

---

Information of the Ministry of Justice of Bosnia and Herzegovina on the activities taken in the field of prevention and combating terrorism

Bearing in mind the complexity of the issue of terrorism, we emphasize that, in addition to the various forms in which this criminal offence can be carried out, and as provided for by the criminal legislation of BiH<sup>1</sup>, the financing of terrorist activities is an equally important problem to which attention should be paid, as well as criminal offences by means of which, very often through the criminal offence of money laundering, the funds for terrorism are secured.

For the status confirmation and further affirmation at the international level, which make it possible to counter the problem of terrorism internationally and in a coordinated manner, Bosnia and Herzegovina fulfills the international obligations set before our country in accordance with the ratified relevant conventions and bilateral agreements, and also the recommendations based thereon by relevant international bodies such as the UN, FATF and Moneyval.

The Ministry of Justice of Bosnia and Herzegovina, as the proposer and drafting authority of the Criminal Code of Bosnia and Herzegovina, through the amendments thereof, sought to ensure the harmonization of relevant criminal law regulations at the level of Bosnia and Herzegovina with the relevant international obligations, with which the entity laws would be further harmonized.

Within this meaning, amendments were made to the Criminal Code of BiH, which in a more complete way sought to provide an adequate possibility for countering of and protection from various forms of terrorist acts, and in addition to the already existing criminal offence of **Terrorism**, Articles 202a, 202b, 202c and 202d were introduced, thus criminalizing the acts of **Encouraging Terrorist Activities in Public, Recruitment for Terrorist Activities, Training to Perform Terrorist Activities and Organizing a Terrorist Group**.

**Special attention was also given to the issue of financing terrorist activities, in such a way that** the new Article 202 of the CC BiH, in accordance with the stated obligations, provides for the punishment of persons who give to or in any other manner provide an individual terrorist or

---

<sup>1</sup> CC BiH Art. 201 **Terrorism**, Art. 202 **Funding of Terrorist Activities**, 202a **Encouraging Terrorist Activities in Public**, 202b **Recruitment for Terrorist Activities**, 202c **Training to Perform Terrorist Activities**, 202d **Organizing a Terrorist Group**

a terrorist organization with the **funds** that they will use in carrying out some of the terrorist activities, or for any other purpose, specifying the term **funds**<sup>2</sup>.

In this fashion, therefore, the activities were criminalized through which the undertaking of terrorist activities, as well as the subsistence and any other act of an individual terrorist or terrorist organization, is being financed.

As we have already stated, the issue of terrorism cannot be viewed separately from other criminal offences, with which it is most often connected, and sometimes the performance of terrorist activities depends on the previous commission of some other criminal activities.

In relation to this, and as required by the obligations defined by FATF and Moneyval, Bosnia and Herzegovina has made appropriate amendments to the criminal offence of money laundering, clearly delimiting the jurisdiction of the Court of BiH and the Prosecutor's Office of BiH in relation to the jurisdiction of the Entities' judiciary, and having solved thereby the so-far biggest obstacle to a more efficient prosecution for this criminal offence. In this way, the Prosecutor's Office, or the Court of Bosnia and Herzegovina respectively, has jurisdiction to prosecute the criminal offence of money laundering in cases where the predicate offences (offences in which money or the proceeds being "laundered" were obtained) were committed abroad, throughout Bosnia and Herzegovina, in the territory of two Entities or in the territory of one Entity and the Brčko District of BiH, as well as when predicate offences are prescribed by the Criminal Code of Bosnia and Herzegovina or another law at the state level.

Thus the jurisdiction of prosecutor's offices and courts in the Entities and the BD BiH is not violated and they can prosecute the criminal offence of money laundering in accordance with their Criminal Codes and their actual and territorial jurisdiction, and at the same time, the range of predicate offences from which the money and proceeds being laundered originate is in no way limited, of course, if the aforementioned key condition of the place where these offences were committed is met.

With a view to explanation and specification, in accordance with the relevant international legal resources, the terms property and proceeds are defined in Article 1 of the Criminal Code of BiH.

---

<sup>2</sup> Funds referred to in paragraphs (1) and (2) of this Article mean assets of any kind, whether consisting of things or rights, whether tangible or intangible, movable or immovable, regardless of how acquired, and legal documents or instruments in any form, including electronic or digital, evidencing title to or ownership right over such assets, including but not limited to bank loans, traveler's checks, bank checks, money orders, shares, securities, bonds, bills of exchange, and letters of credit.

In addition to the aforementioned activities, in the field of legislation it is necessary to point out that Article 162b of the CC BiH also criminalizes establishing or joining foreign paramilitary or parapolice formations, and that amendments to the Criminal Procedure Code of Bosnia and Herzegovina extend the possibility for conducting special investigative actions in terms of an essential presumption for the effective fight against terrorism and organized crime, and that the most severe punishment - long-term imprisonment is prescribed for qualified forms of the criminal offence of terrorism and organized crime.

Appreciating the importance of international cooperation in the field of counter-terrorism, the Ministry of Justice of Bosnia and Herzegovina, as the central liaison authority and the judiciary in our country, in accordance with ratified conventions, bilateral agreements and also the Law on International Legal Assistance in Criminal Matters, achieve rich international cooperation through various forms of international legal assistance.

Having in mind a spectrum of possibilities and risks of using different resources, that is, the abuse of lawful and legal entities for various forms of financial and other support to terrorist organizations and individual terrorists, in accordance with the Law on Associations and Foundations of Bosnia and Herzegovina (“Official Gazette of BiH”, number 94/16), the Law on Prevention of Money Laundering and Financing of Terrorist Activities (“Official Gazette of BiH”, number 47/14) and the Law on Amendments to the Law on Prevention of Money Laundering and Financing of Terrorist Activities (“Official Gazette of BiH”, number 46/16), measures have been determined to minimize the risk of terrorism in relation to the work of non-governmental organizations, by having the associations and foundations obligatorily submit a financial report to the competent authorities according to the registered office of the association or foundation and to the Ministry of Justice of Bosnia and Herzegovina for publication on the Ministry's website, so that as such they would be available to all interested persons, and the same Law provides for the possibility of conducting administrative supervision over non-governmental organizations by the Ministry of Justice of Bosnia and Herzegovina with which they are registered.

The Ministry of Justice of Bosnia and Herzegovina, in accordance with its competence, remains committed to taking other and further steps that prove necessary and useful in the field of prevention of and combating terrorism and other similar and related criminal activities and criminal offences, and thus contribute to capacity building of successful and efficient criminal justice system, capable of combating various forms of serious criminality.