

Босна и Херцеговина
Министарство безбједности
*Агенција за форензичка
испитивања и вјештачења*



Bosna i Hercegovina
Ministarstvo sigurnosti
*Agencija za forenzička/forenzična
ispitivanja i vještačenja*

**RULEBOOK
ON INTERNAL REPORTING OF CORRUPTION
AND THE WHISTLEBLOWER PROTECTION
IN THE AGENCY FOR FORENSIC AND EXPERT EXAMINATIONS**

East Sarajevo, March 2014

Based on Article 5 paragraph (2) of the Law on whistleblower protection in the institutions of Bosnia and Herzegovina ("Official Gazette of B&H", No. 100/13), articles 16 and 61, paragraph (2) of the Law on Administration ("Official Gazette of B&H", No. 32/02 and 102/09) and Article 16 of the Law on the Directorate for Coordination of Police Bodies and on Agencies for support to police structure of Bosnia and Herzegovina ("Official Gazette", No. 36/08), the Director of the Agency for forensic and expert examinations brings

**RULEBOOK
ON INTERNAL REPORTING OF CORRUPTION AND THE WHISTLEBLOWER
PROTECTION IN THE AGENCY FOR FORENSIC AND EXPERT
EXAMINATIONS**

I – General remarks

**Article 1
(Subject)**

(1) Rulebook on internal reporting of corruption and the whistleblower protection in the Agency for forensic and expert examinations (Hereafter: the Rulebook) regulates the aspect of internal reporting of corruption in the Agency for forensic and expert examinations (Hereafter: the Agency), acting upon received reports on corruption, consideration of received reports on corruption, the obligation of informing the whistleblower on the actions taken, the whistleblower protection, and other issues related to the internal corruption in the Agency.

(2) In the case of corruption reporting by persons who are not employees of the Agency the provisions of this Rulebook shall be applied.

**Article 2
(Definition)**

The terms used in this RULEBOOK shall have the same meaning as in the Law on whistleblower protection in the institutions of Bosnia and Herzegovina (Hereafter: the Law).

II – Internal reporting of corruption

**Article 3
(Right to Internal reporting of corruption)**

(1) Each civil servant, employee or other person employed in the Agency (Hereafter: employees) who has knowledge or tangible evidence of corruption in the Agency, may submit an internal report due to corruption or circumstances indicating the existence of corruption.

(2) Report under paragraph (1) of this Article shall be submitted to:

- a) immediate superior;
- b) indirect superior;
- c) a person who is specifically authorized to receive and record reports of corruption;
- d) the Director of the Agency;

(3) Abuse of the right of reporting under paragraph (1) shall be a serious violation of duty.

(4) The right to internal reporting under paragraph (1) shall not affect the right of an employee to submit a request for disciplinary procedure in accordance with the provisions of the Law on civil service in the institutions of Bosnia and Herzegovina, the Law on the work of the institutions of Bosnia and Herzegovina, Regulations on disciplinary responsibility of civil servants in the institutions of Bosnia and Herzegovina, the Regulations on disciplinary responsibility of employees of the Agency and other laws regulating this right.

Article 4 **(Persons authorised for receiving internal reports)**

(1) Internal reporting of corruption shall be done by an internal report submitted to the immediate superior or to the person who is specifically authorized to receive and record reports of corruption in the Agency.

(2) If the internal report relates to or it is in connection with the immediate superior the report is submitted directly to the indirect superior.

(3) If the internal report relates to or it is in connection with the immediate or indirect superior, or the person who is specifically authorized to receive and record reports of corruption in the Agency, the report shall be submitted to the Director of the Agency.

(4) If the internal report relates to corruption, as a criminal offense, the internal reporting includes reporting to the person or body who provides administrative monitoring and financial audit of the Agency.

Article 5 **(Manners of internal reporting)**

Internal reporting could be confidential or anonymous.

Article 6 **(Confidential reporting)**

(1) Confidential internal reporting is reporting in which the persons, responsible for receiving internal reports, are familiar with the identity of the person who submitted the report, but shall, as far as possible in the given situation, take care to protect the anonymity of his/her identity.

(2) Confidential internal reporting could be written or verbal.

(3) When reporting is done in written form, the report must contain information on corruption offenses reported with the factual description, name, surname and job title of the employee to whom the report relates, the proposal of the evidences, or subjects that are used as evidence, materials that confirm requirement allegations (in terms of written evidence, attached), name, surname, position (job title) and signature of the person who submits the report.

(4) In cases of verbal reporting, the person who took the report shall make an official note on report reception, indicating the type of the corruption offense or other irregularities,

circumstances indicating the existence of corruption, time and place when the report is received, the name and surname of the person who submitted the report, indication of evidence, or subjects that are used as evidence, materials that confirm requirement allegations (in terms of written evidence, attached).

(5) A person who has received an internal report, and all persons acting according to the mentioned report in the Agency, is required to treat the report itself, the information specified in the report, as well as the identity of the person who submitted the report as an official secret.

Article 7 (Anonymous reporting)

(1) Anonymous internal reporting can be done through the available communication channel (mailbox, e-mail, etc.), without specifying the identity of the submitter.

(2) Anonymous internal reporting may be written.

(3) Anonymous report must contain information on corruption offenses reported with the factual description, name, surname and job title of the employee to whom the report relates, the proposal of the evidences, or subjects that are used as evidence, materials that confirm requirement allegations (in terms of written evidence, attached).

Article 8 (Obligation to record all internal reports)

(1) Persons authorized to receive and record reports of corruption shall immediately and directly submit an official note on the report to the Director of the Agency, and shall keep a central database of all internal corruption reports.

(2) The Director of the Agency has access to central database and the person who is specifically authorized to receive and record reports of corruption in the Agency and authorized officials when the access to central database is required to determine the basis for corruption report, or to determine whether there was an abuse of the right to report under Article 3, paragraph (3) of this Rulebook.

Article 9 (The deadlines for acting on the internal report)

(1) Upon receipt of the internal report, the Director of the Agency will designate a person to carry out preliminary action of checking the basis for corruption reporting in a particular case.

(2) The person referred to in paragraph (1) of this Article shall be obliged to carry out preliminary action of checking the basis in the report and to determine the legal qualification of the reported offense within 10 days of assignments receipt, and to inform the Director of the Agency.

(3) In exceptional cases, due to case complexity or other circumstances, it is not possible, within deadline provided in the paragraph (2) of this Article, to perform preliminary checking

of the statements from the report and defining legal qualification of the reported act, the person from paragraph (1) of this Article shall inform the Director of the Agency about it.

(4) Director of the Agency or the authorised person from paragraph (1) of this Article shall inform the whistleblower about preliminary actions taken within 15 days from the date of report reception.

(5) Exceptionally to the paragraph (4) of this Article, anonymous whistleblower will not be informed of the actions taken earlier, unless there is an appropriate communication possibility (e.g. anonymous e-mail).

Article 10
(The obligation to protect the whistleblower anonymity)

All persons acting on the internal report shall be obliged, as far as possible in the given situation, to protect the anonymity of the whistleblower identity.

Article 11
(Consideration of internal report)

(1) The person who is authorized to conduct preliminary action of defining the basis of corruption reporting shall in detail review each internal report.

(2) In order to enforce preliminary action of checking the basis of corruption reporting, the person referred to in paragraph (1) of this Article has right to access files, documents and official premises of the Agency, as well as the right to take statements from civil servants, employees and other employees within the Agency in regard to the subject of the report, when it is necessary for checking the basis of the report.

(3) The official record shall be made on the actions referred to in paragraph (2) of this Article.

(4) On the basis of the action taken, the person referred to in paragraph (1) of this Article shall prepare information to the Director of the Agency in which, based on the findings from the report, he/she will give an opinion on the basis of the report and possible legal qualification of the act.

Article 12
(Acting on internal reports related to criminal acts)

In the case when the person authorized to determine the basis for corruption report determines that the report has a basis, and that, on the basis of the report or action carried out on the determination of its merits, it could be concluded that the alleged offense has the elements of the criminal act, the Director of the Agency shall inform the competent prosecutor's office about it.

Article 13
(Acting on internal reports related to disciplinary responsibility)

In the case when the person authorized to determine the basis for corruption report determines that the report has a basis, and that, on the basis of the report or action carried out

on the determination of its merits, it could be concluded that the alleged offense has the features of disciplinary responsibility, the Director of the Agency may, in accordance with the relevant provisions regulating the issue of disciplinary responsibility, initiate disciplinary procedure against an employee.

Article 14
(Taking action to eliminate negative consequences of criminal act)

(1) In case it is established during the enforcement of preliminary action of checking basis for the report, that the report is justified, the Director of the Agency shall take the necessary measures to prevent future misconduct and to eliminate negative consequences of criminal act.

(2) All employees of the Agency shall, within their competencies and powers, take necessary actions to prevent further misconduct and to eliminate negative consequences of criminal act.

Article 15
(Notifying the whistleblower)

The Director of the Agency, or the person who is authorized to conduct preliminary action of determining the basis for corruption report, will inform the whistleblower about the previous actions taken, within 15 days of report reception.

III – Protection of the whistleblower and the person with whistleblower status

Article 16
(Protecting the rights of the whistleblower)

(1) Any adverse action aimed at deterring reporting corruption, i.e., punishment for commission of reporting corruption must not be taken towards an employee who has knowledge of the corruption existence or who reports corruption in the Agency.

(2) Immediate and direct superiors are obliged to ensure the protection of personal and professional integrity to the person who reported corruption.

Article 17
(Responsibility of the whistleblower due to abuse of rights)

(1) Abuse of reporting rights is a violation of duty.

(2) When conducting preliminary action of checking the basis for the report or later activities on defining the responsibilities for reported acts showed that the whistleblower acted contrary to the provisions of the Law on the whistleblower protection in the institutions of Bosnia and Herzegovina and this Rulebook, and hence abused the reporting rights, the Agency for the prevention of corruption and coordination of the fight against corruption and Administrative inspection of the Ministry of justice of Bosnia and Herzegovina, shall be informed about it in order to initiate the proceeding in accordance with Article 12 paragraph (3) of the Law on the whistleblower protection in institutions of Bosnia and Herzegovina.

(3) If it is determined that the abuse of reporting contains elements of the offense of false reporting, the Agency shall notify the competent prosecutor's office about the committed crime.

Article 18
(The right to obtain whistleblower status)

(1) A person who internally reports corruption has the right to require whistleblower status, if he/she considers that adverse actions may be taken or are already taken towards him/her due to the above mentioned internal reporting.

(2) In accordance with the provisions of the Law on the whistleblower protection in the institutions of Bosnia and Herzegovina, the person with a whistleblower status shall not be held materially, criminally or disciplinary responsible for disclosure of confidential business information in a case of corruption reporting to the competent authority.

Article 19
(Acting in accordance with the instruction of the Agency)

(1) In case when the Agency for the prevention of corruption and coordination of the fight against corruption, in accordance with Article 8, paragraph (2) of the Law on the whistleblower protection in the institutions of Bosnia and Herzegovina, issued an instruction, the Agency will carry out corrective action aimed at eliminating adverse action within three days of instruction reception.

(2) Corrective action will be carried out in accordance with the instruction under paragraph (1).

IV – Transitional and Final Provisions

Article 20
(Obligation on informing about provisions of the Rulebook)

Sector for Administration, Finance, Analytics and IT of the Agency is in charge to inform all employees of the Agency about the rights and obligations of this Rulebook, and to publish it on the bulletin board and website of the Agency.

Article 21
(Entry into force)

This Rulebook shall enter into force upon its adoption.

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E. Sarajevo, 31/3/2014

Director
Ljiljana Trišić