

CRIMINAL JUSTICE SYSTEMS' RESPONSE TO DRUG TRAFFICKING IN BOSNIA AND HERZEGOVINA*

Review Paper

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Abstract

Reason for writing and research problem(s): The illicit trafficking in narcotic drugs remains to be one of the most prevailing and profitable activities of organized criminal groups in Bosnia and Herzegovina [BiH]. BiH is mainly a country of transit or final destination of narcotics drugs, while organized criminal groups operating in the country are interlinked to organized criminal groups from the 'Balkan route', with the regional ties in neighbouring countries.

Aims of the paper (scientific and/or social): This study provides an overview of criminal justice systems' response to drug trafficking in Bosnia and Herzegovina

Methodology/ Design: Data on drug trafficking in BiH will be presented through the quantitative statistical analysis of the criminal justice systems' response to the phenomenon. Therefore, the method of secondary data analysis (official statistics and the case law) on drug related crime will be used.

Research/ Paper limitation: The study limitations relates to the use of official data. Analysis has shown that the very basic information on drug related organized criminal groups can be collected from administrative sources.

Results/ Findings: The findings suggest that drug trafficking in BiH is a criminal activity with cross-border elements, predominantly committed by unemployed, uneducated, married men with children. They rarely use violence, corruption or services of experts.

Keywords

drug trafficking, , criminal groups, Bosnia and Herzegovina

* This paper is produced with the financial support of the OSCE Serbia, within the framework of the project „Insight into Organised Crime and Drug Trafficking: Serbia, Bosnia and Herzegovina, and Italy“. The project in Bosnia and Herzegovina is implemented through the Institute for Criminalistics, Criminology and Security Studies – CriminalEast of the Faculty of Criminalistics, Criminology and Security Studies (University of Sarajevo) - FCCSS. Views presented in the papers are the views of the authors. The designations employed and the presentation of material in this publication do not imply the expression of any opinion whatsoever on the part of the OSCE Serbia or the FCCSS.

1. INTRODUCTION

In the past 20 years a lot has been said about BiH as 'transitional society' and organized crime as a sub product of its weak governance and institutions, and lack of political, economic and social reforms in post-Dayton period. Andreas (2004, p. 31) stated that the criminalized side of the war in BiH left a powerful legacy, evident in an expansive post-war smuggling economy based on political protections and informal trading networks built up during wartime. Smuggling and trafficking of people, arms, drugs, timber, fuel, or cigarettes were part and parcel of the war, and partly even increased after the war (Friesendorf, Schroeder, & Deljković, 2010). These organized crime activities have been taking place in certain time continuity, to a greater or lesser extent due to various conditioning factors. The most common identified factors by the Council of Ministers of BiH (2016) are the extent of corruption¹, the success of law enforcement agencies' operations, economic trends in global and local markets affecting the price change of certain goods or services, changes in legislation, as well as international political relations that have an impact on certain forms of crimes in terms of their cost-effectiveness etc.

Due to its strategic geographic position, BiH lies on the main path of the so-called 'Balkan route' of drug trafficking and experiences the spectrum of problems related to growth of organized crime. The latest Council of Ministers of BiH report (2016) indicates that the largest number of organized criminal groups in BiH is engaged in illicit trafficking in narcotic drugs and human trafficking, as these are the most lucrative criminal activities. Additionally, there are cases of smuggling of firearms and ammunition and their sale on the black market, as well as crimes related to motor vehicle thefts and resales (Ministry of Security of BiH, 2017). A number of members of these groups engage in violent crimes such as contract killing, blackmailing, kidnapping and extortion². Over past year's increasing vulnerability of BiH to such new forms

¹ According to the European Commission Progress Report for 2018, BiH has some level of preparation in the fight against corruption. Corruption continues to be widespread and the political commitment on this issue has not translated into concrete results. The legal and institutional framework remained weak and inadequate. Corruption in the judiciary still needs to be more forcefully addressed. Health and education sectors, especially in higher education, remain a high-risk area for corruption and political interference. There is no policy in place to prevent corruption in the private sector (European Commission, 2018). The situation has not changed in the progress report for 2019, where it is stated: The legislative framework on preventing and combatting corruption presents significant gaps due to the non-harmonisation of legislation, strategies and action plans. Enforcement capacity is weak, notably due to the fragmentation of law enforcement agencies. Corruption is widespread and remains an issue of concern. All levels of government show signs of political capture, directly affecting the daily life of citizens, notably in health, education, employment and public procurement matters (European Commission, 2019).

² The most recent is the Zijad Turković et al. case (S1 2 K 006087 14 Kzk) before the Court of BiH (The Court of Bosnia and Herzegovina, 2017). As members of organized criminal group, they were found guilty for several crimes instilling fear, distrust and insecurity among the country's residents (i.e. drug trafficking, aggravated robbery, extortion, murder, endangering the public, possession of weapons and explosives, money laundering and other crimes). Zijad Turković and four of his associates were sentenced of imprisonment for a term of in total 95 years in the single largest BiH organized crime case since the end of the 1992-1995 war. For more information visit: <http://www.sudbih.gov.ba/predmet/2818/show>.

of organized crime was anticipated to be a consequence of the global financial crisis (Council of Ministers of BiH, 2013; 2009) coupled with rising power and influence of criminal groups in the region of South-Eastern Europe. In addition, it is evident that the number of organized crime groups in BiH is changing since the degree of recovery of prosecuted groups and chains is rather high due to increasing percentage of habitual offenders. These are criminal groups that are part of international chains whose level of organization is extremely high, and which have clearly defined organizational structure: organizers, executors, helpers, etc. (Council of Ministers of BiH, 2017). To address these problems, the Ministry of Security of BiH (2017) has labelled the fight against cross-border crime, economic crimes and corruption along with terrorism as top challenges and priorities in the period 2016–2017.

2. METHODOLOGY

The aim of this paper is to provide an overview of the criminal justice systems' response to drug trafficking in BiH. To that end, a number of sources will be used. Official statistical data on the number of persons prosecuted and adjudicated by the prosecutors' offices and courts in the Federation of BiH and the Republika Srpska provided by the statistical offices of the respective entities for the period 2011–2016 is used. Case law analysis for drug trafficking is performed on all online available verdicts issued by the Court of BiH (Section II for Organized Crime, Economic Crime and Corruption) for the period 2007–2017. The data was extracted from the verdicts, inserted into IBM-SPSS database and analyzed. The analysis is based on verdicts against total of 58 persons adjudicated for drug related crime. Unit of analysis was a person.

3. DRUG TRAFFICKING IN BIH: AT A GLANCE

The vast body of literature constantly indicates that the Balkan route is still the main narcotic, and in particular heroine conduit to Europe (UNODC, 2014; Kemp, 2017). BiH has a strategic location on the central part of this path, which connects drug production centres in Asia and the markets in Western Europe (Ministry of Security of BiH, 2014). BiH is considered to be one of the regional hubs for narcotics shipments (Council of the European Union [Council of the EU], 2016). Based on the analysis of the organized criminal groups' that have been investigated and prosecuted before the judicial authorities of BiH, as well as gathered intelligence, international trends, and pathways of movement of drugs, it could be concluded that BiH is a country of transit and destination of illicit drugs (Council of Ministers of BiH, 2017). It has problems similar to other countries on the Balkan route and is a transit country for synthetic drugs and cocaine from the West and heroin and cannabis from the East. Thus, heroin and herbal cannabis are still the most common illicit drugs in BiH, in terms of both smuggling and use, while other illicit drugs are distributed to a lesser extent (European Monitoring Centre for Drugs and Drug Addiction [EMCDDA], 2018). Heroin is mostly illegally shipped from Turkey and Albania through Montenegro to BiH and onward to Western Europe along the Route (Council of Ministers of BiH, 2016; EMCDDA, 2018). The involvement of Serbian and Montenegrin citizens in the organization of these illegal activities is increased, since some of these persons had permanent residence in BiH (Council of Ministers of BiH, 2016). Herbal cannabis available on

BiH market originates in Albania³ (EMCDDA, 2018) and enters via the south route from Montenegro and Herzegovina, whereas one part is distributed in BiH and the rest is smuggled into Croatia and other European countries⁴ (Council of Ministers of BiH, 2016; Ministry of Security of BiH, 2017; UN, 2015). Synthetic narcotic drugs ecstasy and amphetamine speed come mainly by land routes from The Netherlands to the countries of Eastern Europe, however, a small part, depending on market needs ends up in BiH (Council of Ministers of BiH, 2016; EMCDDA, 2018). According to EUROPOL (2011), an increasing amount of cocaine from Latin America enters the EU via the Western Balkans and South-Eastern Europe. The liberalization of trade in the region and the presence of established transnational criminal networks have facilitated this expansion. Equally, criminals from the Western Balkans have established operational bases in Latin America, maximizing their profits by sourcing cocaine directly from producers. The trend that started in previous years has continued, which means that there are more citizens of BiH involved in international smuggling channels of cocaine (Council of Ministers of BiH, 2016). Mostly, it is about persons residing in the countries of South America and persons residing in 'first' destinations of the shipments in Europe, usually The Netherlands, Spain, Germany, Belgium and other countries where they have seaports. It was observed that cocaine traffickers from South America increasingly use ports in some Mediterranean countries, and there are already well-established land routes, partly through BiH and further to Western Europe (Council of the EU, 2016). Parallel with these physical drug markets, the last decade has seen the development of online marketplaces, which has been facilitated by the emergence of new internet technologies (EMCDDA, 2017).

The domestic market for and production of drugs has slightly increased but remains small compared to European average.⁵ The slow change from a predominantly drug trafficking country to a drug consuming country is of concern not only in BiH but in the whole region (Council of the EU, 2016). According to the Council of Ministers of BiH (2016) rough estimates, consumption in BiH is increasing but it is still relatively low compared to other European countries.⁶ As Deljkić, Datzer & Matković (2015) noted, there is no reliable data about the prevalence of drug use

³ Albania remains the main source of herbal cannabis trafficked to the EU (EUROPOL, 2017).

⁴ Most of this trafficking is assumed to target Italy, although the Netherlands may also be seeing attempts at market penetration by Albanian cannabis herb (UNODC, 2014).

⁵ In the global context, Europe is an important market for drugs, supplied with both domestically produced drugs and drugs trafficked from other world regions. South America, West Asia and North Africa are important source areas for illicit drugs entering Europe, while China is a source country for new psychoactive substances. In addition, some drugs and precursors are transited through Europe en route to other continents. Europe is also a producing region for cannabis and synthetic drugs, with cannabis mostly produced for local consumption, while some of the synthetic drugs are manufactured for export to other parts of the world (EMCDDA, 2017).

⁶ Drug use in Europe now encompasses a wider range of substances than in the past. Among drug users, polydrug consumption is common. More than 93 million or just over a quarter of 15- to 64-year-olds in the EU are estimated to have tried illicit drugs during their lives. The most commonly tried drug is cannabis (87.9 million adults), with much lower estimates reported for the lifetime use of cocaine (17.5 million adults), MDMA (14 million adults) and amphetamines (12.6 million adults). Levels of lifetime use of cannabis differ considerably between countries, ranging from around 8 in 20 adults in France to less than 1 in 20 in Malta and Romania (EMCDDA, 2017).

in the country, due to the fact that this data is not comprehensively collected by government institutions, and research in this area is very poor.⁷

Some data on drug use among the general population are available from household surveys conducted separately in the Federation of BiH and in the Republika Srpska in 2011 (EMCDDA, 2018). The lifetime prevalence of the use of any illicit substance in Federation of BiH was reported at 3.8% among all respondents within the UN Children's Fund 'Multiple indicator cluster survey' [UNICEF MICS]. Cannabis was the most commonly used substance, reported by 3% of respondents, while all other illicit substances showed lifetime prevalence rates of below 1% (EMCDDA, 2018). According to the survey organized by the Republika Srpska Ministry of Health and Social Welfare and the Public Health Institute, the lifetime prevalence of any psychoactive substance used among individuals age 18 and over was 4.8%. Psychoactive pills were the most popular substances reported (2.8%), followed by cannabis (0.8%), inhalants (0.7%), and heroin (0.2%) (Ministry of Security of BiH, 2014). Both entities conducted the European School Survey Project on Alcohol and Other Drugs [ESPAD] in 2008 and 2011. The most common used substance by students aged 15–16 in both years was cannabis, followed by sedatives in the Federation of BiH and inhalants in the Republika Srpska (Ministry of Security of BiH, 2014). Based on the survey instruments, among others, utilized by ESPAD, recent study conducted among the students of the University of Sarajevo on recreational use of illicit drugs found that recreational drug use is present, but not to a large extent. Drug of choice was cannabis, solely or in combination with alcohol, while heavier drugs were used extremely rarely (Deljkić, Datzler & Matković, 2015). Most recently, within the framework of the ISRD study in Bosnia and Herzegovina, it was found that drug related delinquency is increasing. Whereas in 2005, a total of 0,4% of 7th and 8th grade in primary schools in Bosnia and Herzegovina have been reporting involvement in drug dealine, in 2015 this number went up to 0,9% (Maljević, 2020).

According to the EMCDDA (2015) there are no marked differences in the lifetime prevalence of drug use among students' population between the Western Balkan countries (Albania, BiH, North Macedonia, Kosovo, Montenegro and Serbia) in 2011, with all estimates hovering between 4% and 8%, approximately 2.5 times lower than the estimated European average. As elsewhere in Europe and globally, cannabis is the primary drug of use, with between 2% (Kosovo) and 8% (Federation of BiH) reporting lifetime use which is considerably lower than the 17% European average (EMCDDA, 2015). While synthetic drugs continue to be the most dynamic drug in the EU market (EUROPOL, 2017), its consumption in BiH is slowly growing (such as amphetamine-type stimulants, UN, 2015), partly due to the fact that these are often used as a currency in drug smuggling (Council of the EU, 2016; Council of Ministers of BiH, 2016). Production of drugs in the country is mostly limited to herbal cannabis cultivation with increasing indoor cultivation of genetically modified potent strains of the cannabis plant (Council of the EU, 2016; EMCDDA, 2011; UN, 2015).

Persons involved in the narcotics trade are collaborating across ethnic lines within BiH as well as across international borders with other nationalities (Council of the EU, 2016), particularly

⁷ To date, no national general population surveys on drug use among 15- to 64-year-olds in BiH have been conducted (EMCDDA, 2018).

with criminal groups operating in the countries of former Yugoslavia⁸ (EMCDDA, 2014; Ministry of Security of BiH, 2017). As Koturović & Knepper (2014) argued, an important role in the establishment of strong organized crime groups in the region played the contextual environment in former Yugoslavian states including the ongoing conflicts, embargo and associated state-led criminal activities. In line with the technological progress, the criminal groups from BiH communicate via modern and sophisticated equipment and communication means, but they also frequently use social networks⁹ making them difficult to detect (Council of Ministers of BiH, 2016; Ministry of Security of BiH, 2017). Some rough estimates indicate that organized criminal groups involved in drug trafficking in BiH have up to twelve members with different tasks based on their needs, while permanent groups have approximately three to five members (Centre for Security Studies, 2014). During the period 2013–2015, 13 criminal groups dealing with unauthorized import and distribution of narcotic drugs were identified, and seven organized criminal groups were processed before the judicial authorities in BiH (Council of Ministers of BiH, 2016). United States Department of State (2019) stressed that criminal organizations from BiH often operate outside of the Balkans, though leaders of these organizations reside within the country. That is one of the reasons why the law enforcement and security institutions remain limited, and require further enhancements to effectively deter trafficking through the country (United States Department of State, 2019).

4. OVERVIEW OF THE RELEVANT LEGAL FRAMEWORK AROUND ILLICIT PRODUCTION AND TRAFFICKING IN NARCOTIC DRUGS IN BIH

In accordance with the Dayton Peace Agreement (1995), administratively BiH consists of two entities (Federation of BiH and Republika Srpska), and the Brčko District of BiH. Due to the fact that these political units have a high degree of autonomy there are some important issues related to the harmonization of BiH's legal and institutional frameworks. To perceive an overall picture about drug (trafficking) policy, beside the implication of social, economic and political outcomes of the transition process, it is necessary to review the current legislation for prevention of narcotic drug abuse at all levels of governance in BiH.

BiH set forth provisions concerning illicit production and trafficking in narcotic drugs in its criminal legislation. Pursuant to Article 1, paragraph 33, of the Criminal Code of BiH¹⁰, narcotic drug involves any medical drug or hazardous substance with addictive and psychotropic characteristics, or any substance that can easily be converted into such substances, if it is subject to control under the international convention ratified by BiH¹¹, or any substances declared as narcotic

⁸ Except the countries of former Yugoslavia (i.e. Macedonia, Serbia, Montenegro, Croatia and Slovenia), organized crime groups operating in BiH are linked to groups in Turkey, Albania, Hungary, Austria, Italy, Germany, Switzerland, The Netherlands and Scandinavian countries (Council of Ministers of BiH, 2016).

⁹ Lavorgna (2016) indicates that Internet phone services, such as Skype, are used to avoid detection through the interception of communications.

¹⁰ Official Gazette of BiH, Nos. 3/03, 32/03, 37/03, 54/04, 61/04, 30/05, 53/06, 55/06, 32/07, 8/10, 47/14, 22/15, 40/15 and 35/18.

¹¹ With a notification of succession in 1993, BiH became a member of the UN drug Conventions, and its Protocols: the 1961 Single Convention on Narcotic Drugs as well as the Protocol of 1972 amending it, the 1971 UN Convention on Psychotropic Substances, and the 1988 UN Convention against the Illicit

drug by a competent institution of BiH or of the Entities. The Criminal Code of BiH¹² stipulates the criminalization of certain forms of drug trafficking that have an international character, while the integrity of legal protection from different forms of drug abuse has been ensured through enactment of criminal offences in Criminal Codes of the Entities¹³ and the Brčko District of BiH¹⁴ (Ministry of Security of BiH, 2011). It has to be emphasized that Criminal Codes of the Entities have different legal qualifications and therefore criminal sanctions for each drug related crime (i.e. Unauthorized Production and Sale of Narcotic Drugs and Possessing and Enabling Enjoyment of Narcotic Drugs). In addition, the unauthorized possession of narcotic drugs in Federation of BiH is prescribed as a criminal offence, unlike in Republika Srpska and Brčko District of BiH where it is defined as a misdemeanour. Furthermore, the Criminal Codes do not contain some specific provisions which would allow courts to assess the offender's drug addiction as only a mitigating or aggravating circumstance, nor provide different penalties depending on whether the offender is a drug addict or not. Deljkić (2015) is stated that there is no difference in the law between small and big drug dealers. The only provisions which refer to the 'type' of dealer are between those, who are involved in organizing a network of dealers or becoming a member of such a network, or using a child or a minor for the commission of the criminal offence, and those who are not. According to the Mini-Dublin Group assessment of needs for BiH (Council of the EU, 2016), harmonization of the criminal codes between entity and state level as well as the adoption of the new Law on the Prevention and Suppression of Drug Abuse are urgent steps for further improving and strengthening of the fight against drug related crimes in BiH.

In accordance with international standards on narcotic drugs control, the very first *lex specialis* to come into force in BiH was the Law on the Prevention and Suppression of Drug Abuse in BiH¹⁵. This Law serves as the foundation of all laws and regulations on drugs in Entities and Brčko District of BiH on issues of growing plants, manufacturing, possession and trafficking of drugs, other substances used for making drugs, precursors, and the cultivation of plants used

Traffic in Narcotic Drugs and Psychotropic Substances. In 2002, BiH ratified the UN Convention against Transnational Organized Crime and its supplementing protocols against migrant smuggling, trafficking in persons, and trafficking in illicit firearms as well as the UN Convention against Corruption in 2006. The European Convention on the Suppression of Terrorism ratified in 2004 following the Council of Europe Convention on Money Laundering, Search, Seizure and Confiscation of the Proceeds of Crime in 2008.

¹² Article 195 (Illicit Trafficking in Narcotic Drugs).

¹³ Article 238 (Unauthorized Production and Sale of Narcotic Drugs) and Article 239 (Possessing and Enabling Enjoyment of Narcotic Drugs) of the Criminal Code of the Federation of BiH, Official Gazette of Federation of Bosnia and Herzegovina Nos. 36/03, 37/03, 21/04, 69/04, 18/05, 42/10, 42/11, 59/14, 76/14, 46/16 and 75/17; Article 207 (Unauthorized Production and Sale of Narcotic Drugs) and Article 208 (Enabling Another to Use Narcotic Drugs) of the Criminal Code of the Republika Srpska, Official Gazette of Republika Srpska, Nos. 64/17 and 104/18.

¹⁴ Article 232 (Unauthorized Production and Sale of Narcotic Drugs) and Article 233 (Enabling Enjoyment of Narcotic Drugs) of the Criminal Code of Brčko District of BiH, Official Gazette of Brčko District of Bosnia and Herzegovina, Nos. 10/03, 45/04, 06/05, 21/10, 9/13, 52/11, 33/13, 47/14, 26/16, 13/17 and 50/18.

¹⁵ Official Gazette of BiH, No. 08/06.

for drug manufacturing (Deljić, 2015). The Law's adoption in 2006 has significantly improved the coordination of drug-related law enforcement and demand-reduction measures in BiH (Ministry of Security of BiH, 2011).

In accordance with the Law provisions, as well as EU antidrug policies¹⁶ the National Strategy on Supervision of Narcotic Drugs, Prevention and Suppression of the Abuse of Narcotic Drugs for the period 2009–2013¹⁷, and the following Action Plan for Combating Drug Abuse in BiH (2009–2013)¹⁸ were adopted. Its main goal was to make a systematic effort to engage all stakeholders in tackling drug abuse in BiH. In accordance with the provisions of the National Action Plan 2009–2013, Entity governments and the Brčko District government of BiH were obligated to adopt their action plans.¹⁹ In January 2018 a National Strategy on Supervision over Narcotic Drugs, Prevention and Suppression of the Abuse of Narcotic Drugs for the period 2018–2023 was adopted by Council of Ministers of BiH and endorsed by the Parliament. However, there is no corresponding action plan to make the strategy fully operational (European Commission, 2019). On the other hand, Republika Srpska National Assembly adopted a 2016–2021 Strategy for Supervision and Suppression of Narcotic Drugs in July of 2016, with an action plan in place.

Furthermore, the Council of Ministers of BiH in 2007 established the Commission for the Suppression of Abuse of Narcotic Drugs as the main inter-ministerial coordination body in the field of narcotic drugs. The Department for the Suppression of Abuse of Narcotic Drugs of the Ministry of Security of BiH is in charge of the policy on drugs and cooperation between various authorities and is entrusted with the overall coordinating role in the country (European Commission, 2019). The Commission for the Destruction of Confiscated Narcotic Drugs reappointed in December of 2016 has started functioning²⁰, while the safe storage of seized drugs remains an issue (European Commission, 2018). On the other hand, BiH does not have a National Drugs Observatory and a National Early Warning System on psychoactive substances (European Commission, 2019).

¹⁶ In the European Partnership for BiH, EU Integration Strategy of BiH as well as in the Roadmap Towards a Visa Free Regime with BiH, among others, the fight against narcotic drugs was identified as a priority for BiH, including the adoption and implementation of relevant drug related policies in line with EU standards, with special emphasis on national law, strategy and action plan for supervision and suppression of narcotic drugs.

¹⁷ Official Gazette of BiH, No. 31/09.

¹⁸ Official Gazette of BiH, No. 08/10.

¹⁹ The National Assembly of the Federation of BiH adopted Action Plan for Combating Drug Abuse for the period 2012–2013. The National Assembly of the Republika Srpska adopted Strategy for Supervision and Suppression of Narcotic Drugs in Republika Srpska for the period 2008–2012 and following Action Plan (2010–2012).

²⁰ The first organized destruction of confiscated narcotic drugs in BiH was in 2012. The decision on destruction of narcotic drugs was issued by the Commission for the Destruction of Confiscated Narcotic Drugs with the Ministry of Security based on the Rulebook on Storage and Destruction of Seized Narcotics, Psychotropic Substances, Plants Used for Producing Narcotics and Precursors (Official Gazette of BiH, No. 28/12), and the Order by the Court of BiH. In the period 2012-2019 destruction of seized narcotic drugs was organized four times (European Commission, 2019).

5. CRIMINAL JUSTICE SYSTEM'S RESPONSE TO DRUG TRAFFICKING IN BIH

5.1. Reported and adjudicated persons for drug trafficking at the entity level (2011–2016)

Statistical data on the number of persons prosecuted and adjudicated by the prosecutors' offices and courts in the Federation of BiH and the Republika Srpska in the period 2011–2016 are provided by the statistical offices of the respective entities. These figures do not include data on drug trafficking dealt with by the Prosecutor's office of BiH and the Court of BiH (see 5.2. below).

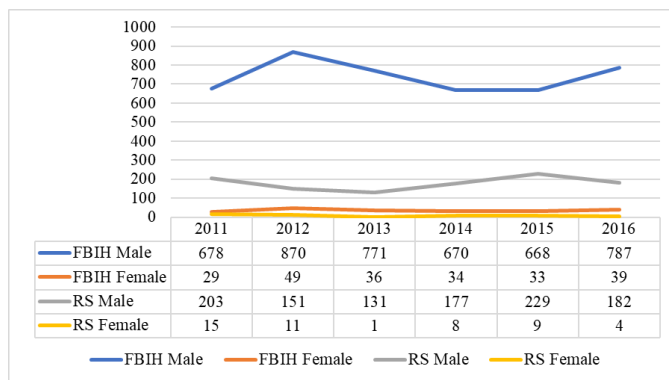


Figure 1. Total number of persons reported for drugs related crime - by gender

Looking at the data on reported perpetrators, drug related crime at the entity level, like other crimes in BiH, is predominantly a man's business. Overall, women do not represent more than 5% of all reported perpetrators of drug related crime. Also (Figure 2), it is clear that drug related crime prosecuted by the entity institutions is mostly committed by citizens of BiH.

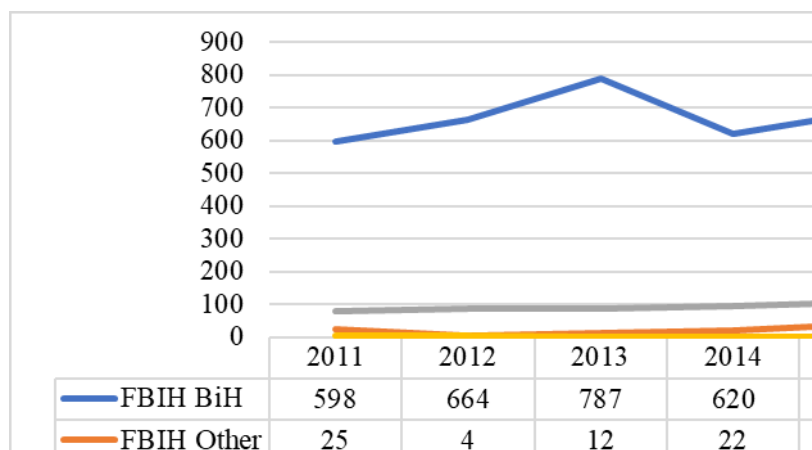


Figure 2. Adjudicated persons for drugs related crime - by citizenship

5.2. Drug related crime prosecuted and adjudicated by the state level institutions (2007–2017)

Contrary to the cases at the entity level, drug and organized related crime prosecuted and adjudicated at the state level²¹, with the exception of gender of the perpetrator (5,2% female), resembles quite different characteristics. First of all, based on the verdicts where it was possible to identify the citizenship of the perpetrator, 85% are the citizens of BiH. This means that 15% of the perpetrators were citizens of the neighbouring countries (Croatia – 4,3%, Serbia – 6,4%, other – 4,3%). On average, they are 34,9 years old (the youngest being 21, the oldest 54). Very few of them (4.5%) have university degree. They are mostly (60,4%) married and have kids (half of them have at least one kid). Unemployment rate amongst prosecuted organized criminals is 59,3%. Total of 41,5% of them have already been convicted (recidivists) for other offences.

Table 1. *Citizenship*

Citizenship	Frequency	%	Valid %	Cumulative %
BiH	40	69.0	85.1	85.1
Croatia	2	3.4	4.3	89.4
Serbia	3	5.2	6.4	95.7
Other	2	3.4	4.3	100.0
Total	47	81.0	100.0	98.0
Missing data	11	19.0		
TOTAL	58	100.0		

Although almost all cases were not identified at the border crossing, and as such do not indicate a cross-border operation per se, the fact that nationals of other countries are involved suggests that drug related crime in BiH is a criminal activity with cross-border elements.

Table 2. *Route*

Route	Frequency	%	Valid %	Cumulative %
Transit	25	43.1	43.9	43.9
Destination BiH	23	39.7	40.4	84.2
BiH starting point	9	15.5	15.8	100.0
Total	57	98.3	100.0	
Missing data	1	1.7		
TOTAL	58	100.0		

²¹ Analysis performed on all online available verdicts issued by the Court of BiH, the Section II for Organized Crime, Economic Crime and Corruption, that are published on the Court's website. Verdicts against total of 58 persons were analysed for drug related crime.

A confirmation for such statement is to be found in the fact that in somewhat more than 4 out of 10 cases, BiH was in fact a transit country. At the same time, in 4 out of 10 cases drugs were intended for the market in the country, and only 15,8% of cases indicate that the drugs were actually originating from BiH and were destined for markets in other countries. Looking into the modus operandi, it was found that, with the exception of the ICT (64,9%), these criminals rarely resort to violence (1,8%), bribes (5,6%), experts (12,3%) or upper-world ties (1,8%).

Table 3. *Structure*

Structure	Frequency	%	Valid %	Cumulative %
Hierarchy	4	6.9	7.0	7.0
Cells	6	10.3	10.5	17.5
Network	39	67.2	68.4	86
Unknown	8	13.8	14.0	100.0
Total	57	98.3	100.0	
Missing data	1	1.7		
TOTAL	58	100.0		

The analysis is showing that 7 out of 10 persons prosecuted and adjudicated for drug related crime have committed crimes in a group setting resembling characteristics of a network. In a very small portion of cases, persons have committed offences within the framework of a hierarchical group.

In terms of size, a bit more than one third (35,1%) of prosecuted and adjudicated persons belong to small groups (3 members), almost 60% belong to medium size groups (4-10 members) and only 5,3% belong to bigger groups (11 members or more).

6. DISCUSSION

It is a common place to observe that the globalization of drug-related crime and its multidimensional forms create security risks that require adequate response by the relevant authorities. In tackling these issues BiH is actively cooperating with other countries and institutions on several levels. Nevertheless, BiH is struggling with the implementation of its legal and institutional framework for countering drug related crime. According to Deljić (2015), one of the main reasons for this situation seems to be the political will, followed further by the fact that policy implementation has been significantly shaped by domestic institutional delays and by the diverging political interests within the two Entities. If lack of political will is combined with the decentralization of the police and judiciary it is not surprising that controlling illicit drug-related activities remains challenging.

From a legislative point of view, adoption of the new national law against narcotic drugs, as well as following strategic documents is urgently needed, while criminal codes provisions need to be continually harmonized. Furthermore, this will require law enforcement and security

sectors to enhance human and technical capabilities, including the strengthening of inter-institutional and interagency cooperation in joint investigations, better data exchange and information system efficiency in addressing emerging challenges.

Analysis of verdicts, as it was shown above, has revealed some very interesting findings when it comes to both the persons involved in drug-related offences and the criminal activities themselves. Firstly, thinking about drug dealers, one usually get a very particular imagery in one's head. One thinks of dangerous guys, ready to use violence, completely detached from society, usually repeated offenders. However, the data from the verdicts suggests that drug dealers in Bosnia and Herzegovina are more or less normal guys. They are not young, but they are not old. With an average age of about 35 years, they are entering the peak of their productivity. Their basic characteristic is that they have a very low level of education. At the same time, more often than not they are married, meaning they have families. Whereas it does not come as a surprise that they are usually unemployed, it is somewhat surprising that rather small portion of them is recidivists. In the 80-ties, recidivism rate for drug offenders in the US was 49% (Bureau of Justice Statistics, 1992). More recently (Langan/Levin, 2002), recidivism rates for drug related offences in the US goes as high as 68% within 3 years after the first conviction. Such low recidivism rate in Bosnia and Herzegovina can be explained in two different ways. Either the criminal justice system is not capturing persons who are more frequently engaged in criminal activities. Alternatively, the criminal justice system is dealing with first time offenders most of the time, and it is expected that these, mostly first time offenders, will be arrested, prosecuted and convicted in the near future again.

Based on the United Nations World Drug Report (UNODC, 2020) illicit drug trade is widely known and accepted as a global criminal phenomenon. Globalisation is seen in the connection of criminals across the globe, caused by the fact that certain types of drugs can be better produced in one part of the world, yet the demand for illicit use of those drugs is larger in some other part of the world. As the result, drugs are being moved around, crossing borders, forcing criminals to cooperate. The numbers in Bosnia and Herzegovina are suggesting that the illicit trade in drugs is a cross-border activity indeed. The analysis has shown that in almost all cases, the drugs were either only transiting through the country or were destined for use in Bosnia and Herzegovina. In small portion of cases, BiH seems to be a starting point for illicit drug trade. However, as very little is known about production of drugs in BiH, it is more plausible to assume that the cases where BiH was found to be a starting point for drugs destined for other, mostly Western European countries' markets, actually represent the cases where BiH is a transit country, yet it was not discovered where the drugs came from in the first place.

Furthermore, it is commonly assumed that criminals involved in drug related crime often use force, bribery, information-communication technologies [ICT], experts, and ties with the upper-world in order to be able to operate on a daily basis, either to shield their practices or to be more efficient in how they run their business. These assumptions have been explored and the data extracted from the verdicts seems to paint a different picture. Namely, with the exception of extensive use of ICT (mostly cell phones), drug criminals in BiH do not use violence. Even more interesting, they are rarely involved in bribing of officials, or links with the representatives of the so-called "upper-world". Only occasionally do they use experts (predominantly lawyers and financial experts).

The fact that most of the criminal collectives engaged in drug trafficking in BiH are resembling the structure of a network, does not come as a surprise. It is a general trend (UNODC, 2002), that criminal organisations are refraining from rigid, hierarchical structures governed by strict rules and division of roles of their members. Nowadays, these organisations are actually represented by a small number of closely connected individuals, who cooperate with other groups or individuals on a project-to-project basis. Very rarely, one finds a large group, bringing together more than 10 persons. The situation, when it comes to the size of the criminal organisations, is similar in BiH.

7. CONCLUSION

Based on the discussion of the collected and analysed data, it seems that more questions can be posed, than answers provided. Nevertheless, looking into the data obtained from statistical offices and verdicts, several conclusions can be made:

Firstly, percentage of foreigners at entity level of prosecution does not go over 5%. At the same time, this percentage adds up to about 15% at the national level of prosecution. This finding is somewhat in contradiction with the usual assumption that drug related crime is a typical cross-border activity which involves persons of different citizenships cooperating in trafficking drugs. Alternatively, it can be assumed that cases prosecuted at the entity level represent the low level cases, where retailers, street level dealers are being caught.

Secondly, it does not come as a surprise that drug related crime is usually committed by men. What does surprise is that when basic socio-demographic characteristics of these men are analysed, these men are actually average citizens (unemployed, uneducated, married, with kids). Potentially, such men are tempted to make living, therefore resorting to lucrative criminal activities, such as drug related crime. However, it is just as plausible that the criminal justice system is not capturing the width of perpetrators, yet only managing to detect, prosecute and adjudicate low level criminals.

Thirdly, it seems that BiH is predominantly a transit or a destination for illicit drugs. This is fully understandable, considering the fact that illicit production of drugs requires resources and abilities that are probably not available to local criminals.

Fourthly, when drugs are being trafficked, it is usually done by groups that resemble characteristics of loosely organized criminal networks. Very rarely hierarchical structures are being found. Such organisations enables criminal organisations to be more efficient, and better protected.

Fifthly, in terms of their *modus operandi*, it seems that with the exception of the use of ICT devices (most often cell phones), drug criminals in BiH rarely resort to violence, bribery or use of experts' services. This seems to suggest that either drug related criminals operate completely differently to what is usually assumed, or that the criminal justice system is not managing to detect, prosecute and adjudicate cases that would be in line with what is usually assumed.

In the end, it must be concluded that either drug related crime in BiH is different than elsewhere in the world, or that prosecutors do not explore drug related crime cases to the extent that would be expected. However, it must be noted here that the research undertaken here

is not without limitations. It is based on the official statistics and the analysis of the verdicts available to the researchers. Maybe the results would be somewhat or even significantly more different had the data collection been extended so as to include larger number of verdicts. Furthermore, it is very possible that a series of interviews with specialised criminal justice officials (investigators and prosecutors in particular) would shed some light on these findings and provide grounds for more solid conclusions. Therefore, it is hoped that this research will serve as a stimulus for some further research projects and publications, where this topic would be further discussed and elaborated.

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