

2023



ADVOCACY AND LEGAL ADVICE CENTRE

2023 Annual Report



SUMMARY

The Advocacy and Legal Advice Centre of TI BiH (ALAC), established in late 2003, is dedicated to providing free legal assistance to both citizens and legal entities. Its primary objective is to offer practical and useful legal advice to all individuals seeking help from TI BiH. Additionally, ALAC actively monitors the work of competent institutions, especially in corruption-related matters. It offers citizens guidance on available means of legal recourse and provides them with alternative avenues for combating corruption and ensures that any unlawful or self-willed conduct by government authorities does not escape scrutiny.

ALAC also actively seeks appropriate institutional reforms and better legislative solutions within the realm of anti-corruption policy. It collaborates with government authorities, giving due consideration to the daily feedback and suggestions received from citizens regarding institutional performance. By offering legal aid, ALAC empowers corruption victims to exercise and safeguard their rights, which often come under threat due to corrupt practices.

In 2023, ALAC actively engaged with **317** new cases, reflecting a **4.97%** increase over the previous year. Of these, 29 cases were initiated by ALAC, while the remaining 288 cases were initiated based on reports or submissions received from citizens. The toll-free phone number 0800 55555 received **1,337** calls from citizens enquiring about legal assistance and reporting various corrupt practices. Additionally, the official website www.ti-bih.org continued to publish court judgments from across Bosnia and Herzegovina (BiH) related to free access to information.

As in previous years, in 2023, the public administration sector again accounted for the largest number of reports – a total of 135. Following closely were 38 reports about the justice sector, 30 related to conflict of interest and 25 concerning education. A comparative analysis across previous years reveals a mild upward trend in justice, conflict of interest, information access and education-related reports, while taxes/finance/customs, construction/urban planning and police-related reports experienced a decline.

In terms of the structure of those who reported corruption, the largest group (42.2%) consists of individuals who witnessed corrupt activities. Additionally, 28.3% were directly affected by corruption and hold the status of victims. Whistleblowers, comprising 12.6%, show a minimal increase compared to the previous year. Notably, 51.1% of corruption reports originate from larger cities, while the dominant method of receipt is electronic submission, accounting for 69.4%.

In 2023, ALAC brought **28** administrative lawsuits for violations of the Freedom of Access to Information Law. Seventeen lawsuits initiated in recent years were adjudicated in favour of ALAC, while in two cases, the second-instance court rejected requests for an extraordinary review of court decisions, leading to the pursuit of additional legal avenues. Thanks to those lawsuits, BiH citizens and investigative journalists gained access to a broad range of information that had previously been withheld from them.

In response to ALAC's reports regarding human rights violations, the Human Rights Ombudsman Institution of BiH issued a **recommendation** to the Republika Srpska (RS) Ministry of Transport and Communications and the RS Railways, ordering them to review the provisions of the Rules on the professional qualifications of personnel directly involved in conducting railway operations.

The year 2023 marked two decades of ALAC's unwavering support to countless individuals confronting rights violations or corruption. Throughout the 13 years since ALAC began issuing annual reports to the public, a total of 2,936 cases have been handled. From the 170 cases recorded in 2011, the number increased to 317 in 2023, marking a significant rise of 53.6%.

Reflecting upon the past, it is important to note that previous reports frequently cited instances of bribery solicited by medical practitioners and law enforcement officials. Furthermore, long drawn-out legal proceedings, unethical hiring practices in the public sector and unreported employment emerged as predominant challenges confronting citizens. Presently, the landscape has evolved, with citizens increasingly reporting discrepancies such as the dereliction of duty by police in responding to reported infringements upon the rights of vulnerable groups, the abuse of official position by judicial officeholders and the nullification of job competitions in public institutions.

Presently, we are confronted with new challenges: a deterioration in the quality of primary and secondary legislation, marking a regression from past achievements in the protection of human rights and liberties. This shift clearly illustrates the changing nature of corruption.

Number of cases from 2011 to 2023

Kategorije	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020	2021	2022	2023	Ukupan broj prijava po kategorijama za sve godine
Pravosuđe	22	21	10	19	23	26	31	29	23	24	13	29	38	308
Obrazovanje	15	25	31	17	14	30	25	17	8	10	30	21	25	268
Zdravstvo	9	6	20	5	14	8	14	10	6	22	27	14	16	171
Policija	7	7	5	9	5	12	11	8	7	7	13	4	6	101
Privatni sektor	10	16	10	13	4	13	6	10	10	12	21	10	21	156
Imovinsko-pravni	12	20	8	10	6	0	2	0	0	0	0	0	0	58
Državna uprava	32	40	38	55	98	86	129	100	92	137	112	137	135	1191
Sukob interesa	7	10	7	6	1	3	11	3	6	6	19	32	30	141
Pristup informacijama	18	18	15	9	10	18	18	14	9	6	17	10	19	181
Porezi/finansije/carine	8	5	8	3	3	4	0	0	0	1	0	1	0	33
Građevinarstvo/urbanizam	11	11	9	5	12	0	6	10	3	0	4	6	0	77
Ostalo	19	29	14	30	13	16	22	9	9	16	9	38	27	251
Ukupan broj prijava po kategorijama na godišnjem nivou	170	208	175	181	203	216	275	210	173	241	265	302	317	2936

Statistical data for 2023

Number of new cases	317
Number of cases initiated by TI BiH	29
Total number of written legal advice provided	204
Total number of letters sent by ALAC to institutions in BiH	574

NUMBER OF CALLS RECEIVED VIA 0800 55555	1337
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Reporters of corruption, by sex	
Male	135
Female	59
TI BiH's own cases	29
Legal entities	15
Anonymous	79
In total	317

Reporters of corruption, by age	
< 24	4
24-39	72
40-54	87
+55	36
Unknown	118
In total	317

Reporters of corruption, by type of settlement	
Urban	162
Suburban	123
Rural	13
Unknown	19
In total	317

Corruption reports, by method of receipt	
Phone/Fax	2
Personal visit to ALAC	4
E-mail	220
Post	62
TI BiH's own cases	29
In total	317

Corruption reports, by sector	
Judiciary	38
Education	25
Health care	16
Police	6
Private sector	21
Public administration	135
Property	0
Conflict of interest	30
Taxes/Finance/Customs	0
Access to information	19
Elections	0
Other	27
Construction/Urban planning	0
In total	317

Corruption reports, by level of jurisdiction	
State	55
Entity	205
Local	57
Unknown	0
In total	317

Reporters of corruption, by status	
Victim	90
Witness	134
Whistleblower	40
Unknown	24
Other (TI BiH)	29
In total	317

Reporters of corruption, by level of awareness	
High	109
Medium	144
Basic	64
Undefined	0
In total	317

SUMMARY OF CASES BY SECTORS

JUDICIARY (38 CASES IN 2023)

Over the course of 2023, TI BiH handled a total of 38 cases related to the work of judicial institutions and the actions of individuals in judicial capacities. The reports largely pertained to the appointment of judges and prosecutors, the unethical conduct of judges and prosecutors and the delegation of cases to other judicial institutions without notifying the parties involved.

The Tuzla Cantonal Court upheld the indictment against **Denis Prcić** from Tuzla, the president and founder of the American University of BiH, on grounds of reasonable suspicion that he had committed the continued criminal offence of abuse of office or official authority in connection with the criminal offence of fraud in business operations. In 2020, TI BiH extended legal aid to affected students and reported the university's regulatory breaches to the inspection authorities. Following their decision, the inspectors mandated remedial actions, instructing the university to grant its students the due certificates of completed education. The inspection authorities forwarded TI BiH's report to the Tuzla Canton's investigative authorities.

In mid-2023, TI BiH filed a report with the Office of the Disciplinary Counsel against **Milanko Kajganić**, the chief prosecutor at the Prosecutor's Office of BiH. Kajganić, during 2022, assigned the vast majority of cases outside the TCMS automatic management system, an issue that previously led to the dismissal of Gordana Tadić from the same role. In 2022, the Prosecutor's Office of BiH handled 1,473 reports, yet made 2,276 reassignments, a discrepancy that could indicate a violation of the High Judicial and Prosecutorial Council of BiH's rules and regulations, potentially constituting a disciplinary violation.

In 2023, TI BiH monitored the court proceedings of **Aleksandar Džombić**, the ex-prime minister of RS, who faced charges for misusing his office by sanctioning a BAM 19.4 million loan from the Investment and Development Bank of RS to "Energolinija" d.o.o. Zvornik, despite knowing the company's insolvency and inability to repay. TI BiH disclosed to the public that the indictment was modified at a hearing on 17 October 2023, which was conducted without prior notice, hence without media or public presence. A mere ten days later, Džombić was acquitted.

The Cantonal Prosecutor's Office of the Central Bosnia Canton refused to conduct an investigation into the criminal complaint filed by TI BiH against the former Minister of Economy, **Nisvet Hrnjić**, and the Minister of Finance, **Mirjana Plavčić**, in their capacity as responsible persons in the ministries of the Central Bosnia Canton Government, for the criminal offences of abuse of official position or authority and lack of commitment in office. The case involved a violation of the Law on Concessions, namely the failure on the part of the ministries to terminate contracts with concessionaires who failed to discharge their liabilities, thereby allowing the concessionaire's debts to the canton to become statute-barred. The resulting financial loss to the canton was BAM 1,736,987, a figure verified by the Federation of Bosnia and Herzegovina's Audit Office. However, the Federal Prosecutor's Office of the Federation of Bosnia and Herzegovina (FBiH) accepted TI BiH's complaint and ordered the Cantonal Prosecutor's Office to undertake actions to fully establish the circumstances and facts in this case.

EDUCATION (25 CASES IN 2023)

In 2023, there was a modest rise in the number of cases related to the education sector compared to the previous year. These cases predominantly concerned the authentication of diplomas from educational institutions, recruitment issues in primary and secondary schools and universities, the recognition of diplomas obtained abroad and shortcomings in implementing inclusive education.

TI BiH brought to the attention of the educational inspectorate in the Central Bosnia Canton the issue that individuals are being employed in educational institutions without the necessary recognition of their internationally acquired diplomas. The educational inspector confirmed the existence of this practice. Consequently, TI BiH initiated an advocacy campaign targeting the legislative body in the Central Bosnia Canton and other relevant authorities, with the objective of revising regulations to preclude potential corruption risks.

Reports received from concerned parents have highlighted a significant issue within the Herzegovina-Neretva Canton's school inclusion process, marked by frequent changes in teaching assistants for children requiring special educational support. Over a span of four years, a student encountered eight different teaching assistants, a situation that compromised their educational rights, as echoed in the Ombudsman's Recommendation. Although initially appointed as teaching assistants, these individuals swiftly transitioned to alternate roles within the school. TI BiH's investigation into this particular case revealed that the Herzegovina-Neretva Canton had not conducted any professional development programmes for teaching assistants in the last three years. Moreover, the Pedagogical Institute in Mostar lacks specialist advisers to oversee the education of children with special educational needs.

HEALTH CARE (16 CASES IN 2023)

Over the course of 2023, TI BiH handled 16 cases related to corruption within the health care sector. The most common wrongdoings involved improper practices in the hiring and appointment processes within healthcare facilities, along with the illicit sale of medical aids and the unlicensed provision of medical services.

Following a report from TI BiH, the Tuzla Canton's cantonal inspectorate identified unlawful sales of hearing aids at the **Živinice Primary Health Care Centre**. Consequently, legal actions were enforced, culminating in a prohibition on the retail sale of medical devices. Moreover, upon TI BiH's request, the same inspectorate mandated **a cessation of practice for four Živinice doctors who were treating patients without the necessary work permits** and official registrations.

In August 2023, TI BiH requested that an immediate inspection be carried out at the **Pazarić Institute, which provides residential care for children and youth with mental disabilities**. This action followed the release of a distressing video that depicted maltreatment of the institute's residents, causing widespread public outrage. TI BiH urged the relevant line ministry to enact necessary implementing regulations accompanying the new FBiH Law on Social Protection Institutions, highlighting the lack of progress in their adoption even one year after the Law came into effect.

TI BiH filed a lawsuit against the Public Health Facility **"Primary Health Care Centre Dr Mustafa Šehović"** in Tuzla for denying access to information concerning the competition process for the appointment of its director. TI BiH requested the centre to provide evidence of the newly appointed director's completed health management education, who, according to media reports, lacked such certification at the time the vacancy was announced, despite it being a stipulated requirement in the job advert.

POLICE (6 CASES IN 2023)

Over the course of 2023, TI BiH dealt with six cases related to the work of law enforcement agencies. Citizens predominantly lodged complaints against police officers for neglectful service or improper conduct. In instances where the reports provided ample information, TI BiH would engage with the internal control departments within the interior ministries, soliciting examinations of the citizens' claims and the undertaking of investigative measures.

In March 2023, TI BiH lodged a formal complaint with the Banja Luka Police Department against the **RS President, Milorad Dodik**, following his public denouncements of journalist Siniša Vukelić, accusing him of lying, cheating and racketeering. Additionally, Dodik's comments regarding journalists Aleksandar Trifunović and Nikola Morača, suggesting they had vandalised their own vehicles, were included in the report. Despite the lapse of a year, the Banja Luka Police Department has yet to respond or indicate any investigative measures taken concerning the report.

PRIVATE SECTOR (21 CASES IN 2023)

In the course of 2023, TI BiH took action in 21 cases concerning corruption in the private sector, marking a twofold increase from the previous year.

Acting on anonymous reports from the public alleging illegal extraction of natural resources by specific firms, TI BiH analysed the legislative framework governing concessions and the licensing of contractors and submitted the analysis to the relevant line ministry. Following the discovery of irregularities, TI BiH filed **ten reports with the inspection authorities**. Inspectors, prompted by TI BiH's reports, halted the unauthorised use of geothermal water in two instances due to the lack of necessary permissions from the relevant ministries. In one instance, the inspection ascertained that the enterprise lacked both a concession and a licence for operation. Notably, the illicit mining of gravel and sand is rampant, although there are no active concession contracts for these materials. The practice of securing a water permit for riverbed cleaning is commonly employed as a façade for unlicensed exploitation of gravel and sand without financial recompense.

Following concerns over miscalculations and delays in salary and benefit payments to staff, as well as the sale of unsanitary food products, TI BiH prompted an inspection of the business entity **Beni Best Kakanj**. The subsequent inspection by the relevant authorities revealed numerous breaches, resulting in sanctions being imposed on the business entity.

PUBLIC ADMINISTRATION (135 CASES IN 2023)

The public administration sector accounted for the majority of cases in 2023, with 135 reports pointing to malpractices at all levels of government – state, entity and local – and within public enterprises and institutions. In a departure from past trends dominated by recruitment-related issues, this year's primary concerns revolved around violations of regulations by governmental bodies, discriminatory practices, lack of transparency and irregularities in public procurement processes.

In 2023, TI BiH successfully secured a second legal victory against the RS Ministry of Transport and Communications for illegitimately denying access to the **Concession Agreement for the construction of the Banja Luka – Prijedor motorway**. Additionally, TI BiH initiated a third lawsuit against the Ministry for refusing to disclose the Agreement. The contentious agreement with the Chinese company SDHS (Shandong Hi-Speed International) was finalised not via a public call, but via direct negotiations – a method recurrently employed by the RS Government to circumvent public tenders, often resulting in fiscal detriment. Following the initial court ruling, SDHS suggested segmenting the contract's details, offering to classify the Financial Model as proprietary while agreeing to disclose the remainder as per the Banja Luka District Court's decision. Nevertheless, the ministry persisted in denying access to the requested information. With this being the second instance of non-compliance with the court rulings, the third lawsuit seeks to prompt the RS Administrative Inspection to initiate misdemeanour proceedings against both the ministry and the responsible person in the ministry.

TI BiH has brought a lawsuit against the **RS Concessions Commission** for a second time due to their refusal to disclose information about the process wherein *Elektroprivreda RS* [RS Power Utility Company] transferred the concession for constructing a solar power plant, valued at approximately BAM 100 million, to Solar Photovoltaic Power Plant "SE Trebinje 1". The company, which had no income in the previous year, was not qualified to take over the concession without concrete evidence of professional and technical qualifications, experience in analogous projects and financial assurances for the project – information the Commission is now withholding from public scrutiny. *Elektroprivreda RS*'s establishment of this company paved the way for the Hungarian company Lugos Renewables to obtain the concession without public tender, gaining a 70 percent stake in "SE Trebinje 1" under conditions that remain undisclosed by *Elektroprivreda RS*. In response, TI BiH is pursuing a separate administrative lawsuit against this state-owned enterprise.

Upon TI BiH's request, the Human Rights Ombudsman Institution of BiH advised the **RS Railways** and the RS Ministry of Transport and Communications to rectify discriminatory practices in the hiring processes in this public enterprise. In a recent public competition for 57 permanent positions, RS Railways stipulated that applicants must have completed a professional certification exam as per a

specific internal regulation. This stipulation would not raise concerns if the opportunity to sit for the exam were open to all, rather than being restricted to current trainees at RS Railways, who are known to be hired without public recruitment notices.

The UN Special Rapporteur's report acknowledged the efforts of TI BiH and fellow NGOs in highlighting the procedural shortcomings observed during the enactment of the **Draft Law Amending the RS Criminal Code**. The rapporteurs called upon the authorities to clarify the procedural deficiencies flagged by TI BiH to the RS National Assembly's Legislative Committee, particularly concerning the late inclusion of defamation provisions in the final version of the draft, which were seemingly aimed at circumventing public involvement.

The Federation of Bosnia and Herzegovina's (FBiH) financial police forwarded TI BiH's report to the relevant cantonal prosecutor's office, challenging the declared coal export volumes to Serbia by **Rudnik mrkog uglja Banovići [Banovići Brown Coal Mine – Banovići BCM]** and contesting the prior management's assertions that the coal was of inferior calorific value, justifying its lower sale price. A significant portion of the contentious exports from Banovići BCM were processed through a company associated with Serbian high-ranking officials. This company entered into five agreements for the supply of different types of coal, with prices spanning from €33.60 per ton to €69.50 per ton, whereas domestic rates for coal from the same mobile plant stood at €100 per ton, and the average international coal price at one point reached \$430 per ton last year. The absence of a dedicated weighing facility at Banovići BCM's mining sites hinders the accurate measurement of coal output, thereby increasing the margin for potential irregularities.

In response to a report lodged by TI BiH, the BiH Public Procurement Agency has filed a request with the misdemeanour department of the Municipal Court in Sarajevo to institute misdemeanour proceedings against "*Lutrije BiH*" d.o.o. [BiH Lotteries Ltd.]. This request was prompted because, in the procurement of advertising space on web portals, the contracting authority indicated specific web portals, some of which even lacked the facility to host advertisements.

CONFLICT OF INTEREST (30 CASES IN 2023)

In 2023, TI BiH handled 30 cases concerning potential conflicts of interest involving individuals occupying multiple positions. From these, 20 reports were submitted to the appropriate conflict of interest commissions and other relevant authorities.

TI BiH reported **Sevlid Hurtić, the BiH Minister of Human Rights and Refugees**, to the BiH Conflict of Interest Commission. The report centred on Hurtić's concurrent role as a management board member of the private company "NAM" d.o.o. Tuzla, which engaged in contractual operations and conducted business with budget-funded institutions. Notably, in 2023, the Tuzla Canton Ministry of Education and Science procured textbooks by a group of authors valued at BAM 990,996 from Hurtić's publishing house. Subsequently, the Una-Sana Canton Ministry of Education, Science, Culture and Sports awarded a contract to the same publishing house, amounting to BAM 435,119.

TI BiH filed a conflict-of-interest report to the same commission concerning **Nikola Čiča**, citing his concurrent roles as the director of the BiH Anti-Doping Control Agency and the president of the Croatian Cultural Association "Napredak". The latter received funding of BAM 340,000 from the FBiH budget in 2023, raising potential conflict of interest concerns.

Upon investigation, the BiH Conflict of Interest Commission determined that **Draško Milinović**, serving as the director of the BiH Communications Regulatory Agency, contravened legal provisions due to his simultaneous leadership of the RS Tennis Association. The association received tens of millions of BAM from the budget for building tennis courts in Banja Luka. TI BiH had reported the case to the Commission the preceding year. As a result, Milinović faced a penalty of a 10-percent salary reduction for a six-month period.

Previously, TI BiH reported **Milan Tegeltija** to the RS Conflict of Interest Commission, which is responsible for assessing conflicts of interest in RS government bodies, citing his concurrent advisory role to the President of RS and his presidency of the "Borac" Banja Luka football club's management board. In

2023, the club received more than BAM 100,000 from the RS budget. The Commission initially decided to suspend the conflict of interest proceedings, but upon TI BiH's appeal, the RS Appeals Commission ordered the case to be reopened for further examination and resolution.

The RS Appeals Commission overturned a previous ruling that exonerated **Slobodan Župljanin**, former adviser to Željka Cvijanović and ex-minister in the RS Government, from conflict of interest charges. This reversal was prompted by an appeal from TI BiH, challenging the initial decision of the RS Conflict of Interest Commission, which had absolved Župljanin on the grounds that the proceedings could not be instituted because he no longer served as an advisor. However, according to the law, proceedings can be initiated within two years of the alleged infraction. Župljanin had concurrently served as an advisor to Cvijanović and as president of the Organisation of Senior Officers of the RS Army, which was budget funded.

After TI BiH reported him to the relevant ministry for holding several incompatible offices, **Aleksandar Milješić**, the acting head of the Department for Culture, International Cooperation, Sports and Non-Governmental Organisations in Prijedor, resigned from his position as a councillor in the Prijedor City Assembly. Milješić had concurrently occupied three conflicting positions: as a councillor, as the head of the department and as the director of the Prijedor High School Centre, which is a public institution. Subsequently, he also stepped down as the director of the High School Centre, thereby formally ending his participation in roles with potential conflicts of interest. However, the concern remains that such corrective measures were only taken in response to TI BiH's intervention.

TI BiH approached key parliamentary committees within the FBiH, including the Legislative and Legal Commission, the Committee for Justice and General Administration and the Commission for European Integration, to report a conflict of interest concerning the FBiH Minister of the Interior, **Ramo Isak**. The company "CONDOR" d.o.o. Zenica, owned by Isak's wife and managed by his son as the executive director, secured contracts with publicly funded bodies in 2023. The involvement of Isak's close relatives in this matter points to a conflict of interest, a matter for which there is no designated resolving body in FBiH.

ACCESS TO INFORMATION (19 CASES IN 2023)

The year 2023 saw a marked uptick in cases concerning access to information rights. There were 19 actions taken in response to complaints from citizens and journalists about violations of the Freedom of Access to Information Law across all levels of government in BiH. In the course of 2023, ALAC **brought 28 administrative lawsuits** over these alleged violations. Of the disputes initiated in previous years, 17 were concluded in ALAC's favour in 2023. However, two requests for an extraordinary review of court rulings were dismissed by the second-instance court, prompting the pursuit of additional legal remedies. Concurrently, ALAC lodged five appeals with the Constitutional Court of BiH; three citing infringements of Article 6 of the ECHR, pertaining to the right to a trial within a reasonable time, and two that were based on the merits of the cases.

In the course of 2023, ALAC assisted citizens in preparing four appeals, which they subsequently filed personally with the Constitutional Court of BiH. Additionally, ALAC rendered legal assistance in three separate cases by drafting lawsuits concerning breaches of the Freedom of Access to Information Law. Each of the three lawsuits received affirmative verdicts from the competent courts, enabling citizens to gain access to previously withheld information.

On the occasion of the International Day for Universal Access to Information on 28 September 2023, TI BiH highlighted several deficiencies in the newly proposed Freedom of Access to Information Law at the state-wide level. The civil society sector raised numerous concerns regarding the draft law, criticising its overly expansive list of exceptions to information disclosure obligation and the lack of autonomy in processing appeals arising from breaches of the law. Despite receiving over 200 comments from civil society organisations, the BiH Ministry of Justice and the BiH Council of Ministers dismissed these inputs without offering any rationale, a concern echoed by the BiH Government Legislation Office.

In 2023, TI BiH brought 28 administrative lawsuits for breaches of the Freedom of Access to Information Law against a number of institutions, including:

1. *Elektroprenos BiH* [Electric Transmission Company]
2. *Elektroprenos BiH* [Electric Transmission Company]
3. RS Ministry of Family, Youth and Sports
4. RS Ministry of Transport and Communications
5. RS Ministry of Energy and Mining
6. RS Ministry of Energy and Mining
7. RS Ministry of Labour, War Veterans and Disabled Persons' Protection
8. FBiH Ministry for Issues of Combatants and Disabled Veterans
9. Herzegovina-Neretva Canton Ministry of Education, Science, Culture and Sport
10. Sarajevo Canton Ministry of Economy
11. RS Tax Administration
12. RS Banking Agency
13. RS Appeals Commission
14. RS Concessions Commission
15. RS Concessions Commission
16. FBiH Public Broadcaster
17. *JP BH Pošte* [Public Company BH Postal Service]
18. FBiH Financial Information Agency
19. Sarajevo Cantonal Court
20. Sarajevo Municipal Court
21. Gas – Res Company for Gas Projects
22. Public Institution Tuzla International Airport
23. Public Institution "Roads" Mostar
24. Public Health Care Facility Višegrad Primary Health Care Centre
25. PUK doo Tomislavgrad
26. City of Trebinje
27. Public Institution Sarajevo Canton Institute for Emergency Medical Assistance
28. Zenica Brown Coal Mine

In the course of 2023, **19** administrative lawsuits, instituted by TI BiH in previous years, were settled. Of these, **17 were adjudicated in favour of TI BiH**, whereas in two instances, the claim or extraordinary remedy was dismissed.

TI BiH won administrative lawsuits against the following institutions:

1. *Elektroprenos BiH* [Electric Transmission Company]
2. RS Supreme Court
3. RS Ministry of Justice
4. RS Ministry of Administration and Local Self-Government
5. RS Ministry of Transport and Communications
6. RS Ministry of Agriculture
7. FBiH Ministry for Issues of Combatants and Disabled Veterans
8. Sarajevo Cantonal Court
9. *JP BH Pošte* [Public Company BH Postal Service]
10. Faculty of Law Sarajevo
11. RS Banking Agency
12. RS Banking Agency
13. RS Concessions Commission
14. Municipality of Novi Grad Sarajevo
15. Municipality of Novi Grad Sarajevo
16. Municipality of Čapljina
17. Public Institution Sarajevo Canton Institute for Emergency Medical Assistance

- 18. Gas – Res Company for Gas Projects
- 19. Pale Public Library

OTHER (27 CASES IN 2023)

This category comprises instances where citizens received legal advice on matters not directly associated with corruption, including on the enforcement of claims arising from employment relationships, the exercise of social rights, the protection of labour rights, illegal construction, etc.

Responding to a submission from an informal group of Zenica residents, who alleged that the **Public Institution “Zenica-Doboj Canton Employment Service”** failed to disburse one-off financial support to all unemployed individuals eligible under the Regulation on assistance to population due to the rise in the consumer price index, TI BiH approached the FBiH Ministry of Labour and Social Policy. The Ministry decided that the Service was required to remit payments to 3,043 unemployed individuals who were initially refused the right to one-off financial support.

TI BiH rendered assistance to an employee of a secondary school in the Una-Sana Canton for the reimbursement claim of job-related travel expenses. The school's administration persistently violated employment regulations by refusing to reimburse the travel expenses for this particular employee, prompting TI BiH to seek intervention from the appropriate inspection authority. Subsequent to the inspection, a decision was issued in favour of the employee.

A longstanding issue of illegal construction obstructing a communal road was resolved when TI BiH filed a report with the chief cantonal inspector, requesting oversight of the municipal inspector's inaction on a report submitted by a concerned party. Upon investigation, the chief cantonal inspector found infringements and ordered the demolition of the illegally built structure.

ADVOCACY

In 2023, TI BiH actively contributed to public discussions, offering detailed commentary and observations on ten draft/proposed laws.

1. Law Amending the RS Criminal Code

TI BiH identified irregularities within the legislative procedure concerning the Law Amending the RS Criminal Code. Notably, disparities were observed between the Preliminary Draft and the Draft as published on the website of the proposer of the law, along with a shortened period for the submission of comments and objections. Subsequent to the Draft Law's adoption, parliamentary caucuses in the RS National Assembly were invited for a consultative meeting. The prepared and submitted comments on the Draft highlighted the indefensibility of the amendments to the Criminal Code, citing multiple recommendations from the OSCE, the Council of Europe and the European Court of Human Rights advocating for the decriminalisation of defamation. Furthermore, a proposal urging the revocation of certain provisions was presented to the RS Ministry of Justice, coupled with participation in the public debate and protests that preceded the adoption of the Proposed Law. The version that was ultimately adopted incorporated improvements in particular segments, notably the elimination of the criminal offence of “insult” and the omission of the initially envisaged prison sentences, which was also advocated by TI BiH in its comments.

2. Law on Special Registry and Transparency of the Work of Non-Profit Organisations

In response to the draft version of the law, TI BiH submitted comments to the law proposer and parliamentary caucuses in the RS National Assembly and called for the withdrawal of the draft in its entirety, due to the numerous points of contention that rendered the draft incompatible with the European Convention on Human Rights and Fundamental Freedoms, the constitutions of BiH and RS, as well as the RS Law on Associations and Foundations and the RS Law on Tax Procedure. The Legislative Committee of the RS National Assembly approved TI BiH's proposal to conduct a public hearing, even though this was not part of the original plan by the draft's proposer. TI BiH's involvement continued through participation in the public hearing and a renewed call to the proposer to withdraw the draft from the legislative process.

3. Law on Preventing Conflict of Interest in the Government Institutions of Republika Srpska

Submissions containing comments and initiatives were sent to the RS Ministry of Administration and Local Self-Government, in its capacity as the law proposer, as well as to the parliamentary caucuses and the relevant committees of the RS National Assembly. The submissions highlighted deficiencies in the proposed legislation, underscoring the need to improve the existing legislation. Ultimately, the Proposed Law was adopted, but it is noteworthy that the comments put forth by TI BiH were cited during the legislative debate by opposition MPs.

4. Law on Freedom of Access to Information at the Level of the Institutions of BiH

Throughout 2021, TI BiH was actively engaged in the consultation process, presenting comments and proposals to the BiH Ministry of Justice, the proposer of the law. Subsequent to the BiH Council of Ministers' adoption of the proposed law in April 2023, TI BiH petitioned the relevant committee of the Parliamentary Assembly to dismiss the proposed law, while also pointing out that the consultation phase had overlooked all 220 proposals and 6 comments from civil society organisations. Moreover, TI BiH drew attention to the proposed law's disregard for the European Commission and SIGMA's suggestions, as well as the Directorate for European Integration's viewpoint that the law did not conform to the *acquis*.

5. Law on Offences against Public Order and Peace in the Area of Sarajevo Canton

Submissions were made to the SC Ministry of the Interior, the law's proposer, cautioning against the potential infringement of free speech rights due to the broadening of the term "public space" to encompass the digital sphere. Concerns were also raised regarding the contentious broadening of the offence of "hindering and obstructing government authorities and officials" to include "disparagement", a term that could lead to arbitrary interpretations of this provision. The submissions included comprehensive comments on other contentious elements of the law.

6. Law on Prevention of Conflict of Interest in the Institutions of BiH

TI BiH submitted comments and proposals concerning the Preliminary Draft Law to the proposer of the law, who fully incorporated two proposals and partially adopted two others. The accepted proposals include the extension of the term "public officeholder" to cover advisers, in line with the Civil Service Law, and the improvement of the provision mandating the resignation of public officeholders involved in incompatible and unauthorised roles. The proposal to widen the scope of prohibited activities concerning the interests of immediate family members and connected individuals was partly adopted, as was the segment of the proposal addressing the stipulated sanctions for violations of this law.

7. Law Amending the Law on the High Judicial and Prosecutorial Council of BiH

TI BiH sent comments to parliamentary caucuses and competent committees of the House of Peoples of the BiH Parliamentary Assembly. Additionally, an initiative containing proposals for improving specific provisions was presented to parliamentary caucuses and competent committees of the House of Representatives of the BiH Parliamentary Assembly, as well as to the proposer of the law, the BiH Ministry of Justice.

8. Amended Rules for Consultations in the Law-making Process – adopted and published in Official Gazette 87/23, entering into force on 3 January 2024.

Proposals for revisions and improvements to specific proposed provisions were submitted through the established consultation platform.

9. Guidelines for the Dissemination of Judicial and Prosecutorial Rulings, Documents and Case-related Information

Detailed comments and proposals for improving the guidelines were presented.

10. RS Law on Immunity

Comprehensive comments on the draft version of the law were sent to all parliamentary caucuses in the RS National Assembly, accompanied by an initiative to withdraw the draft from subsequent legislative procedure. The comments were formulated following a meticulous comparative analysis of the legal frameworks in FBiH, at the state level, in neighbouring countries and across a selection of EU member states. Additionally, the comments and the initiative underscored the standards and recommendations of the Council of Europe's Group of States against Corruption, the UN Convention against Corruption and the opinions of the Venice Commission.