

## Abstract

The Criminal justice system of BiH is one of several mechanisms of the institutional infrastructure of BiH which is supposed to protect the welfare and values of the society and its members. Although BiH reformed its Criminal justice system in 2003, and the main goals of the reform were the strengthening of the judiciary and improving of the quality and the efficiency of the system, these aims have been only partly accomplished. Having this in mind, the purpose of this study is to indicate to the major problems of the criminal justice system institutions regarding the fight against corruption and to offer some recommendations for more successful fight against corruption.

The Criminal justice system of BiH does not deal with the problem of corruption in the appropriate way. This study shows there are series of problems which can be classified into three categories: problems on the normative level, problems regarding the professionalism and competence of investigating personnel, and problems regarding the cooperation between the state institutions.

On the normative level, the possibility for usage of special investigative means in investigating all acts of corruption is legally not foreseen, although recommended by a number of Europe best practitioners in the field, and already introduced in some countries in the region. The secrecy and complexity of acts of corruption, namely, requires usage of the special actions in their criminal investigation, because the application of the classic investigative means and activities showed inadequacy and inefficiency. Therefore, the change should be made.

The work of state officials investigating corruption is not competent and engaged enough: namely, just a few of them had attended special courses for the more effective fight against corruption, and newly introduced possibilities for this fight are used by only very small percent of them. If they are not trained and well acquainted with legal regulations and best practices in applying of these possibilities, it is not realistic to expect from them to exercise their powers and duties in high quality manner.

The cooperation between institutions, another important issue in fight against corruption, is in BiH still lacking and cumbersome. Without cooperation and coordination, however, the chances that the investigation will end with successful indictment are minimal.

To make fight against corruption more effective and closer to the European standards, and to regain the trust of the citizens in its institutions, BiH therefore has to: include all acts of corruption in register of crimes for which special investigative means can be used; ensure that most or all relative human investigative capacities are to be included in intensive and continuous training in best practices of the fight against corruption; ensure the real cooperation (not only declaratory) between the institutions, by promoting *task force approach* and ensuring the operative exchange of information between the relevant institutions; to promote the code of ethical and professional conduct of court and police personnel.