

# Corruption Offences and Organized Crime in the Final Judgments of Bosnian Courts: Where is the link?

Srđan Vujović  
svujovic@cprc.ba

# What is ahead of us?

- Introductory remarks
- Methodology
- Results
  - Characteristics of proven corruption cases
  - Characteristics of proven 'organized crime' cases
  - Some indicators of links between organized crime and corruption
- Discussion
- Concluding remarks

# Introductory remarks

- Theory and previous findings
  - ... corruption is a **defining** characteristic of organised crime. (Majority of authors)
  - ... corruption is not a core feature of 'organised crime', but it is a part of it (Some authors)
- What is the situation in practice?
- Main objectives:
  - Exploring the links between proven corruption offences and organized crime, and
  - Exploring the links between proven organized crime and corruption

# Methodology

## ● Data gathered from judgements of:

- Municipal and Cantonal Courts in the Canton of Sarajevo
  - All final judgments for corruption offences in
  - Period: 2005-2012
  - N=89 (60 proven)
- The Court of Bosnia and Hercegovina (Dpt II)
  - All final judgments (N=313)
  - All final judgements for OC
  - Period: 2003 – 2012
  - N=62 proven cases

## ● Methods

- Data collection: Document analysis
- Data procesing: Statistical methods (descriptive and inferential statistics)

# Municipal and Cantonal Courts in the Canton of Sarajevo

Where is the link between proven corruption  
offences and OC?

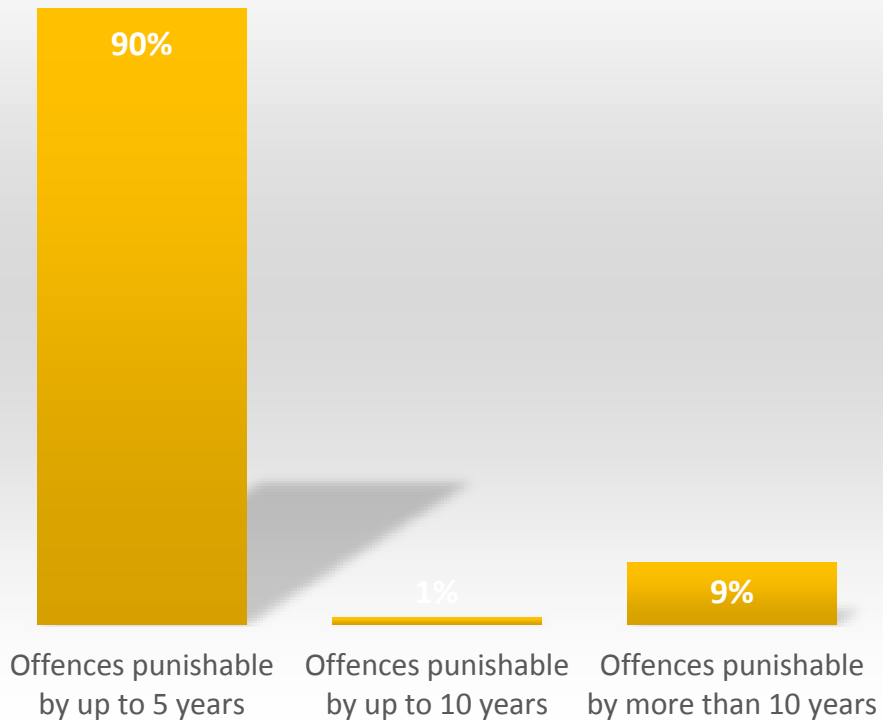
# Characteristics of corruption offences

Final judgment	N	%
Conviction	60	55.6
“not guilty”	28	25.9
Process rejected	9	8.3
Process halted	4	3.7
Indictments altered	7	6.5
<b>Total</b>	<b>108</b>	<b>100</b>

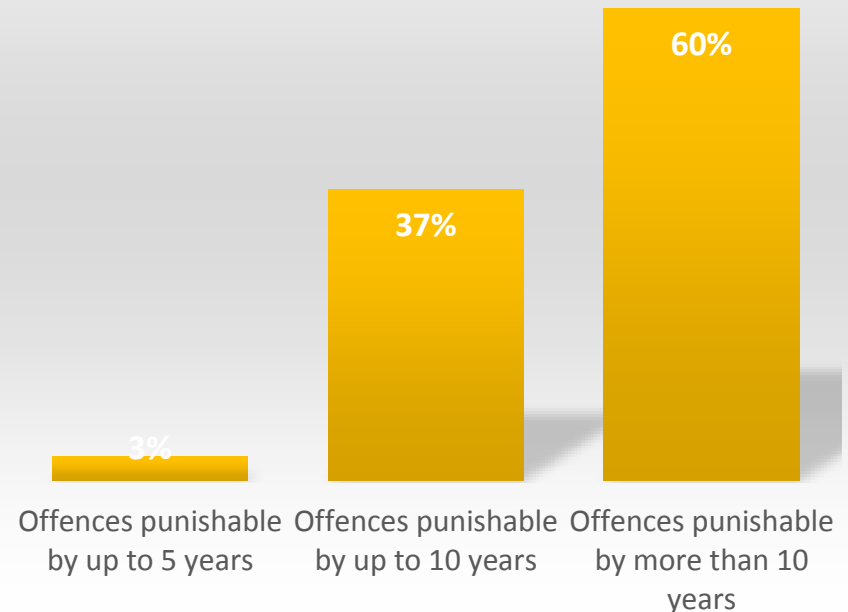
Proven Offences	Freq	%
Bribery	8	13.3
Abuse of office	10	16.7
Embezzlement in office	40	66.7
Fraud in office	2	3.3
<b>Total</b>	<b>60</b>	<b>100.0</b>

# Proven vs. unproven corruption cases

% of proven corruption cases (N=60)

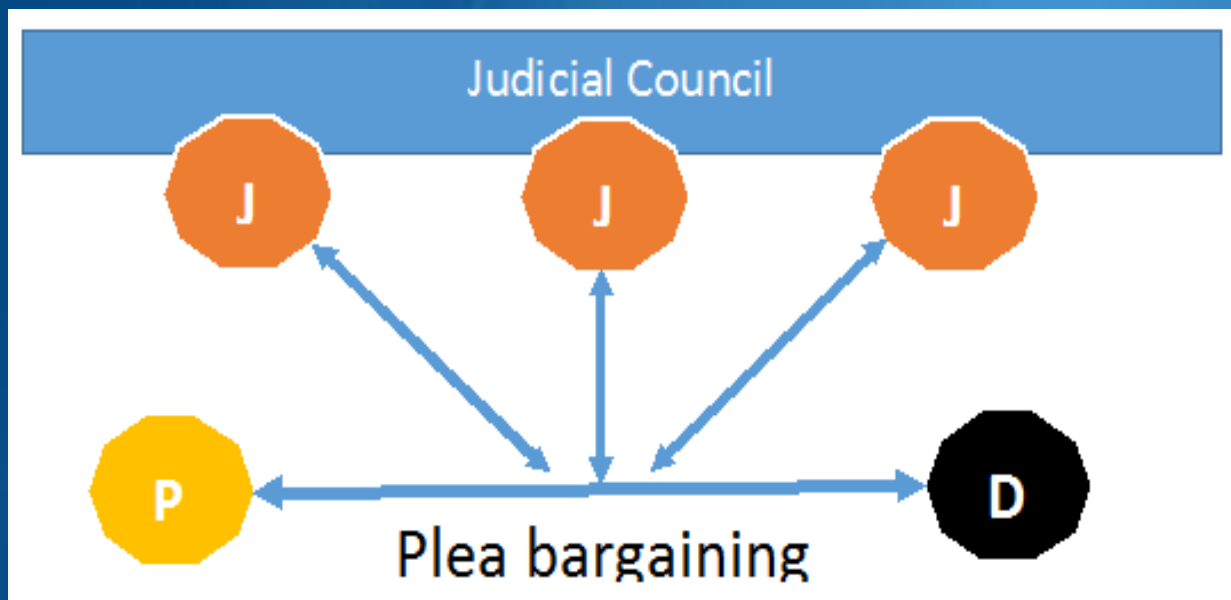


% of unproven corruption cases (N=48)



# Indicators: UNLAWFUL sanctions

- UNLAWFUL sanctions for perpetrators of the most serious corruption offences (7 of 10 cases)



P – Prosecutors  
J – Judges  
D – Defendant

- No appeal shall be permissible against a decision (plea agreement)



# Indicators of links between organized crime and corruption

- UNLAWFUL sanctions for perpetrators of the most serious corruption offences (7 of 10 cases)
  - If a punishment of imprisonment of three or more years is prescribed as the lowest punishment for the criminal offence, it may be reduced to one year of imprisonment (Criminal Cod)
  - The suspended sentence cannot be imposed for criminal offences for which even after a reduction of the punishment, a punishment of imprisonment for a term not exceeding one year cannot be imposed (Criminal Cod)
  - Prosecutor may propose an agreed sentence of less than the minimum prescribed by the Law for the criminal offense(s) or a lesser penalty against the suspect or the accused (Criminal Procedure Code)

# The Court of Bosnia and Herzegovina (Dpt II)

Where is the link between proven OC and corruption?

# Characteristics of Organised Cime

Criminal offences related to OC	Freq.	%
Smuggling of Persons	38	30.4
Illicit Trafficking in Arms and Military Equipment	6	4.8
Illicit Trafficking in Narcotic Drugs	37	29.6
Counterfeiting of Money	5	4.0
Money Laundering	2	1.6
Tax Evasion or Fraud	13	10.4
Obstruction of Justice	6	4.8
Aggravated Theft	3	2.4
Abuse of Office or Official Authority	5	4.0
Robbery	2	1.6
Aggravated Bodily Injury	1	0.8
Extortion	1	0.8
False Report	1	0.8
Forgery of a Document	4	3.2
Concealing	1	0.8

# Characteristics of Organised Cime

- OC in Criminal code
  - „Whoever perpetrates a criminal offence prescribed by the law of Bosnia and Herzegovina as a member of an organised criminal group, (...) shall be punished by imprisonment for a term not less than three years“.
- Unlawful sanctions
  - The same principe...
  - 17/103

# Concluding remarks

Lack of proven connection between corruption and organized crime could be a consequence of several things:

- Organised crime is not understood in the right way
- Grand corruption was not brought to light
  - Are we incapable of prosecuting organized crime and corruption?
  - Is there a lack of knowledge?
  - Is there a lack of will/motivation?
  - Is it too difficult to prove grand corruption?
- Petty corruption which is usually prosecuted in the Bosnian courts is not linked with organized crime

# Thank you for your attention!

Srđan Vujović  
svujovic@cprc.ba