



Association suisse  
contre l'impunité

Schweizerische Gesellschaft  
für Völkerstrafrecht

Swiss association  
against impunity

OHCHR REGISTRY

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Recipients: HR Committee.  
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To the attention of:

**Human Rights Committee Secretariat**

UNOG - Office of the United Nations High Commissioner

for Human Rights

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Geneva, 4 November 2013

**Submission of a Follow-Up Report on the Implementation of the Concluding Observations on Bosnia and Herzegovina issued by the Human Rights Committee in November 2012**

Dear Madams and Sirs,

I have the honour to submit to the Human Rights Committee a follow-up report on the implementation of the recommendations contained in the concluding observations issued in November on Bosnia and Herzegovina.

You will find an executive summary, where priority concerns are highlighted, along with country-specific recommendations to facilitate the work of the Human Rights Committee. Besides that, please also find attached the integral version of the follow-up report, where details and concrete examples are provided.

Please note that the report (both the executive summary and the integral version) can be posted on the Human Rights Committee website for public information purposes.

I remain at your full disposal in case any further clarification is needed, and I take this opportunity to send you my very best wishes,

Philip Grant

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Notably, the follow-up report on Bosnia and Herzegovina is submitted by the following associations:

TRIAL (Track Impunity Always)

Association of the Concentration Camp-Detainees Bosnia and Herzegovina

Association of Detained – Association of Camp-Detainees of Brčko District Bosnia and Herzegovina

Association of Families of Killed and Missing Defenders of the Homeland War from Bugojno Municipality

Association of Relatives of Missing Persons from Ilijaš Municipality

Association of Relatives of Missing Persons from Kalinovik (“Istina-Kalinovik ‘92”)

Association of Relatives of Missing Persons of the Sarajevo-Romanija Region

Association of Relatives of Missing Persons of the Vogošća Municipality

Association Women from Prijedor – Izvor

Association of Women-Victims of War

Croatian Association of War Prisoners of the Homeland War in Canton of Central Bosnia

Croatian Association of Camp-Detainees from the Homeland War in Vareš

Prijedor 92

Regional Association of Concentration Camp-Detainees Višegrad

Sumejja Gerc

Union of Concentration Camp-Detainees of Sarajevo-Romanija Region

Vive Žene Tuzla

Women’s Section of the Association of Concentration Camp Torture Survivors Canton Sarajevo



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**EXECUTIVE SUMMARY**  
of the  
**FOLLOW-UP REPORT ON**  
**THE IMPLEMENTATION BY BOSNIA AND HERZEGOVINA**  
**OF THE RECOMMENDATIONS ISSUED BY THE HUMAN RIGHTS COMMITTEE**

(CCPR/C/BIH/CO/2)

NOVEMBER 2013

**I. Background**

1. On 2 November 2012 the Human Rights Committee (HRC) adopted its concluding observations on the 2<sup>nd</sup> periodic report submitted by Bosnia and Herzegovina (BiH). The HRC requested BiH to provide, within one year (i.e. 2 November 2013), relevant information on the implementation of its recommendations to, among others, **expedite the prosecution of war crimes cases**; continue to provide **adequate psychological support to victims of sexual violence**, particularly during the conduct of trials; ensure that the judiciary in all Entities strongly pursues efforts aimed at harmonizing jurisprudence on war crimes and that **charges for war crimes are not brought under the archaic Criminal Code of the former Socialist Federal Republic of Yugoslavia (SFRY), which does not recognize certain offences as crimes against humanity; abolish the obligation in cases of disappearance which makes the right to compensation dependent on the family's willingness to have the family member declared dead; and ensure that any compensation or other form of redress adequately reflects the gravity of the violation and the harm suffered.**
2. TRIAL (Track Impunity Always), six associations of relatives of missing persons (Association of Families of Killed and Missing Defenders of the Homeland War from Bugojno Municipality; Association of Relatives of Missing Persons from Ilijaš Municipality; Association of Relatives of Missing Persons from Kalinovik – "Istina-Kalinovik 92"; Association of Relatives of Missing Persons of the Sarajevo-Romanija Region; Association of Relatives of Missing Persons of the Vogošća Municipality; and Association of Women from Prijedor – *Izvor*); four associations working with victims of rape or other forms of sexual violence during the war (Association of



Women-Victims of War; Sumejja Gerc; *Vive Žene* Tuzla; and the Women's Section of the Concentration Camp Torture Survivors Canton Sarajevo); and seven associations or federations of associations of former camp-detainees (Association of the Concentration Camp-Detainees – Bosnia and Herzegovina; Association of Detained – Association of Camp-Detainees of Brčko District Bosnia and Herzegovina; Croatian Association of War Prisoners of the Homeland War in Canton of Central Bosnia; Croatian Association of Camp-Detainees of the Homeland War in Vareš; Regional Association of Concentration Camp-Detainees Višegrad; Union of the Concentration Camp-Detainees of Sarajevo-Romanija Region; and Prijedor 92) submit to the HRC written information for the follow-up on the subjects concerned, in order to assess whether the recommendations have been implemented, and to highlight the remaining obstacles. Moreover, reference is made to other issues of concern for the three mentioned groups that disclose the existence of practices and situations which are not in accordance with the obligations set forth by the International Covenant on Civil and Political Rights.

3. In general, it is the view of the subscribing organizations that since November 2012 there has not been any significant progress with regard to the fulfilment of the international obligations of BiH. While the three categories of people concerned continue experiencing isolation and indifference, the recommendations issued by the HRC have not been duly implemented and the situation remains almost unchanged. Relatives of missing persons, former camp-detainees and women victims of rape or other forms of sexual violence during the war are left to bear the brunt of violations that have been ongoing over the past 20 years. The lack of consistent steps forward and the non fulfilment of long-due promises increase the frustration among these categories of people and many feel that the State is indulging into lulls until they die, avoiding to provide any meaningful answer to their quest for justice, truth and reparations. BiH remains in breach of its international obligations as spelled out, among others, by the International Covenant on Civil and Political Rights.

## **II. The Implementation of the National War Crimes Processing Strategy**

4. Although over the past year moderate progress has been made in the implementation of the National War Crimes Processing Strategy (according to which the most complex crimes are to be dealt with within 7 years from the adoption of the strategy in 2008 and other crimes within 15 years), prosecutors' offices across the country remain unable to effectively deal with all the pending war crimes cases. According to the High Judicial and Prosecutorial Council (HJPC) additional human resources must be secured (esteemed in the number of 28 new prosecutors). Despite some efforts in this sense, at the time of writing no additional personnel assigned to war crimes cases has been appointed. Associations of victims of war crimes remain generally dissatisfied with the implementation of the strategy and, after having been seeking for justice over the past 20 years and seeing some of their members passing away without accomplishing their quest, they are frustrated with the pace of prosecutions. With the notable exception of two of the associations subscribing the follow-up report, others denounce that communications with prosecutors' offices and access to information with regard to ongoing or



forthcoming trials remains extremely difficult. A source of great concern is the policy of anonymization implemented since March 2012 by the Court of BiH. The rulebook on public access to information under the Court's Control and Community Outreach was amended and, currently, documents issued by the Court are censored and the Prosecutor's Office of BiH does not provide complete information on the indictments related to war crimes. Relevant data, including names and surnames of those accused, suspected of, or convicted for war crimes, their representatives, the places where the crime has happened, as well as the names of victims, are substituted or removed from Court's decisions and other related documents. Victims of crimes committed during the war fear that their access to information about their cases or ongoing proceedings, if any, as well as their right to know the truth may be further hampered. This practice seriously undermines also the right to know the truth of the society as a whole. In July 2013 the HJPC issued a recommendation according to which tribunals and prosecutors' offices across the country should not automatically anonymize legal acts, but rather balance private and public interest. Moreover, the HJPC called for the establishment of a working group to draft adequate guidelines on access to information. It remains to be seen whether and how these recommendations will be implemented.

*Please refer to paras. 1-6 of the full follow-up report for details.*

#### **Recommendations**

Ensure that the **National Strategy for Processing War Crimes is duly implemented** without further delay and that adequate financial and human resources are allocated to guarantee that the pace of proceedings increases.

Ensure that victims of gross human rights violations during the war and their representative associations are **given information on a regular basis on the process of investigation carried out by the prosecutor's offices, the results of those investigations and whether trials might be forthcoming**. Courts at all levels shall have consistent rules in dealing with the public in general and with victims of war crimes in particular.

Ensure that the **anonymization policy adopted by the Court of BiH is amended so that the judicial determination of the facts in trials concerning war crimes, crimes against humanity and, in general, gross violations committed during the war, are disclosed to the general public without restriction**, allowing victims of the crimes concerned, their families and society as a whole to fulfil their right to know the truth.

### **III. The Provision of Psychological Support and Protection to Witnesses and Victims of War Crimes**

5. The psychological support provided during trials to witnesses and victims of war crimes and, especially, to women victims of rape or other forms of sexual violence during the war, remains inadequate. The situation is particularly critical in Republika Srpska and before district prosecutors' offices. Even where some support is provided, the persons in charge are not adequately trained to do so in a professional manner. Moreover, psychological support does not extend to the period after the trial, thus leaving victims and witnesses to cope with fear and a sense of abandonment. Although in the last month new departments to offer support to witnesses during war crimes trials have been set up in Travnik and Bihać, there is no certainty with regard to their future sustainability in terms of financial and human resources. Moreover, since September 2012 new instances of harassment and threats against



witnesses at war crimes trials have been reported while, to the knowledge of the associations subscribing the report, this kind of crimes is not being duly investigated and those responsible are not being prosecuted and sanctioned. Finally, the relevant legal framework for victims' and witnesses' protection remains inadequate. A draft law on Witness Protection Programme in BiH remains pending before the House of Representatives.

*Please refer to paras. 7-17 of the full follow-up report for details*

#### **Recommendations**

Ensure that a **comprehensive programme of witness protection and psychological accompaniment** is granted at all levels prior, during and after the trial takes place. Instances of threats or harassment against witnesses, victims, their families, their counsels as well as against their representative associations shall be promptly and thoroughly investigated and those responsible shall be judged and sanctioned. Witness protection and support shall be victim-oriented and supplied by experts who are adequately trained to provide these services and are financed by the State. **The draft law on witnesses' protection and support currently pending before the House of Representatives must be discussed and enacted without further delay.**

Guarantee that **witnesses obtain adequate material support**, including safe and free of charge transportation to and from the court.

#### **IV. The Lack of Harmonized Jurisprudence between State and Entity Courts**

6. Several international institutions, including the HRC, criticized the use of the Criminal Code of the Socialist Federal Republic of Yugoslavia ("SFRY") instead of the BiH Criminal Code of 2003 to try those accused of crimes committed during the war. The former prescribes lower mandatory maximum and minimum penalties in war crimes cases than the 2003 Criminal Code, and the fact that usually perpetrators get lighter sentences fosters a sense of discrimination and frustration among victims. On 18 July 2013, the European Court of Human Rights issued a judgment on the case *Maktouf and Damjanović* finding a violation of Art. 7 of the European Convention on Human Rights (no punishment without law) and affirming that the SFRY Criminal Code should have been applied. In October 2013 the Court of BiH allowed the re-opening of proceedings and the carrying out of new trials against Mr. Damjanović and Mr. Maktouf. It has been assessed that as a consequence similar appeals could be filed in over 50 war crimes cases already decided by the Court of BiH since 2003, potentially paralyzing the latter, which is already struggling with a considerable backlog of cases. It is further questionable that the sanctions established by the SFRY Criminal Code for war crimes can be considered commensurate to the gravity of the crimes concerned.

*Please refer to paras. 18-20 of the full follow-up report for details*

#### **Recommendations**

Taking into account the extreme gravity of the crimes concerned, ensure that those accused of crimes committed during the war, and in particular of **crimes against humanity**, are investigated and prosecuted pursuant to the provisions of the 2003 Criminal Code instead of those of the Criminal Code of the SFRY.



## V. The Obligation to Declare Missing Persons Dead in Order to Access Monthly Disability Pensions

7. The HRC, as well as other international human rights mechanisms, repeatedly stressed that social allowances and measures of reparation for relatives of victims of enforced disappearance cannot be made conditional on the requirement of a death certificate of the victims. In its views of 28 March 2013 on the case *Prutina et al.*, the HRC found multiple violations of the Covenant with regard to the obligation imposed on relatives of missing persons to obtain a death certificate in order to have access to social welfare and reparation and it recommended BiH to abolish such obligation and amend domestic legislation accordingly. In September 2013 representatives of TRIAL met with members of the Commission for Human Rights and Freedoms of the Federal Parliament and called on them to amend the existing legislation. The Commission expressed its willingness to consider potential amendments and requested TRIAL to present a draft text in this sense, which was done on 30 September 2013. The draft document was forwarded for consideration to the competent federal ministries on 10 October 2013 and it is currently being examined. Furthermore, it must be recalled that Art. 27 of the Law on Missing Persons (Official Gazette of BiH, No. 50/04, into force since 17 November 2004) establishes that those who will be registered in the Central Records of Missing Persons will be considered as dead. The fact that enforced disappearance of persons is treated as direct death does not take into account the continuous nature of the crime, the right to truth of the families of the disappeared and the obligation of the State to continue the investigations.

*Please refer to paras. 21 to 24 of the full follow-up report*

### Recommendations

**Ensure that domestic legislation in cases of disappearance which makes the right to compensation and social allowances dependent on declaring the victim dead is amended without further delay, and that an assessment of the compatibility with international human rights standards of Art. 27 of the Law on Missing Persons is carried out to ensure that enforced disappearance is not unduly dealt with as a direct death. Associations of relatives of missing persons shall be duly involved in such assessment.**

## VI. Other Matters of Concern

8. Besides the issues of concern on which the HRC expressly requested BiH to provide follow-up information, there are other matters that the associations subscribing the report would like to bring to the attention of the HRC.

## VII. The Failure to Fully Implement the Law on Missing Persons

9. Several problems are related to the fact that, nine years after its entry into force, many provisions of the Law on Missing Persons remain dead letter. Art. 7 of the Law on Missing Persons provided for the establishment of the Missing Persons Institute ("MPI") to improve the process of tracing missing persons and expedite identifications of mortal remains of missing persons. The MPI became fully operational



only from 1 January 2008. Currently, those holding the posts within the Board of Directors and the Steering Board are doing so *ad interim* pursuant to a mandate of technical nature (the latter since 2011, while the Board of Directors since 2012). Moreover, pursuant to the Law on Missing Persons, a Central Records on Missing Persons ("CEN") should have been completed by 1 January 2009. At November 2013, the CEN has not been completed. Further, pursuant to Art. 15 of the Law on Missing Persons, a Fund for the Support of Families of Missing Persons ("Fund") should be established and a decision on such matter should have been issued by the Council of Ministers of BiH within 30 days from the date of the coming into force of the law. Accordingly, such decision should have been taken by 17 December 2004. Almost nine years after the given deadline, the Fund does not exist yet. The non-establishment of the Fund amounts also to non-implementation of a significant number of decisions delivered by the Constitutional Court of BiH on the subject of missing people, whereby the payment of compensation to relatives recognized victims of grave human rights violations was associated to the establishment of the Fund.

*Please refer to paras. 25-34 of the full follow-up report for details*

#### **Recommendations**

Ensure that, within the MPI, the recourse to mandates of "technical" nature or the holding of posts *ad interim* is limited to exceptional circumstances, while all the posts of the management of the MPI are filled through a regular and transparent election process. The regular budget for 2014 must be secured as a priority. To increase the authority of the MPI, during their term of office the members of the Steering Board, of the Board of Directors, and of the Supervisory Board shall not engage in any activity which is incompatible with their independence, impartiality or with the requirements of a full-time office.

Ensure that the Law on Missing Persons is fully implemented and that the CEN is completed within the shortest delay. Failure to comply with this shall be prosecuted and sanctioned. The information contained in the CEN shall be as complete and accurate as possible.

Ensure that the Fund is set up without any further delay and its financing is entirely secured. In any case, BiH shall ensure that, besides measures of social assistance, all relatives of missing persons are granted integral reparation and prompt, fair and adequate compensation for the harm suffered.

### **VIII. The Status of Draft Legislation relevant for Victims of Gross Human Rights Violations during the War**

10. Over the past years a number of legislative initiatives have been launched, sometimes involving representatives of civil society, in order to bring BiH legal framework in line with international standards and to finally guarantee the victims' rights to justice and redress. Despite several pledges by BiH authorities that the mentioned initiatives were about to be approved and implemented and repeated recommendations on these issues from international human rights mechanisms, to date none of the legislative initiatives concerned has seen the light of the day. The follow-up report focusses on four major and long due initiatives, namely the draft National Strategy on Transitional Justice, the Programme for Improvement of the Status of Survivors of Conflict related Sexual Violence, the draft Law on the Rights of Victims of Torture, and the draft Law on Free Legal Aid. In the four cases, despite



assurances from BiH of an “imminent” adoption, the relevant drafts have not been approved and do not seem close to significant advancement, paralyzed by lack of political will and failure of the Entities to take a clear stand. Time passes, BiH authorities fail to adopt positive measures and indulge into lulls, while in the meantime victims of gross human rights violations from the war continue seeing their basic rights impaired. This is not only a flagrant violation of BiH’s international obligations, but is perceived as a mockery by thousands of people.

*Please refer to paras. 35-52 of the full follow-up report for details*

#### **Recommendations**

Ensure that the **National Strategy for Transitional Justice** is adopted and implemented without further delay, keeping in mind that fact-finding processes, although crucial for the establishment of the truth, cannot replace access to justice and redress for victims of gross human rights violations and their relatives that must thus be guaranteed such rights independently from the adoption of the strategy concerned.

Ensure that the **Programme for Improvement of the Status of Survivors of Conflict related Sexual Violence** is referred for approval to the Council of Ministers of BiH without further delay. Representatives of the Entities must express their opinion on the programme and show their genuine support without further delay. Measures envisaged by the programme shall have a transformative aim, in the sense that they must allow women to ameliorate or at least consolidate their position in society. In this sense women victims of rape or other forms of sexual violence during the war shall be guaranteed full participation in the implementation, evaluation and decision-making related to the programme.

Ensure that the obstacles for the adoption of the **Law on the Rights of Victims of Torture** are swiftly removed and this crucial piece of legislation is adopted and enforced without further delay. Financial resources for its implementation must be secured and the overall exercise must be coordinated with the other mentioned legislative initiatives concerning victims of the conflict in BiH in order to avoid overlapping or lacunae. To ensure the finalization of a sound draft law, all parties shall constructively participate to the endeavour and associations of victims of torture during the war must be thoroughly involved and allowed to express their opinions, needs and expectations.

Ensure that a new **draft law on free legal aid** is finalized without delay and that associations of victims of gross human rights violations during the war are thoroughly involved in such process and allowed to express their opinions, needs and expectations. The draft law on free legal aid shall be promptly approved and its funding secured. BiH must ensure to set up without delay an effective public system of free legal aid enabling victims of war to receive legal support (counselling and, if need be, access to court), if they are not able to afford it.

#### **IX. The Limitations on the Freedom of Expression and the Right of Peaceful Assembly with regard to the Associations of Victims of War from the Prijedor Area**

11. Over the past years, restrictions on the freedom of expression and peaceful assembly in Prijedor, as well as prohibitions to hold public commemorations related to war crimes were reported. Since November 2012 other similar hindrances have been registered. On the one hand Arcelor Mittal, the corporation currently owning the site where the Omarska detention camp was located, imposes severe restrictions to those willing to visit the site. On the other, the mayor of Prijedor has been issuing public discriminatory and insulting statements against people taking part to peaceful commemorations of the crimes committed against non-Serb population in Prijedor, thus fostering the feeling of insecurity and isolation of victims of gross human rights violations living in the area. With regard to the attacks committed respectively in 2011 and 2012 on the premises of civil society organizations headquartered in



Prijedor, namely Prijedor 92 and *Izvor*, at the time of writing investigations are allegedly ongoing and no one has been prosecuted and sanctioned.

*Please refer to paras. 53-56 of the full follow-up report for details*

#### Recommendations

Ensure that restrictions on freedoms of expression and peaceful assembly comply with the strict requirements of Arts. 19 and 21 of the Covenant respectively. BiH must **conduct investigations regarding the legality of prohibitions to conduct commemorations in the town of Prijedor since May 2012.**

Ensure that **episodes of harassment and defamation of those participating to peaceful assemblies and commemorations of war crimes are duly investigated and, where appropriate, prosecuted and sanctioned.** In particular, BiH must ensure that a **prompt, independent, impartial and thorough investigation** is carried out to identify, judge and sanction those responsible for the **attacks committed during in 2011 and 2012 respectively against the premises of the associations Prijedor 92 and *Izvor*.**

Ensure that **consultations with victims and survivors of gross human rights violations from the war and their representative associations are launched without delay with the aim of designing and building a memorial to non-Serb victims in Prijedor.**

#### X. The Pace of Exhumations of Missing Persons

12. Although since November 2012 there has been a moderate progress in the number of exhumations of mass graves carried out across the country, some obstacles remain. In particular, civil society associations complained about restrictions to their access to the mass grave recently discovered in Tomašica, near Prijedor. Another problematic instance has been reported with regard to an exhumation initiated on 22 July 2013 at a city dump in Buća potok and suspended on 30 August 2013 because the contractors in charge of the task have not been paid. Moreover, relatives of missing persons do not receive adequate psychological support during and after exhumations take place, often being exposed to further stress and suffering.

*Please refer to paras. 57-59 of the full follow-up report for details*

#### Recommendations

Ensure that the **process of exhumation of mortal remains is accelerated and the necessary staff and resources are allocated to this end.** Moreover, BiH must ensure that the Prosecutor's Office of BiH establishes a mechanism to **regularly inform relatives of missing persons**, including those residing outside BiH, and their associations on the progresses made in the process of exhumation and identification of mortal remains and to answer the questions that they may have in this regard. Finally, BiH must ensure that **during and after the processes of exhumation and identification of mortal remains relatives of missing persons receive, free of charge, adequate psychosocial accompaniment**, provided by teams of professionals especially trained for this work and financed by the State.

#### XI. The Inadequacy of the Criminal Legislation on Sexual Violence, Torture and Enforced Disappearance

13. Despite repeated recommendations from various international human rights mechanisms to amend the existing criminal legislation on sexual violence, torture and enforced disappearance, at November 2013



no such reform took place. However, on 22 October 2013 the draft law on changes of the Criminal Code of BiH was approved by the Constitutional-Legal Committee and is waiting to be referred to the House of Representatives. In light of the proposed amendments, the definition of sexual violence as a war crime would be amended removing the condition of "force or threat of immediate" attack. Further, Art. 190 of the Criminal Code would be amended to bring the definition of torture in line with that contained in the Convention against Torture, and an Art. 190a would be introduced to codify enforced disappearance as a crime also when it is not committed as part of a widespread or systematic attack against the civilian population and to regulate superior responsibility for such crimes. Notably, the sanctions proposed for the crimes of torture and enforced disappearance in their amended version do not seem to be proportionate to the gravity of the crimes concerned.

*Please refer to paras. 60-65 of the full follow-up report for details*

### Recommendations

Make sure that the **draft law on changes of the Criminal Code of BiH is referred to the House of Representatives and discussed in view of its approval without delay**. In particular, BiH authorities must ensure that:

- a) **The criminal codes at the State and Entity level are amended to include a definition of sexual violence in accordance with international standards and jurisprudence related to prosecution of war crimes of sexual violence and to remove the condition of "force or threat of immediate attack";**
- b) **The criminal codes at the State and Entity level integrate the crime of torture as defined under Art. 1 of the Convention against Torture**, criminalizing also the incitement, instigation, superior orders or instructions, consent, acquiescence and concealment of acts of torture. Entities shall also integrate torture as a crime against humanity and as a war crime in accordance with international standards. **The penalties envisaged for torture must be commensurate to the gravity of the crime;**
- c) **Criminal codes at the Entity level are harmonized with the criminal code at the State level, in particular with the view to integrate the crime of enforced disappearance as a crime against humanity, and set appropriate penalties. The criminal codes at all levels shall be amended to integrate the autonomous crime of enforced disappearance** and shall establish that the statutes of limitations for criminal proceedings on cases of enforced disappearance take into account the continuous nature of the offence and hence commence to run from when the fate or whereabouts of the victim are established with certainty and made known to their relatives.

## XII. Ratification of Relevant International Treaties

14. Associations of victims of gross human rights violations committed during the war are firmly persuaded about the need to prevent similar crimes from ever happening again. In this sense, it is essential that BiH ratifies relevant international treaties and adopts adequate implementing legislation. At the time of writing, BiH has not yet ratified the Kampala Amendments to the Rome Statute for the establishment of the International Criminal Court (ICC) and national legislation is not fully in line with all obligations under the Rome Statute both with regard to the definition of genocide, crimes against humanity and war crimes and with regard to effective cooperation.

*Please refer to paras. 66-67 of the full follow-up report for details*

### Recommendations

BiH must **ratify without delay** the **Kampala Amendments** to the Rome Statute. Moreover, it must ensure that it fully **aligns its national legislation with all obligations under the Rome Statute**, including providing for effective cooperation with the ICC as set out in the Rome Statute and defining genocide, crimes against humanity, and war crimes in accordance with the Rome Statute and the Elements of Crimes. BiH must conclude specialized agreements with the ICC on the enforcement of sentences, and witnesses protection and relocation.