

Ensuring Accountability for War Crimes and Promoting Transitional Justice



The OSCE Mission to Bosnia and Herzegovina (Mission) monitors and reports on domestic war crimes proceedings to provide an objective and accurate assessment of the commitment, capacity and willingness of the judicial system to investigate, prosecute and adjudicate war crimes in an effective, human rights compliant and expedient manner. The Mission draws on these monitoring findings to identify systemic issues in the judicial response to the legacy of war and to design targeted technical assistance, capacity building, and advocacy strategies support the judiciary in addressing these issues. The Mission has also increased its focus on transitional justice beyond the courtroom, recognizing it as an essential complement to criminal proceedings. Related Mission war crimes and transitional justice programming includes capacity-building, promoting transparency, targeted advocacy and technical support.

Since 2004, under the auspices of its trial monitoring program, the Mission has monitored all cases concerning war crimes, crimes against humanity and

genocide processed before domestic courts across all jurisdictions in Bosnia and Herzegovina (BiH). As of the end of 2024, the BiH judiciary

had adjudicated nearly 800 such cases. Based on this data and analysis, the Mission regularly underscores the need to increase the capacity and efficiency of courts and prosecutor's offices across BiH and to ensure the provision of adequate support, including to victims and witnesses, and resources to address these sensitive cases.

Domestic War Crimes Prosecutions and the (Revised) National War Crimes Processing Strategy

Since the end of the 1992-1995 war, courts and prosecutor's offices in BiH have been investigating and trying war crimes cases. Following the adoption of the Completion

Strategy of the International Criminal Tribunal for the Former Yugoslavia (ICTY) in 2003, specialized departments in the Court of BiH and the Prosecutor's Office of BiH (PO BiH) were established with primary jurisdiction over war crimes. As part of the ICTY's Completion Strategy, and in accordance with Rule 11bis of the ICTY Rules of Procedure and Evidence, the ICTY transferred six cases involving ten defendants to BiH judicial authorities. Based on a request from the ICTY and in line with its mandate, the Mission agreed to monitor and report on these Rule 11bis cases. The approximately 60 reports submitted to the ICTY by the Mission on these cases describe key developments and challenges as well as steps

taken to address them. Following the completion of the final Rule 11bis case in 2011, the Mission assessed that the handling of these cases demonstrated the capacity of the BiH judicial system to process war crimes cases fairly and efficiently, notwithstanding certain concerns identified in the Mission's reports.

In 2008, given the magnitude of the crimes to be addressed by the domestic judiciary, BiH adopted the National War Crimes Processing Strategy (NWPCS), which established mechanisms and criteria for the distribution and prioritization of cases among all judicial institutions in BiH. The NWPCS provided that State-level institutions would address the most complex cases and those involving the most responsible perpetrators, while cantonal and district prosecutor's offices and courts in the entities and in Brčko District would process less complex cases. The NWPCS also provided for the establishment a Supervisory Body tasked with overseeing the strategy's implementation.

The NWPCS's initial 2015 deadline for the completion of the most complex war crimes cases was not met, leading to the adoption of the Revised National War Crimes Processing Strategy (Revised Strategy) in 2020, setting a new 2023 deadline. The Revised Strategy also introduced revisions intended to harmonize determinations of case complexity, further streamline case distributions and transfers, and strengthen the role of the Supervisory Body. However, the Revised Strategy's deadline was again extended through the end of 2025, and, in September 2025, the Supervisory Body agreed to request from the Council of Ministers of BiH an additional extension of the Revised Strategy through 2028. As of the end of 2024, there remained 253

cases with identified suspects in prosecutors' backlogs, in addition to 1,457 cases with no identified suspects and 1,243 cases related to exhumations in which there are insufficient facts to establish the crime.

Pioneering Judicial Outreach

A lack of accurate and publicly available information has fostered misconceptions about war crimes prosecutions and the capacity of the BiH criminal justice system to deal with such cases. This has contributed to distrust in the criminal justice system and a growing reluctance, including by essential witnesses, to co-operate with courts and prosecutors. In support of the outreach efforts of courts and prosecutor's offices, the Mission regularly brings together actors from international and domestic justice systems, including representatives of the ICTY, the Court of BiH, the PO BiH, judges and prosecutors from other domestic jurisdictions, civil society organizations and members of the press. These forums stimulate debates about enhancing transparency, community outreach and support to victims and witnesses. Through its long-term relationship with relevant civil society organizations, the Mission fosters public understanding of and trust in war crimes processing in BiH.

Extra-Budgetary Projects

The generous support of international partners has enabled the Mission to implement several Extra-Budgetary Projects that have bolstered its core programming to improve war crimes processing and end impunity for genocide, crimes against humanity and war crimes. Implemented in 2009, with the support of the governments of the France, Greece, Norway, Switzerland

and the United Kingdom (UK), the Mission's Capacity Building and Legacy Implementation (CBLI) project targeted the needs of legal practitioners and devised mechanisms to allow sustainable co-operation between domestic justice sector practitioners, the ICTY and neighbouring jurisdictions. The War Crimes Capacity Building Project (WCCBP), which ran from 2014 to 2017 with funding from Austria, Germany, Italy, Norway, Switzerland, the UK, the United States of America (USA), conducted capacity-building programming for prosecutors, judges, defence attorneys and investigators.

Strengthening Rule of Law by Improving War Crimes Processing in BiH (IWCP), funded by the UK from 2018 to 2020, addressed systemic challenges in the Special Department for War Crimes of the PO BiH (SDWC) identified in the [2016 report, Processing of War Crimes at the State Level in Bosnia and Herzegovina](#), written by Judge Joanna Korner, QC. IWCP established an electronic archive of evidence at the SDWC within the PO BiH and concluded with the publication of a follow-up report by Judge Korner in 2020, [Improving War Crimes Processing at the State Level in Bosnia and Herzegovina](#). Additionally, from 2014 to 2024, the Mission implemented the War Crimes Monitoring Project (WCMP), funded by the European Union, to further support the fair, effective and transparency processing of war crimes cases. In addition to providing training and technical assistance to entity-level judicial authorities, the Project facilitated the establishment of the Witness Support Officer Coordination Body to help routine information sharing and knowledge exchange among witness support officers. With the end of the Project, that Coordination Body continues to meet with

the support of the High Judicial and Prosecutorial Council of BiH (HJPC).

Thematic Reports on War Crimes Processing

Since 2012, the Mission has publicised data collected through its extensive trial monitoring program by issuing detailed thematic reports. This includes reports on progress and challenges in processing conflict-related sexual violence, [Combating Impunity for Conflict-Related Sexual Violence in Bosnia and Herzegovina: Progress and Challenges](#), in both 2014 and 2015, and a comprehensive 2017 follow-up report, [Towards Justice for Survivors of Conflict-Related Sexual Violence in Bosnia and Herzegovina: Progress before Courts in BiH 2014-2016](#). Multiple Mission reports have examined the implementation and advancement of the NWPCS. In [Observations on the National War Crimes Processing Strategy and its 2018 Draft Revisions, including its relation to the Rules of the Road "Category A" cases](#) (2018), the Mission analysed the proposal for a revised NWPCS, while [War Crimes Case Management at the Prosecutor's Office of Bosnia and Herzegovina](#) analysed specific challenges in the prioritization of legally and factually complex war crimes cases in line with the NWPCS. Most recently, in 2022, [A Race against Time - Successes and Challenges in the Implementation of the National War Crimes Processing Strategy of Bosnia and Herzegovina](#) analysed systemic challenges in domestic war crimes prosecutions in the context of the revision of the NWPCS. The Mission also presents an [annual information sheet](#) that provides a statistical overview of war crimes case processing.

For more information, scan the QR code.



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