office revoked the Order not to pursue investigation in the case against the Oriental Institute of the University of Sarajevo and its director for the criminal offence of Lack of Commitment in Office, and ordered the acting prosecutor to gather additional information and evidence. The complaint stated that the candidates for the post of Professional Associate Librarian at the Oriental Institute had not been notified of the results of the job competition for a full nine months, in breach of the Sarajevo Canton Law on Scientific and Research Activities. Participants in the competition were put in an unenviable legal situation, having their right to seek legal redress and have the selection reviewed denied. Furthermore, their right to work in the public service, which is guaranteed by international conventions integrated into the BiH Constitution, was compromised.

In early 2022, the Travnik Municipal Court confirmed the indictment of the Central Bosnia Canton Prosecutor's Office against Jasna Babić, director of the public utility company "Vitkom" LLC Vitez, for the criminal offence of document forgery. TI BiH filed a criminal complaint against Jasna Babić as far back as 2019 because, in preparing documentation for the competition for the selection and appointment of the director of "Vitkom" LLC Vitez, she forged a document, stating that she was not an elected official, executive officeholder or adviser in terms of the Law on Conflict of Interest in the Institutions of FBiH, despite the fact that she was a councillor in the Vitez Municipal Council at the time. Jasna Babić used the forged document in the process of selection and appointment to the post of director in the "Vitkom" LLC Vitez.

EDUCATION (21 CASES IN 2022)

A total of 21 cases concerned the education sector, specifically corrupt activities in preschools and primary and secondary schools. The majority of the reports concerned unlawful recruitments of teaching staff in primary and secondary schools. The new RS Law on Primary Education, the RS Law Amending the Law on Preschool Education and the new Sarajevo Canton Law on Higher Education were adopted in 2022. As the draft laws in question were adopted, TI BiH analysed them and submitted comments to the relevant institutions, all with the aim of eliminating corruption risks and drawing attention to the provisions of the legislation that we believed may be disputed when used in practice.

One of the cases that attracted special public attention was the competition at the "Georgi Stojkov Rakovski" Primary School, following which teacher Neda Mičić sent an open letter to the media detailing all the illegalities of the competition in which she participated. Specifically, after the publication of the ranking list, in which she was ranked second, she discovered an error in the calculation of points and filed a complaint with the school board. The school board accepted the complaint and published a new ranking list, in which Neda Mičić was ranked first. However, the candidate who had previously been ranked first filed a complaint

with the Education Inspectorate, claiming that the School Board's decision was to her detriment. In response to the complaint, the educational inspector ordered the school director to reverse the decision that hired Neda Mičić and to repeat the exam. It is important to note that during the first exam, Neda Mičić received the highest number of points of 4, while the candidate who sent the report to the inspection received only 0.10 points. Neda Mičić decided to seek legal recourse to protect her rights.

In 2022, as it did in previous years, the public institution Preschool Education Centre advertised a public competition on 14 September 2022, just before the General Election, for fixed-term employment of 21 teachers with work experience in the profession, and one teacher-trainee without work experience. However, following the election, the competition was cancelled on 17 October 2022 by the director of that institution, purportedly due to a perceived procedural flaw in the implementation of the competition procedure.

Acting on our organisation's report, the Banja Luka Department of Education Inspection conducted an ad-hoc inspection at the "Miloš Dujić" Primary School in Čelinac, and determined that the school board's decision rejecting the objection of one of the candidates in the public competition for the selection of a PE teacher suffered from formal deficiencies, which is why it was invalidated, and the deficiencies were ordered to be eliminated. Applicants in the competition complained that the exam questions had nothing to do with the knowledge required by the teaching profession and the current curriculum for PE teachers. The acting inspector conducted an inspection in the said school and determined that there was no teacher teaching the PE classes for which the competition was advertised, and that the exam questions were composed by the school pedagogue.

HEALTH CARE (14 CASES IN 2022)

In 2022, there were 14 reports of corrupt conduct in the health care sector. The most frequently reported irregularities concerned recruitments in health care facilities, inadequate treatment, bribery by health workers and doctors allegedly working in unregistered clinics.

Based on an anonymous report alleging that several doctors employed at the public institution Živinice Primary Health Care Centre were simultaneously working in unregistered paediatric clinics, TI BiH approached the FBiH Medical Chamber, the BiH Agency for Quality and Accreditation in Health Care, the Tuzla Canton Medical Chamber and the competent Tuzla Canton Inspection Administration. In response to our organisation's report, the Tuzla Canton Chief Cantonal Inspector for Health and Food conducted an inspection and **found that four doctors were practicing medicine without the approval of the Cantonal Ministry, and as a result, they were barred from practicing medicine.**

ALAC acted on a report filed by a citizen alleging that she had called the Drvar Primary Health Centre to request an ambulance from the Mostar University Clinical Hospital for her close relative (whose need for ambulance transport had been confirmed), and that she was ready to pay for the ambulance, but her request was denied over the phone on the grounds that the workers of the Drvar Primary Health Centre were on a general strike. In response to the allegations, TI BiH sent a report to the Livno Inspectorate for Sanitary, Health, Pharmaceutical and Veterinary Affairs.

Responding to a report filed by a citizen who claimed that he had participated in the competition for the selection and appointment of the director of the Olovo Primary Health Care Centre, and that he was the only candidate who met the selection requirements, but the competition was cancelled by the Board of Directors, TI BiH sent the health facility a request for information, seeking access to the minutes and decisions of the selection commission. The Olovo Primary Health Care Centre's inpatient unit provided a "response to the enquiry", but not the requested information, so TI BiH sent them a reminder notice for the delivery of the information.

Over the last four years, multi-million BAM procurement contracts for dialysis machines for the FBiH Health Insurance and Reinsurance Institute have been given without any bidding procedures to past suppliers whose contracts had expired due to an apparent misunderstanding between the Institute and the FBiH Ministry of Health. For years, TI BiH exerted pressure on the institutions to fix the situation, and in 2022,

the contentious rules that hampered the procurement of dialysis machines were finally altered. The problem arose because of a provision in the Rules governing the operation of dialysis facilities that requires dialysis machines to be purchased from two different manufacturers. The Institute, on the other hand, stipulated in the tender documentation that the machines have to be procured from multiple bidders. As a result, the Procurement Review Body (PRB) invalidated a number of bidding procedures, causing the Institute to cease implementing them and request an interpretation of the rules from the relevant Ministry. For more than two years, the Ministry refused to provide the Institute with an interpretation of the rules, contracts continued to be awarded without bidding procedures, and TI BiH received numerous complaints from bidders who wanted to supply these services, claiming that no efforts were being made to resolve the issue because the status quo suited someone.

In 2020 TI BiH filed criminal complaints documenting abuses that resulted in the conclusion of multi-million BAM contracts by the RS Institute for Public Health with the companies “Procontrol” and “Travel for Fun”. On 21 October 2022, the special department for combating corruption, organised crime and the most serious forms of economic crime of the RS Prosecutor’s Office issued an indictment against Branislav Zeljković (for the criminal offence of abuse of official position or authority by continuous scheme in conjunction with the criminal offence of accepting bribes), Slavko Bojić (for the criminal offence of abuse of official position or authority in assisting), Dragan Dubravac (for the criminal offence of abuse in the public procurement procedure), Sanija Crlić (for the criminal offence of abuse of official position or authority in assisting) and Saša Marković (for the criminal offence of bribery). In the course of the investigation, the Prosecutor’s Office gathered over 2,000 pieces of physical evidence, heard over a hundred witnesses and performed numerous forensic and financial expert examinations. According to the indictment, by purchasing medical equipment at several times the purchase prices, which he did on behalf of the RS Institute for Public Health based on a previous agreement with other defendants, Branislav Zeljković obtained for himself an illegal financial benefit in the amount of BAM 335,000.00, for Saša Marković and “Travel for Fun” in the amount of BAM 578,780.00, for Slavko Bojić and “Procontrol” in the amount of BAM 241,526.50 and for Sani Crlić and “Sineks laboratory” in the amount of BAM 28,700.00. The Banja Luka District Court confirmed this indictment on 24 October 2022. A status hearing in the case was held on 29 December 2022, and the main trial was set to begin on 6 February 2023.

POLICE (4 CASES IN 2022)

In 2022, TI BiH acted on four reports concerning the work of law enforcement agencies. Citizens most frequently reported police officers for negligence or inappropriate behaviour. Where the reports contained sufficient information, TI BiH approached the internal control departments of the interior ministries to verify citizens’ claims and seek the initiation of investigative activities.

By its judgement No. 43 0 Rs 204053 21 Rs dated 19 October 2022, the Zenica Municipal Court ended the lawsuit brought by one of the participants in the competition procedure for the recruitment of a police officer and a junior inspector in the Zenica-Doboj Canton Ministry of the Interior. The Court partially admitted the claim and annulled the Public Advertisement for the filling of vacant posts of police officers with the starting rank of Junior Inspector in the Police Administration of the Zenica-Doboj Canton Ministry of the Interior. The Zenica Municipal Court ruled that “the competition procedure was conducted unlawfully due to an incorrectly and incompletely established factual situation and the selection commission’s misapplication of the law, resulting in violations that directly restricted the plaintiff’s right to continue participating in the competition procedure.”

PRIVATE SECTOR (10 CASES IN 2022)

In 2022, TI BiH handled ten cases involving corruption in the private sector. One of the reports was filed by a worker who had been hired by a firm in the Sarajevo Canton on the basis of several successive service contracts, only to be let go without getting the agreed-upon remuneration. The competent Inspection for Labour and Safety at Work refused to act on the worker’s report on the grounds that he was not gainfully employed with the firm. However, following TI BiH’s intervention, the inspectors conducted inspection, found a violation of the FBiH Labour Law and issued the employer with a misdemeanour report.

PUBLIC ADMINISTRATION (137 CASES IN 2022)
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As in previous years, the largest number of reports in 2022, a total of 137, concerned the public administration sector. This includes complaints against institutions at all levels of government in BiH (state, entity, local), as well as those related to public enterprises and government agencies. A large number of reports concerned irregularities in civil service recruitments at all levels of government, recruitments in public enterprises and government agencies, failure of inspection authorities to follow up on citizens' complaints, violations of regulations on personal data protection, etc.

In the first six months of 2022, TI BiH attended and actively participated as an intervener in five hearings before the Court of BiH in the civil proceedings based on the lawsuit brought by Emir Mešić, a protected whistleblower, against the BiH Indirect Taxation Administration for discrimination. Despite his status as a protected whistleblower, and despite the fact that the Indirect Taxation Authority initiated three disciplinary actions after he had been granted the status, the case was concluded with the adoption of the first-instance and then the second-instance court decisions rejecting Mr. Mešić's claim.

TI BiH won a court case against the RS Ministry of Transport and Communications, which had unlawfully denied TI BiH access to the concession contract for the construction of the Banja Luka-Prijedor motorway. The Banja Luka District Court ordered the Ministry to grant TI BiH access to the contract concluded in 2018 with the Chinese company Shandong Hi-Speed International (SDHS). The Court accepted TI BiH's claims that the Ministry had failed to justify the harm that would result from disclosing the requested information. When it refused to divulge the contract to TI BiH, the Ministry stated that it contained confidential information about toll revenue collecting methods, formulas for calculating cash flows and the concessionaire's financial plan. In its judgement, the Court noted that the Ministry's decision was not founded on the law, but on the Ministry's need to put itself in the service of protecting the concessionaire, and reminded that transparency and equal treatment for everyone are the key principles of the Law on Concessions. The contract with the SDHS company was not based on a public call, but on a negotiated procedure, which the RS Government routinely utilises to sidestep public bidding and which has frequently resulted in damage to public finances.

In response to TI BiH's report, the BiH Border Police conducted an investigation into the circumstances surrounding a border police officer's demand for a bribe from a citizen at the Brod border crossing, and following disciplinary action, **found that the officer had violated his duties.**

In 2022, a criminal complaint was filed against the then BiH Minister of Transport and Communications, Vojin Mitrović, for the unlawful adoption of the new Vehicle Registration Rules, which opened the door for substantial state-collected revenues to be diverted to private companies. The report stated that, in enacting the Rules, Minister Mitrović abused his official position and overstepped his official authority. He took advantage of his official position to enact provisions allowing the minister to authorise a professional institution to carry out sticker procurement, distribution and personalisation, as well as provisions stipulating that the sticker issuance fee is paid to the professional institution. In enacting those provisions, the Minister disregarded the interests and goals of his office and instead prioritised those of others. The fact that the Rules lay down very specific requirements that must be met by the "professional institution" demonstrates that there was a clear intention to benefit others. For example, one of the requirements is that team members in the "professional institution" must possess particular certificates, which, a few years ago, during a multi-million BAM procurement of software for the RS Forests, were held by only one company, which has received tens of millions of BAM in public procurement bidding procedures in RS in recent years.

TI BiH actively observed the process of appointing the director and deputy director of the BiH Agency for Prevention of Corruption and Coordination of the Fight Against Corruption (APIK), which began in 2021 and ended in mid-2022. The procedure concluded with the Decision appointing the APIK director and two deputy directors. However, the procedure did not comply with the principles established in Article 3 of the BiH Law on Ministerial Appointments, Appointments to the Council of Ministers and Other Appointments. Specifically, neither the director nor his deputies have five years of managerial experience in the field of prevention of and fight against corruption, and their appointments violate the principle of merit-based selection.

In 2022, TI BiH also received reports regarding the RS Government's Decision on Professional Training of the Best Students in RS, which charged all RS administrative bodies, public enterprises and public institutions with providing professional training to the best students of public universities in accordance with

their line of work and the required professional personnel. The Decision in itself is not controversial. What is controversial, however, is that, as a result of the Decision, pressure is being exerted on higher education institutions to appoint select students to academic posts, directly affecting the autonomy of these institutions, guaranteed by the RS Law on Higher Education. For example, in a letter sent to the Faculty of Philosophy in Pale, the chief of staff of the RS Government requested that the valedictorian student of the Faculty of Political Sciences V.Š. be employed at this Faculty. V.Š. is a daughter of a member of the Main Board of the Alliance of Independent Social Democrats (SNSD). In response to the letter, the Faculty of Philosophy in Pale held a public competition for the post of teaching assistant in the scientific field of International Relations and National Security, and V.Š. was ultimately appointed as teaching assistant. Although valedictorian students are guaranteed professional training (traineeship) under the Government Decision, competent institutions exceeded their authority in the case of V.Š. and allowed her to be appointed to the post of teaching assistant for a period of four years.

CONFLICT OF INTEREST (32 CASES IN 2022)

In 2022, TI BiH handled 32 cases related to the possible existence of a conflict of interest for individuals holding various offices. Based on the detected cases of potential conflict of interest, TI BiH forwarded 15 reports to relevant conflict of interest commissions and other competent institutions.

In response to TI BiH's report, the BiH Central Election Commission revoked the mandate of Aladin Čerimović as councillor in the Velika Kladuša Municipal Council, who was also an advisor to the Una-Sana Canton Prime Minister. The appointee was in a direct conflict of interest on two other grounds: as the president of the Equestrian Club "Krajišnik" from Velika Kladuša, which is financed from municipal and cantonal budgets, and as a member of the supervisory board of the public utility enterprise "Komunikacije" from Velika Kladuša.

As a result of TI BiH's report, Goran Obradović, who concurrently served as an elected councillor in the Čajniče Municipal Council and an officer in the municipal administration, resigned from office.

In response to our organisation's report, the Tuzla Canton Ministry of Culture, Sports and Youth brought a disciplinary action against Amela Mehmedović, who concurrently served as a municipal councillor and assistant minister in the Tuzla Canton Government.

In 2022, the RS Appeals Commission upheld two TI BiH's appeals against decisions of the RS Commission for the Prevention of Conflict of Interest. Based on one of the decisions, the Conflict of Interest Commission determined in a retrial that the former Prnjavor councillor Bogoljub Sanićanin had been in a conflict of interest while he was president of the municipal veterans organisation, which was financed from the budget.

TI BiH also filed a report with the BiH Conflict of Interest Commission against the then member of the BiH Presidency Milorad Dodik because the companies owned by his family did business with the government and received significant financial incentives from the public budget. According to the Law on Conflict of Interest in Governmental Institutions of BiH, elected officials and their close relatives are not permitted to serve on governing boards of any private company that contracts, or otherwise does business, with institutions financed from the budget at any level of government. Given that the son and daughter of Milorad Dodik own private companies that do business with public institutions, and that they are deemed close relatives under the provisions of this law, a review was requested to ascertain whether the then member of the BiH Presidency was in a conflict of interest.

CONSTRUCTION/URBAN PLANNING (6 CASES IN 2022)

In 2022, there were six cases related to the construction/urban planning sector. Those included citizens' complaints regarding procedures taken before urban planning and construction inspections in various local communities, as well as unlawful expropriation of land for the purposes of construction of motorways in RS.

In response to the report filed by TP "Jablanka" d.d. Jablanica regarding the blocking of access to this company's offices due to the installation of an awning and an outside seating area in front of the catering

establishment “Luna” Jablanica, TI BiH’s legal advisors noticed certain shortcomings in the conduct of the proceedings by the competent authorities of the Jablanica Municipality, as well as deficiencies in the regulations enacted by the Municipal Council. Due to these irregularities, TI BiH contacted the Ombudsman Institution and requested that it issue a recommendation to the Jablanica Municipal Council to revise the Plan for the Use of Public Spaces in Jablanica Municipality (which was the underlying reason why unlawful decisions were made by the acting departments). The Ombudsman Institution issued the recommendation, but the Jablanica Municipality did not implement it.

ACCESS TO INFORMATION (10 CASES IN 2022)

In 2022, ALAC handled ten cases related to access to information, providing legal aid to citizens and journalists in connection with the implementation of the Freedom of Access to Information Law at all levels of government. In 2022, ALAC drafted 28 lawsuits, brought 22 administrative lawsuits, and in six cases drafted lawsuits for investigative journalists and citizens who needed legal aid in this area.

On 28 September 2022, on the occasion of the International Day for Universal Access to Information, an [online case-law database](#) featuring over 200 court decisions was launched and published on TI BiH’s official website. The database provides brief case descriptions, details about information requested from public authorities, authority decisions, the date the administrative lawsuit was initiated, the date the lawsuit was concluded before the court, and the final court decision. The database is an important source of judicial practice for lawyers, researchers, students, journalists and all citizens interested in case-law in this area. In addition, it serves as a guide for public authorities on how they should implement the provisions of the Freedom of Access to Information Law.

The database includes information about both first-instance and second-instance court decisions, allowing for comparisons of case law between different court instances within the same case. The number of cases in which our organisation’s claim was accepted is incomparably greater than the number of cases in which the claim was dismissed or rejected, with 67.1% claims accepted, 19.1% rejected, 5.5% dismissed and 8.0% of the proceedings suspended because the public authority issued a decision following the lawsuit.

TI BiH brought 22 administrative lawsuits for violation of the provisions of the Freedom of Access to Information Law against the following institutions:

1. BiH Electric Transmission Company
2. Public enterprise BH Post
3. Federal TV
4. FBiH Institute of Public Health
5. RS Ministry of Transport and Communications
6. RS Ministry of Transport and Communications
7. RS Ministry of Justice
8. RS Ministry of Administration and Local Self-Government
9. RS Supreme Court
10. RS Appeals Commission
11. RS Appeals Commission
12. RS Appeals Commission
13. RS Banking Agency
14. University of Banja Luka
15. University of Mostar
16. Pale National Library
17. Public enterprise Official Gazette of RS
18. Zenica-Doboj Canton Assembly
19. Elektroprivreda HZ BH
20. Gas Res company
21. Sarajevo Municipal Court
22. Rogatica Municipality

A total of **27** administrative lawsuits filed by TI BiH in previous years were completed in 2022: **21 lawsuits were won by TI BiH**, in three lawsuits the claim/extraordinary appeal was rejected, two lawsuits were suspended because the authorities issued a decision following the lawsuit and one lawsuit was dismissed.

Institutions against which TI BiH won administrative lawsuits:

1. BiH Electric Transmission Company
2. BiH Electric Transmission Company
3. RS Administration for Geodetic and Property-Legal Affairs
4. RS Ministry of Agriculture, Forestry and Water Management
5. RS Ministry of Transport and Communications
6. Public enterprise RS Roads
7. Public enterprise Official Gazette of RS
8. University of Banja Luka
9. Trebinje City
10. Rogatica Municipality
11. Kozarska Dubica Water Utility Company
12. FBiH Government
13. FBiH Banking Agency
14. FBiH Ministry of Displaced Persons and Refugees
15. Zenica-Doboj Canton Assembly
16. Herzegovina-Neretva Canton Ministry of Education, Science, Culture and Sports
17. Hadžići Municipality
18. Cantonal Public Utility Company "Rad" Sarajevo
19. Sarajevo Canton Institute for Health Status Expertise
20. RTV Velika Kladaša
21. Water Utility Company "Vodograd" Prozor-Rama

TAXES/FINANCE (1 CASE IN 2022)

TI BiH received one report pertaining to tax/finance. The report was filed by a business entity against the responsible person of the Banovići Tax Office for allegedly abusing his position and authority by not allowing the business entity to settle its debt, thus preventing it from negotiating an agreement on a debt collection plan.

ELECTIONS (3 CASES IN 2022)

ALAC handled three cases related to the 2022 election. Two cases concerned "pre-election employment of party cadres" in public enterprises. In one case, TI BiH requested a status check from the BiH Central Election Commission regarding an allegation that a Croatian Republican Party candidate for the House of Representatives of the FBiH Parliament concurrently served as a civil servant in the FBiH Ministry of Development, Entrepreneurship and Crafts. According to the Election Law, civil servants may run for public elected office only if they have previously resigned from the civil service post or act in accordance with the laws that govern their status.

TI BiH's Monitoring and Research Department documented over 2,000 examples of the use of public funds for election promotion purposes. Seventy reports were filed with the Central Election Commission (CEC) regarding this phenomenon, which is prohibited by the latest amendments to the Election Law. Sixteen reports concerned mismanagement of public resources, which is governed by newly enacted provisions of the Election Law that are only in effect during the official election campaign.

According to TI BiH statistics, a total of BAM 278 million was distributed in one-time aid to various population groups. The most recent examples include a BAM 100 one-time aid given by the FBiH Government before the end of the campaign to all unemployed persons, a BAM 800 one-time aid to all FBiH Railways employees, as well as two new BAM 100 instalments to all veterans and young people in RS. The SNSD

president even admitted publicly at a pre-election rally that this money was given for the election, which was subsequently reported to the CEC in the context of misappropriation of public resources for election purposes.

OTHER (35 CASES IN 2022)

Thirty-five cases in 2022 included various enquiries and suggestions/proposals that could not be classified into any of the above categories. These are mostly enquiries about utility payments, management of condominium owners' associations, the formation of NGOs, proposed amendments to the law, citizen initiatives to address various societal problems, etc. In most of the cases, TI BiH responded by providing legal advice or referring complainants to the competent institutions.

In 2022, TI BiH continued to provide advisory legal assistance to activists and journalists who reported corruption and human rights violations by assisting with the drafting of submissions, communicating with institutions, promoting and publicising success stories, etc. Also, ALAC's legal advisers drafted several appeals in access to information proceedings for journalists and activists, and responded to enquiries and dilemmas regarding the interpretation of certain regulations by public authorities in proceedings initiated by investigative journalists and activists.