

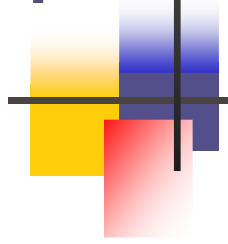
Legal Framework to Combat Money Laundering in the Balkan Region – case study: Bosnia and Herzegovina (BiH)

7th Colloquium on Cross-border Crime in Europe:

**The organisation of crime: towards a
realistic assessment in the Balkan
region**

6th-8th October 2005

Maljević Almir, Faculty of Criminal
Justice Sciences



To be presented

- B&H's status in international organisations (UN, CoE, EU) and ratified conventions
- B&H's recent efforts to combat organised criminal activities
- B&H's institutional and legal framework to combat money laundering
- **Concluding remarks**

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International status of BiH


- UN - May 1992
- CoE – April 2002
- EU – NO STATUS!!! (police reform)

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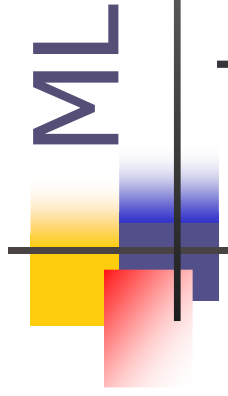
BiH's efforts to combat OC

- Ratification of conventions
 - International aspirations
- 
- Legal and institutional changes
 - National Action Plan for the Fight Against Organised Crime – 2003

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B&H's framework to combat



- Legal framework
 - Latest Criminal legislation reform in BiH (2003)
 - Law on prevention of money laundering (and financing terrorist activities!!!) 28.12.2004.
- Institutional framework
 - State Investigation and Protection Agency – SIPA (2004)
 - Financial Intelligence Unit (FIU) 28.12.2004.
 - State Prosecutor's office (2003)
 - Other institutions (State, Entity, cantonal and local)



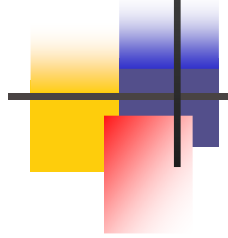
Major legislation changes

- Criminalisation of ML (4 offences) and financing of terrorism
- Criminal responsibility of legal persons
- Burden of proof of the origin – offender
- Increased investigative powers for serious offences (incl. Terrorism and ML)
 - surveillance and technical recording of telecommunications;
 - access to the computer systems and computerized data processing;
 - surveillance and technical recording of premises



Major legislation changes (cont.)

- Wide
responsibilisation of
ML (14 categories)
 - Suspicious nature
 - 30.000,00 KM*
 - Connected
transactions in sum
+30.000,00 KM
 - Mandatory
 - record keeping on
customer
identification and
transactions;
 - Training of personnel
 - Establishment of
internal policies and
procedures
- *1€=1,955KM

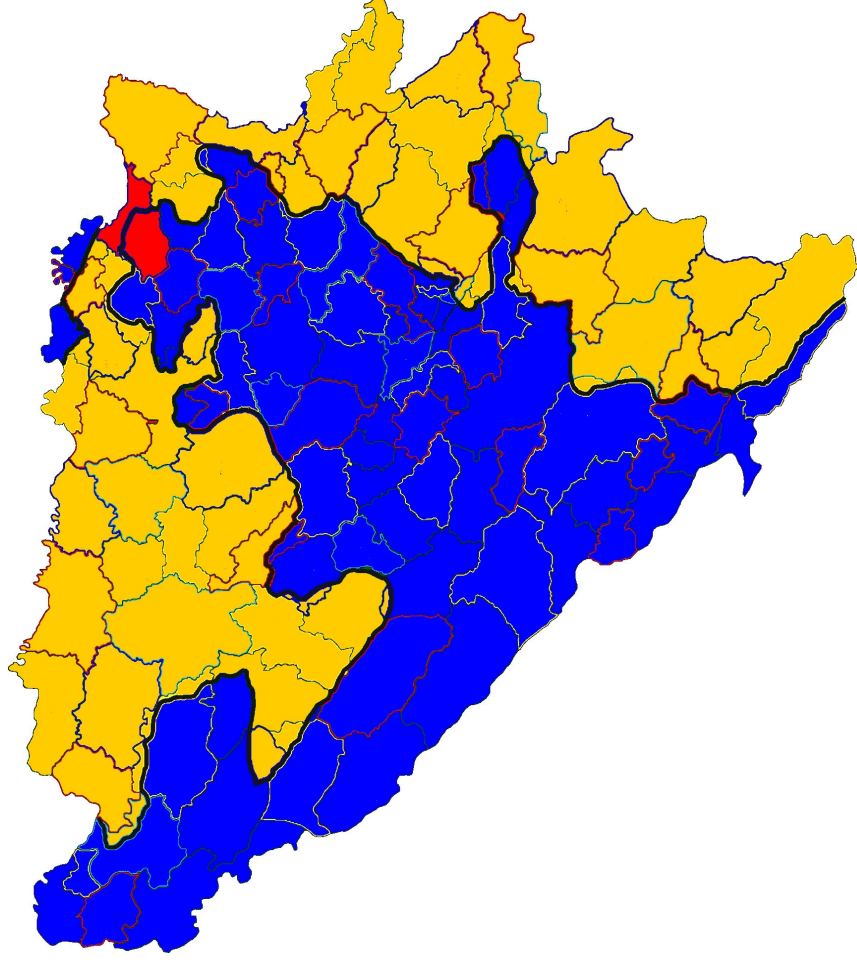


BiH structure

FBiH 

RS 

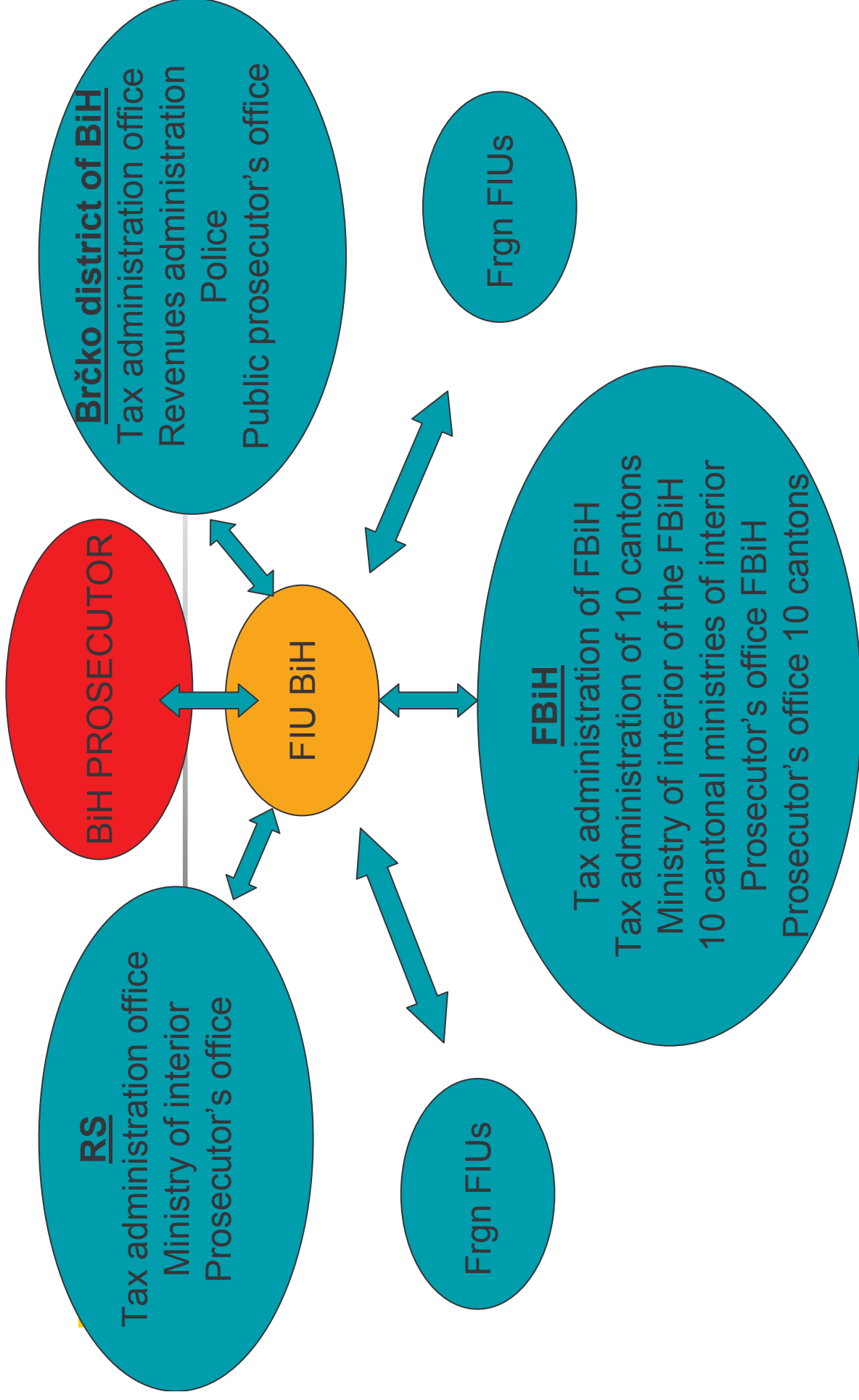
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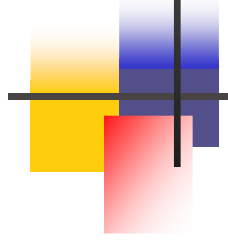
Institutional framework



The logo for BiH's FIU consists of a vertical line on the left, with a yellow square at the top, a red square in the middle, and a blue square at the bottom. To the right of this graphic, the text "BiH'S FIU" is written in a large, bold, blue sans-serif font.

BiH'S FIU

- State Investigation and Protection Agency (SIPA), Ministry of Security of BiH
- In charge of:
 - a) Receive, collect, record, analyse, investigate and forward to the Prosecutor information, data and documentation received in accordance with the law and other regulations of BiH on prevention of money laundering and funding of terrorist activities;
 - b) Carry out international co-operation in the field of prevention and investigation of money laundering and funding of terrorist activities;
 - c) Provide expert support in the field of financial intelligence to the prosecutor.



Conclusion

- Sufficient legal framework (incl. data protection)
- Sufficient institutional framework
- Partner in fighting ML in the world

